

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
September 27, 2018

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

ABSENT: Councilman 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 September 27, 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 September 13, 2018 Work Session, September 13, 2018 Regular Session, and September 13, 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:	aye	Councilman Strauch:	absent
Councilman O'Connell:	aye	Councilwoman Wilczynski:	aye

Public Comment

No one came forward.

Public Hearings for Advertised Ordinances:

Ordinances 18-13 – 18-16

The Municipal Clerk read into the record:

The following ordinances published herewith were first read by title only on September 13, 2018 and posted on the bulletin board of the lobby of the municipal building.

ORDINANCE 18-13 – AN ORDINANCE OF THE BOROUGH OF ALLENDALE, COUNTY OF BERGEN AND STATE OF NEW JERSEY ADDING CHAPTER 81 "AFFORDABLE HOUSING" TO THE CODE OF

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THE BOROUGH OF ALLENDALE TO ADDRESS THE REQUIREMENTS OF THE NJ SUPERIOR COURT

ORDINANCE 18-14 – AN ORDINANCE OF THE BOROUGH OF ALLENDALE TO AMEND CHAPTER 270, “ZONING” OF THE BOROUGH CODE, TO CREATE THE ALLENDALE CORPORATE CENTER INCLUSIONARY OVERLAY RESIDENTIAL ZONE DISTRICT, ALSO KNOWN AS MFRO-3

ORDINANCE 18-15 – AN ORDINANCE OF THE BOROUGH OF ALLENDALE TO AMEND CHAPTER 270, “ZONING” OF THE BOROUGH CODE, TO CREATE THE FRANKLIN TURNPIKE INCLUSIONARY OVERLAY RESIDENTIAL ZONE DISTRICT, ALSO KNOWN AS MFRO-4

ORDINANCE 18-16 – AN ORDINANCE OF THE BOROUGH OF ALLENDALE TO AMEND CHAPTER 270, “ZONING” OF THE BOROUGH CODE, TO CREATE THE RAMSEY GOLF COURSE INCLUSIONARY OVERLAY RESIDENTIAL ZONE DISTRICT, ALSO KNOWN AS MFRO-2

Mayor White noted that a lot of time was spent fighting for Allendale to ensure proper development and proper future growth.

Borough Attorney Wiss explained that these ordinances have resulted from a formal litigation process which required extensive time on the part of the governing body. He commended Ed Sniekus, Borough Planner, for his masterful work on these ordinances which are intended to accomplish revisions that are consistent with the community as it currently exists while compliant with the edict from the Supreme Court and the conceptual approval that was received from the Superior Court. He advised that, provided that the ordinances are adopted after the public hearing, he will be providing them to the court-appointed mater and court by the deadline of October 1st and from there, comments will be received. He explained that the last step will be a hearing which will grant the Borough repose from builder’s remedy lawsuits until 2025. He noted that he was at a retirement party for Judge Toskos and he was complimentary of Allendale and the settlement that was reached.

Ed Sniekus, Borough Planner, commended Mary Beth Lonergan, COAH Planner, for putting together a great plan. He explained that Ordinance 18-13 is an administrative codification of the latest affordable housing requirements. Ordinance 18-14 establishes the overlay zone for the EM Zone with apartments being the primary intended use, Ordinance 18-15 establishes the overlay zone for Franklin Turnpike with apartments and townhouses being the primary intended uses, and Ordinance 18-16 establishes the overlay zone for the Ramsey Golf Course with townhouses, apartment buildings, and apartments located in the same building with townhouse dwellings being the primary intended uses. He noted that these ordinances set aside the specific affordable housing requirements with very specific rules and regulations governing how the development will be constructed if it is to be realized such as setback and coverage factors, lighting, building design features, and parking. He explained that these ordinances were required to be adopted in order to comply with the settlement agreement. Each of these ordinances were specified in the Housing Element and Fair Share Plan which is a document that was adopted by the Land Use Board and is a required element of the Master Plan. As a result of this document, the Master Plan Land Use Element was also amended to identify these specific locations so that the Master Plan and Land Use Element would be consistent and in compliance with the requirements of the settlement agreement. He noted that when these ordinances were referred to the Land Use Board, there were no findings of inconsistencies with the Master Plan.

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Mayor White advised that although the initially proposed third round affordable housing obligation was 513 units, the Borough was able to negotiate a 40% reduction to 308 units. She explained that, after a vacant land adjustment, there is a 54-unit Realistic Development Potential. She noted that these ordinances would only take effect if the current uses in these locations cease. She further noted that certain types of properties are mandated to have overlay zones which include golf courses, nurseries, and churches. She explained that a lot of time and effort was spent in negotiating that the proper locations were given an overlay zone. She expressed her appreciation to Ms. Lonergan, Mr. Sniekus, and Mr. Wiss as the agreement that was reached will protect Allendale. She explained that there is only a need to build 9 affordable units and the Borough has committed to 5 bedrooms in a home for special needs residents to be built at 200 W. Crescent and 4 affordable senior units to be built at 220 W. Crescent Avenue.

Councilwoman Wilczynski advised that Allendale was one of the few municipalities that were third round certified. She noted that the units that had already been built were credited toward the amount to which the Borough is currently obligated.

Councilman Bernstein noted that meeting the Borough's affordable housing obligation took years and years of forward thinking and planning which began with Mayor Emertius Barra and continued with Mayor White.

Borough Attorney Wiss noted that the obligations that other towns are facing have been community shaping. With the settlement agreement that was reached, he commented that the governing body was able to maintain the character of the community. He advised that the governing body also acted prospectively in fulfilling the 9-unit obligation by facilitating the acquisition of 200 W. Crescent Avenue by Eastern Christian and acquiring 220 and 230 W. Crescent Avenue. He noted that, as a result, the greater Allendale community will not be impacted by the required development. He further noted that this obligation is a constitutional requirement.

Public Comments on Ordinance 18-13 through 18-16

James Thomas, 30 Arlton Avenue, inquired whether it would be considered a cease in use if Guardian Angel Church sells its property to another denomination such as a tabernacle, synagogue, mosque, etc.

Borough Attorney Wiss expressed his opinion that those uses would more likely than not be considered a continuation of use.

Motion by Councilman Bernstein, second by Councilwoman Wilczynski, that Ordinance 18-13 through 18-16 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:	absent
Councilman O'Connell:	aye	Councilwoman Wilczynski:	aye

(See Ordinance 18-13 – 18-16, attached and made a part hereof.)

Ordinances 18-18 – 18-20

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The Municipal Clerk read into the record:

The following ordinances published herewith were first read by title only on September 13, 2018 and posted on the bulletin board of the lobby of the municipal building.

ORDINANCE 18-18 – AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF ALLENDALE, PEDDLING AND SOLICITING, CHAPTER 194

ORDINANCE 18-19 – AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF ALLENDALE, VEHICLES AND TRAFFIC, CHAPTER 252-7

ORDINANCE 18-20 – AN ORDINANCE TO SUPPLEMENT §270-26 ENTITLED “PROHIBITED USES WITHIN THE BOROUGH” OF CHAPTER 270 ENTITLED “ZONING” OF THE CODE OF THE BOROUGH OF ALLENDALE SO AS TO PROHIBIT THE USE OF ANY PREMISES IN ANY ZONING DISTRICT OF THE BOROUGH OF ALLENDALE FOR THE SALE OF MARIJUANA OR MARIJUANA SUBSTITUTES EXCEPT FOR THE SALE OF PRESCRIBED MEDICAL MARIJUANA UPON CERTAIN PREMISES

Mayor White advised that Ordinance 18-20 was reviewed by the Land Use Board and found to be consistent with the Master Plan.

Public Comments on Ordinance 18-18 through 18-20

Mark Savastano, 22 Vreeland Place, inquired whether a list will be available of those who are exempt from the requirements of the No Knock Registry.

Borough Attorney Wiss advised that the ultimate arbiter will be the court but noted that solicitation for political and religious purposes cannot be restricted.

Mayor White explained that the ordinance does provide that certain organizations are exempt such as the Holiday Observers. She advised that the Police Chief will make the ultimate determination on whether a solicitor is exempt.

Motion by Councilman Sasso, second by Councilman O’Connell, that Ordinance 18-18 through 18-20 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:	absent
Councilman O’Connell:	aye	Councilwoman Wilczynski:	aye

(See Ordinance 18-18 – 18-20, attached and made a part hereof.)

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Introduction of Ordinances:

Ordinances 18-21

Motion by Councilwoman Wilczynski that the following ordinance be introduced and passed on first reading and setting October 11, 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 Bernstein.

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

ORDINANCE 18-21 – 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.

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

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

Consent Agenda

- A. **18-223**/Approval of Bill List
- B. **18-224**/Affirm Civil Rights Policy
- C. **18-225**/Authorize Refunds – Water Overpayment
- D. **18-226**/Designate \$1,412,210 Bond Anticipation Notes as “Qualified Tax-Exempt Obligations”
- E. **18-227**/Authorize Refund – Overpayment of 2017 Taxes – Block 905 Lot 19.1
- F. **18-228**/Authorize Transfer of Overpayments of 2018 Taxes to 2019 Taxes Receivable
- G. **18-229**/Authorize Reduction of 2018 Tax Levy – Veteran Deduction – Block 904 Lot 2
- H. **18-230**/Authorize Shared Services Agreement – County of Bergen – Vehicle Maintenance & Repair Services
- I. **18-231**/Appoint Fire Official – Pierre Gauthier
- J. **18-232**/Adopt Personnel Policies & Procedures Manual
- 18-233**/Approve 2018-2019 Flu Program

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:	absent
Councilman O’Connell:	aye	Councilwoman Wilczynski:	aye

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

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Resolution 18-223

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 September 27, 2018 in the amounts of:

Current Fund	\$1,419,687.26
Payroll Account	\$246,517.60
General Capital	\$6,493.25
Animal Fund	\$59.40
Grant Fund	\$0.00
COAH/Housing Trust	\$252.64
Improvement & Beautification	\$600.00
Unemployment Fund	\$0.00
Trust Fund	\$7,211.50
Water Operating	\$134,331.02
Water Capital	\$9,966.32
Total	\$1,825,118.99

Resolution 18-224

A RESOLUTION TO AFFIRM THE BOROUGH OF ALLENDALE'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of the Borough of Allendale to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of the Borough of Allendale has determined that certain procedures need to be established to accomplish this policy

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

Section 1: No official, employee, appointee or volunteer of the Borough of Allendale by whatever title known, or any entity that is in any way a part of the Borough of Allendale shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough of Allendale's business or using the facilities or property of the Borough of Allendale.

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Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Allendale to provide services that otherwise could be performed by the Borough of Allendale.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Governing Body shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Governing Body shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough of Allendale as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Governing Body shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Governing Body through the Administrative Officer shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of Allendale. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough of Allendale's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough of Allendale in order for the public to be made aware of this policy and the Borough of Allendale's commitment to the implementation and enforcement of this policy.

Resolution 18-225

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 accounts listed below and charge same to Water Rents for 2018:

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Account Number	Name	Amount
31109543432756	Pearl Court Investors, LLC	\$42.47
31103602659450	Pearl Court Investors, LLC	\$378.29

Resolution 18-226

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF ALLENDALE, IN THE COUNTY OF BERGEN, NEW JERSEY, DESIGNATING \$1,412,210 OF NOTES CONSISTING OF \$1,062,210 GENERAL BOND ANTICIPATION NOTES AND \$350,000 WATER UTILITY BOND ANTICIPATION NOTES, BOTH ISSUES DATED SEPTEMBER 26, 2018, PAYABLE SEPTEMBER 26, 2019, AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" 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") intends to issue \$1,412,210 of notes consisting of \$1,062,210 General Bond Anticipation Notes and \$350,000 Water Utility Bond Anticipation Notes, both issues dated September 26, 2018, payable September 26, 2019 (the "Notes"); and

WHEREAS, the Borough desires to designate the Notes as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (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 Notes are hereby designated as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code.

SECTION 2. It is hereby determined and stated that (1) said Notes are not "private activity bonds" 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 3. It is further determined and stated that the Borough has, as of the date hereof, issued the following tax-exempt obligations (other than the Notes) during the calendar year 2018:

<u>Amount</u>	<u>Dated – Due</u>
\$1,073,000 BAN	1/26/18 - 1/25/19
4,285,000 BAN	4/26/18 - 4/26/19

SECTION 4. 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 5. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Notes and to further provide such

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original purchaser with a certificate of obligations issued during the calendar year 2018 dated as of the date of delivery of the Notes.

SECTION 6. This resolution shall take effect immediately upon its adoption.

Resolution 18-227

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
905/19.1	Corelogic Tax Collection Services LLC PO Box 9205 Coppell, TX 75019-9214	173 Myrtle Avenue	\$2,138.50

Resolution 18-228

TRANSFER OF OVERPAYMENT

BE IT RESOLVED by the Council of the Borough of Allendale that the Tax Collector is hereby authorized to transfer the following overpayment listed below from Overpayment of 2018 Taxes to Taxes Receivable for 2019:

<u>Block/ Lot</u>	<u>Name</u>	<u>Property Location</u>	<u>Amount</u>
303/3	Myers, Garry & Rose Mary	73 Bonnie Way	\$421.94
508/3	Lowry, Mark	76 Knollton Road	\$224.36
511/5.23	Nisch, Kenneth & Kathryn	5 Sawyer Court	\$883.06
702/4 C0019	Kluger, Steven	19 Rio Vista Drive	\$97.39
702/7	Smeal, Gary & Margaret	303 E Allendale Ave	\$51.26
1102/15.06	Kluger, Steven & Laurie	13 Stoney Ridge Road	\$231.62
1203/9.01	Tiwary, Sanjay & Urvashi	119 Valley Road	\$54.74
1204/2	Vass, Dior	186 Forest Road	\$12.49
1301/13	Larossa, Ralph	366 Paul Avenue	\$116.09
1302/7	Frees, Walter & Eileen	465 Mark Road	\$455.08
1503.01/1	Byrnes, James & Barbara	275 Brookside Avenue	\$8.47
1701/27	Cassidy, Ernest & Andrea	143 W Orchard Street	\$328.93
1809/15	Gulick, Robert & Susan	509 Franklin Tpke	\$33.06
2201/16	Sugerman, Barbara	8 Cambridge Drive	\$224.57
2201.01/7	Iannaccone, Raymond & Diana	25 Oakwood Road	\$20.98
2202/8	Zenzius, August & Maria	17 Cambridge Drive	\$4.81
TOTAL			\$3,168.85

Resolution 18-229

VETERAN DEDUCTION

BE IT RESOLVED, by the Council of the Borough of Allendale that the Tax Collector is hereby authorized to reduce the 2018 tax levy due to a Veteran Deduction as follows: follows:

904/2 McGill, Thomas \$ 250.00

Resolution 18-230

**Approval of Shared Services Agreement
As-Needed Vehicle Maintenance**

Whereas, the Borough of Allendale (“Borough”) may, at times, have the need of maintenance and repair services for its vehicles; and

Whereas, the County of Bergen (“County”) has the personnel and equipment necessary to provide vehicle and repair services for the Borough; and

Whereas, the Borough wishes to enter into an agreement with the County whereby the County would provide to the Borough vehicle maintenance and repair services on an as-needed basis to supplement services provided by Borough personnel or vendor(s); and

Whereas, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) promotes the broad use of shared services as a technique to reduce local expenses funded by property tax payers; and

Whereas, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) allows for any local unit to enter into an agreement with any other local unit or units to provide or receive any services that each local participating in the Agreement is empowered to provide or receive within its own jurisdiction as set forth in N.J.S.A. 40A:65-7(4); and

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 contract between the Borough of Allendale and Bergen County, and

Be It Further Resolved, that the Mayor and Municipal Clerk be and they are hereby authorized to sign said contract attached hereto and made part thereof.

Resolution 18-231

Appointment of Fire Official

Be It Resolved that Pierre Gauthier be and is hereby appointed by the Mayor and Council as Fire Official for the Borough of Allendale to fill the unexpired term of Ernest W. Cassidy. Jr. through December 31, 2018 for annual salary of \$4,716.00, prorated for 2018.

Adoption of Personnel Policies and Procedures

WHEREAS, it is the policy of the Borough of Allendale to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Attorney General's guidelines with respect to Police Department personnel matters, the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Mayor and Council has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREBY, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale that the Personnel Policies and Procedures Manual is hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Borough of Allendale officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Borough of Allendale employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Mayor and Council.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Borough of Allendale shall operate under the legal doctrine known as "employment at will."

BE IT FURTHER RESOLVED that the Administration, Finance and HR Committee and all managerial/supervisory personnel are responsible for these employment practices. The Administrative Officer and the Municipal/Labor Attorney shall assist the Administration, Finance and HR Committee in the implementation of the policies and procedures in the manual.

Approval of Flu Program

Whereas, there is a need for a flu program in the Borough of Allendale, and

Whereas, the County of Bergen will provide this program under the Department of Health Services, and

Whereas, the County of Bergen provides flu vaccine at a cost of \$175.00 per ten dose vial, and

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Whereas, the Allendale Board of Health has a need for five (5) vials of flu vaccine, and

Whereas, the Chief Financial Officer has certified that there are funds for this agreement;

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 approved the agreement between the Borough of Allendale and the County of Bergen for the flu vaccination program;

Be It Further Resolved that the Mayor is hereby authorized to sign said agreement.

Unfinished Business:

There was no unfinished business.

New Business:

Mayor White advised that there was a Correspondence item listed on

USR Correspondence to Legislators – Coalition for Diverse & Inclusive Schools

Mayor White explained that correspondence was received from the Borough of Upper Saddle River regarding a settlement that is being reached between the State of New Jersey and several New Jersey residents concerning school children. This letter from Upper Saddle River was sent to District 39 legislators requesting that students from Upper Saddle River not be compelled to leave their school district should a settlement be reached. Allendale has been requested to send a similar letter to its legislators in the 40th District. Mayor White noted that a decision does not need to be made tonight as to whether to send this letter, but asked that the governing body take time to look into what is being done at the State level.

Councilman Bernstein inquired the impetus behind this legislation.

Borough Attorney Wiss explained that there is a lawsuit pending involving a Hackensack law firm and an Upper Saddle River student. He expressed his belief that it will be dependent on how the settlement is framed whether out of district students will be permitted to attend schools outside of their district without that school designating itself as a school of choice or whether there will be a mandate that students in a particular district have to go out of district. He advised that he will do more research on the status and provide an update at the next meeting.

Mayor White requested that Councilman Sasso place on the next Public Safety Committee agenda a discussion on the possible centralization of municipal judge appointments. She expressed her opinion that this change being considered by the NJ Supreme Court would take power away from the local municipalities and could greatly impact how the municipality operates.

Council Committee Reports and Comments

Councilwoman Homan - Water, Sewer and Public Utilities

Councilwoman Homan reported that the Water, Sewer and Public Utilities Committee met at 7:15 a.m. this morning. There was discussion on the Water Quality Accountability Act, and particularly,

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the asset management proposal component which falls in line with how the Borough will be spending its capital money. Final payment has been authorized on the Fairhaven Tank. There was also discussion on stormwater runoff and retrofitting drains in the downtown district to prevent debris such as bottles from entering the storm drains. She reminded residents to continue to monitor their water bills to ensure that their bills are not estimated.

Councilman O'Connell – Public Works

Councilman O'Connell advised that the straightening of the signs throughout the Borough is going well. The DPW has been working with the Allendale Police Department to determine which signs need to be ordered. These signs should be installed by the end of October. The end of the season cleanup has been taking place at Crestwood Lake which involves opening the valves to drain the lake. The fields are also being maintained and are in excellent shape despite the rain.

Councilwoman Wilczynski – Facilities, Parks and Recreation

Councilwoman Wilczynski reported that she met with the Lake Director and Assistant Directors last night and discussed suggestions on improvements for next year. She and Dan Richards, DPW Crew Chief, also walked the lake to determine what will need to be done for next year. She advised that a Mural Committee has been formed and the committee met with the building owner to discuss replacing the mural. She noted that, as the wall is in bad shape, the project will take longer than anticipated. Painting panels rather than painting the side of the building is being considered. The dugouts have been completed at Field 2 and a fence and sprinkler lines will be installed. The approval to send the newsletter is anticipated to be given tonight. Councilwoman Wilczynski noted that it is full of useful information and thanked everyone who contributed. It will also be put out on SwiftReach. She announced that she just received an email from Joanne Hart who is a 6th generation Allendale resident that her sister is being honored with a Perkin Medal which is the highest honor given in the United States for work in Applied Chemistry. She finished her report by announcing that funding for the bandshell was approved. A committee will be formed for this project and Councilwoman Wilczynski expressed her opinion that this will be a wonderful addition for the entire community.

Councilman Sasso – Public Safety

Councilman Sasso advised that the Public Safety Committee has not met since the last Mayor and Council meeting. He commented that Ernie Cassidy's passing is a tremendous loss to the Allendale Fire Department and he will be honored at the end of October. Allendale first responders were honored at a ceremony at Northern Highlands Regional High School. The APD will be holding a Bike Rodeo this Saturday in conjunction with Upper Saddle River to teach children bicycle safety. Councilman Sasso reminded residents not to leave key fobs inside of their vehicles as there have been car thefts in the area. The Police Department received several calls regarding a person who was in front of the Post Office exercising his First Amendment rights to campaign for a political candidate. Councilman Sasso advised that this person was not doing anything unlawful.

With respect to the Construction Code and Land Use Committee, Councilman Sasso reminded residents that when obtaining a permit, it is up to the resident and the builder and/or architect to ensure that the plans are in line with the Uniform Construction Code. He noted that the ultimate decision on whether the project conforms with this code takes place when the work is inspected.

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Councilman Bernstein – Administration, Finance and Human Resources

Councilman Bernstein reported that Accuscan has completed scanning the maps and blueprints that had been located at the Water Department. A date will be scheduled for them to pick up the Building Department records for scanning. The latest Code supplement is awaited which will bring the Borough Code up-to-date through Ordinance 18-17. GovPilot is in the process of being implemented and will be up and running in January. Councilman Bernstein advised that this program will automate many of the licenses that are issued which will make obtaining a license more convenient for residents as they will not need to come to Borough Hall. He advised that he will have updates for the next meeting regarding SALT and health benefits. With respect to video streaming, Mr. Savastano has provided a write-up of options to consider. Councilman Bernstein advised that he will review these options and will discuss this matter further with Mr. Savastano. The next Administration, Finance and Human Resources Committee meeting will be on October 22nd.

Mayor's Report:

Mayor White announced that there will be a remembrance ceremony for Marilyn Tackaberry at Calvary Lutheran Church on Saturday morning. She commented that Ms. Tackaberry was a wonderful woman and a longtime Allendale resident who made significant contributions to the Fell House.

The Bike Rodeo is being sponsored by the USRA Alliance. She noted that this coalition received grant money to help residents with mental health and addiction issues.

It is Respect Week at Hillside School which Mayor White commented is a wonderful idea. She expressed her hope that every week be respect week not only within the Borough, but the State and country as well.

Allendale Festival Day is Saturday, October 6th.

Mayor White thanked the Allendale Woman's Club for the great job that they did in coordinating the Town Wide Garage Sale.

Staff Reports:

Ray Wiss, Municipal Attorney, advised that the affordable housing ordinances will be transmitted to the court-appointed master and judge by Monday in accordance with the existing order. The next step in the process will be receipt of comments on those ordinances and scheduling of the compliance hearing. With respect to 220 and 230 West Crescent Avenue, concept discussions are ongoing with interested parties. Borough Attorney Wiss advised that he has also participated in meetings regarding personnel matters. He explained that he is required to sign a certification that the Personnel Policies & Procedures Manual has been adopted in order to ensure that the Borough is eligible to receive insurance coverage through JIF. He noted that this manual is required to be adopted every two years and provides guidelines to employees with respect to conduct and expectations and outlines critical policies.

Anne Dodd, Municipal Clerk, advised that 35 OPRA requests have been received to date this month and 350 requests have been received thus far this year. She announced that her office will be open on October 11th and October 16th until 9 p.m. to issue compost permits. October 16th is also the last

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day to register to vote for the General Election and her office will be accepting voter registrations until 9 p.m. for anyone who wishes to register to vote. The General Election is on November 6th and polls will be open from 6 a.m. to 8 p.m.

Councilwoman Homan inquired whether the voter registration application needs to be received by October 16th if mailed. Ms. Dodd confirmed that the County would need to receive the application by the 16th and any registrations that she receives on the 16th will be stamped and taken to County the following morning.

Public Comment on any issue:

James Thomas, 30 Arlton Avenue, recounted the various meetings over the past year at which he has expressed concerns regarding the Couch Court project. He noted the importance of the head wall which still has not been installed, explaining that the same wet conditions that existed in 2010 and 2011 still exist today. He explained that the increased impervious coverage caused by the home constructed by Eastern Christian Children's Retreat has also caused more water in this area. He inquired what prompted the extension of the Developer's Agreement until August 2019 and expressed his opinion that, by doing so, the governing body has not acted in the best interest of the community.

Mayor White explained that the developer has applied for permits to build two homes, and in doing so, she advised that the Borough would be able to ensure that the improvements referenced by Mr. Thomas are completed. She noted that the head wall and road are the outstanding items to be completed and the road cannot go in until the homes are built. It was the Borough Engineer's recommendation to extend the contract to allow proper time for the homes to be built before the roadway is to be completed.

Borough Attorney Wiss explained that it is the Borough Engineer's professional recommendation to extend the agreement and the governing body needs to act on the recommendations of its professionals.

Adjournment:

There being no further business to come before the Mayor and Council, on a motion by Councilwoman Wilczynski, second by Councilman O'Connell, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:18 p.m.

Respectfully submitted,

Anne Dodd, RMC
Municipal Clerk