

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
June 29, 2017

PRESENT: Mayor Elizabeth White and Councilmembers Ari Bernstein, Jackie McSwiggan, Jim Strauch and Amy Wilczynski

ABSENT: Councilmembers Liz Homan and Steve Sasso

ALSO PRESENT: Borough Attorney Ray Wiss
Municipal Clerk Anne Dodd

A Regular Session Meeting of the Mayor and Council of the Borough of Allendale was held in the Municipal Building at 500 West Crescent Avenue, Allendale, NJ on June 29, 2017. The meeting was called to order at 8:00 p.m. by Mayor White who asked that the Municipal Clerk read the open public meetings statement: "In compliance with the Open Public Meetings Act, the notice requirements have been satisfied. The meeting dates for the year are confirmed at the Annual Meeting, are posted on the public bulletin board in the Municipal Building, published in the Record within the first 10 days of the New Year, and copies are sent to the Ridgewood News and Star Ledger."

Mayor White led those present in a salute to the flag.

As Council wished to review the balance of the items on the Work Session agenda, motion by Councilman Strauch, second by Councilwoman McSwiggan, and all other members present voting in favor, the meeting was adjourned to the Work Session at 8:01 p.m.

The Regular Session was reopened at 8:27 p.m.

Approval of Minutes:

Motion by Councilwoman McSwiggan, second by Councilman Bernstein, that the Minutes of June 15, 2017 Work Session and June 15, 2017 Regular Session are approved.

On a roll call, the vote was recorded as follows:

Councilman Bernstein:	aye	Councilman Sasso:	absent
Councilwoman Homan:	absent	Councilman Strauch:	aye
Councilwoman McSwiggan:	aye	Councilwoman Wilczynski:	aye

Public Comment

No one came forward.

Public Hearings for Advertised Ordinances:

Ordinance 17-09 - AN ORDINANCE TO AMEND CHAPTER 53 OF THE CODE OF THE BOROUGH OF ALLENDALE, "OFFICERS AND EMPLOYEES", TO FIX THE SALARIES, WAGES AND COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF ALLENDALE FOR THE YEAR 2017.

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Motion by Councilwoman Wilczynski, second by Councilman Bernstein, that Ordinance 17-09 be rescinded.

On a roll call, the vote was recorded as follows:

Councilman Bernstein:	aye	Councilman Sasso:	absent
Councilwoman Homan:	absent	Councilman Strauch:	aye
Councilwoman McSwiggan:	aye	Councilwoman Wilczynski:	aye

(See Ordinance 17-09, attached and made a part hereof.)

Resolutions

17-188/Appoint Principal Public Works Manager – Ron Kistner

Motion by Councilman Strauch, second by Councilwoman Wilczynski, that Resolution #17-188 be approved.

On a roll call, the vote on the Consent Agenda was recorded as follows:

Councilman Bernstein:	aye	Councilman Sasso:	absent
Councilwoman Homan:	absent	Councilman Strauch:	aye
Councilwoman McSwiggan:	aye	Councilwoman Wilczynski:	aye

Resolution 17-188

Appointment of Principal Public Works Manager

Whereas, N.J.S.A. 40A:9-154.6g requires that a governing body of each municipality shall appoint a Principal Public Works Manager for the municipality; and

WHEREAS, no person shall be selected to perform the duties of a Principal Public Works Manager unless he holds a public works manager certificate issued pursuant to N.J.S.A. 40A:9-154.6g; and

Whereas, Michael Vreeland had been appointed to temporarily fill this position until Ronald Kistner obtained his public works manager certificate; and

Whereas, Ronald Kistner has now obtained his public works manager certificate necessary to perform the duties of the Principal Public Works Manager position.

Now, Therefore, Be It Resolved that Ronald Kistner is designated as Principal Public Works Manager effective June 29, 2017.

Be It Further Resolved that the Mayor, the Chief Financial Officer, Municipal Clerk and the Borough Attorney are authorized to take all appropriate actions so as to implement this Resolution.

Consent Agenda

- A. **17-189**/Approval of Bill List
- B. **17-190**/Authorize Execution of Letter of Participation – Turn the Towns Teal Campaign

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- C. **17-191**/Urge State Legislature to Extend 2% Cap – Police & Fire Arbitration Contract Awards
- D. **17-192**/Authorize Salaries – Crestwood Lake Swim Club 2017 Season
- E. **17-193**/Authorize Refund – Overpayment of 2017 Crestwood Lake Swim Lesson Fees – Doraski
- F. **17-194**/Certify Sport Program Activities Covered under Allendale Recreation Committee
- G. **17-195**/Authorize Refund – Overpayment of 2017 Taxes – Block 511 Lot 5.12
- H. **17-196**/Authorize Refund – 2014 State Board Judgment – Block 1808 Lot 14
- I. **17-197**/Authorize Liquor License Renewals – 2017-2018 Term

Motion by Councilwoman Wilczynski, second by Councilwoman McSwiggan, that the Consent Agenda be approved.

On a roll call, the vote was recorded as follows:

Councilman Bernstein:	aye	Councilman Sasso:	absent
Councilwoman Homan:	absent	Councilman Strauch:	aye
Councilwoman McSwiggan:	aye	Councilwoman Wilczynski:	aye

All members present voting in favor, the Consent Agenda was approved.

Resolution 17-189

List of Bills

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that it hereby approves the Bill List dated June 29, 2017 in the amounts of:

Current Fund	\$1,316,333.54
Payroll Account	\$176,759.73
General Capital	\$5,318.00
Animal Fund	\$24.60
COAH/Housing Trust	\$1,625.00
Improvement & Beautification	\$500.00
Unemployment Fund	\$0.00
Trust Fund	\$2,841.67
Water Operating	\$99,021.38
Water Capital	\$44,270.00
Total	\$1,646,693.92

Resolution 17-190

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Authorize Borough Clerk to Sign Participation Letter

Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that the Borough Clerk is hereby authorized to sign the Letter of Participation for the Allendale Woman's Club to participate in the Turn The Towns Teal campaign in support of National Ovarian Cancer Month in September 2017; and

Be It Further Resolved that a Hold Harmless Agreement will be obtained for the event.

Resolution 17-191

**Resolution Urging the State Legislature to Extend the 2% Cap
On Police and Fire Arbitration Contract Awards**

WHEREAS, local municipalities require specific tools to address the rising cost of municipal government; and

WHEREAS, in July 2010 the Governor and New Jersey State Legislature enacted a permanent 2% cap on municipal and school board tax levies with limited exceptions that did not include police and fire arbitration contract awards; and

WHEREAS, salary costs, to a great extent, drive property tax increases; and

WHEREAS, in December 2010 the Legislature unanimously approved and the Governor enacted a temporary 2% cap on police and fire arbitration contract awards in an effort to control increasing salary costs and provide a solution to assist local governments in keeping property taxes down and cost under control; and

WHEREAS, the December 2010 legislation included an April 1, 2014 sunset on the 2% arbitration cap while the 2% property tax levy remained permanent for municipalities and school boards; and

WHEREAS, in June 2014 the Legislature unanimously approved and the Governor enacted an extension to December 31, 2017 for the 2% arbitration cap, however, the 2% property tax levy cap continues to remain permanent, without an exemption for police and fire arbitration contract awards; and

WHEREAS, municipalities continue efforts to contain costs and provide vital services to residents within the 2% property tax levy while the New Jersey economy remains sluggish and taxpayers struggle to keep their homes and pay their taxes; and

WHEREAS, we recognize that this change in arbitration reform needs a longer time to mature in order to see the benefits of the legislation and its actual impact on the cost of local government budgets and the impact on taxpayers; and

WHEREAS, the final report and recommendations of the Police and Fire Public Interest Arbitration Impact Task Force, which was established in the December 2010 legislation, is not due until the same day as the expiration of the cap on interest arbitration awards, December 31, 2017; and

WHEREAS, we recognize it is now time for our taxpayers to benefit directly from these cost saving measures as many police and fire contracts will come due for negotiation after the sunset date; and

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WHEREAS, if the cap on interest arbitration expires while the 2% levy cap remains in effect, municipalities will be forced to reduce or eliminate municipal services in order to fund interest arbitration awards;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Allendale urges the State Legislature to extend the 2% cap on Police and Fire Arbitration Contract Awards for 5 more years at which time the Legislature will have hard data to examine and then make a final decision as to whether this law should be made permanent; and

BE IT FURTHER RESOLVED, that a copy of this Resolution is forwarded to Assemblyman Kevin J. Rooney, Assemblyman David C. Russo, Senator Kevin J. O'Toole, the Commissioner of the Department of Labor, the Lieutenant Governor and the Governor of State of New Jersey and the League of Municipalities.

Resolution 17-192

2017 Crestwood Lake Salary Resolution – Supplement Four

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that it hereby hires the following individuals at the corresponding rates of pay for the Crestwood Lake Swim Club 2017 Season as follows:

Siena Pennington	Substitute Lifeguard	\$8.50 per hour
Jacqueline Herrera	Substitute Lifeguard	\$8.50 per hour
Matthew Cooney	Substitute Lifeguard	\$8.50 per hour
Veronica Pantale	Substitute Lifeguard	\$8.50 per hour
Erik Diedrichs	Substitute Lifeguard	\$8.50 per hour
Ryan Matthews	Substitute Lifeguard	\$8.50 per hour
Miguel Pereira	Substitute Lifeguard	\$8.50 per hour
Luke Bussetti	Substitute Lifeguard	\$8.50 per hour
George Travers	Substitute Lifeguard	\$8.50 per hour
Chloe Pielka	Substitute Lifeguard	\$8.50 per hour
Alakh Chauhan	Substitute Lifeguard	\$8.50 per hour
Robine Arami	Gate Person	\$8.40 per hour
Ariel Somple	Gate Person	\$8.40 per hour

Be It Further Resolved, that Mikayla Covello and Olivia Friedland, previously hired as Gate People by Resolution #17-147 and #17-165 respectively, are hereby hired as Substitute Lifeguards at a rate of \$8.50 per hour.

Resolution 17-193

Crestwood Lake Swim Lesson Overpayment

Whereas, pursuant to Chapter 203, Section 20A of the Code of the Borough of Allendale, fees for the use of recreational facilities are to be established annually by resolution of the governing body; and

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Whereas, the governing body of the Borough of Allendale passed Resolution 17-128 on April 6, 2017 setting such fees; and

Whereas, the fee for 2017 Swim Lessons at Crestwood Lake was set at sixty (\$60.00) dollars per person by Resolution 17-128 on April 6, 2017; and

Whereas, the Crestwood Lake member listed below intended to register two (2) members for said activity for a total of one hundred twenty (\$120.00) dollars; and

Whereas, a technical error occurred on June 10, 2017 while the Crestwood Lake member listed below was registering for said activity; and

Whereas, the Crestwood Lake member listed below paid one hundred fifty (\$150.00) dollars for 2017 Swim Lessons; and

Whereas, Crestwood Lake member listed below has been found to have overpaid for 2017 Swim Lessons by the amount shown,

Now, Therefore, Be It Resolved by the Council of the Borough of Allendale that said overpayment be granted, with a refund, to the following Crestwood Lake member:

Name/Address	Crestwood ID Number	Amount
Sara Doraski 30 Harreton Road Allendale, NJ 07401	328677	\$30.00

Resolution 17-194

Coverage of Quasi-Public Entities by JIF

Whereas, the Borough of Allendale is a participating member of the Bergen County Municipal Joint Insurance Fund relative to General Liability and other coverage; and

Whereas, the “Fund” has adopted certain criteria to distinguish between bona fide municipal activities and other quasi-public entities not sponsored by the municipality and therefore, not subject to coverage by the “Fund”, and

Whereas, it has been determined that in order to be covered by the “Fund” an organization or activity meet the test that its function is of the type that historically municipalities have undertaken themselves or have provided with insurance coverage and/or is one which advances a bona fide local public purpose on a non-profit basis typically met by local government, the benefits of which are available to the municipality in general; and

Whereas, the Borough authorized General Liability and non-owned Automobile Liability Coverage on its Joint Insurance Fund policies to the Allendale Recreation Committee as a Class IV quasi-public entity by Resolution 17-32 passed on January 5, 2017; and

Whereas, the Borough wishes to list the following sports program activities that are covered under the Allendale Recreation Committee:

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 Soccer – 5 years
 Soccer – 13 to 15
 Soccer – 12 & Under
 Basketball – 13 to 15
 Basketball – 12 & Under
 Kickball – 12 & Under
 T-Ball – 12 & Under
 Softball – 12 & Under
 Softball – 13 to 15
 Baseball – 12 & Under
 Baseball – 13 to 15
 Volleyball – 12 & Under
 Volleyball – 13 to 15
 Traveling Softball – 13 to 15
 Traveling Softball – 12 & Under

Now, Therefore, Be It Resolved by the Borough Council of the Borough of Allendale as follows:

It is hereby certified that the above listed sports programs exist within the Borough of Allendale as a bona fide recreational activity of the municipality and is, in fact an activity of the Allendale Recreation Committee that supports and/or provides services to the municipality in general and as such is sponsored or subsidized directly or indirectly by the municipality.

The Borough of Allendale does hereby request that the listed activities described herein be named as an additional insured for General Liability and Non-owned Automobile Liability Coverage on Joint Insurance Fund policies in accordance with the applicable limits and restrictions.

Resolution 17-195

OVERPAYMENT

BE IT RESOLVED by the Council of the Borough of Allendale that the Tax Collector is hereby authorized to issue the following check on the property listed below and charge same to Overpayment of 2017 Taxes:

Block/ Lot	Name	Property Location	Amount
511/5.12	Tewary, Asim & Shalini 18 Hubbard Court Allendale, NJ 07401	18 Hubbard Court	\$6,828.07

Resolution 17-196

State Board Judgments

BE IT RESOLVED, by the Council of the Borough of Allendale that the Tax Collector is hereby authorized to issue the following overpayment check due to a State Board Judgment for the tax years 2014:

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Block/Lot	Name	Amount
1808/14	Law Office of Nathan P. Wolf, LLC & 42 West Allendale Assoc LLC 673 Morris Avenue Springfield, NJ 07081	\$4,353.74

Resolution 17-197

Renewal of ABC Liquor Licenses for 2017-2018

Whereas, all Plenary Retail Consumption, Retail Distribution, Limited Distribution and Club Licenses will expire on June 30, 2017; and,

Whereas, the following applicants have complied with the provisions of the Act of the Legislature entitled, "An Act Concerning Alcoholic Beverages", being Chapter 436 of the Laws of 1933, its supplements and amendments, and with the Rules and Regulations issued or to be promulgated by the State Commissioner of Alcoholic Beverage Control applicable.

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that the Borough Clerk be and is hereby authorized to issue licenses to expire June 30, 2018, to the following:

PLENARY RETAIL CONSUMPTION LICENSES - \$2,500.00

0201-33-007-009	Friends & Family LLC t/a Restaurant L	9 Franklin Turnpike Allendale, NJ 07401
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Unfinished Business:

There was no unfinished business.

New Business:

There was no new business.

Council Committee Reports and Comments

This agenda item was addressed during the Work Session.

Staff Reports:

This agenda item was addressed during the Work Session.

Public Comment on any issue:

Christina Montanye, 227 Orchard Park, inquired whether the tabled ordinance gave members of the governing body a stipend or whether reimbursement for expenses would be sought through the submission of a voucher.

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Borough Attorney Wiss clarified that the motion was to rescind rather than to table Ordinance 17-09, and as a result, there is no longer an ordinance on the table.

Ms. Montanye questioned whether the governing body members receive a stipend or get reimbursed for expenses.

Mayor White advised that governing body members do not received a stiped. She and Councilwoman Wilczynski explained that they have not sought reimbursement for too many expenses this year. Councilwoman Wilczynski commented that there are a lot of expenses for which they should seek reimbursement but most members do not as there is a lot of paperwork involved. Mayor White further noted that it is a tough call whether to seek reimbursement for certain items and events.

Ms. Montanye advised that public notices pertaining to Allendale published in the Record can be found online for 30 days after public notices appear.

Adjournment:

There being no further business to come before the Mayor and Council, on a motion by Councilman Strauch, second by Councilwoman Wilczynski, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:32 p.m.

Respectfully submitted,

Anne Dodd, RMC
Municipal Clerk