

Mayor and Council of the Borough of Allendale  
Regular Session Meeting Minutes  
August 23, 2018

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

ABSENT: Councilmember 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 August 23, 2018. The meeting was called to order at 8:02 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 Bernstein, second by Councilman O'Connell, that the Minutes of August 9, 2018 Work Session and August 9, 2018 Regular Session are approved.

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

|                       |         |                          |         |
|-----------------------|---------|--------------------------|---------|
| Councilman Bernstein: | aye     | Councilman Sasso:        | aye     |
| Councilwoman Homan:   | abstain | Councilman Strauch:      | abstain |
| Councilman O'Connell: | aye     | Councilwoman Wilczynski: | absent  |

**Public Comment:**

Mark Savastano, 22 Vreeland Place, requested that Council provide a podium at which the public can stand during public comment. He noted that there is nothing to prevent the public from streaming or recording the meetings currently and expressed that he disagrees that video recording the meetings would curtail participation as he believes it would generate interest.

Councilman Bernstein commented that Mr. Savastano's opinion is valued and that the video recording may give a more complete picture.

Mr. Savastano stated that he feels the need to address the abusive rhetoric that he has witnessed with regard to the Black Millwork issue. He disclosed the fact that he is the Vice President of the Democratic Club of Allendale and noted that he has participated in many local groups all with the same goal of contributing to make a difference in the community. He expressed his opinion that something has gone wrong in this process which goes beyond the letter that was sent by Mr. Murphy, Ms. Shaw and Ms. Curbelo and the response by the Borough Attorney. He commented that those who have spoken out to denounce the letter sent to the State Comptroller have appealed to divisiveness and incited partisanship. He expressed his view that this letter has initiated a valuable discussion

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that would not have otherwise taken place and it has raised the consciousness of citizens who had no knowledge that this purchase had occurred. He believes that the governing body had a responsibility to publicly disclose the exact terms and process prior to the purchase having been made and to expect citizens to attend meetings in order to be fully informed is unfair. He commented that lack of press coverage of meetings has contributed to the lack of public awareness. He provided examples of past issues which received more public disclosure such as wildlife control, transfer of water maintenance to Suez, and the purchase of Crestwood Lake. He commented that the formation of the Vision Committee is not evidence of transparency as no valuable information from the meetings of this committee has been disclosed to public. He expressed his opinion that not enough information has been publicly disclosed regarding the RFP such as reports, plans, and effects on traffic and living conditions. He advised that he has always openly expressed appreciation to the Council for actions which they have taken and also expressed his nonpartisan opinions on controversial matters in a respectful manner. He commented that he is doing the same in this instance, noting that this issue is not partisan and should not be framed as such. He finished by requesting that the plans for this development and process by which it was obtained be presented in its entirety as a report to the public in a manner which fully discloses the intentions, perceived benefits, and costs.

Jacqueline McSwiggan, 70 Green Way, expressed her disappointment with the comments made by Mr. Savastano. She noted that her first thought when reading the letter sent to the State Comptroller is that it was a political action. She noted that, as this issue has been discussed at Council meetings and discussed by the press, the public was aware that this acquisition was taking place. She commented that the authors of the letter filed this complaint of legal misdeeds without asking questions or attempting to educate themselves. She expressed her opinion that this governing body has always worked together to make decisions that would benefit Allendale and has always been open to suggestions.

Steve Ashley, 100 Midwood Avenue, expressed his appreciation to Ron Kistner, Chief Scherb, and Officer Hillgarnder who assisted him in resolving an issue with his neighbor.

Aidan Feeley, 88 Woodland Avenue, advised that he is attending the meeting this evening as part of completing his Citizenship in the Community badge. He stated that he will be starting 11<sup>th</sup> grade this fall.

Councilman Bernstein stated that he takes great exception to many of Mr. Savastano's comments. He expressed his opinion that it is disingenuous to say that the letter sent to the State Comptroller was not politically motivated as it was written by the three candidates to seek a criminal investigation. He noted that there were significant misstatements of fact as there were numerous public meetings at which this matter was discussed which were cited in the Borough Attorney's letter with copies of the minutes of these meetings attached. He expressed that, although he usually tends to agree with Mr. Savastano when he presents common sense, nonpartisan opinions, he believes that tonight's comments are laden with partisanship.

Councilman Strauch explained that the acquisition of both Crestwood Lake and Orchard Park became a town effort as the governing body, at that time, was not initially in support of either purchase. He noted that there has been no public involvement in most of the land use issues with which he has been involved during his fifteen years on the Council despite the same level of notice to the public being provided. He agreed with Mr. Savastano that lack of newspaper coverage of meetings is an issue.

Mayor White stated that the Record featured a lengthy article on this acquisition which outlined the plans of the governing body prior to the purchase. This article was then featured in the Town Journal.

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She further noted that the meeting agendas are posted to the website prior to the meetings to allow residents to see what is being discussed by the governing body prior to the meeting. She advised that this issue was discussed over several meetings, giving residents many opportunities to learn more information on this issue.

Councilwoman Homan remarked that the Black Millwork acquisition is one of the Council actions for which she received feedback from residents. She advised that she is and always has been open to discussion with anyone who has questions or concerns. She noted that, when she read the letter, she did not feel that it was done in good faith, but felt that it was, instead, an attack on Allendale.

Mayor White expressed that someone's political affiliation is irrelevant to her and should be irrelevant in Allendale. She commented that this letter was an attack on the governing body, calling for an investigation without first attempting to obtain more information. She noted that this matter was discussed publicly at several meetings including budget meetings and the meetings at which the bond ordinances were introduced and adopted. She explained anyone who expressed an interest in serving on the Vision Committee prior to its formation was invited to become a member and political affiliation was a factor in this process. She commented that every member on this governing body cares about Allendale and wants to do what is best for this community. She expressed that it cannot be said this letter was not partisan as, within an hour of it being sent to the governing body, it appeared on a political website.

Councilman O'Connell stated that, as a member of the Vision Committee, the Mayor and Council members were always happy to answer any questions that he had. He expressed his opinion that one cannot claim that this letter is not political when the authors did not attempt to find out more information prior to sending it.

**Consent Agenda**

- A. **18-203**/Approval of Bill List
- B. **18-204**/Authorize Refunds per Lease Agreements
- C. **18-205**/Authorize Refund – Overpayment of 2018 Taxes – Block 2005 Lot 10
- D. **18-206**/Authorize Refund – Water Overpayment – Miller
- E. **18-207**/Authorize Extension Agreement – 165 W. Crescent Ave, LLC
- F. **18-208**/Authorize Water Bill Adjustment - Schroeter

Motion by Councilman Bernstein, 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: | aye | Councilwoman Wilczynski: | absent |

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

**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 23, 2018 in the amounts of:

|                              |                       |
|------------------------------|-----------------------|
| Current Fund                 | \$1,464,723.55        |
| Payroll Account              | \$186,870.92          |
| General Capital              | \$17,208.02           |
| Animal Fund                  | \$0.00                |
| Grant Fund                   | \$0.00                |
| COAH/Housing Trust           | \$6,633.22            |
| Improvement & Beautification | \$250.00              |
| Unemployment Fund            | \$938.00              |
| Trust Fund                   | \$867.18              |
| Water Operating              | \$111,112.82          |
| Water Capital                | \$8,289.62            |
| <b>Total</b>                 | <b>\$1,796,893.33</b> |

**REFUNDS PER LEASE AGREEMENTS**

BE IT RESOLVED by the Mayor and Council of the Borough of Allendale that the Chief Financial Officer is hereby authorized to issue the following checks in connection with the Lease Agreements pertaining to Intersection Improvements of Hillside and West Crescent Avenue as follows:

|   |          |
|---|----------|
| Block 1604 Lot 17 Merchant, John and Teresa     | \$540.71 |
| Block 1001 Lot 1 Thompson, James H. and Frances | \$521.88 |

**OVERPAYMENT OF TAXES**

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:

| <b>Block/ Lot</b> | <b>Name</b>   | <b>Property Location</b> | <b>Amount</b> |
|-------------------|---|--------------------------|---------------|
| 2005/10           | Wells Fargo<br>1 Home Campus<br>MAC X2302-04D<br>Des Moines, IA 50328 | 50 Midwood Ave           | \$2,904.04    |

**Resolution 18-206**

**Water Overpayment**

BE IT RESOLVED by the Council of the Borough of Allendale that the Water Collector is hereby authorized to issue the following refund check for an overpayment on the account listed below and charge same to Water Rents for 2018:

| <b>Account Number</b> | <b>Name</b>  | <b>Amount</b> |
|-----------------------|--------------|---------------|
| 3118645912330         | Scott Miller | \$474         |

**Resolution 18-207**

**AUTHORIZE SECOND 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

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

**WHEREAS**, the Borough and the Developer extended the term of the Agreement by entering into an Extension Agreement on May 8, 2018; and

**WHEREAS**, the Borough and the Developer wish to further extend the term of the Agreement by entering into this Second Extension Agreement.

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

**Resolution 18-208**

Water Adjustment

**Whereas**, the utility payer listed below no longer receives water from the Borough of Allendale Water Utility, and

**Whereas**, the utility payer 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 this adjustment be granted, with a credit, to the following former utility bill payer:

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| <b>Name</b>     | <b>Account Number</b> | <b>Amount</b> |
|-----------------|-----------------------|---------------|
| Schroeter, Ryan | 3117613950013         | \$91.28       |

***Unfinished Business:***

There was no unfinished business.

***New Business:***

There was no new business.

***Council Committee Reports and Comments***

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

Councilwoman Homan reported that the Water, Sewer and Public Utilities Committee met on August 22<sup>nd</sup>. She thanked the governing body for adopting the second amendment to the Operation and Maintenance Agreement with Suez. The committee continues to review the clarity of the ordinances pertaining to water. She reminded residents that the water billing is premise-based for rental properties and owners are now copied on bills to ensure that tenants are up-to-date. She requested that residents continue to check their water bills to ensure that it is not estimated. If bills are estimated, residents are asked to contact Suez to have their meters checked. Prior to streets being paved, water valves are being inspected to ensure that repairs are not needed.

On behalf of Councilwoman Wilczynski, Councilwoman Homan advised that she was approached by a resident at Crestwood Lake who expressed appreciation to the DPW for their beautification efforts at the lake. The Nerds have been rescheduled to perform on August 28<sup>th</sup>.

Mayor White advised that the Sunday with Sinatra performance will be taking place this Sunday.

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

Councilman Strauch advised that the Land Use and Construction Code Committee met on August 3<sup>rd</sup>. He commented that the new Construction Official, Anthony Hackett, is currently addressing chronic violators in town by issuing summonses in order to resolve outstanding issues. The ATM at the Bank of America has been removed. Obstructions of the view in the public right of way are proactively being addressed. The code governing outdoor seating is being reviewed to ensure that the right of way is not obstructed in order to allow the safe passage of pedestrians. The next Land Use and Construction Code Committee meeting is scheduled on September 10<sup>th</sup> at 7:30 a.m.

***Mayor's Report***

Mayor White thanked the board of Allendale Housing, Inc. for the BBQ that was held last night for the residents of Crescent Commons and Orchard Commons and their families. She commented that it was an outstanding event and expressed that Allendale is lucky to have such an amazing group in this community as Allendale thrives with them.

The Hope and Healing Vigil for those lost to addiction deaths will be held on September 5<sup>th</sup> at the Red Barn. Mayor White explained that it is the third year that this event will be held and noted that it is always a moving night.

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Mayor White reported that Councilwoman Wilczynski is working on arrangements for the 9/11 Ceremony and encouraged residents to attend as it is another moving community event.

Garage sale permits will not be issued for the date of the Allendale Woman's Club town wide garage sale. Residents will be directed to apply to this organization to hold a garage sale on this date and anyone holding a garage sale on this date who does not have paperwork issued by this organization will be issued a summons.

The municipal paving program which includes Donnybrook Drive is expected to be completed by next Thursday. The West Crescent Avenue Culvert Repair project should also be completed by the beginning of the school year.

***Staff Reports:***

Ray Wiss, Municipal Attorney, reported that there has been a lot of work with the Municipal Clerk on OPRA requests over the past two weeks. He has also been working with Mr. Kistner on zoning and property maintenance issues as well as with Alissa Mayer, CFO, on some personnel matters pertaining to the Family and Medical Leave Act and retirement benefits.

Anne Dodd, Municipal Clerk, advised that she has received 22 OPRA requests since the last meeting, resulting in a total of 40 requests received to date this month and 312 requests received to date this year. She further advised that, over the past two weeks, she has spent approximately 35 hours and her administrative assistant has spent approximately 10 hours on OPRA requests, resulting in a cost of \$2,200 based upon their respective hourly rates. She explained that the New Jersey Voter Registration System will be upgraded later this year and data is in the process of being migrated over to the new system. As discrepancies were discovered between the old system and the new system with respect to the voting districts into which addresses on Brookside Avenue, Ceely Court, and Mallinson fell, she spent time at the Superintendent of Elections office to determine the correct voting districts for these addresses. As corrections are necessary, notification from the Bergen County Superintendent of Election Office will be given to the affected voters at these addresses to advise them of their new voting district.

***Public Comment on any issue:***

Mark Savastano, 22 Vreeland Place, suggested that the maintenance of sidewalks be handled in the same manner as the street paving program.

***Adjournment:***

There being no further business to come before the Mayor and Council, on a motion by Councilman Bernstein, second by Councilman O'Connell, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Anne Dodd, RMC  
Municipal Clerk