

Mayor and Council of the Borough of Allendale  
Regular Session Meeting Minutes  
June 28, 2018

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

ABSENT: None.

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 June 28, 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 Bernstein, that the Minutes of June 14, 2018 Work Session and June 14, 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:	aye	Councilwoman Wilczynski:	aye

***Public Comment***

No one came forward.

***Introduction of Ordinances***

Councilwoman Homan explained that the purpose of Ordinance 18-17 is to clearly delineate where the owner's responsibility lies with respect to the water line as well as the requirements of the resident when there is a new installation, repair, replacement, and/or renewal of the water line.

Motion by Councilwoman Homan that the following ordinance be introduced and passed on first reading and setting July 12, 2018 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 Councilman O'Connell.

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

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ORDINANCE 18-17 – AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF ALLENDALE, WATER SUPPLY, CHAPTER 262-9 AND CHAPTER 262-18

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:	aye	Councilwoman Wilczynski:	aye

(See Ordinance 18-17, attached and made a part hereof.)

**Resolutions**

**18-168/Designate Area in Need of Redevelopment – Block 1005 Lot 3 & 20 – W. Crescent Avenue**

Motion by Councilman Bernstein, second by Councilwoman Wilczynski, that Resolution #18-168 be 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:	aye	Councilwoman Wilczynski:	aye

**Resolution 18-168**

RESOLUTION DESIGNATING A PORTION OF ALLENDALE BOROUGH, ALONG W. CRESCENT AVENUE IN BLOCK 1005 AS AN AREA IN NEED OF REDEVELOPMENT

WHEREAS, on April 26, 2018 the Borough Council of the Borough of Allendale adopted a resolution, a copy of which is attached hereto, authorizing the Allendale Land Use Board to undertake a preliminary investigation to determine whether the properties in a proposed redevelopment area, which is located along W. Crescent Avenue, is a redevelopment area in accordance with the criteria set forth in the New Jersey Local Redevelopment and Housing Law (N.J.S.A 40A:12A-1 et seq.); and

WHEREAS, the primary objectives of the Borough of Allendale redevelopment effort is to: 1) improve property conditions in the Borough; 2) improve the quality of life of Borough residents especially those residents living in the vicinity of the property under consideration; and 3) improve the economic foundation of the Borough so that long-term property tax stability is realized by all Allendale taxpayers; and

WHEREAS, the Local Redevelopment and Housing Law (LRHL) allows for the substantial improvement to properties included in an area in need of redevelopment resulting in capital investment and the turnaround or rearrangement of properties that are either unused, underutilized, fragmented, or deteriorated; and

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WHEREAS, the Allendale Land Use Board has investigated and discussed the issue of redevelopment and the process of investigating an area in need of redevelopment. This investigation included a review of the criteria set forth in the LRHL (N.J.S.A. 40A:12A-5) to determine if the area of Allendale, specifically Block 1005, Lot 3 and Lot 20 qualify as an area in need of redevelopment; and

WHEREAS, the Allendale Land Use Board considered the evidence supplied by the economic and land use consultants, Benecke Economics, who conducted a study of the proposed potential redevelopment area and make a recommendation as to whether the area identified by the Council satisfies the criteria of the LRHL, the Borough Council also made available professional services to assist the LUB in the redevelopment process and understanding the issues respecting this proposed potential redevelopment area; and

WHEREAS, the Allendale Land Use Board conducted a public hearing on June 20, 2018 pursuant to the LRHL and following publication and wide distribution of a notice of hearing and following the preparation of a map of the potential area in need of redevelopment; and

WHEREAS, the Land Use Board considered the Redevelopment Investigation Report, dated June 12, 2018, prepared by Benecke Economics, said report having been provided to the property owners and made available to the general public; and

WHEREAS, the Allendale Land Use Board has adopted a Resolution finding that the area referenced herein qualifies under N.J.S.A. 40A:12A-1 et seq. as an area in need of redevelopment; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Allendale that, based upon the findings and recommendation of the Allendale Land Use Board and recognizing the diligent work of the Board, the properties at Block 1005, Lot 3 and Lot 20 are hereby declared to be in need of redevelopment.

BE IT FURTHER RESOLVED that these aforesaid properties are hereby designated as an area in need of redevelopment pursuant to the provisions of N.J.S.A. 40A:12A-1 et seq., and as such shall be included in the w. Crescent Avenue Redevelopment Area upon adoption of an ordinance enabling such inclusion of these properties thereto.

BE IT FURTHER RESOLVED that the Borough Council will NOT be authorizing the use of eminent domain condemnation regarding this matter.

**18-169/Endorse Third Round Housing Element & Fair Share Plan**

Motion by Councilman Strauch, second by Councilwoman Wilczynski, that Resolution #18-169 be approved.

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

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Councilman Bernstein:	aye	Councilman Sasso:	aye
Councilwoman Homan:	aye	Councilman Strauch:	aye
Councilman O'Connell:	aye	Councilwoman Wilczynski:	aye

**Resolution 18-169**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF ALLENDALE ENDORSING  
A THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, the Joint Land Use Board of the Borough of Allendale, Bergen County, State of New Jersey ("Joint Land Use Board") adopted a Housing Element and Fair Share Plan on December 29, 2008 pursuant to N.J.S.A. 40:55D- 28 and N.J.A.C. 5:96 and 5:97; and

**WHEREAS**, the Borough Council endorsed the 2008 Plan on December 29, 2008; and petitioned the Council on Affordable Housing ("COAH") for Third Round substantive certification on December 31, 2008; and

**WHEREAS**, on October 14, 2009, COAH granted the Borough Third Round substantive certification; and

**WHEREAS**, on April 15, 2010, the Borough adopted an amended Third Round Plan to increase the number of affordable housing units generated at the Crescent Commons site; and

**WHEREAS**, although the Borough petitioned COAH on May 7, 2010 with its amended Third Round Plan, COAH failed to act on the plan amendment prior to the Appellate Division's 2010 invalidation of COAH's Growth Share regulations; and

**WHEREAS**, on October 8, 2010 the New Jersey Supreme Court invalidated COAH's Third Round rules and ordered COAH to adopt new rules based upon its Prior Round rules and methodologies (see In re Adoption of N.J.A.C. 5:96 and 5:97, 215 N.J. 578 (2013)); and

**WHEREAS**, COAH failed to adopt new rules, and on March 10, 2015, the Supreme Court transferred responsibility to review and approve housing elements and fair share plans from COAH to designated Mount Laurel trial judges within the Superior Court; and

**WHEREAS**, on July 7, 2015, the Borough submitted a Declaratory Judgment Action to the New Jersey Superior Court; and

**WHEREAS**, on January 10, 2018, the Honorable Menelaos W. Toskos, J.S.C., issued a Court Order approving a Settlement Agreement between the Borough and Fair Share Housing Center that established the Borough's fair share obligation, granted a vacant land adjustment of the Borough's Third Round obligation, and preliminarily approved the Borough's compliance mechanisms; and

**WHEREAS**, the Borough's and Joint Land Use Board's consultants Mary Beth Lonergan, PP, AICP, and Daniel Hauben, PP, AICP, of Clarke Caton Hintz, PC, have prepared a Third Round Housing Element and Fair Share Plan; and

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**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Joint Land Use Board held a public hearing on the Housing Element and Fair Share Plan and adopted the Plan on June 20, 2018; and

**WHEREAS**, COAH's Prior Round rules at N.J.A.C. 5:91-2.2(a), requires that the Borough Council endorse the Third Round Housing Element and Fair Share Plan adopted by the Joint Land Use Board.

**NOW THEREFORE, BE IT RESOLVED** the Borough Council of the Borough of Allendale, Bergen County, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the Joint Land Use Board on June 20, 2018.

Mayor White congratulated the governing body as a lot of work has gone into both Resolution #18-168 and #18-169. She expressed her belief that Allendale will be protected for years to come.

***Consent Agenda***

- A. **18-170**/Approval of Bill List
- B. **18-171**/Approve Adjustment – 2018 Crestwood Lake Membership
- C. **18-172**/Amend Resolution #18-149 – Correct Licensee Name – Plenary Retail Distribution License #0201-44-004-004
- D. **18-173**/Authorize Change Order No. 1 – Firehouse Parking Lot Resurfacing
- E. **18-174**/Award Contract – Purchase of John Deere Wheel Loader Model #544Kll
- F. **18-175**/Authorize Liquor License Renewals – 2018-2019 Term
- G. **18-176**/Appoint Land Use Administrator

Motion by Councilman Sasso, second by Councilwoman Wilczynski, 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:	aye	Councilwoman Wilczynski:	aye

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

**Resolution 18-170**

**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 28, 2018 in the amounts of:

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Current Fund	\$2,080,065.70
Payroll Account	\$426,972.46
General Capital	\$46,247.96
Animal Fund	\$0.00
Grant Fund	\$0.00
COAH/Housing Trust	\$0.00
Improvement & Beautification	\$640.00
Unemployment Fund	\$0.00
Trust Fund	\$642.60
Water Operating	\$93,813.45
Water Capital	\$1,412.88
<b>Total</b>	<b>\$2,649,795.05</b>

**Resolution 18-171**

**Financial Hardship Discounts for 2018 Season Crestwood Lake Membership**

**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 a discount for Family Membership at Crestwood Lake for the 2018 Season to the following families for financial hardship reasons:

1. The Koudinov Family  
64 Bonnie Way  
Allendale, New Jersey 07401  
Membership Account Number: 918735  
Family Resident Rates (after May 29<sup>th</sup>): \$490.00  
Discount: One Hundred (100%) Percent
2. The Weil Family  
57 Ivers Road  
Allendale, New Jersey 07401  
Membership Account Number: 241885  
Family Resident Rates (after May 29<sup>th</sup>): \$360.00  
Discount: \$145.00

**Resolution 18-172**

**Whereas**, via Resolution #18-149, Plenary Retail Distribution License #0201-44-004-004 was renewed for the 2018-2019 licensing term; and,

**Whereas**, the Licensee name was incorrectly listed as the previous owner, Thrift Drug, Inc. t/a Rite Aid #10404.

**Now, Therefore, Be It Resolved** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that Resolution #18-149 be amended to read:

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PLENARY RETAIL DISTRIBUTION LICENSES - \$2,500.00

<u>LICENSE#</u>	<u>LICENSEE</u>	<u>LICENSED PREMISES</u>
0201-44-004-004	Walgreens Eastern Co., Inc. t/a Rite Aid #10404	44 West Allendale Avenue Allendale, NJ 07401

**Resolution 18-173**

Change Order Number One – Firehouse Parking Lot Resurfacing

**Whereas**, the Borough Engineer has requested that certain changes are needed in the Firehouse Parking Lot Resurfacing contract; and

**Whereas**, a net decrease of \$6,968.80 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 \$6,968.80, a 16.55% decrease in the original contracted amount, be approved for the Firehouse Parking Lot Resurfacing, resulting in a new contract amount of \$35,131.20.

**Be It Further Resolved** that Change Order Number One in the decreased amount of \$35,131.20 be approved for performance by American Asphalt & Milling Service, LLC, 96 Midland Avenue, Kearny, NJ 07032.

**Resolution 18-174**

Award of Contract to Jesco Inc. – John Deere Wheel Loader Model #544Kll

**Whereas**, the Borough of Allendale is and remains a bona-fide member of the National Joint Powers Alliance Cooperative Purchasing System (NJPA); and,

**Whereas**, the Borough has approved and advertised a “Notice of Intent to Award” under a National Cooperative Pricing System pursuant to Local Finance Notice 2012-10; and,

**Whereas**, a cost-benefit analysis has been executed by the Borough’s Finance Committee and Public Works Committee; and,

**Whereas**, the funding for such expenditure is now in place and the Borough wishes to move forward with acquiring a John Deere Wheel Loader Model #544Kll.

**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 awards a contract through NJJPA to Jesco Inc. for a John Deere Wheel Loader Model #544Kll in the amount of \$188,744.17 pursuant to contract 032515-JDC and quotation prepared on January 22, 2018.

Renewal of ABC Liquor Licenses for 2018-2019

**Whereas**, all Plenary Retail Consumption, Retail Distribution, Limited Distribution and Club Licenses will expire on June 30, 2018; 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, 2019, 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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**Appointment of Full-Time Land Use Administrator**

**Whereas**, a need for a full-time Land Use Administrator in the Borough of Allendale exists;

**Now, Therefore Be It Resolved** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that Linda Garofalo is hereby appointed as full-time Land Use Administrator effective July 2, 2018 at an annual salary of \$40,000.00; and

**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.

***Unfinished Business:***

There was no unfinished business.

***New Business:***

There was no new business.

***Council Committee Reports and Comments***

**Councilman O'Connell – Public Works**

Councilman O'Connell thanked Mayor White for all of her efforts with respect to COAH. He advised that the generators at the Fire Department, DPW, and Police Department as well as all fire extinguishers and defibrillators throughout the Borough have been inspected and serviced as

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needed to ensure all are in working condition. He expressed appreciation to the DPW for their work with the Holiday Observers to prepare for the July 4<sup>th</sup> celebration.

**Councilman Sasso** – Public Safety

Councilman Sasso advised that the Public Safety Committee met last Friday. The new dispatcher is completing her training and the police interns have started. Councilman Sasso reviewed the various training programs in which the police officers have participated and noted that there were a few arrests which occurred recently. He explained that Chief Scherb has expressed interest in considering the possibility of a “no-knock” ordinance in order to address safety and quality of life concerns. This issue will also be looked at in the Land Use and Construction Code Committee.

Mayor White explained that Chief Scherb raised this issue as part of a broader discussion that was had at the Bergen County Chiefs Association level.

**Councilman Bernstein** – Administration, Finance and Human Resources

Councilman Bernstein reported that the Administration, Finance and Human Resources Committee is currently in the process of rescheduling this past Tuesday’s meeting as there were scheduling conflicts. He requested that all committees continually monitor the monthly budget numbers to ensure that they are in line with the budgeted amounts. There will be a Department Head meeting tomorrow and the budget will be one of the items discussed. The committee is looking at the potential legislation pertaining to paid sick leave and how it will impact Allendale. Legislation regarding SALT deductions also continues to be monitored. Accuscan has started to scan Borough records that had been stored at the Water Department and will be destroying those records that no longer need to be retained as per the records retention schedule. Councilman Bernstein noted that those records which pertain to a block and lot will be uploaded to the Borough’s municipal management software so that the records can be easily stored and retrieved. A day will be coordinated for Accuscan to begin working on the records that are stored at the archives in the Police Department. The departments continue to work together to fulfill the many OPRA requests that are being received.

**Councilwoman Wilczynski** – Facilities, Parks and Recreation

Councilwoman Wilczynski advised that the Crestwood Lake season is going well. The last movie night was canceled and will possibly be rescheduled for July 3<sup>rd</sup>. New ladders have been installed at Crestwood. The new dugouts have been ordered for Field 2 and installation is anticipated to take place in August. The June monthly street sweeping will be completed tomorrow. Councilwoman Wilczynski advised that she attended the Allendale/Saddle River Rotary installation dinner. She noted that this group is looking to become more involved with the community, and in order to help fulfill its mission statement of providing the community with educational and cultural resources, the organization has contributed \$5,000 to the purchase of the band shell.

**Councilwoman Homan** – Water, Sewer and Public Utilities

Councilwoman Homan advised that the Water, Sewer and Public Utilities Committee is currently looking at cross connections and considering recommending an ordinance to require an annual inspection of these connections. She advised that she is in the process of completing the online storm management training. The Biscayne Water Tank was inspected this past Monday. The 2017 Water Consumer Confidence Report has been issued by Suez and is available on the Borough

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website. The next Water, Sewer and Public Utilities Committee is scheduled on July 17<sup>th</sup>. The operation and management agreement has been sent to Suez and it is hoped that the agreement will be received back from Suez on Friday.

**Councilman Strauch – Land Use and Construction Code**

Councilman Strauch reported Land Use and Construction Code Committee met on June 14<sup>th</sup>. The committee is working to address an ATM which is operational although the bank is no longer located at this site.

Mayor White noted that the application pertaining to this ATM will be coming before the Land Use Board in July.

Councilman Strauch advised that they are continuing to address property maintenance issues in town. They are also continuing review of the sign ordinance as well as deciding how to address the legalization of marijuana should it occur. The next Land Use and Construction Code Committee meeting is scheduled on July 13<sup>th</sup>.

**Mayor's Report:**

Mayor White reminded everyone that the 4<sup>th</sup> of July celebration is coming up next week. She expressed sincere thanks to the Holiday Observers for another amazing year as this group heads into its 100<sup>th</sup> anniversary year.

**Staff Reports:**

Ray Wiss, Municipal Attorney, reported that he has been addressing contract and zoning matters as well as property maintenance issues. He noted that time was spent in working to achieve full compliance with the affordable housing plan as well as working with Mr. Benecke on the redevelopment plan. He explained that there are challenges taking place throughout the State in trying to create the delicate balance between first amendment rights and rights to privacy and security with respect to solicitation ordinances.

Mayor White congratulated Mr. Kistner as the property on Edgewood which had been an issue in terms of property maintenance for many years is currently on the market.

Anne Dodd, Municipal Clerk, advised that 36 OPRA requests have been received so far this month and 231 requests have been received to date this year.

There was discussion among the governing body members regarding the amount of time, effort, and taxpayer dollars that are spent in responding to these requests. It was noted that although the spirit of OPRA is well-taken, the work that goes into fulfilling these requests is not taken into consideration.

Ms. Dodd reported that her office has also been busy with issuing compost permits, garage sales permits, and handling Crestwood Lake registrations.

**Public Comment on any issue:**

No one came forward.

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***Adjournment:***

There being no further business to come before the Mayor and Council, on a motion Councilman Strauch, second by Councilwoman Homan, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Anne Dodd, RMC  
Municipal Clerk