

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
April 12, 2018

PRESENT: Mayor Elizabeth White and Councilmembers Ari Bernstein, Edward O’Connell, Steve Sasso, Jim Strauch and Amy Wilczynski

ABSENT: Councilmember Liz Homan

ALSO PRESENT: Borough Attorney Raymond 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 April 12, 2018. 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.”

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

Approval of Minutes:

Motion by Councilman Strauch, second by Councilman Bernstein, that the Minutes of March 22, 2018 Work Session and March 22, 2018 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
Councilman O’Connell:	aye	Councilwoman Wilczynski:	aye

Public Comment

Susanne Lovisolo, 180 Schuyler Road, inquired whether there was a quantification of the costs associated with OPRA requests as she would like to know the cost to the taxpayers.

Councilman Bernstein noted that Ms. Dodd bears the burden when it comes to OPRA requests, and as there is a timeframe within which she is required to respond, she is unable to devote her time to other tasks that could be of benefit to the Borough. He suggested that this cost could be extrapolated based on how much of her time is spent on these requests.

Borough Attorney Wiss expressed his opinion that it is difficult to quantify the cost as although Ms. Dodd has the statutory obligation to respond to the request, the requested documents are not always housed in the Borough Clerk’s office. As such, outreach is needed to the department from which the records are being requested. He added that certain requests require legal advice prior to responding which involves coordination with his office.

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Councilman O'Connell commented that he feels it is important to attempt to quantify the costs. With the number of requests seeming to double every year, he inquired if anything has come of these requests.

Councilman Bernstein responded that there have been legal challenges to the propriety and limits of OPRA requests. Borough Attorney Wiss noted that the decisions have almost been uniformly in favor of the requestor, and as such, his legal advice tends to air on the side of disclosure as a requestor who is denied access has the option to challenge the denial. He explained that not only would there be costs associated with defense of a nonresponse should there be a challenge, but there is a fee shifting element involved which holds the Borough responsible for the costs of the requestor's attorney if the decision is found in favor of the requestor. He commented that, although the trend line for public policy is in favor of transparency, he remarked that the decisions are divorced from the reality of what it takes to fulfill these requests.

Councilman O'Connell inquired whether the purpose for which these requests are being made is known.

Mayor White commented that many requests are submitted by those looking to solicit business. She expressed concern that so much information is accessible and can easily end up in the wrong hands. She expressed her opinion that the most disconcerting part is that she believes that Allendale is one of the most transparent municipalities as most documents are readily available on the website. She noted that the Borough also makes good use of social media to put information out to the public.

Borough Attorney Wiss commented that there are two problematic issues when it comes to OPRA requests. He noted that requestors sometimes request documents that are already readily available and time still needs to be spent in responding to said requests. He advised that the other issue is that requests are being used as a business tool.

Councilman Sasso inquired whether the OPRA requests and those who submit them are public information.

Borough Attorney Wiss advised that this information would be public and he has seen instances in which OPRA requests have been submitted for copies of other OPRA requests.

Ms. Dodd advised that she does keep a log of those who have submitted requests.

Ms. Lovisolo inquired whether the milling of West Crescent extends into Allendale.

Mayor White advised that PSE&G will be paving the southern side of the West Crescent bridge to Walgreens in Waldwick. She then thanked Ron Kistner, Administrative Officer/Director of Operations, who negotiated having this paving take place while school is closed next week.

Mr. Kistner advised that they will also be paving Surrey and Dogwood next week and noted that this paving is the last planned PSE&G roadwork in 2018.

Ms. Lovisolo questioned who in the Fire Department would be in charge of receiving and acknowledging donations.

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Mayor White advised that it would be the Fire Department itself and would most likely be the Fire Chief or whoever he designates to handle this area.

Charles Christie, 30 High Street, and Jack Martin, 226 W Allendale Avenue, advised that they are working to earn their Communications Badge. They advised that they are both in their sophomore year of high school.

Public Hearings for Advertised Ordinances:

Ordinances 18-09 – 18-11

The Municipal Clerk read into the record:

The following ordinances published herewith were first read by title only on March 22, 2018 and posted on the bulletin board of the municipal building.

ORDINANCE 18-09 – BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW ADDITIONAL FURNISHINGS AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF ALLENDALE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,138,200 TO PAY THE COST THEREOF, TO APPROPRIATE VARIOUS GRANTS, TO MAKE A DOWN PAYMENT, 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.

ORDINANCE 18-10 - BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS WATER SYSTEM 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 \$325,000 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.

ORDINANCE 18-11 – AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

Public Comments on Ordinance 18-09 through 18-11

No one came forward.

Motion by Councilman Bernstein, second by Councilwoman Wilczynski, that Ordinance 18-09 through 18-11 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
Councilman O’Connell:	aye	Councilwoman Wilczynski:	aye

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(See Ordinance 18-09 through 18-11, attached and made a part hereof.)

Consent Agenda

- A. **18-109**/Approval of Bill List
- B. **18-110**/Authorize Change Order No. 1 – NJDOT 2015 Local Aid Infrastructure Fund
- C. **18-111**/Authorize Refunds – Overpayment of 2017 & 2018 Taxes – Various Properties
- D. **18-112**/Amend Resolution #18-102 – Extend Waiver of Tree Removal Permit Requirement – Winter Storm Quinn
- E. **18-113**/Approve 2018 Memorial Day Parade Request
- F. **18-114**/Authorize an Extension Agreement with 165 W. Crescent Ave, LLC

Motion by Councilman Sasso, second by Councilman O’Connell, 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:	absent	Councilman Strauch:	aye
Councilman O’Connell:	aye	Councilwoman Wilczynski:	aye

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

Resolution 18-109

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 April 12, 2018 in the amounts of:

Current Fund	\$885,840.60
Payroll Account	\$180,349.43
General Capital	\$1,777.34
Animal Fund	\$0.00
Grant Fund	\$0.00
COAH/Housing Trust	\$1,206.25
Improvement & Beautification	\$0.00
Unemployment Fund	\$0.00
Trust Fund	\$15,440.00
Water Operating	\$0.00
Water Capital	\$0.00
Total	\$1,084,613.62

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Resolution 18-110

Change Order Number One – NJDOT 2015 Local Aid Infrastructure Fund
Boroline Road Improvements – Boroughs of Allendale and Saddle River

Whereas, the Borough Engineer has requested that certain changes are needed in the NJDOT 2015 Local Aid Infrastructure Fund contract; and

Whereas, a net decrease of \$11,107.47 will result from the actual quantities of work measured and performed; and

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that Change Order Number One resulting in a decrease of \$11,107.47, a 4.97% decrease in the original contracted amount, be approved for the 2015 Municipal Aid Program, resulting in a new contract amount of \$212,269.91.

Be It Further Resolved that Change Order Number One in the decreased amount of \$11,107.47 be approved for performance by 4 Clean Up, Inc., PO Box 5098, North Bergen, NJ 07047.

Resolution 18-111

OVERPAYMENT

BE IT RESOLVED by the Council of the Borough of Allendale that the Tax Collector is hereby authorized to issue the following checks on the properties listed below and charge same to Overpayment of 2017/2018 Taxes:

Block/ Lot	Name	Property Location	Amount
<u>2018</u>			
2101/1.801	Agnese, Ronald & Toni Anne 801 Whitney Lane Allendale, NJ 07401	801 Whitney Lane	\$2,610.03
<u>2017</u>			
301/43	Wells Fargo R/E Tax Service Attn: Financial Support Unit MAC F2302-035 1 Home Campus Des Moines, IA 50328-0001	76 Farley Place	\$2,855.42
404/8	United Land Title Agency 600 Sylvan Avenue, Suite 102 Englewood Cliffs, NJ 07632	74 Heights Rd	\$6,440.59
507/6	Frenkel, Susan &	190 E Crescent Ave	\$31.57

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Cervetti, William
 190 E Crescent Avenue
 Allendale, NJ 07401

511/11	Hurst, Roy & Karen 90 E Crescent Avenue Allendale, NJ 07401	90 E Crescent Ave	\$92.04
701/15	Luo, Jian 316 E Allendale Avenue Allendale, NJ 0401	316 E Allendale Ave	\$3,432.00
1404/6	Bellissimo, Richard & Shenoy, Shwetha 31 Stonefence Road Allendale, NJ 07401	31 Stonefence Rd	\$238.41
1803/4	Vellek, Timothy & Cheryll 6814 Canwick Cove Circle Naples, FL 34113	32 Powell Road	\$3,905.51
1809/8 C0094	Chi, Younsun 15 Rio Vista Drive Allendale, NJ 07401	94 Elm St	\$2,518.39
1809/14 C0012	Suburban Title & Abstract, Inc 18 Railroad Avenue, Suite 104 Rochelle Park, NJ 07662	12 Allison Court	\$2,676.41
1901/6	Telesmanich, James & Jessica 126 E Orchard Street Allendale, NJ 07401	126 E Orchard St	\$377.41
1905/4	Singh, Sapan Deep Swaranjeet & Karina 12 Crescent Bend Allendale, NJ 07401	12 Crescent Bend	\$17.56
2009/2	First Jersey Title Services, Inc PO Box 2525 25-00 Broadway Fair Lawn, NJ 07410	35 Elmwood Ave	\$2,995.53
2101/1.1204	Kim, Chang Sik & Shin, Soon Y 1204 Whitney Lane Allendale, NJ 07401	1204 Whitney Lane	\$507.78

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2101/1.2304	Wells Fargo R/E Tax Service 1 Home Campus MAC F2302-04D Des Moines, IA 50328	2304 Freeman Way	\$2,159.84
2103/12	Gill, Kanwar & Klemchalk, Jennifer 3 Erolld Court Allendale, NJ 07401	3 Erolld Court	\$111.59
2201/12	5 Oakwood Road LLC 70 Grand Avenue, Suite 102 River Edge, NJ 07661	5 Oakwood Rd	\$5,436.37

2017 TOTAL \$33,796.42

Resolution 18-112

WHEREAS, via Resolution #18-102, the Mayor and Council of the Borough of Allendale waived the requirement to obtain a tree permit to remove trees due to storm related damage as a result of Winter Storm Quinn.

WHEREAS, the Mayor and Council wish extend the date to waive said requirement to April 30, 2018.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Allendale that the requirement to obtain a tree permit to remove trees due to storm related damage is hereby waived until April 30, 2018.

Resolution 18-113

Approval of 2018 Memorial Day Parade

Be It Resolved by the Mayor and Borough Council of the Borough of Allendale, County of Bergen, State of New Jersey that is does hereby grant permission to the Veterans of Foreign Wars Post 10181 to conduct the annual Memorial Day Parade on Monday, May 28, 2018 at 9:30 a.m.

Resolution 18-114

**AUTHORIZE AN EXTENSION AGREEMENT WITH
165 W. CRESCENT AVE, LLC**

WHEREAS, in or about December 2015, the Borough of Allendale (“Borough”) and 165 W. Crescent Ave, LLC (the “Developer”) entered into an agreement (the “Agreement”) regarding the proposed development by the Developer of certain property (the “Property”) more particularly described in the Agreement; and

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WHEREAS, more than two (2) years have elapsed since the Agreement was entered into by the Borough and the Developer; and

WHEREAS, the Developer has agreed to complete all work contemplated by the Agreement on or before June 15, 2018; and

WHEREAS, the Developer has agreed to obtain, on or before commencement of any further work contemplated by the Agreement, a Certificate of Liability Insurance naming the Borough as an additional insured by April 16, 2018; and

WHEREAS, the scope of insurance coverage shall be the same as that set forth in the Certificate of Liability Insurance issued to MMC Construction LLC on July 31, 2017, and shall expire no earlier than June 30, 2018; and

WHEREAS, the Borough desires to enter into an Extension Agreement with the Developer in the form attached hereto, memorializing the foregoing;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body that it does hereby consent to the foregoing Extension Agreement and the Mayor is hereby authorized to execute the form of Extension Agreement attached hereto, the terms of which are incorporated by reference herein.

Unfinished Business:

There was no unfinished business.

New Business:

There was no new business.

Council Committee Reports and Comments

Councilman Strauch – Land Use and Construction Code

Councilman Strauch reported that the Land Use and Construction Code Committee meeting has been rescheduled to April 17th. He advised that he will have a detailed report at the next meeting.

He attended the last registration meeting of the Allendale Volunteer Goose Patrol earlier this evening. Two applicants were failed but will be given the opportunity to attend training and reapply. The president, John Merchant, learned that other towns which include Woodcliff Lake and Ridgewood would like to emulate the patrol. They will be invited to attend the vest distribution. Councilman Strauch requested that Mayor White send an invitation to the Northwest Bergen Mayors' group as well.

Mayor White commented that the Allendale Volunteer Goose Patrol has saved the Borough countless dollars and they keep the fields immaculate. Councilman Strauch advised that the vest color is coordinated to match the color of the compost permit in order to easily identify active members. Mayor White then announced that the compost area is now open on Saturdays and Sundays and permits are on sale for \$30.

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Staff Reports:

Ray Wiss, Municipal Attorney, advised that he has been actively involved with Bond Counsel and the Borough's financial advisor with respect to the public offering statement.

Anne Dodd, Municipal Clerk, provided an update on OPRA requests and advised that 16 requests have been received so far this month and 134 requests have been received to date this year. Crestwood Lake registration is scheduled to begin on Monday, April 23rd. The last day to register to vote for the Primary Election is May 15th and the Borough Clerk's office will be open until 9 p.m. this evening for Late Night Voter Registration. A late night for Crestwood Lake photos will be held on the same evening. Her office has also been busy issuing compost permits and garage sale licenses.

Mayor White thanked Mr. Kistner for his efforts during Winter Storm Quinn. She noted that he worked 48 hours straight and commented that the Borough could not have managed without him.

Ron Kistner, Director of Operations, reported that the fields are being prepared for sports and it is going well. The turf blankets were removed and grass grew well in most areas. Trees are being trimmed at the fields. The lake should begin to be filled tomorrow.

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 O'Connell, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:28 p.m.

Respectfully submitted,

Anne Dodd, RMC
Municipal Clerk