

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
October 25, 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 October 25, 2018. The meeting was called to order at 8:00 p.m. by Mayor White who asked that the Municipal Clerk read the open public meetings statement: “In compliance with the Open Public Meetings Act, the notice requirements have been satisfied. The meeting dates for the year are confirmed at the Annual Meeting, are posted on the public bulletin board in the Municipal Building, published in the Record within the first 10 days of the New Year, and copies are sent to the Ridgewood News and Star Ledger.”

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

Approval of Minutes:

Motion by Councilman Strauch, second by Councilman O’Connell, that the Minutes of October 11, 2018 Work Session, October 11, 2018 Regular Session and October 11, 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:	aye
Councilman O’Connell:	aye	Councilwoman Wilczynski:	aye

Public Comment

Mark Savastano, 22 Vreeland Place, expressed concern that the information in the newsletter regarding recycling may have a chilling effect on people’s willingness to recycle and requested that a way to encourage recycling be implemented.

Councilwoman Wilczynski commented that people are still encouraged to recycle as it is believed that the market will come back around. She advised that the main goal is to encourage residents to use reusable materials in order to elevate sustainability.

Mayor White advised that they put out the recycling newsletter every year and will continue to do so in order to encourage residents to recycle. She commented that the more residents recycle, the less that goes into the Borough’s tonnage which is a benefit to the entire Borough.

Councilman Strauch reminded everyone that the first “R” is to reduce which is the primary goal of a recycling program.

Public Hearings for Advertised Ordinances:

Ordinance 18-22

ORDINANCE 18-22 – AN ORDINANCE OF THE BOROUGH OF ALLENDALE, COUNTY OF BERGEN AND STATE OF NEW JERSEY AMENDING CHAPTER 81 "AFFORDABLE HOUSING" TO THE CODE OF THE BOROUGH OF ALLENDALE

Motion by Councilman Bernstein, second by Councilwoman Wilczynski, that Ordinance 18-22 be tabled to November 15, 2018.

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

Resolutions

18-243/Authorize Letter of Intent – 220 & 230 West Crescent Avenue

Councilman Bernstein thanked Mayor White and Mayor Emeritus Barra for their role in this acquisition, noting that it took many years to get to this point.

Motion by Councilman Bernstein, second by Councilwoman Wilczynski that Resolution #18-243 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

Resolution 18-243

Borough of Allendale
Approval of Letter of Intent Between Borough of Allendale
and Hampshire Venture Partners, LLC

Whereas, the Borough of Allendale (“Allendale”) and Hampshire Venture Partners, LLC (“Hampshire”) have engaged in ongoing negotiations to discuss and agree upon the terms and conditions of a Letter of Intent for Hampshire’s purchase from Allendale of certain real property known as 220 West Crescent Avenue and 230 West Crescent Avenue, Allendale, New Jersey; and

Whereas, Allendale and Hampshire have agreed upon the terms of the purchase of said property in a Letter of Intent dated October 10, 2018 (“LOI”), the terms and conditions of which LOI are fully incorporated herein by reference; and

Whereas, Allendale wishes to memorialize its approval of the terms and conditions of the LOI.

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Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale that the LOI be and hereby is **APPROVED**:

Be It Further Resolved, that the Mayor and the Borough Attorney are authorized to take all appropriate actions so as to implement this Resolution, including but not limited to, the execution of the LOI by the Mayor.

Consent Agenda

As agenda review was not conducted due to time restraints, Mayor White noted that Resolution #18-246 establishes a curfew of 8 p.m. on Halloween.

- A. **18-244**/Approval of Bill List
- B. **18-245**/Approve Tax Appeal Settlement – Velli v. Borough of Allendale
- C. **18-246**/Establish Halloween Curfew
- D. **18-247**/Waive Street Opening Permit & Performance Guarantee Fees – Eastern Christian Children’s Retreat

Motion by Councilman Strauch, second by Councilman O’Connell, that the Consent Agenda be approved.

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

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

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

Resolution 18-244

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 October 25, 2018 in the amounts of:

Current Fund	\$3,091,235.86
Payroll Account	\$398,666.26
General Capital	\$307,451.48
Animal Fund	\$4.80
Grant Fund	\$120.00
COAH/Housing Trust	\$1,648.44
Improvement & Beautification	\$600.00
Unemployment Fund	\$0.00
Trust Fund	\$5,183.22
Water Operating	\$103,666.43
Water Capital	\$350,000.00
Total	\$4,258,576.49

Resolution 18-245

Joseph & Laura Velli v. Allendale Tax Appeal Settlement

WHEREAS, the tax payers, Joseph & Laura Velli, appealed the assessment levied on Block 801, Lot 1.07 for the tax year 2018; and

WHEREAS, the subject property is located at 16 Meadow Lane; and

WHEREAS, the Plaintiff was represented by counsel in this matter; and

WHEREAS, the Assessor has agreed to compromise the appeal as follows: the 2018 Assessed Value will be reduced from \$1,364,200 to \$1,275,000.

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 Joseph & Laura Velli 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 18-246

Halloween Curfew

Whereas, the Police Chief has requested a Halloween Curfew for children under the age of eighteen for the purpose of maintaining order beginning October 30th and extending through October 31st, 2018 to be put into effect starting at 8:00 p.m. until sunrise.

Whereas, the Governing Body believes that this curfew is in the best interest of the Borough.

Now, Therefore, Be It Resolved that a curfew shall be in place from October 30th through October 31st, 2018.

Resolution 18-247

Waiver of Permit Fees
for Eastern Christian Children's Retreat

WHEREAS, Eastern Christian Children's Retreat has applied for a building permit to construct housing for adults with developmental disabilities, specifically a five (5) bedroom group home at its property located at Block 1005, Lot 4 on the Tax Map of the Borough of Allendale; and

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WHEREAS, due to the status and use of the property as special needs housing, the Land Use Committee has recommended that the fees for a street opening permit and performance guarantee be waived; and

WHEREAS, the Governing Body has reviewed the recommendation and concurs.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that street opening permit fees and performance guarantee relating to the proposed construction at the Eastern Christian Children's Retreat site are hereby waived.

Unfinished Business:

There was no unfinished business

New Business:

BAN – Determination and Award Certificate

Mayor White advised that a Bond Anticipation Note sale was held for \$1,412,000 in previous capital expenditures.

Council Committee Reports and Comments

Councilman O'Connell – Public Works

Councilman O'Connell advised that a half dozen catch basins have been repaired over the past few weeks. The street sign replacement program has begun based upon a list provided by Officer Stettner. Councilman O'Connell expressed his appreciation to the Police Department for their assistance with this program and commented on the nice teamwork that takes place between the Police Department and the DPW. Mums have been planted at Veterans Memorial Park in preparation for Veterans Day.

Councilman Sasso – Public Safety

Councilman Sasso expressed appreciation to the DPW for continuing to repair catch basins. He reminded residents to clear catch basins when they are blocked to allow for better drainage. He advised that the Public Safety Committee has not met since the last meeting. The Fire Department will be holding a private ceremony to honor Ernie Cassidy, former Fire Official and a long-time member, who recently passed away. Dale Avenue will be closed to residents on Halloween in order to ensure the safety of trick-or-treaters.

Mayor White advised that there will be closures at Dale and Orchard, Park and New, and Park and Orchard from 2:30 p.m. to 6 p.m.

Councilman Bernstein – Administration, Finance and Human Resources

Councilman Bernstein reported that the Administration, Finance and Human Resources Committee met on October 22nd. There was discussion on the transition from SDL to GovPilot. The Borough is looking to automate 15 licenses online in order to make obtaining a license or permit more user-

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friendly. The Borough was open late on October 11th and October 16th with only one compost permit being processed and two voter registrations being received. The 2019 budget process has begun with budget requests having been sent out this week. The next Administration, Finance and Human Resources meeting is scheduled on November 28th.

Councilwoman Wilczynski – Facilities, Parks and Recreation

Councilwoman Wilczynski advised that, due to the effectiveness of the delittering of the upper pond which took place in 2017, there was not a need to put \$20,000 into the 2018 budget for this purpose. As a result, the 2018 operating budget was \$20,000 less than in 2017. She expressed her hope that this information would help to clarify any confusion. She announced that the ARC 5k will take place this Sunday. She asked that residents check for field closures due to the predicted Nor'easter. She thanked the Allendale Garden Club for donating a tree to the Borough as well as the DPW for planting this tree so quickly.

Councilwoman Homan – Water, Sewer and Public Utilities

Councilwoman Homan advised that the Water, Sewer and Public Utilities Committee met on October 16th. Water usage was reviewed, and due to the large amount of rain, the usage is below average. Ron Kistner, Administrative Officer/Director of Operations, Mike Vreeleand, Borough Engineer, and Suez worked together to balance using the Borough's wells versus bulk water through the Borough's agreement with Suez. Fire hydrant flushing began today and is anticipated to be completed by the end of November. SwiftReach notifications will be sent to advise residents when flushing will take place in their respective zone. Councilwoman Homan reminded residents to check their water bills to ensure that they are not estimated. Steps are being taken to begin the five-year asset management proposal. She advised that she is working with Mr. Kistner and Mr. Vreeleand to address concerns expressed by one of the Marsh Wardens regarding the need to replace storm drains on the industrial side of the Celery Farm.

Councilman Strauch – Land Use and Construction Code

Councilman Strauch announced that the next Land Use and Construction Code Committee meeting is scheduled on October 30th at 7:30 a.m.

Mayor's Report:

Mayor White expressed appreciation to Borough Attorney Wiss for all of his guidance throughout the process of acquiring 220 and 230 West Crescent Avenue.

Mayor White addressed misinformation online, explaining that \$21,000 was placed in the 2017 budget for the Mayor and Council members to receive a stipend. She noted that, when it came time to appropriate these funds, it was decided not to move forward. She detailed the various expenses that are incurred while serving as an elected official, advising that the governing body does not receive benefits or a salary. She asked that residents reach out to the members of the Mayor and Council should they have any questions.

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Staff Reports:

Ray Wiss, Municipal Attorney, reported that he has been addressing personnel matters as well as assisting the Borough Clerk with responding to OPRA requests. He has also been involved in SOI and COAH matters. The Compliance Hearing has been scheduled on November 29th, and if successful, the Borough will receive repose from builder's remedy lawsuits through 2025.

Anne Dodd, Municipal Clerk, advised that 17 OPRA requests have been received since the last meeting and 384 requests have been received to date this year. The General Election is on November 6th and polls will be open from 6 a.m. to 8 p.m. For those who receive a Vote by Mail ballot, there will be an addendum to the ballot for the Bergen County Sheriff Election which may be cast and returned.

Ron Kistner, Administrative Officer/Director of Operations, advised that he has emailed the Allendale Fire and Police Departments in order to begin preparations for the upcoming storm.

Alissa Mayer, CFO, advised that she has no report.

Public Comment on any issue:

James Thomas, 30 Arlton Avenue, read the following statement into the record:

"This pertains to the Stormwater Management system at the Couch Court development project.

In late 2015 the Council authorized Attorney Wiss to prepare a Developer's Agreement for the Mayor and then developer to execute. This after the developer had purchased the property and development rights and responsibilities from the original applicant. The Agreement was signed on or about December 21, 2015.

It appears that the Agreement was adopted from a draft by Messrs. Botta and Dunn, former and current counsel to the Planning Board (Land Use Board).

The Agreement contains, among other clauses, this: (1.C): "...the requirements of the Borough Engineer not specifically included in this Agreement shall be considered as part of this Agreement" and further, "modifications to the Plan as have been requested by the Borough Engineer at the time of the adoption of the Planning Board's Resolution, and thereafter as may reasonably be required due to conditions as set forth herein".

At a Land Use committee meeting October 17, 2018, the Mayor confirmed that "the Liner" had been removed from the Plan specifications. The Liner is an element of the detention basin bottom. The requirement for it and its function and purpose are set forth in the testimony before the Planning Board of Tibor Latinsics, the engineer who designed the drainage system and John Yakimik, then Borough Engineer. Their testimony describes the DEP requirements for a basin floor in a constructed wetlands.

After Mayor White's announcement, the Borough Engineer said that the Liner was removed because he judged conditions at the site to be such that installation was impossible. He added his opinion that the Liner was unnecessary and would be of little or no value, a direct contradiction of the positions of Messrs. Latinsics and Yakimik which were based on extensive testing, study, and investigation.

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These actions by the Mayor and the Borough Engineer suggest that there is no limit, no restriction on the changes and deletions that Council can make to a Plan memorialized by the Planning Board.

In this case, the Borough will violate a commitment made to a regulatory agency of the State. The Borough will have eliminated a feature of the stormwater management process against professional advice. It will have changed the economic and financial bases upon which the property was acquired by reducing the developer's costs and it potentially increases the maintenance costs of the system for whomever owns the property in the future.

Mayor, I ask you to suspend the release of any funds from escrow related to this incident until January 2, 2019 when I am confident Mr. Bernstein will promote an equitable remedy to this problem.”

Yolanda Cafiero, Elbrook Drive, inquired how many tax dollars were spent in defending the Borough against the accusations made regarding the acquisition of 220 and 230 West Crescent Avenue.

Mayor White responded that those costs have not been calculated. Due to the negative publicity that these accusations garnered, she noted that developers had expressed concern with submitting a proposal. She further noted that numerous hours have been spent by Borough staff in handling OPRA requests.

Vince Barra, Mayor Emeritus, expressed his opinion that if residents were unhappy with the proposal discussed this evening, these sentiments would have been voiced tonight. He commented that this issue has been detrimental to Allendale and expressed his belief that the presentation this evening has vindicated the governing body from the half-truths and distortions previously made by political opponents. He noted the courage that it took for the governing body to undertake this acquisition and commended their courage and vision. He criticized the actions of political opponents and expressed his opinion that the motivation for their actions was purely political. He commented that, despite these actions, the governing body has negotiated a really successful outcome. He expressed his hope that the residents will pull together and continue to do what is best for Allendale.

Mark Savastano, 22 Vreeland Place, thanked Vince Barra for not making a blanket statement regarding those who are not of the same political persuasion. He commented that, although the governing body invites people to express concerns, he has not heard a response to Mr. Thomas' issue.

Mayor White provided a synopsis on this issue. She noted that the current Municipal Engineer, who is a 25-year veteran, was not a part of the process initially. She explained that he recommended extending the Developer's Agreement as 99.9% of the requirements in this agreement have been met. In terms of the liner, she advised that Mr. Vreeland determined that it would not work and would cost more money to install. As a result, he made a field change to eliminate this requirement which the Municipal Engineer is permitted to do. She commented that the governing body and professionals are doing their best to make the best out of a bad situation.

Councilman Sasso noted that this issue was addressed in depth with Mr. Thomas at a Land Use Board meeting.

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Mr. Savastano stated that his home is in the vicinity of this project and he has concerns regarding water.

Jacqueline McSwiggan, 70 Green Way, thanked the Mayor and Council for the time and effort that went into the process of acquiring this property. She commented that this situation was handled beautifully and is a real win-win for Allendale.

Sarah Dunlavy, 190 Brookside Avenue, inquired whether the storage facility will be gated.

Mayor White advised that an ordinance was adopted which amended uses and established time limitations for this property. She expressed her anticipation that this facility will be locked.

Councilman Sasso noted that an ordinance was also adopted which restricts 24-hour businesses.

Ms. Dunlavy asked for clarification on the age-restricted guidelines for the residential units.

Mayor White explained that there will be four senior affordable units and twenty market-rate, age-restricted units.

Adjournment:

There being no further business to come before the Mayor and Council, on a motion by Councilman O'Connell, second by Councilman Bernstein, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:57 p.m.

Respectfully submitted,

Anne Dodd, RMC
Municipal Clerk