

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
August 9, 2018

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

ABSENT: Councilmembers Liz Homan and Jim Strauch

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 August 9, 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 O’Connell, second by Councilman Bernstein, that the Minutes of July 26, 2018 Work Session, July 26, 2018 Regular Session and July 26, 2018 Closed Executive Session (not to be released) are approved.

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

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

Public Comment:

No one came forward.

Consent Agenda

- A. **18-195**/Approval of Bill List
- B. **18-196**/Authorize Second Amendment – Operation & Maintenance Agreement – Suez Water Operations, Inc.
- C. **18-197**/Approve Town Wide Garage Sale – Allendale Woman’s Club
- D. **18-198**/Authorize Tax Appeal Settlement – Morrison v. Borough of Allendale
- E. **18-199**/Authorize Refund – Crestwood Lake Membership Fees
- F. **18-200**/Authorize Refunds – Overpayment of 2017 Taxes
- G. **18-201**/Waive Requirement for Vendor Signature on Specified Purchase Orders
- H. **18-202**/Appoint Acting Plumbing Subcode Official

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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:	absent	Councilman Strauch:	absent
Councilman O'Connell:	aye	Councilwoman Wilczynski:	aye

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

Resolution 18-195

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 August 9, 2018 in the amounts of:

Current Fund	\$2,421,002.37
Payroll Account	\$270,631.21
General Capital	\$18,531.80
Animal Fund	\$0.00
Grant Fund	\$1,770.00
COAH/Housing Trust	\$1,937.50
Improvement & Beautification	\$1,000.00
Unemployment Fund	\$0.00
Trust Fund	\$0.00
Water Operating	\$0.00
Water Capital	\$0.00
Total	\$2,714,872.88

Resolution 18-196

WHEREAS, the Borough of Allendale (“Owner”) and Suez Water Operations, Inc., (“Company”) entered into a certain Operation and Maintenance Agreement (the “Original Agreement”) as of August 1, 2013 for the operation and management of Allendale’s water system; and

WHEREAS, said Original Agreement was amended by a certain First Amendment To Agreement dated, October 1, 2014; and

WHEREAS, the Agreement as amended by the foresaid First Amendment (herein collectively referred to as the “Agreement”) is set to expire on July 31, 2018; and

WHEREAS, Owner and Company wish to extend said Agreement pursuant to the additional terms and conditions set forth in this amendment (hereinafter the “Second Amendment”) to the agreement.

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NOW, THEREFORE, BE IT RESOLVED by the Governing Body that the Second Amendment substantially in the form currently on file with the office of the Municipal Clerk is authorized; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are authorized to execute said Second Amendment following legal review.

Resolution 18-197

Approval of Town Wide Garage Sale

Be It Resolved that the Annual Town Wide Garage Sale to be held on September 22, 2018, with a rain date of September 23, 2018, by the Allendale Woman's Club is hereby approved.

Be It Further Resolved that the Allendale Women's Club will comply with the Borough's requirements for insurance and hold harmless approval.

Resolution 18-198

Laurie Morrison v. Allendale Tax Appeal Settlement

WHEREAS, the tax payer, Laurie Morrison, appealed the assessment levied on Block 2003, Lot 6 for the tax year 2018; and

WHEREAS, the subject property is located at 73 Franklin Turnpike; and

WHEREAS, the Plaintiff, who is an attorney, represented herself in this matter; and

WHEREAS, the Assessor has agreed to compromise the appeal as follows: the 2018 Assessed Value will be reduced from \$1,006,900 to \$805,000.

WHEREAS, there are sufficient funds available in the reserve for tax appeals account to satisfy the 2018 tax refund; and

WHEREAS, the assessor is of the opinion that the valuation of the subject property is consistent with true value of the property.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that:

The proposed settlement for the tax appeal encaptioned Laurie Morrison v. Borough of Allendale as hereinbefore set forth is approved and the Borough Tax Attorney or a member of his firm is authorized to execute all documents necessary to effectuate its terms.

Resolution 18-199

Crestwood Lake Membership Fee Adjustments

Whereas, the Crestwood Lake members listed below have been found to have overpaid their 2018 Season Crestwood Lake membership fees by the amount shown; and

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Whereas, said adjustments are in accordance with fees authorized on Resolution #18-128.

Now, Therefore, Be It Resolved by the Council of the Borough of Allendale that said adjustments be granted, with a refund, to the following Crestwood Lake members for the reasons stated:

Name/Address	Crestwood ID Number	Amount
Lauren Daloisio 98 Bonnie Way Allendale, NJ 07401 Reason: Paid \$100.00 on 07/02/18 for Teen Membership, but should have registered for Additional Family Membership Resident Rate of \$65.00.	230237	\$35.00

Resolution 18-200

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
402/7	Mortgage Connect Attn: Julianne Bower 260 Airside Drive Coraopolis, PA 15108	15 Crescent Place	\$2,584.85
801/31.16	Hurst, Stephen & Clare 16 Fox Run Allendale, NJ 07401	16 Fox Run	\$208.61

Resolution 18-201

Whereas, per N.J.A.C. 5:30-9A.6 and 5:31-4.1 the Borough of Allendale is not requiring vendors to sign the "Claimant's Certification and Declaration" on purchase orders except for the following:

- 1) Employee reimbursements and services by other individuals.

Whereas, the Borough shall have the discretion to require vendor or claimant certification as the Borough deems necessary and appropriate.

Now, Therefore, be it resolved, by the Mayor and Council of the Borough of Allendale that this regulation becomes effective August 10, 2018.

WHEREAS, there currently exists a vacancy in the Office of Plumbing Sub-Code Official for the Borough of Allendale;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body that it does hereby appoint David Nizborski as Acting Plumbing Subcode Official on a part time basis for an average of six (6) hours per week with an hourly rate of \$35.00; and

BE IT FURTHER RESOLVED, that the appointment is effective as of July 31, 2018 and shall expire on September 31, 2018.

Unfinished Business:

There was no unfinished business.

New Business:

There was no new business.

Council Committee Reports and Comments

Councilwoman Wilczynski – Facilities, Parks and Recreation

Councilwoman Wilczynski commented that the USRA Coalition's National Night Out was a great event and a great use of the grant that was received. She expressed her gratitude to Dan Richards and Rich McDowell of the DPW for taking such good care of the lake. She noted that the events are going well and Sunday with Sinatra is scheduled this Sunday. She advised that she is beginning to plan the 9/11 Ceremony and thanked Councilman Sasso and Mayor White for their assistance. The guest speaker will be a survivor who was rescued from under the rubble. The Girl Scouts will be reading the timeline and a program with the high school is being discussed to allow this tradition to carry on in perpetuity.

Councilman O'Connell – Public Works

Councilman O'Connell reported that the water quality at Crestwood Lake is tested weekly by an independent company and there have been no issues detected. The monthly street sweeping began today and will be completed by early next week. Councilman O'Connell thanked the DPW employees for their role in National Night Out.

Councilman Sasso – Public Safety

Councilman Sasso expressed gratitude to the 100% volunteer Allendale Fire Department. He advised that the new ladder truck is operational and the old ladder truck will be auctioned. The next Public Safety Committee meeting is scheduled on August 23rd at 7:30 a.m. He reminded residents not to leave their key fobs in their vehicles. He advised that the Allendale Police Department assisted in an arrest of 3 individuals for thefts involving Allendale. There was also one DWI arrest. A new outreach program is being piloted by the Allendale Police Department and the first podcast took place on August 6th.

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Councilman Sasso asked that anyone who has Land Use concerns to contact him. Mayor White noted that the Property Maintenance Officer will begin to address overgrowth on corners as it obstructs the view of motorists.

Ron Kistner, Administrative Officer/Director of Operations, advised that he will be meeting with the Property Maintenance Officer tomorrow morning and they will begin to address this issue.

Councilman Bernstein – Administration, Finance and Human Resources

Councilman Bernstein reported that it is the Summer Intern's last day tomorrow. He noted that Kate Callaghan has been a tremendous help to the Borough, assisting various departments as needed. She was tasked with following up on a list of approximately 200 dogs who had not yet been licensed. Due to her efforts, 55 dogs were registered and a number were removed from the system as they no longer reside in Allendale. She also assisted the Municipal Clerk with OPRA requests, spending approximately 15 hours in the past two weeks helping to gather and copy the responsive documents. The Borough is in the process of switching its municipal management software to GovPilot. This company will be demonstrating the program in September for Borough staff and governing body members. Accuscan has been working on scanning and destroying the documents located at the Water Department. Once this step is complete, they will begin to work on the records located at the archives in the Police Department. Councilman Bernstein advised that 8 other towns have received their tax rate, and of those, Allendale's tax rate is lower than Midland Park, Ramsey, Upper Saddle River, and Waldwick. He expressed that, given the level of services that are provided in Allendale, this accomplishment is noteworthy.

Mayor's Report

Mayor White advised that the National Night Out was held in partnership with Upper Saddle River through the use of the \$150,000 drug-free mentoring grant. Although the weather did not cooperate, she noted that it was a great event. She thanked Chief Scherb, Ron Kistner, the Police Chiefs from Upper Saddle River, Ho-Ho-Kus, and Saddle River, and all of the first responders who participated.

Mayor White announced that Eastern Christian Children's Retreat will be moving forward with building at 200 West Crescent Avenue. As the current dwelling will be demolished, the Allendale Police and Fire Departments are being permitted to use this house for training.

The Carole King Band played this past Saturday night and Mayor White commented that it was a great performance.

The Allendale Volunteer Ambulance Corps Fund Drive is starting. Mayor White noted that, as this organization is volunteer, financial support is needed and asked that residents donate to the extent that they are able.

The paving of Donnybrook Drive will begin this week, with milling and paving anticipated to be completed prior to the start of the school year. Mayor White advised that this project is being partially funded through a NJ DOT grant in the amount of \$155,000. She explained that the first of this project was delayed as they had been awaiting notification on a second grant which the Borough has learned was not approved.

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The concrete work has begun with respect to the 2018 Paving Program and milling and paving is anticipated to be completed over the next couple of weeks. A SwiftReach notification was sent this evening to update residents on the status of paving as well as to provide a status on the W. Crescent Avenue Culvert Repairs.

Mr. Kistner announced that 55 to 60 homes will be affected tomorrow morning as the water valve will need to be turned off. All residents who will be affected have been notified.

Staff Reports:

Ray Wiss, Municipal Attorney, advised that he has been involved in contract review matters as well as personnel matters and land use matters. He has also been working on the implementation of the Borough's low- and moderate-income housing plan and issues relating to 220 and 230 West Crescent Avenue. He noted that there was also a lot of review between the Municipal Clerk and his office on OPRA matters.

Anne Dodd, Municipal Clerk, reported that she has received 24 OPRA requests since the last Council meeting, 17 of which have been received to date this month and a total of 289 requests have been received to date this year. As a comparison, she advised that a total of 295 requests were received in all of last year. Over the time since the last Council meeting, she advised that she has spent approximately 45 hours on OPRA requests as she was working on gathering the documents and responding to three comprehensive requests. These requests also involved spending time working with the Borough Attorney's office. In addition to her time, she reported that the Summer Intern and Administrative Assistant in her office also collectively spent 25 hours assisting her with OPRA requests, making the total cost for her office's time, based upon the respective hourly rates, to be approximately \$3,000.

Councilman Bernstein inquired whether the time spent on OPRA prevented Ms. Dodd from completing other tasks.

Ms. Dodd remarked that she is finding it difficult to get to her other responsibilities, noting that she worked on the minutes at home in order to get them completed for approval at this meeting.

Mayor White commented that she had requested that Ms. Dodd bring paperwork tonight to serve as a visual of what is entailed in responding to OPRA requests. She explained that these documents are responsive to only part of one request entailing 14 different parts, noting that this pile is approximately 12 inches tall.

Councilwoman Wilczynski expressed that, for a small town like Allendale, this large number of requests is crippling as they do not have the staff to handle them.

Public Comment on any issue:

Sarah Dunlavy, 190 Brookside Avenue, asked for an explanation of OPRA.

Mayor White explained that OPRA stands for Open Public Records Act and these requests are for copies of government records. She expressed that the governing body would prefer that residents contact them or come to Mayor and Council meetings to ask questions rather than submitting these requests. She noted that there are security and privacy concerns involved with OPRA as a lot of information has to be made available to the public. She commented that although the law is well-

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meaning, it is being used inappropriately.

Ms. Dunlavy inquired the reason for this increase and whether there are certain types of requests that are increasing.

Ms. Dodd advised that many requests are being submitted for solicitation purposes. She noted that there is no deterrent in the law for frivolous requests as when a document is requested to be delivered electronically, there is no cost associated with it, making the law easily abused.

With respect to the training drill scheduled to take place at 200 W. Crescent Avenue, Ms. Dunlavy requested that notification be provided to the public.

Chief Scherb agreed that notification to the residents will be provided.

Vince Barra, Mayor Emeritus, Ceely Court, expressed that he is saddened by the Black Millwork situation as he feels that it is destructive to Allendale. He noted that there is currently a Request for Proposals out to developers and it hurts Allendale when misinformation is put out to the public. He noted that, in previous elections, candidates ran on issues rather than falsehoods and distortions. He explained that he is present this evening to read his Letter to the Editor regarding the article that appeared in the Record, noting that it did not appear in the same edition of the Town Journal as the reprint of this article. He expressed his opinion that the residents need to start to act together as this property can be a real potential boom for the town. He then read the following letter into the record:

“Re: Allendale seeks redevelopment of Black Millwork site, 1 August 2018

As Mayor of Allendale from 2007 to 2014, I was proud of the way that we operated as a community. Residents might have disagreed on some issues but treated each other with respect and professionalism. Allendale has been the envy of our neighbors for our fiscal foresight and years of ZERO tax increases. Allendale has been recognized as a beacon of social progressiveness throughout the state for its Special Needs housing and the manner in which we discussed our political differences.

THIS IS NO LONGER THE CASE.

I was appalled to read the statements of Carolina Curbelo, Democratic candidate for Mayor and her Council running mates, Brian Murphy and Maureen Shaw. Their letter to the State Comptroller is filled with half-truths and outright falsehoods. Now their comments to The Record reporter Meghan Grant took it a step further. I was most distressed by Ms. Curbelo’s statement that the Black Millwork site had lead contamination and ‘never disclosed this (lead) to residents or told them of the cancer and other health risks involved.’ This is a totally fabricated and unsupported political diatribe. It is nothing more than fear mongering.

There is a small portion of tainted soil in a corner of the parking lot along the railroad tracks containing various heavy metals, including lead. This phenomenon was caused by pesticides applied many yeas ago by the railroad company along the tracks. ALL properties alongside railroad tracks have this tainted soil.

During my term as Mayor, another site was purchased for Special Needs housing (Crescent Commons) on West Crescent Avenue. That site borders the same tracks, and is a few hundred

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yards down the tracks from Black Millwork. The identical type of tainted soil was present and removed for less than \$25,000. It was considered the lowest level of contaminated soil. The Black Millwork site has even less tainted soil than the area at Crescent Commons, The State confirmed the removal of the soil. Consequently, the Crescent Commons site was certified safe for housing, and was fully funded by the state of New Jersey.

It is shameful that slanderous statements are being leveled against our Mayor and Council who volunteer hundreds of hours of their time. Their agenda is always to elevate Allendale, while others seem only interested in tarnishing its assets and reputation. Instead of being wrongfully criticized, the Mayor and Council should be commended for one of the most courageous and visionary actions in a generation.”

Mayor White thanked Mayor Barra for his assistance with the purchase this site, noting that she asked for his help as he and Councilman Strauch were instrumental in saving Orchard Commons and he was also instrumental in moving forward with Crescent Commons. She noted the personal time that he sacrificed to help the governing body with this acquisition.

He expressed that, although his first love is his wife, his second love is Allendale, and he is always willing to do whatever it takes to help this community.

Adjournment:

There being no further business to come before the Mayor and Council, on a motion by Councilwoman Wilczynski, second by Councilman Bernstein, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:49 p.m.

Respectfully submitted,

Anne Dodd, RMC
Municipal Clerk