PRESENT: Mayor Elizabeth White and Councilmembers Ari Bernstein, Liz Homan, Jackie McSwiggan, Steve Sasso, Jim Strauch and Amy Wilczynski

ABSENT: None

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 May 11, 2017. 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 Councilwoman McSwiggan, second by Councilwoman Wilczynski, that the Minutes of April 27, 2017 Work Session and April 27, 2017 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: aye
Councilwoman McSwiggan: aye Councilwoman Wilczynski: aye

Public Comment

Mark Savastano, 22 Vreeland Place, inquired whether the public will have input into the use of the new property. He further inquired whether it is still currently occupied and whether the entire property will be developed for town use.

Mayor White responded that they will be putting together a vision committee to discuss the future of this property. She advised that the businesses currently located at 220 West Crescent Avenue will be there for another year and they have negotiated an extension of the lease with Anderson through May 31, 2019. She noted that approximately $1 million in taxes and rent is received on this property per year which will help to offset what is owed on the property. She explained that although there are no definite plans, she advised that they will be putting some senior affordable housing units on this property which will be critical in addressing the long waiting list for senior housing.

Public Hearings for Advertised Ordinances:

Ordinance 17-08
The Municipal Clerk read into the record:

The following ordinance published herewith was first read by title only on April 6, 2017 and posted on the bulletin board of the municipal building.

ORDINANCE 17-08 – AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF ALLENDALE, ZONING, CHAPTER 270-31(A)

Mayor White noted that correspondence was received from the Planning Board advising that this ordinance was reviewed and it was found to be consistent with the Master Plan. As such, the Planning Board has recommended the adoption of this ordinance.

Public Comments on Ordinance 17-08

No one came forward.

Motion by Councilman Sasso, second by Councilwoman McSwiggan, that Ordinance 17-08 be passed on second and final reading and is 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:  aye
Councilwoman McSwiggan:  aye   Councilwoman Wilczynski: aye

(See Ordinance 17-08, attached and made a part hereof.)

Introduction of Ordinances

Motion by Councilwoman Wilczynski that the following ordinance be introduced and passed on first reading and setting May 25, 2017 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 Strauch.

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


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

Councilman Bernstein:  aye   Councilman Sasso:   aye
Councilwoman Homan:  aye   Councilman Strauch:  aye
Councilwoman McSwiggan:  aye   Councilwoman Wilczynski: aye
Mayor and Council of the Borough of Allendale  
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(See Ordinance 17-09, attached and made a part hereof.)

Consent Agenda

A. 17-150/Approval of Bill List
B. 17-151/Authorize Shared Services Agreement – County-Owned Equipment
C. 17-152/Support A4666/S3080 & A4667/S3081 – COAH Legislation
D. 17-153/Appoint DPW Seasonal Employee – Ron Gyenes
E. 17-154/Approve Road Closure – Allendale Veterinary Hospital Pet Adoption Event
F. 17-155/Authorize Salaries – Crestwood Lake Swim Club 2017 Season
G. 17-156/Authorize Refund – Overpayment of 2017 Taxes – Block 2007 Lot 8
H. 17-157/Approve Tax Appeal Settlement – 42 West Allendale Associates
I. 17-158/Authorize Refund – Water Overpayment – Yagyayae
J. 17-159/Authorize Water Bill Adjustment – Finno

Motion by Councilman Strauch, second by Councilman Sasso, that the Consent Agenda be approved.

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

Councilman Bernstein: aye  
Councilwoman Homan: aye  
Councilwoman McSwiggan: aye  
Councilman Sasso: aye  
Councilman Strauch: aye  
Councilwoman Wilczynski: aye

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

Resolution 17-150

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 April 27, 2017 in the amounts of:

- Current Fund $2,796,904.66
- Payroll Account $1,551,774.00
- General Capital $1,943.85
- Animal Fund $0.00
- COAH/Housing Trust $3,963.60
- Improvement & Beautification $0.00
- Unemployment Fund $0.00
- Trust Fund $1,007.88
- Water Operating $0.00
- Water Capital $3,560.16

Total $4,359,154.15
Resolution 17-151

Authorization for the Mayor to Sign
Shared Services Agreement

WHEREAS, the County of Bergen owns certain vehicles and equipment (the "Equipment") that it could make available to the local units within Bergen County, subject to the operational needs of the County; and

WHEREAS, some of the Equipment was acquired by the County's Office of Emergency Management pursuant to State and Federal grants for the express purpose of making same available to the municipalities within Bergen County, and is controlled by the County's Office of Emergency Management ('OEM'); and

WHEREAS, other Equipment is controlled by other departments of the County, such as Public Works and Parks; and

WHEREAS, due to emergencies, mechanical breakdown or budgetary restrictions, the need arises occasionally for which the Borough of Allendale does not possess the required equipment; and

WHEREAS, there is often insufficient time to execute formal agreements to enable the sharing of Equipment under such circumstances; and

WHEREAS, by entering into written agreements governing the terms for sharing of County owned Equipment in advance of the actual need, the County will be able to facilitate the prompt availability of such Equipment at such time as the Borough of Allendale has a need to utilize same; and

WHEREAS, the Borough of Allendale is authorized to enter into shared services agreements in accordance with the Uniform Shared Services and Consolidation Act, P.L.2007, c.63 (C.40A:65-1, et seq.).

WHEREAS, County Counsel has prepared a form of Shared Services Agreement "FOR THE SHARING OF COUNTY-OWNED EMERGENCY AND NON-EMERGENCY EQUIPMENT" ("Shared Services Agreement"), a copy of which is annexed to this Resolution; and

WHEREAS, the Shared Services Agreement sets forth the terms under which the County will, subject to availability and the County's operational needs, loan Equipment to the Borough of Allendale for short term use.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale as follows:

1. The recitals set forth above are incorporated as if set forth at length herein.
2. The Mayor and Council hereby endorse the proposed Shared Services Agreement, and approves the terms thereof, as annexed to this Resolution.

3. The Mayor is hereby authorized to sign the Shared Services Agreement in the form annexed, together with any other documents necessary to implement the Agreement, the Agreement and all other documents to be in forms approved by Borough Counsel.

Resolution 17-152

Resolution In Support of A4666/S3080 and A4667/S3081, and Urging the Legislature to Reduce Local Affordable Housing Burdens and Provide Defined Rules and Relief in Providing Thereof

WHEREAS, the New Jersey’s municipalities support the provision of affordable housing in a reasonable, rational and achievable way, consistent with economic realities and sound planning; and

WHEREAS, the Council of Affordable Housing (COAH) has not adopted regulations to establish the methodology for determining municipal affordable housing obligations since 1999; and

WHEREAS, COAH’s inability to adopt regulations resulted in hundreds of municipalities being forced to seek declaratory judgements in the courts in order to comply with the State imposed municipal affordable housing obligations; and

WHEREAS, since 1999 both COAH and the State Legislature have restricted or abolished municipal compliance tools while failing to create new tools and means of compliance to facilitate the construction of affordable housing; and

WHEREAS, the Legislature and Administration need to partner with municipalities to facilitate municipal compliance by enabling new tools which generate funding, provide flexibility, promote transparency, provide incentives for municipalities and further the provision of affordable housing; and

WHEREAS, many municipalities have collected affordable housing trust funds while at the same time tax credits and other financial incentives for construction or rehabilitation have been significantly reduced, impeding the ability of local governments and their partners to advance affordable housing projects; and

WHEREAS, hundreds of municipalities statewide must address significant state and court imposed housing obligations as a result of the State’s inability to enact a reasonable statewide policy; and

WHEREAS, it is the responsibility of the state and the legislature to assist municipalities and enact a rational housing policy with achievable obligations, sufficient compliance tools and appropriate financial resources.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Allendale that the State Legislature is urged to pass A4666/S3080, enacting a short-term moratorium on all affordable housing litigation; and A4667/S3081 establishing the “Affordable Housing Obligation Study Commission” to assist in finding solutions to the affordable housing crisis foisted upon municipalities; and
BE IT FURTHER RESOLVED, that we must reach a solution to affordable housing in New Jersey; and

BE IT FINALLY RESOLVED, that certified Copies of this resolution be distributed to the Governor, the Lieutenant Governor, the President of the New Jersey Senate, the Speaker of the New Jersey General Assembly, Senator Kevin J. O’Toole, Assemblyman Kevin J. Rooney, Assemblyman David C. Russo, the Assembly Housing and Community Development Committee, the Senate Community and Urban Affairs Committee, the new and the New Jersey League of Municipalities.

Resolution 17-153

Appointment of DPW Seasonal Employee

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that Ron Gyenes be appointed as a Seasonal Employee with the Department of Public Works at a salary of $15.00/hour effective May 3, 2017 to September 15, 2017; and

Be It Further Resolved that the Mayor, the Chief Financial Officer, Municipal Clerk and the Borough Attorney are authorized to take all appropriate actions so as to implement this Resolution.

Resolution 17-154

Whereas, a request was received from the Allendale Veterinary Hospital to close West Allendale Avenue from the town clock to Central Avenue to hold its 4th annual pet adoption event on May 20, 2017 from 11 a.m. to 2 p.m.; and

Whereas, this request was reviewed by the Allendale Police Department who approves of same; and

Whereas, the Allendale Veterinary Hospital will, after approval, coordinate the event with the Police Department, the Fire Department and the Department of Public Works.

Now, Therefore, Be It Resolved by the Mayor and Council that this request be and is hereby approved.

Resolution 17-155

2017 Crestwood Lake Salary Resolution – Supplement One

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 hires the following individuals at the corresponding rates of pay for the Crestwood Lake Swim Club 2017 Season as follows:

- Nick Friedland, Sub Lifeguard, $8.75 per hour
- Ethan Plasker, Sub Lifeguard, $8.50 per hour
- Liam Roy, Sub Lifeguard, $8.50 per hour
- Jeremy Unanue, Sub Lifeguard, $8.50 per hour
- Ruia Chhabra, Sub Lifeguard, $8.50 per hour
**Mayor and Council of the Borough of Allendale**  
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**May 11, 2017**  
**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:

<table>
<thead>
<tr>
<th>Block/ Lot</th>
<th>Name</th>
<th>Property Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007/8</td>
<td>Gramegna, Robert M. &amp; Lahm, Gail</td>
<td>90 Midwood Avenue, Allendale, NJ 07401</td>
<td>$109.40</td>
</tr>
</tbody>
</table>

**Resolution 17-157**

**Approval of Tax Appeal Settlement – 42 West Allendale Assoc. LLC**

**WHEREAS,** the tax payers, 42 West Allendale Assoc. LLC, appealed the assessment levied on the commercial property they owned for the tax years 2014, 2015 & 2016; and

**WHEREAS,** the subject property is located at 42 West Allendale Ave. (Block 1808, Lot 14); and

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

**WHEREAS,** the assessor and appraiser reviewed the documents submitted by Plaintiff and other data on this property and determined that an adjustment for 2014 only was warranted; and

**WHEREAS,** the parties have agreed to compromise the appeal on the following terms: the appeals for the 2015 and 2016 tax years have been withdrawn; for 2014 assessment shall be reduced from $1,282,700 to 1,100,000; and

**WHEREAS,** there are sufficient funds available in the reserve for tax appeals account to satisfy the 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 42 West Allendale Assoc. LLC 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 17-158**

**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 2017:

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>311 6134711554</td>
<td>Peter &amp; Sofya Yagyayae</td>
<td>$121.93</td>
</tr>
</tbody>
</table>

Resolution 17-159

Water Bill Reduction

Whereas, the utility Payer listed below 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, incorrect readings or overpayment,

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, that this adjustment be granted, with no money refunded, to the following utility bill payer:

<table>
<thead>
<tr>
<th>Name</th>
<th>Account Number</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christopher Finno</td>
<td>31104380097135</td>
<td>$50</td>
</tr>
</tbody>
</table>

Resolutions

17-160/Certify 2016 Audit

Motion by Councilman Bernstein, second by Councilwoman McSwiggan, that Resolution #17-160 be approved.

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

- Councilman Bernstein: aye
- Councilwoman Homan: aye
- Councilwoman McSwiggan: aye
- Councilman Sasso: aye
- Councilman Strauch: aye
- Councilwoman Wilczynski: aye

Resolution 17-160

Review of Annual Audit

Whereas, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and,

Whereas, the Annual Report of Audit for the year 2016 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,
Whereas, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-334; and,

Whereas, the Local Finance Board has promulgated NJAC 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and,

Whereas, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations”, as evidenced by the group affidavit form of the governing body attached hereto; and,

Whereas, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to NJAC 5:30-6.5; and,

Whereas, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and,

Whereas, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars ($1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

Now, Therefore Be It Resolved, that the Mayor and Council of the Borough of Allendale, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Unfinished Business:

There was no unfinished business.

New Business:

There was no new business.

Council Committee Reports and Comments

Councilman Bernstein – Administration, Finance, and Human Resources
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Councilman Bernstein advised that the meeting of the Administration, Finance and Human Resources Committee originally scheduled for today has been rescheduled to Tuesday. He will report on this meeting on May 25th.

Councilman Sasso – Land Use and Construction Code

Councilman Sasso reported that the Land Use and Construction Code Committee met last week and continue to review to Construction Code to ensure it is up-to-date. The next committee meeting is scheduled on June 2nd.

Councilwoman McSwiggan – Water, Sewer and Public Utilities

Councilwoman McSwiggan announced that the new motor and variable speed drive for well #11 are scheduled to be installed within the next two weeks. She thanked Ron Kistner, Administrative Officer, for his oversight to ensure that this project stays on track. The startup and testing of the new high speed motor for the Fairhaven Booster Tank has been scheduled for some time next week. The New Street VOC air stripper overhaul was completed and well #2 will be returned to service tomorrow.

Mayor White noted that the New Street project has been on the books for many years, and although a lot of money was budgeted for this project, they were able to do it with the current water operator at a significant savings.

Councilwoman McSwiggan advised that, as upgrades are completed, they are making an effort to work with Suez to upload them to the GIS system. She expressed her belief that, by doing so, it will allow for better tracking of where everything is located underground in terms of the water and sewer system. The next committee meeting is scheduled on May 22nd.

Councilwoman Wilczynski – Facilities, Parks & Recreation

Councilwoman Wilczynski reported that it was Arbor Day and she participated in a lot of green activities including the planting of a tree at Borough Hall. She thanked Rose Anne Weissel for the great job that she did. She noted that the lake is coming along nicely, commenting that it looks beautiful and is almost full. The tennis court project is almost complete and the bathroom project is scheduled to begin on Monday and should be completed before Memorial Day. She advised that registrations are doing well and Family Day is scheduled over Memorial Day weekend.

Councilwoman Homan – Public Safety

Councilwoman Homan advised that the drunk driving simulation took place at the high school which involved all of the emergency services. She expressed her hope that it will make an impact on the students who will be having their prom on June 2nd. She assured the public that the Allendale Police Department is working with various agencies to address the recent burglaries and are searching for the person responsible. An arrest warrant has been signed and they believe that a suspect will be apprehended in the near future. The Police Department is working on some IT purchases which have been budgeted and planned for some time. As noted by Mayor White, it is EMS Week as well as the 80th Anniversary of the Volunteer Ambulance Corps. She announced that both the Ambulance Corps and Fire Department are in need of volunteers, especially those who have availability to volunteer during the day. The next Public Safety Committee meeting is scheduled for May 19th.
Mayor and Council of the Borough of Allendale
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Councilman Strauch – Public Works

Councilman Strauch reported that the Public Works Committee met this past Monday. He commended Ron Kistner, Tatiana Marquis and the entire DPW staff for the wonderful job that they do with limited resources. The DPW installed a new roof on the chlorine building and will be replacing the roof on the lifeguard building as well. Mr. Kistner met with representatives from Orange & Rockland to review the electrical needs for the two new compactors that will be purchased for the Recycling Center as well as the new generator being installed at the Firehouse. Three members of the DPW repaved the front of the chief’s building at the Firehouse. In terms of storm drain cleaning and repairs, approximately 25 to 30 are scheduled to be completed this summer. The next Public Works meeting is scheduled for 9 am on June 7th with Engineering to follow at 9:30 am. There will be a shredding day held on May 20th.

Staff Reports:

Ray Wiss, Municipal Attorney, reported that there is a COAH mediation scheduled on May 22nd and a case management conference on May 25th. He commented that they are well-positioned for the mediation. The closing on 220 and 230 West Crescent Avenue took place on May 3rd. He noted that they have tenants in place for the foreseeable future, allowing for the property to be self-sustaining while the ultimate use is planned by the vision committee that will be put into place. He advised that he met with the Police Chief this afternoon to discuss some departmental matters including some policies that are currently under review. On May 1st, the judge signed the order which finally resolved the Northern Highlands litigation matter.

Anne Dodd, Municipal Clerk, advised that her office is working on notifying the affected voters of the change in polling locations. Postcards are being prepared, a notice has been placed on both the Borough website and Facebook, and a SwiftReach notification will be sent right before the Primary Election which is scheduled on June 6, 2017. She noted that the deadline to register to vote in the Primary Election is Tuesday and her office will be open until 9 p.m. for Late Night Voter Registration. They will also be open for Crestwood Lake photos that night. Her office is also busy with Crestwood Lake registrations as well as the issuance of compost permits.

Mayor White announced that there will be a hazardous waste collection this Saturday. Allendale paper shredding day will also be held on Saturday.

Ron Kistner, Administrative Officer/Director of Operations, advised that he will be requesting that the purchase of a beach rake be authorized at the next meeting. He noted that this purchase has been budgeted in the capital budget and is a multi-purpose piece of equipment as it can also be used for the ball fields as well as leaf pickup in the fall.

Public Comment on any issue:

Tom Zambrotta, 13 Surrey Lane, explained that his wife attempted to book an end of the year party for her kindergarten class but was advised that West Beach can no longer be rented during the week. He inquired whether there has been a change in policy.

Councilwoman Wilczynski confirmed that, due to difficulty with staffing as well as complaints received, the decision was made not to rent West Beach during the week.
He questioned if there are other avenues or facilities to hold this event and have use of the lake.

Councilwoman Wilczynski advised that the Red Barn would be available, but explained that use of the lake would be at the discretion of the Lake Director as there needs to be proper staffing. She noted that there is an area called Playground Beach but use of this area is for smaller parties.

Mayor White added that prior to the school break, not all of the lifeguard positions are staffed yet and they have gone back and forth whether to delay the opening of the lake.

Mr. Zambrotta noted that his street has been marked for work by Suez and he inquired what work is being done.

Mr. Kistner responded that two pieces of pipe are being cut and nipples will be placed on the pipe. He explained that by doing so, it will allow them to determine the best way to clean the line.

Mayor White added that PSE&G will be replacing a gas pipe on Surrey and residents will be notified when this work is scheduled to begin.

**Adjournment:**

There being no further business to come before the Mayor and Council, on a motion by Councilman Strauch, second by Councilwoman McSwiggan, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Anne Dodd, RMC
Municipal Clerk