

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
January 25, 2018

PRESENT: Mayor Elizabeth White and Council members Ari Bernstein, Liz Homan, Steve Sasso, and Jim Strauch

ABSENT: Council members Edward O’Connell and Amy Wilczynski

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 January 25, 2018. The meeting was called to order at 8:01 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 Councilman Strauch, second by Councilman Sasso, that the Minutes of January 4, 2018 Reorganization Meeting, January 11, 2018 Closed Executive Session (not to be released,) January 11, 2018 Work Session and January 11, 2018 Regular Session are approved.

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

Councilman Bernstein:	aye	Councilman Sasso:	aye
Councilwoman Homan:	aye	Councilman Strauch:	aye
Councilman O’Connell:	absent	Councilwoman Wilczynski:	absent

Public Comment

No one came forward.

Public Hearings for Advertised Ordinances:

Ordinances 18-01 – 18-03

The Municipal Clerk read into the record:

The following ordinances published herewith were first read by title only on January 11, 2018 and posted on the bulletin board of the municipal building.

ORDINANCE 18-01 – 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 2018.

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ORDINANCE 18-02 – AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF ALLENDALE, FIRE PREVENTION, CHAPTER 128

ORDINANCE 18-03 - AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF ALLENDALE, LAND USE PROCEDURES, CHAPTER 40

Public Comments on Ordinance 18-01 through 18-03

No one came forward.

Motion by Councilman Sasso, second by Councilman Strauch, that Ordinance 18-01 through 18-03 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:	aye	Councilman Strauch:	aye
Councilman O’Connell:	absent	Councilwoman Wilczynski:	absent

(See Ordinance 18-01 through 18-03, attached and made a part hereof.)

Resolutions

18-62/Appoint Members to the Allendale Land Use Board

Mayor White noted that although these appointments are not required to be made by resolution, it is being done this way in the interest of transparency.

Motion by Councilman Strauch, second by Councilwoman Homan, that Resolution #18-62 be approved.

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

Councilman Bernstein:	aye	Councilman Sasso:	aye
Councilwoman Homan:	aye	Councilman Strauch:	aye
Councilman O’Connell:	absent	Councilwoman Wilczynski:	absent

Resolution 18-62

Appointment of Members of the Allendale Land Use Board

WHEREAS, the Borough of Allendale (“Allendale”) has, by adoption of Ordinance 18-03 established the Allendale Land Use Board (the “Board”); and

WHEREAS, as a result of the establishment of the Board, there is a need for the Mayor to appoint Members thereto, consistent with applicable statute, and to fix the terms of such appointees; and

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WHEREAS, Allendale, by adoption of this Resolution wishes to designate and memorialize the appointees to the Board and their respective terms of appointment;

Now, Therefore, Be It Resolved that the following Class I, Class II, Class III and Class IV Members of the Board, and their respective terms of office are as follows:

- CLASS I** - Elizabeth White, Mayor of the Borough of Allendale, for a term corresponding to her term of office.

- CLASS II** - Ron Kistner, Director of Operations, for a term commencing upon adoption of this Resolution and expiring on December 31, 2018.

- CLASS III** - Stephen Sasso, Councilman of the Borough of Allendale, for a term commencing upon adoption of this Resolution and expiring on December 31, 2018.

- CLASS IV** - Matt O'Toole, for a term commencing upon adoption of this Resolution and expiring on December 31, 2018.

Patty Davis, for a term commencing upon adoption of this Resolution and expiring on December 31, 2019.

Joseph Daloisio, for a term commencing upon adoption of this Resolution and expiring on December 31, 2020.

Michael Sirico, for a term commencing upon adoption of this Resolution and expiring on December 31, 2020.

Kevin Quinn, for a term commencing upon adoption of this Resolution and expiring on December 31, 2021.

Melissa Bergen, for a term commencing upon adoption of this Resolution and expiring on December 31, 2021.

Be It Further Resolved that the following Class IV Alternate Members of the Board, and their respective terms of office are as follows:

- Larry Stephen, for a term commencing upon adoption of this Resolution and expiring on December 31, 2018.

- Tyler Kearl, for a term commencing upon adoption of this Resolution and expiring on December 31, 2018.

- Douglas Jones, for a term commencing upon adoption of this Resolution and expiring on December 31, 2019.

- Susanne Lovisolo, for a term commencing upon adoption of this Resolution and expiring on December 31, 2019.

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

Consent Agenda

- A. **18-63**/Approval of Bill List
- B. **18-64**/Authorize Water Adjustment – Dlug
- C. **18-65**/Authorize Submission of Tax Appeals & Stipulations
- D. **18-66**/Authorize Refund – Overpayment of 2018 Taxes – Block 511 Lot 5.14
- E. **18-67**/Authorize Refunds – 2016 & 2017 State Board Judgments
- F. **18-68**/Authorize Budget Transfers
- G. **18-69**/ Covenant to Comply with Provisions of Internal Revenue Code of 1986 & Designate \$1,073,000 Bond Anticipation Note As “Qualified Tax-Exempt Obligation”

Motion by Councilman Sasso, second by Councilwoman Homan, that the Consent Agenda be approved.

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

Councilman Bernstein:	aye	Councilman Sasso:	aye
Councilwoman Homan:	aye	Councilman Strauch:	aye
Councilman O’Connell:	absent	Councilwoman Wilczynski:	absent

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

Resolution 18-63

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 January 25, 2018 in the amounts of:

Current Fund	\$2,280,240.58
Payroll Account	\$172,114.57
General Capital	\$40,252.17
Animal Fund	\$547.00
Grant Fund	\$45,639.83
COAH/Housing Trust	\$7,681.16
Improvement & Beautification	\$386.74
Unemployment Fund	\$0.00
Trust Fund	\$13,790.41
Water Operating	\$27,016.93
Water Capital	\$975.00
Total	\$2,588,644.39

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Resolution 18-64

Water Adjustment

Whereas, the utility payer listed below has been found to have their utility bill reduced by the amount shown, and

Whereas, this adjustment is due to an estimated bill, incorrectly reported water usage or incorrect readings,

Now, Therefore, Be It Resolved by the Council of the Borough of Allendale that these adjustments be granted, with a credit, to the following utility bill payer:

Name	Account Number	Amount
Brian Dlug	31101857168445	\$251.54

Resolution 18-65

WHEREAS, by directive of the County Board of Taxation, under rule 18:12A-16(C), any and all tax appeals and stipulations for increase and decrease shall be submitted to the County Board of Taxation by the Borough Attorney and/or Tax Assessor on behalf of the Borough of Allendale for the year 2018 and are hereby authorized by this governing body for disposition by the County Board of Taxation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, County of Bergen and State of New Jersey, that this resolution as heretofore stated shall be approved by this governing body; and

BE IT FURTHER RESOLVED that the Borough Clerk be instructed to submit a certified copy of this resolution to the Borough Tax Assessor, Borough Attorney and Bergen County Board of Taxation.

Resolution 18-66

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 2018 Taxes:

Block/ Lot	Name	Property Location	Amount
511/5.14	Granger, Michael & Laura 15 Hubbard Court Allendale, NJ 07401	15 Hubbard Court	\$6,473.90

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Resolution 18-67

State Board Judgment

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 State Board Judgments for the tax years 2016 and 2017:

Block/Lot	Name	Amount
<u>2016</u>		
104/15	Conrad Olear, Esq. Strasser & Associates- Attorney Trust Account 7 East Ridgewood Avenue Paramus, NJ 07652	\$5,512.15

<u>2017</u>		
104/15	Conrad Olear, Esq. Strasser & Associates- Attorney Trust Account 7 East Ridgewood Avenue Paramus, NJ 07652	\$5,504.93

Resolution 18-68

BUDGET TRANSFERS

WHEREAS, Budget Transfers are permitted during the last two months of the current year and the first three months of the following year;

NOW THEREFORE, BE IT RESOLVED, BY THE Mayor & Council of the Borough of Allendale that the following transfers be made between the following 2017 Budget Appropriations for the Current Fund and the Water Operating Fund:

DEPARTMENT	FROM	TO
Finance, S&W		\$2,100
Building Dept, S&W		\$850
Property Maintenance, S&W		\$650
Salary & Wage Adjustment	\$3,600	
Totals	\$3,600	\$3,600
<u>DEPARTMENT</u>		
	FROM	TO
Water Purchase		\$6,200
Health Benefits	\$6,200	
Totals	\$6,200	\$6,200

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Resolution 18-69

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF ALLENDALE, IN THE COUNTY OF BERGEN, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF ALLENDALE AND AUTHORIZING THE MAYOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$1,073,000 BOND ANTICIPATION NOTE, DATED JANUARY 26, 2018, PAYABLE JANUARY 25, 2019, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Borough of Allendale, in the County of Bergen, New Jersey (the "Borough") from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Borough to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Borough desires to designate a \$1,073,000 Bond Anticipation Note, dated January 26, 2018, payable January 25, 2019 (the "Note"), as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of 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 Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other

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obligations of the Borough (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Borough Clerk, Chief Financial Officer and the other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) said Note is not a "private activity bond" 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 2018.

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2018.

SECTION 6. 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 7. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2018 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

Unfinished Business:

There was no unfinished business.

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New Business:

Mayor White raised the issue of social media communications. She commented that there may be questions posted on other sites which are related to Borough business. She expressed her belief that those people should be directed to the proper channels to have their questions answered which would include the Borough Facebook page, website, or via email to the members of the governing body.

Councilman Sasso inquired how best to address incorrect information seen on unofficial websites.

Borough Attorney Wiss opined that the governing body should ensure that all of the information on Borough sites is up-to-date and correct and any misinformation should be addressed on an official channel. If a governing body member chooses to respond on an unofficial website, Borough Attorney Wiss advised that they should simply encourage residents to contact the Borough officials for accurate information.

Councilman Bernstein commented that the idea is not to discourage people from seeking answers to their questions as the governing body wants there to be an open line of communication. Resident should simply be directed to the official channels to have their questions answered.

Councilman Sasso advised that he has a standard response when misinformation is seen which he will email to Borough Attorney Wiss for approval. Once approved, this response will be distributed to the members of the governing body.

Council Committee Reports and Comments

This agenda item was addressed during the Work Session.

Staff Reports:

Ray Wiss, Municipal Attorney, advised that he has been handling work related to implementation of the Borough's low- and moderate-income housing plan as well as participating in discussions regarding 220 and 230 West Crescent Avenue. He has also been working on other development-related issues with the Borough Engineer.

Mayor White expressed her opinion that a meeting with Mary Beth Lonergan, Affordable Housing Consultant, should be scheduled sometime in February.

Anne Dodd, Municipal Clerk, announced that the pet licensing deadline is January 31, 2018 and any license that is renewed after this date will be assessed a \$5 late fee. With respect to OPRA requests, she advised that 27 OPRA requests have been received to date for the month of January.

Ron Kistner, Administrative Officer/Director of Operations, reported that the DPW has been working on spring and summer capital improvement projects as well as preparing paving specifications. Equipment is prepped and ready for snow removal.

Mayor White advised that she has been working with Tyler Yaccarino, Borough Webmaster, on updating the website. She expressed her appreciation to Mr. Yaccarino for his time and effort. She stated that changes are being made to the front page with respect to the calendar and notice board.

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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 Councilman Strauch, second by Councilman Bernstein, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:19 p.m.

Respectfully submitted,

Anne Dodd, RMC
Municipal Clerk