

Mayor and Council of the Borough of Allendale
Work Session Meeting Minutes
December 5, 2019

PRESENT: Mayor Ari Bernstein and Councilmembers Liz Homan, Edward O'Connell, Matthew O'Toole, Steve Sasso (arrived at 7:56 p.m.), Jim Strauch and Amy Wilczynski

ABSENT: None.

ALSO PRESENT: Borough Attorney Raymond Wiss
Municipal Clerk Anne Dodd

A Work 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 December 5, 2019. The meeting was called to order at 7:32 p.m. by Mayor Ari Bernstein 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."

Public Comment:

No one came forward.

Administration:

A. Agenda Review

Mayor Bernstein reviewed the Regular Session agenda. He advised that the November 14th Work and Regular Session Minutes are listed for approval and noted that Councilman O'Connell will need to abstain as he was absent from this meeting.

With respect to Ordinance 19-15, which is scheduled for introduction, Mayor Bernstein explained that the purpose of this ordinance is to set the salary range for the part-time position of Board of Health Secretary/Tax Assessor Clerk. He noted that, although these positions already exist in the Borough's salary ordinance, they were not combined in this manner previously.

Mayor Bernstein then reviewed the resolutions on the Consent Agenda. He highlighted Resolution #19-246, the purpose of which is to schedule the 2019 Sine Die Meeting and 2020 Reorganization Meeting. He noted that the 2019 Sine Die Meeting will take place at 7 p.m. on January 6, 2020 followed by the 2020 Reorganization Meeting at 7:30 p.m.

B. Council Reports

Councilman Strauch – Public Safety

Councilman Strauch reported that the Public Safety Committee met this past Tuesday and will be meeting again on December 9th with the Police and Fire Departments to review their budget requests. He expressed appreciation to all emergency services for what they do for the community,

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pointing out that the Allendale Fire Department and Allendale Volunteer Ambulance Corps are comprised solely of volunteers. He reminded residents that both the Fire Department and Ambulance Corps are in need of volunteers. He advised that there have been a few recent arrests. Sgt. Kroepke and Officer Stettner attended an accreditation conference to ensure that the Borough is aware of all the current requirements and standards. The police department has become part of the CARFAX motor vehicle crash reporting system. There was a hearing this past Monday for an arrest that took place in October which was attended by several Allendale police officers. Councilman Strauch announced that the Allendale Waldwick PBA is collecting new, unwrapped toys which will then be distributed to children's hospitals and military families during the holidays. He advised that anyone who wishes to donate must do so before December 16th.

Councilwoman Homan – Water, Sewer and Public Utilities

Councilwoman Homan explained that Allendale owns its own water infrastructure, while Suez is the Borough's Water Operator for which there is an Operation and Management Agreement. She advised that the Borough was informed by Suez on November 15th that there was an exceedance of the NJ DEP running yearly quarterly average of tetrachloroethylene in the New Street Treatment Station, one of three treatment facilities within the Borough. This exceedance was caused by a machinery malfunction and Councilwoman Homan noted that this issue has been addressed. As the water was tested on November 25th and the tetrachloroethylene is back to a non-detect level, she announced that residents can feel comfortable using Allendale tap water. She explained that the letter sent to residents on December 2nd was required by the NJ DEP and followed a mandatory template. She advised that this letter should not have stated that the Borough was out of compliance after the July 10th sample as it was the result from the October 9th test that was higher than expected and resulted in an exceedance of the State limit. She noted that the water, at all times, was below the Federal standard of 5 parts per billion (ppb). She further noted that the results were far below levels that have been determined to increase the risk of health effects, even on a lifetime exposure basis, and were also below the health and safety standard set by the Environmental Protection Agency of 5 ppb. She expressed that, as she takes her role as an elected official and the Chair of the Water Committee very seriously, she has worked to ensure that this situation was corrected. She is also working to ensure that this situation does not reoccur by having Suez commit to implementing a dashboard that monitors results for both exceedances and variations from the norm that may indicate a potential issue. She encouraged residents to contact Suez should they have further concerns or questions. She also announced that there will be a meeting for water related topics on Tuesday, December 17, 2019 at 7:30 p.m.

Mayor Bernstein opened the meeting to the public for any questions or comments regarding Councilwoman Homan's report only.

Pete Branigan, 81 Chestnut Street, read the following statement into the record:

"I have lived in Allendale nearly 25 years. I love this town.

Let me first say, I have great respect for the Mayor and everyone on the Borough Council. You care about Allendale as much as I do, and as much as everyone else who lives, works and plays here.

Since moving here, I have come before this body a handful of times, only one issue was slightly contentious (Mr Strauch may remember). The one I am here about today is a grand-daddy.

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I have some questions about a letter I received from SUEZ yesterday. I am not here to put anyone "on the spot", so I don't expect answers to today...but I do expect answers on 12/17.

Now...here we go...

The letter says "this is not an emergency". Who at SUEZ determines what **is** or **is not** considered an emergency? Is there a decision matrix documented at SUEZ to assist with this determination? If so, was it consulted? If not, why not?

An MCL of 1 ppb is cited in the SUEZ letter. The US EPA Website indicates (as far as I can tell) MCL = 5 ppb. Why the significant difference?

The letter says the MCL of two separate tests (7/10 & 10/9) was > 1 ppb ... what was the actual MCL of each test? The annual average is in excess of 1 ppb.

The first failed test was 7/10. The letter says SUEZ failed to notify the NJDEP within 48 hours of receiving the test results. Was the NJDEP notified at all? Was the Borough? If so WHEN? The second failed test was 10/9. The letter says SUEZ failed to notify the NJDEP within 48 hours of receiving the test results. Was the NJDEP notified at all? Was the Borough? If so WHEN?

Why was a letter sent to customers only AFTER shutting down (11/13), repairing, and returning to service (11/25) the New Street Treatment Plant (the letter is dated 11/27 and was received 12/4 in a nondescript envelope). 4 months after the first failed test (potentially 7 months since the levels rose above acceptable MCL). Did the borough know about this work? If so, why didn't the Borough notify residents in a timely manner? The first sign from the Borough was last night, after social media lit up over the letter.

If the law does not require notification to customers/residents/businesses, do you think common courtesy would kick-in? (you don't have to answer)

I suspect SUEZ uses RACI's or similar. Who at SUEZ is ACCOUNTABLE for the failure to notify the NJDEP of the MCL violations (either on time, or at all)? What disciplinary action, if any, is underway or being considered for this individual?

Is tetrachloroethylene used by any business in or around Allendale? Is the use of this known carcinogen regulated or waste treatment monitored? Health Department? Code Official? Borough Engineer? Anyone?

Are there any "outstanding actions" not outlined in the letter? If so, what are they? If there are none, why do they need 4 months to complete the 1 corrective action in the first bullet item in that section of the letter?

Now that the problem has been addressed, have additional test(s) come back clean? If so, what was the detected contamination level, and why does the letter recommend to "consider using alternate water sources for drinking purposes"? Is there still a perceived risk?

Lastly, 2 rhetorical questions:

Would the person in the first question, knowing of the situation, have taken action in their home or place of business to avoid drinking the tap water or avoid using it to bathe/shower, brush their

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teeth, or wash dishes? If they have children in the home, would they have had them tested as recommended in the letter?

Thank you.”

Mr. Branigan explained that this statement was written prior to Councilwoman Homan’s report and noted that some of his questions were already answered.

In response to Mr. Branigan’s question, Councilwoman Homan advised that the reason for the four-month timeframe is Suez having to submit a remedial measures report which takes time to complete. She explained that, although the issue has been addressed and the tests have come back clean, there will be additional actions required by the NJ DEP to be taken. She further explained that the letter was sent as it is a NJ DEP requirement. When this issue was discovered, she stated that the water was shut off at the New Street Station, explaining that 50% of the Borough’s water comes from the interconnect from Suez and the other 50% comes from the five wells and three treatment centers located within the Borough. Once the water was shut off, the Borough had to await direction from the NJ DEP on how to address the situation prior to putting information out to the public. Councilwoman Homan pointed out that New Jersey has stricter limits for tetrachloroethylene than those permitted by the EPA which she believes should be a comfort for residents.

Councilwoman Wilczynski noted that bottled water goes by the less stringent EPA standard of 5 ppb.

C. Mayor’s Report

Due to time constraints, this agenda item was carried to the Regular Session.

D. Staff Reports

Due to time constraints, this agenda item was carried to the Regular Session.

Adjournment

There being no further business to come before the Mayor and Council, on a motion by Councilman Strauch, second by Councilman O’Connell, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:01 p.m.

Respectfully submitted

Anne Dodd, RMC
Municipal Clerk