

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
September 28, 2017

PRESENT: Mayor Elizabeth White and Council members Ari Bernstein, Jackie McSwiggan, Steve Sasso, Jim Strauch and Amy Wilczynski

ABSENT: Council member Liz Homan

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 September 28, 2017. The meeting was called to order at 8:03 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."

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

Approval of Minutes:

Motion by Councilwoman McSwiggan, second by Councilwoman Wilczynski, that the Minutes of September 14, 2017 Special Work Session and September 14, 2017 Regular Session are approved.

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

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

Public Comment

No one came forward.

Public Hearings for Advertised Ordinances:

Ordinances 17-12 – 17-14

The Municipal Clerk read into the record:

The following ordinances published herewith were first read by title only on September 14, 2017 and posted on the bulletin board of the municipal building.

ORDINANCE 17-12 – AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF ALLENDALE, SEWER USE, CHAPTER 220

ORDINANCE 17-13 – CAPITAL ORDINANCE TO APPROPRIATE THE SUM OF \$155,043.81 FOR THE UNDERTAKING OF IMPROVEMENTS TO WATER MAINS AT VARIOUS LOCATIONS IN, BY AND FOR THE WATER UTILITY OF THE BOROUGH OF ALLENDALE, IN THE COUNTY OF BERGEN, NEW

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JERSEY, TO TRANSFER AN APPROPRIATION FROM THE BOROUGH'S RESERVE FOR CAPITAL INFRASTRUCTURE AND UNEXPENDED BOND ORDINANCE BALANCES AND REAPPROPRIATE SAME TO FINANCE SUCH APPROPRIATION.

ORDINANCE 17-14 – BOND ORDINANCE TO AMEND SECTION 4.A OF THE BOND ORDINANCE (ORD. NO. 16-05) ENTITLED: "BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE WATER UTILITY OF THE BOROUGH OF ALLENDALE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$350,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS," ADOPTED ON MARCH 10, 2016.

Public Comments on Ordinance 17-12 through 17-14

No one came forward.

Motion by Councilwoman McSwiggan, second Councilman Strauch, that Ordinance 17-12 through 17-14 be passed on second and final reading and are hereby adopted and notice of same shall be published according to law.

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

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

(See Ordinance 17-12 through 17-14, attached and made a part hereof.)

Introduction of Ordinances:

Ordinance 17-15

Motion by Councilman Sasso that the following ordinance be introduced and passed on first reading and setting October 12, 2017 at 8:00 p.m. or as soon thereafter as the as the matter can be heard as the date and time and the Council Chambers of the Allendale Municipal Building as the place for a hearing on said ordinance. Second by Councilwoman Wilczynski.

The Municipal Clerk read the title of the ordinances into the record:

ORDINANCE 17-15 - AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF ALLENDALE, STREETS AND SIDEWALKS, CHAPTER 233

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

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

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(See Ordinances 17-12 through 17-14, attached and made a part hereof.)

Motion by Councilman Strauch, second by Councilwoman Wilczynski, and all present voting in favor, to take a five-minute recess. The meeting recessed at 8:08 p.m.

The Regular Session was reopened at 8:15 p.m.

Consent Agenda

Motion by Councilwoman Wilczynski, second by Councilman Sasso, to withdraw Resolution #17-251 from consideration.

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

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

- A. **17-243**/Approval of Bill List
- B. **17-244**/Authorize Auction – GovDeals.com
- C. **17-245**/Authorize Shared Service Agreement – Borough of Ramsey – Use of Monopole
- D. **17-246**/Oppose OPRA & OPMA Legislation
- E. **17-247**/Authorize Transfer of Surplus – 2014 Municipal Aid Program
- F. **17-248**/Authorize Proposal – Suez Operations, Inc. – Cleaning & Lining of Water Mains Along Colonial, Surrey, & Dogwood Streets
- G. **17-249**/Authorize Mobile Food Establishments – Allendale Festival Day
- H. **17-250**/Designate \$1,145,000 General Bond Anticipation Notes & \$350,000 Water Utility Bond Anticipation Notes as “Qualified Tax-Exempt Qualification”
- I. ~~**17-251**/Authorize Amendments to Athletic Fields & Recreational Facilities Use Policy & Rules & Regulations for Allendale Field & Facility Use (Withdrawn)~~

Motion by Councilman Sasso, second by Councilwoman McSwiggan, that the Consent Agenda be approved as amended.

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

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

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

Resolution 17-243

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 September 28, 2017 in the amounts of:

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Current Fund	\$1,391,957.52
Payroll Account	\$189,460.36
General Capital	\$4,210.50
Animal Fund	\$7.20
Grant Fund	\$0.00
COAH/Housing Trust	\$1,013.07
Improvement & Beautification	\$0.00
Unemployment Fund	\$0.00
Trust Fund	\$9,596.23
Water Operating	\$151,482.83
Water Capital	\$1,000.00
Total	\$1,748,727.71

Resolution 17-244

WHEREAS, the Borough of Allendale is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, N.J.S.A. 40A 11-36 authorizes municipalities to offer for sale, public property which is no longer needed for public service; and

WHEREAS, the Mayor and Council of the Borough of Allendale is desirous of selling said surplus property in an "as is" condition without express or implied warranties.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, County of Bergen, as follows:

- (1) The sale of the surplus property shall be conducted through GovDeals.com pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Borough Clerk.
- (2) The sale will be conducted online and the address of the auction site is govdeals.com.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A list of the surplus property to be sold attached as Exhibit A
- (5) The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (6) The Borough of Allendale reserves the right to accept or reject any bid submitted.

EXHIBIT A

DPW Equipment:

1. Two (2) Self-Contained Compactors, Top Load, Yard Size
2. 1997 Volvo Garbage Truck
VIN#4VHJCKRF3VN859921

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Mileage: Unknown (Odometer Does Not Work)
New transmissions, ran when parked

Library Equipment:

1. Four (4) Chandeliers

Administrative Office Equipment:

1. Sony BM-246 Court Conference Recorder Transcriber (Pre-Owned)
2. Sanyo FS-92 Foot Pedal (Pre-Owned)
3. Marantz Solid State Recorder PMD670 (Pre-Owned)
4. Upholstered, Cushioned Metal Frame Stacking Chairs

Resolution 17-245

WHEREAS, Allendale desires to enter into an agreement with Ramsey for use of an existing monopole antenna structure (the “Monopole”) located behind the Ramsey Borough Garage at Erie Plaza, and for the use of equipment upon and at the base of the Monopole for the purpose of facilitating emergency communications and interoperability between the Allendale and Ramsey Police Departments; and

WHEREAS, Ramsey has agreed to allow Allendale at Allendale’s expense to install antennas and related equipment (collectively “Allendale equipment”) on said Monopole for purposes of public safety; and

WHEREAS, all site work, construction, and maintenance of Allendale equipment at the Monopole will be at Allendale’s expense; and

WHEREAS, Allendale will indemnify and hold Ramsey harmless from any damages caused during site work, installation, and maintenance of the Allendale equipment; and

WHEREAS, Ramsey Police will benefit from the use of a regional interoperability radio system which is to be placed at the Biscayne Water Tank; and

WHEREAS, Allendale Police will place antennas, for the transmission of radio signals to and from Allendale radio infrastructure sites, upon the Monopole, and will also place related equipment inside a pre-existing shelter at the base of said Monopole; and

WHEREAS, all Allendale equipment placed at or on the Monopole shall be connected to an existing emergency generator to facilitate uninterrupted power supply; and

WHEREAS, the Uniform Shared Service and Consolidation Act (N.J.S.A. 40A:65-1 et seq.)(the “Shared Services Act”), authorizes and empowers Allendale and Ramsey to enter into such an agreement to jointly provide, through the agency or on behalf of the other, any service which either may provide or receive within its own jurisdiction;

NOW, THEREFORE, in consideration of the terms and conditions hereinafter set forth, the parties agree as follows:

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1. Effective upon the full execution of this Agreement, Ramsey shall, at no expense to Allendale except for those expenses set forth in Paragraph 2 herein below, allow Allendale during the term of this Agreement, the use of the Monopole, owned by Ramsey, and located behind the Ramsey Borough Garage at Erie Plaza, for the purpose of facilitating emergency communications.
2. Allendale agrees that it will install and maintain the Allendale equipment as specified by Allendale. Allendale shall be responsible for all expenses concerning site work, installation, and maintenance of the Allendale equipment.
3. Ramsey agrees that it shall grant and permit Allendale such reasonable access to the Monopole as may be necessary or desirable for Allendale (a) to conduct the site work contemplated under this Agreement and (b) to install and maintain the Allendale equipment.
4. Allendale shall indemnify and hold harmless Ramsey from any and all claims or damages, suits, or other actions arising out of or relating to any damages caused during the site work, installation, and maintenance of Allendale equipment.
5. This Agreement is contingent upon adoption of the necessary authorizing resolutions by both Allendale and Ramsey. Allendale and Ramsey shall each comply with all provisions of the Shared Services Act applicable to this Agreement.
6. This Agreement may be amended upon the written consent of both parties;
7. This agreement represents this Agreement between Allendale and Ramsey supersedes all prior negotiations, representations, or agreements, either written or oral, for this project;
8. This Agreement and any questions concerning its validity, construction or performance shall be governed by the laws of the State of New Jersey; and
9. In the event that any provision of this Agreement shall be determined to be invalid, illegal or unenforceable in any respect, the parties hereto shall negotiate in good faith and agree to such amendments, modifications, or supplements of or to this Agreement or such appropriate other actions which shall, to the maximum extent be practical in light of such determination, implement and give effect to the intentions of the parties as reflected herein, and the other provisions of this Agreement shall, as so amended, modified, supplemented or otherwise affected by such action, remain in full force and effect, to the extent possible.
10. The term of this Agreement shall be for ten (10) years. Thereafter, this Agreement shall continue in force until such time as (1) Allendale and Ramsey agree in writing to terminate this Agreement or (2) this Agreement is terminated by either Allendale or Ramsey upon sixty (60) days prior notice to the other party hereto.

Resolution 17-246

**RESOLUTION EXPRESSING OPPOSITION TO LEGISLATIVE PROPOSALS REGARDING THE
OPEN PUBLIC MEETINGS ACT AND OPEN PUBLIC RECORDS ACT**

WHEREAS, the New Jersey Senate Budget and Appropriations Committee took action on Senate Bill Nos. 1045 and 1046, which amend the Open Public Meetings Act and Open Public Records

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Act, respectively, on June 29, 2017; and

WHEREAS, the Committee released the bills to the full Senate without recommendation because the bills are unnecessary, unpopular with the public, and would result in significant financial and administrative burdens on municipalities; and

WHEREAS, the bills fail to adequately protect taxpayers, municipalities and, especially, municipal clerks from abusive, harassing, and purposefully confrontational individuals who submit voluminous requests for no legitimate reason; and

WHEREAS, the legislation would expand the Open Public Meeting Act to create impractical and burdensome requirements with respect to subcommittees and working groups established by the entire governing body, which would effectively limit the ability of small groups of local officials discussing issues of public concern for the purposes of informing the governing body; and

WHEREAS, under the bills, the responsibilities of municipal clerks, who the Legislature has already loaded with responsibilities beyond the scope of their office, would be stretched even further than current law requires without a single dollar of additional resources provided to, or authorized to be collected by, municipalities; and

WHEREAS, the bills would impose a financial burden on municipalities that would not be offset by a revenue source other than the property tax, making the bills unfunded mandates prohibited by the New Jersey Constitution; and

WHEREAS, some municipalities are more equipped than others to meet the burdens that would be imposed by Senate Bill Nos. 1045 and 1046, however, without assistance of any kind from the States or the courts, every municipality would be on its own to meet the myriad new requirements of the law.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, that the Legislature is strongly urged to reject Senate Bill Nos. 1045 and 1046 and draft new legislation to modernize OPRA and OPMA while providing municipalities and clerks with the resources to effectuate these changes for the benefit of the public.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed with the legislative sponsors of Senate Bill Nos. 1045 and 1046 and Assembly Bill Nos. 2697 and 2699, the Speaker of the General Assembly, the President of the Senate, and the Governor, and all parties are urged to listen to the concerns of local officials and prevent Senate Bill Nos. 1045 and 1046 from becoming law.

Resolution 17-247

WHEREAS, by Resolution 15-299, the Borough of Allendale awarded a paving contract to D & L Paving Contractors, as a part of the 2014 Municipal Aid Program in the amount of \$140,403.30; and

WHEREAS, the paving work contemplated by such contract has now been completed at a cost of \$134,501.69; and

WHEREAS, as a result of such work being completed under budget in the amount of \$5,901.61, the Borough of Allendale wishes to transfer such surplus to Ordinance 15-04; and

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale that the sum of \$5,901.61 be and hereby is transferred to Ordinance 15-04, and that the CFO is authorized to take any and all appropriate actions to implement the same.

Resolution 17-248

WHEREAS, the Borough requires non-routine services for the cleaning and lining of water mains along Colonial, Surrey, and Dogwood Streets; and

WHEREAS, Suez Operations, Inc., has submitted a proposal for such services dated August 10, 2017, which the Water, Sewer and Public Utilities Committee finds acceptable and which has been recommended to the Governing Body; and

WHEREAS, Suez Operations, Inc., is duly qualified and is available to perform such services; and

WHEREAS, the Chief Financial Officer has attached hereto a Certification pursuant to NJAC 5:30-5.4 that adequate funds are available to pay for the Contract;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body that it does hereby award a Contract to Suez Operations, Inc., of Paramus, New Jersey in the amount of \$155,043.81; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are authorized to sign the proposal or an appropriate agreement to reflect these services; and

Resolution 17-249

WHEREAS, Allendale's Chamber of Commerce will host and conduct "Allendale Day" on Saturday October 7, 2017; and

WHEREAS, the use of mobile food establishments by duly licensed vendors has been requested in connection with "Allendale Day"; and

WHEREAS the Borough of Allendale wishes to authorize the use of mobile food establishments in the C-1 and C-2 Business Zones on "Allendale Day";

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale that the use of mobile food establishments, on "Allendale Day", in the C-1 and C-2 Business Zones, by those vendors who have obtained an appropriate license from the Health Department be and hereby is approved.

Resolution 17-250

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF ALLENDALE, IN THE COUNTY OF BERGEN, NEW JERSEY, DESIGNATING \$1,495,000 OF NOTES CONSISTING OF \$1,145,000 GENERAL BOND ANTICIPATION NOTES AND \$350,000 WATER UTILITY BOND ANTICIPATION NOTES, BOTH ISSUES DATED SEPTEMBER 26, 2017, PAYABLE SEPTEMBER 26, 2018, AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

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WHEREAS, the Borough of Allendale, in the County of Bergen, New Jersey (the "Borough") intends to issue \$1,495,000 of notes consisting of \$1,145,000 General Bond Anticipation Notes and \$350,000 Water Utility Bond Anticipation Notes, both issues dated September 26, 2017, payable September 26, 2018 (the "Notes"); and

WHEREAS, the Borough desires to designate the Notes as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code");

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Allendale, in the County of Bergen, New Jersey, as follows:

SECTION 1. The Notes are hereby designated as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code.

SECTION 2. It is hereby determined and stated that (1) said Notes are not "private activity bonds" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2017.

SECTION 3. It is further determined and stated that the Borough has, as of the date hereof, issued the following tax-exempt obligations (other than the Notes) during the calendar year 2017:

<u>Amount</u>	<u>Dated - Due</u>
\$1,122,000 BAN	1/27/17 - 1/26/18
4,285,000 BAN	4/26/17 - 4/26/18

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SECTION 4. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 5. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Notes and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2017 dated as of the date of delivery of the Notes.

SECTION 6. This resolution shall take effect immediately upon its adoption.

Unfinished Business:

There was no unfinished business.

New Business:

There was no new business.

Council Committee Reports and Comments

Councilwoman Wilczynski – Facilities, Parks & Recreation

Councilwoman Wilczynski reported that one of the fountains at the 911 Memorial is out for repair. Due to the warm weather, the winterizing of the sprinkler system has been delayed. In the meantime, the HVAC systems are being cleaned. The new preventive maintenance program for the storm drain inlets has started. Councilwoman Wilczynski advised that she is still working with the ASA to fine-tune the field use policy. The Borough Risk Manager has advised that the Bergen JIF Loss Time Frequency rating is 0.00 which is the best possible rating. The Borough has implemented a new Hold Harmless agreement and the Risk Manager noted that Michelle Ryan and Diane Vander Wende in the Borough Clerk's office have been doing a great job in securing these agreements when possible. Councilwoman Wilczynski attended a Saddle River/Allendale Rotary Club meeting. She advised that they donated \$5,000 to the proposed band shell project. She noted that information regarding the Rotary Club will be placed on the Borough website and signs will be placed throughout town notifying that rotary meetings are held.

Councilwoman McSwiggan – Water, Sewer & Public Utilities

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Councilwoman McSwiggan advised that the Water, Sewer and Public Utilities Committee met on September 18th and the next meeting is scheduled on October 16th. Although the hydrant flushing program is scheduled to be completed by September 30th, it may take a little longer to complete. Councilwoman McSwiggan thanked the residents for their patience and cooperation as this task is completed. Suez has repaired four hydrants during the flushing program and one hydrant is scheduled to be replaced. There was a meeting with both Suez and the contractor regarding the new high-speed velocity motor at the Fairhaven Booster Station as it was not performing properly. It was determined to be a computer issue which will be corrected.

Councilman Sasso – Land Use and Construction Code

Councilman Sasso explained that although the Land Use and Construction Code Committee has not met since the last Mayor and Council meeting, there is a need to reexamine the Master Plan as a result of the settlement agreement with the Fair Share Housing Center. A proposal has been submitted by Burgis Associates, the Borough Planner, and signed by Mayor White, to work with the Planning Board to implement the changes in the settlement agreement to the Master Plan.

Mayor White noted that Ed Sniekus will first work with the Land Use Committee and then this matter will be brought to the Planning Board.

Councilman Sasso reported that, as a separate proposal, Burgis Associates will also be looking at the Borough's sign ordinance as it is in need of updating due to advancements in technology.

Councilman Bernstein – Administration, Finance, and Human Resources

Councilman Bernstein advised that the Administration, Finance and Human Resources Committee last met on September 13th and he reported on this meeting at the last Mayor and Council meeting. The Committee is moving forward with implementing a document management system. He just signed a voucher for the latest supplement to Borough Code which will bring it up-to-date, noting that the Code company is also conducting a review of all Ordinances in the Borough Code to ensure that all Ordinances are synthesized with each other and do not contradict or conflict with each other. The next committee meeting is scheduled on October 17th.

Mayor White announced that tonight was the first night football game at Northern Highlands Regional High School and noted that both the school and the neighbors are very happy. The Fire Department was honored before the game started.

Staff Reports:

Ray Wiss, Municipal Attorney, advised that the COAH settlement agreement has been signed and served on all interested parties. Notification was received today in the form of a court order that the Borough's immunity has been extended until the end of November. The fairness hearing which is part of the procedural process for the court approving the settlement agreement is scheduled on November 29th.

Anne Dodd, Municipal Clerk, announced that her office will be open until 9 p.m. on October 17th for Late Night Voter Registration which is the last day to register to vote for the General Election. The General Election will take place on November 7th and the polls will be open from 6 a.m. until 8 p.m.

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Public Comment on any issue:

No one came forward.

Adjournment:

There being no further business to come before the Mayor and Council, on a motion by Councilwoman McSwiggan, second by Councilwoman Wilczynski, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:27 p.m.

Respectfully submitted,

Anne Dodd, RMC
Municipal Clerk