

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
May 23, 2019

PRESENT: Mayor Ari Bernstein and Councilmembers Matthew O’Toole, Steve Sasso, Jim Strauch and Amy Wilczynski

ABSENT: Councilmembers Liz Homan and Edward O’Connell

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 May 23, 2019. The meeting was called to order at 8:00 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.”

Approval of Minutes:

Motion by Councilwoman Wilczynski, second by Councilman Sasso, that the Minutes of May 9, 2019 Work Session and May 9, 2019 Regular Session are approved.

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

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

Public Comment

James Thomas, 30 Arlton Road, referenced Resolution #19-152 and inquired whether the Payment in Lieu of Taxes (PILOT) agreement for 220 and 230 West Crescent Avenue was included as part of Mr. Benecke’s obligations under his original agreement. He also questioned Mr. Benecke’s qualifications with respect to preparing this agreement.

Borough Attorney Wiss responded that Mr. Benecke was initially appointed for the purpose of qualifying the property in a redevelopment area and the PILOT agreement is the next step in the process. He noted that the redevelopment plan had to first be approved prior to moving to the financial aspect. He commented that Mr. Benecke is one of the leading authorities in this area.

Mr. Thomas advised that, in previous correspondence, he had requested that Mayor Bernstein review the testimony and conditions that lead the governing body to find 220 and 230 West Crescent Avenue as an area in need of redevelopment. He requested that this review be done if it has not already commenced to ensure that it was not done in violation of the Statute.

Borough Attorney Wiss confirmed that the statutory protocols were followed when designating this area as in need of redevelopment. He explained that the opportunity for objectors to voice their

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concerns would have been at the two public hearings that were conducted before this body as well as the Land Use Board, noting that the phase of designating this area as in need of redevelopment has concluded and the financial aspect, which is the PILOT agreement, has now commenced.

Mr. Thomas clarified that his request is for Mayor Bernstein to reaffirm the findings as the chief ethical officer of the community.

Mark Savastano, 22 Vreeland Place, inquired as to the hiring process for the positions which are being authorized on tonight's agenda.

Mayor Bernstein and Ron Kistner, Administrative Officer/Director of Operations, reviewed the hiring process that was followed for each position on the agenda.

Resolutions

Bergen County Open Space Grant Application – Crestwood Lake Playground Improvement Project

Councilwoman Wilczynski explained that this application is for the 2019 Bergen County Open Space grant, noting that the 2018 grant was sought to purchase new playground equipment. The 2019 grant is being sought to make improvements to the surrounding area which will include a fence and benches. She commented that the band shell is also being installed in this area which was obtained through the 2017 grant.

Borough Attorney Wiss added that this grant is a matching dollar for dollar grant from the County.

Public comments on Grant Application

No one came forward.

19-140/Authorize Submission of Bergen County Open Space Trust Fund Municipal Program Park Improvement Application – Crestwood Lake Playground Improvement Project

Motion by Councilwoman Wilczynski, second by Councilman Strauch, that Resolution #19-140 be approved.

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

Councilwoman Homan:	absent	Councilman Sasso:	aye
Councilman O'Connell:	absent	Councilman Strauch:	aye
Councilman O'Toole	aye	Councilwoman Wilczynski:	aye

Resolution 19-140

TRUST FUND APPLICATION MUNICIPAL ENDORSING RESOLUTION

WHEREAS, the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("County Trust Fund"), provides matching grants to municipal governments

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and to nonprofit organizations for assistance in the development or redevelopment of outdoor municipal recreation facilities; and,

WHEREAS, the Borough of Allendale desires to further the public interest by obtaining a matching grant of Fifty Thousand (\$50,000.00) dollars from the County Trust Fund to fund the following project: “Crestwood Lake Playground Improvement Project”; and,

WHEREAS, the governing body/board has reviewed the County Trust Fund Program Statement, and the Trust Fund Municipal Program Park Improvement application and instructions, and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

WHEREAS, as part of the application process, the governing body held the required Public Hearing to receive public comments on the proposed park improvements in the application on May 23, 2019; and,

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above-named project and ensure its completion on or about the project contract expiration date.

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

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of May 20th, 2019, as established by the County; and,
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Mayor and Council of the Borough of Allendale has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,
3. That the Mayor and Council of the Borough of Allendale is committed to providing a dollar for dollar cash match for the project; and,
4. That only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement; and
5. That the Mayor and Council of the Borough of Allendale agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,
6. That this resolution shall take effect immediately.

Public Hearings for Advertised Ordinances:

Ordinance 19-08

The Municipal Clerk read into the record:

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The following ordinance published herewith was first read by title only on May 9, 2019 and posted on the bulletin board of the lobby of the municipal building.

ORDINANCE 19-08 – 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

Public Comments on Ordinance 19-08

No one came forward.

Motion by Councilwoman Wilczynski, second by Councilman O'Toole, that Ordinance 19-08 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:

Councilwoman Homan:	absent	Councilman Sasso:	aye
Councilman O'Connell:	absent	Councilman Strauch:	aye
Councilman O'Toole	aye	Councilwoman Wilczynski:	aye

(See Ordinance 19-08 attached and made a part hereof.)

Consent Agenda

Councilwoman Wilczynski advised that there is no need to amend the Consent Agenda as the resolution to authorize an agreement with Madeline Corp can be listed on the next Mayor and Council meeting agenda.

- A. **19-141**/Approval of Bill List
- B. **19-142**/ Authorize Continued Participation in Cranford Police Cooperative Pricing System
- C. **19-143**/Authorize Purchase of Fire Department Vehicle – Cranford Cooperative Pricing System
- D. **19-144**/Approve 2019 July 4th Celebration
- E. **19-145**/Authorize Refund – Water Overpayment – Jacobsen Real Estate LLC
- F. **19-146**/Authorize 2019 Salaries – Crestwood Lake Swim Club
- G. **19-147**/Authorize Salary Increase – Webmaster
- H. **19-148**/Amend Resolution #19-86 – David Nizborski
- I. **19-149**/Authorize Liquor License Renewals – 2019-2020 Term
- J. **19-150**/Approval of Rugby Event – May 27, 2019
- K. **19-151**/Appoint Construction Consultant – New Municipal Building – Bruno Cividini
- L. **19-152**/Increase Expenditure Limitation – Financial Consultant Services – Benecke Economics
- M. **19-153**/Authorize Tax Collector to Prepare & Mail Estimated Tax Bills
- N. **19-154**/Authorize Receipt of Bids – Drainage & Sidewalk Improvements (The Woods) Franklin Turnpike
- O. **19-155**/Adopt Amended Spending Plan Component of 2018 Housing Element & Fair Share Plan

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- P. **19-156**/Express Intent to Provide Funds Necessary to Satisfy Affordable Housing Obligations
- Q. **19-157**/ Authorize Wiss & Bouregy to Enter into Proposal – RTP Environmental Associates, Inc.
- R. **19-158**/Appoint Hourly Summer Intern – Kaitlyn Callaghan
- S. **19-159**/Appoint Hourly Seasonal DPW Employee – Brian O’Connor

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

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

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

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

Resolution 19-141

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 May 23, 2019 in the amounts of:

Current Fund	\$1,396,390.36
Payroll Account	\$254,203.96
General Capital	\$5,812.50
Animal Fund	\$30.60
Grant Fund	\$0.00
COAH/Housing Trust	\$0.00
Improvement & Beautification	\$0.00
Unemployment Fund	\$0.00
Trust Fund	\$7,720.00
Water Operating	\$185,213.17
Water Capital	\$2,984.00
Total	\$1,852,354.59

Resolution 19-142

Authorization to Join the Cranford Police
Cooperative Pricing System

Whereas, the Cranford Police Cooperative Pricing System (ID # 47-CPCPS), hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

Whereas, on November 19, 2012, the governing body of the Borough of Allendale, County of Bergen,

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State of New Jersey authorized participation in a Cooperative Pricing System for the provision and performance of goods and services via Resolution #12-292;

Whereas, the Borough of Allendale wishes to continue to participate in the Cranford Police Cooperative Pricing System.

Now, Therefore, Be It Resolved that the Mayor and Council of the Borough of Allendale hereby authorize continued participation in the Cranford Police Cooperative Pricing System as per the Cooperative Pricing Agreement with the Lead Agency dated November 20, 2012.

Be It Further Resolved that the Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

Be It Further Resolved that this resolution shall take effect immediately upon passage.

Resolution 19-143

WHEREAS, on May 23, 2019, via Resolution #19-142, the Mayor and Council of the Borough of Allendale, authorized continued participation in a Cooperative Pricing Agreement with Cranford Police Cooperative Pricing System (ID # 47-CPCPS) for the purchase of goods and services as permitted by NJSA 40A:11-11(5); and

WHEREAS, via Cranford Police Cooperative Pricing System, the Borough received a quote from Mall Chevrolet for the purchase of a 2019 Chevrolet Tahoe in the amount of \$38,480.00; and

WHEREAS, the Chief Financial Officer has advised that funding is available for this purchase.

NOW THEREFORE BE IT RESOLVED that the purchase of a 2019 Chevrolet Tahoe in the amount of \$38,480.00 from Mall Chevrolet, having its principal office at 75 Haddonfield Road in Cherry Hill, NJ 08002, is hereby authorized based on quote obtained via Cranford Police Cooperative Pricing System attached hereto and incorporated herein by reference.

Resolution 19-144

Approval of 2019 July 4th Celebration

Be It Resolved that Crestwood Park will close at 5:00 p.m. on July 4, 2019; and,

Be It Further Resolved that the Holiday Observers are hereby authorized to conduct a fireworks display and celebration at Crestwood Lake commencing at dusk on Thursday, July 4, 2019 with a rain date of Saturday, July 6, 2019; and,

Be It Further Resolved that the fireworks display is subject to appropriate review and approval of insurance and the receipt of a permit from the Allendale Bureau of Fire Prevention.

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Resolution 19-145

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 checks for overpayments on the accounts listed below and charge same to Water Rents for 2019:

Account Number	Name	Amount
31107149337611	Jacobsen Real Estate LLC 10 New City Street Essex, CT 06426-1018	\$175.03

Resolution 19-146

2019 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 2019 Season as follows:

Kassidy Fishman	Substitute Lifeguard	\$9.25 per hour
Kaycee Hunt	Substitute Lifeguard	\$9.25 per hour
Jack Krause	Substitute Lifeguard	\$9.25 per hour
Taite Lee	Substitute Lifeguard	\$9.25 per hour
Chiara McMaster	Substitute Lifeguard	\$9.25 per hour
Kiara Riely	Substitute Gate Person	\$8.85 per hour
Erik Diedrichs	Head Dive Coach	\$400 Stipend
Luke Bussetti	Assistant Dive Coach	\$300 Stipend
Grace Aboussleman	Assistant Swim Coach	\$300 Stipend
Colin Hascup	Assistant Swim Coach	\$300 Stipend

Resolution 19-147

Salary Resolution

Whereas, Tyler Yaccarino was appointed as Webmaster via Resolution #15-335 at a rate of \$1,500 annually; and

Whereas, the governing body wishes to grant a salary increase for this position.

Be It Resolved by the Governing Body of the Borough of Allendale that Tyler Yaccarino be granted an increase in pay to \$2,700 annually for his position as Webmaster effective May 13, 2019.

Resolution 19-148

Amend 2019 Salary Resolution

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Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that Resolution #19-86 is hereby amended as follows:

David Nizborski, Plumbing Sub Code Official, Part-time, Hourly (effective 1/1/19 – 5/12/19)	\$35.00
David Nizborski, Plumbing Sub Code Official, Part-time, Salary (effective 5/13/19)	\$11,820

Resolution 19-149

Renewal of ABC Liquor Licenses for 2019-2020

Whereas, all Plenary Retail Consumption, Retail Distribution, Limited Distribution and Club Licenses will expire on June 30, 2019; and,

Whereas, the following applicants have complied with the provisions of the Act of the Legislature entitled, “An Act Concerning Alcoholic Beverages”, being Chapter 436 of the Laws of 1933, its supplements and amendments, and with the Rules and Regulations issued or to be promulgated by the State Commissioner of Alcoholic Beverage Control applicable.

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that the Borough Clerk be and is hereby authorized to issue licenses to expire June 30, 2020, to the following:

PLENARY RETAIL CONSUMPTION LICENSES - \$2,500.00

<u>LICENSE#</u>	<u>LICENSEE</u>	<u>LICENSED PREMISES</u>
0201-33-001-002	Allendale Bar & Grill, Inc. t/a Allendale Bar & Grill	67 West Allendale Avenue Allendale, NJ 07401
0201-33-006-007	Savini Restaurant LLC t/a Savini Restaurant	168 West Crescent Avenue Allendale, NJ 07401

PLENARY RETAIL DISTRIBUTION LICENSES - \$2,500.00

<u>LICENSE#</u>	<u>LICENSEE</u>	<u>LICENSED PREMISES</u>
0201-44-005-004	Acme Markets, Inc. t/a Acme 250 Parkcenter Boulevard PO Box 20 Boise, ID 83726	Pocket
0201-44-003-005	Allendale Liquors, Inc. t/a Allendale Wine Shoppe	101 West Allendale Avenue Allendale, NJ 07401

Approval of Rugby Event

Now, Therefore, Be It Resolved that the Mayor and Council of the Borough of Allendale does hereby grant permission to the Allendale Recreation Commission to conduct a Rugby Game on Monday, May 27, 2019 at 1:00 p.m. at the Upper Field at Crestwood Park.

**RESOLUTION AUTHORIZING THE AWARD OF A
NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL
CONSTRUCTION CONSULTING SERVICES**

WHEREAS, the Borough of Allendale (the “Borough”) has a need to acquire the professional services of a construction consultant possessing an engineering license and architect license in connection with the construction of a new municipal building within the Borough, as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Mayor has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is two (2) year(s) and may be extended two (2) times as approved by this governing body; and

WHEREAS, Bruno Cividini has submitted a form of contract dated April 15, 2019 indicating he will provide the aforementioned professional construction consulting services for a sum not to exceed \$65,000.00, the terms of which contract are incorporated herein by reference; and

WHEREAS, Bruno Cividini has completed and submitted a Business Entity Disclosure Certification which certifies that Bruno Cividini has not made any reportable contributions to a political or candidate committee in the Borough in the previous one year, including Republicans for Responsible Government, Allendale Republican Club, Allendale Democratic Club, Candidates for Allendale Municipal Government, Bergen County Democratic Organization, Bergen County Republican Organization, and that the contract will prohibit Bruno Cividini from making any reportable contributions through the term of the contract, and

WHEREAS, a Certification of availability of funds has been received from the Chief Financial Officer or that such funds will be encumbered by Purchase Order on an as-needed basis pursuant to the provisions of NJAC 5:30-5.4 et seq; and

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough authorizes the Mayor or other appropriate Borough Officials to enter into the foregoing contract with Bruno Cividini as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution.

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BE IT FURTHER RESOLVED that a copy of this resolution be filed with the Borough Clerk and made available for inspection and that a brief notice of the passage thereof be published in The Record within ten days of the passage as required by law.

Resolution 19-152

Whereas, the Borough of Allendale by Resolution 18-81 has previously engaged Benecke Economics as a Financial Consultant to provide redevelopment financial consulting services for the Crescent Avenue, Payment in Lieu of Taxes (PILOT,) potential financing of a new municipal building;

Whereas, there is an ongoing need for services by Benecke Economics;

Whereas, an expenditure limitation of \$12,000 was set, absent further approval by Resolution of the Governing Body;

Whereas, the Chief Financial Officer has attached hereto a certification that adequate funds have been or will be duly budgeted and appropriated to pay for the contract;

Now, Therefore, Be It Resolved by the Governing Body of the Borough of Allendale that Robert Benecke of Benecke Economics located in Pompton Lakes, New Jersey shall continue to provide such services as were authorized by Resolution 18-81, and as previously set forth in the proposal incorporated by reference in such Resolution;

Be It Further Resolved that the expenditure limitation for services provided and to be provided by Benecke Economics be and hereby is increased from \$12,000.00 to \$20,000 unless further approved by resolution of the Governing Body;

Be It Further Resolved that the foregoing appointment is made without competitive bidding as a professional service, which is exempt from such requirements pursuant to law;

Be It Further Resolved that a copy of this Resolution be filed with the Municipal Clerk and be made available for inspection.

Resolution 19-153

RESOLUTION AUTHORIZING THE BOROUGH OF ALLENDALE
TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX
BILLS IN ACCORDANCE WITH P.L. 1994, C.72

WHEREAS, due to the County Board of Taxation unable to certify a tax rate due to various issues at the state level and the Municipal Tax Collector will be unable to mail the tax bills on a timely basis, it has become necessary to issue estimated tax bills for the 3rd Quarter of 2019 and;

WHEREAS, the Municipal Tax Collector in consultation with the Municipal Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated levies;

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NOW, THEREFORE BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ALLENDALE, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY ON 23 RD DAY OF MAY 2019 AS FOLLOWS:

1. The Borough of Allendale Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough for the third installment of 2019 taxes. The Tax Collector shall proceed and take such actions as necessary.
2. The entire estimated levy for 2019 is hereby set at \$ 39,896,904.00 for an estimated tax rate of \$ 2.359.
3. In accordance with law the third installment of 2019 shall not be subject to interest until the later of August 12, 2019. Any payment received after August 12, 2019 shall have interest calculated from August 1, 2019.

Resolution 19-154

Authorization to Advertise Bid Specifications for Drainage
& Sidewalk Improvements (The Woods) Franklin Turnpike

Be It Resolved the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey does hereby authorize the Borough Clerk to advertise and thereby solicit and accept sealed bids in accordance with State law for the Drainage & Sidewalk Improvements (The Woods) Franklin Turnpike; and,

Be It Further Resolved that the final bid specifications be subject to form approval by the Borough Attorney.

Resolution 19-155

**A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF ALLENDALE
ADOPTING THE AMENDED SPENDING PLAN COMPONENT OF THE
2018 HOUSING ELEMENT AND FAIR SHARE PLAN**

WHEREAS, the Joint Land Use Board of the Borough of Allendale, Bergen County, State of New Jersey (“JLUB”) adopted a Third Round Housing Element and Fair Share Plan on June 20, 2018 pursuant to N.J.S.A. 40:55D- 28, and N.J.A.C. 5:93, and the Court approved Settlement Agreement between the Borough and Fair Share Housing Center that established the Borough’s fair share obligation, granted a vacant land adjustment of the Borough’s Third Round obligation, and outlined the Borough’s compliance mechanisms; and

WHEREAS, the Borough Council endorsed the Plan on June 28, 2018 at a properly-noticed public meeting; and

WHEREAS, the Borough’s Housing Element and Fair Share Plan includes a Spending Plan component, as required by the Council on Affordable Housing’s Rules at N.J.A.C. 5:93-5.1(c) which projects anticipated revenues to the Township’s Affordable Housing Trust Fund and describes anticipated expenditures of funds to address its fair share obligation as set forth in the Fair Share Plan; and

WHEREAS, the Borough's 2018 adopted plan and spending plan were reviewed by the Special Master in her compliance report dated November 19, 2018 and by the Superior Court at a compliance hearing on November 29, 2018; and

WHEREAS, a Final Judgment of Mount Laurel Compliance and Repose With Conditions for the Borough was issued by the Honorable Gregg A. Padovano, J.S.C., on January 25, 2019; and

WHEREAS, the Court Order required that the Borough's spending plan be amended according to the recommendations of the Master; and

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Allendale, County of Bergen, State of New Jersey hereby adopts the amended Spending Plan component of the Housing Element and Fair Share Plan, prepared by Clarke Caton Hintz and dated March 20, 2019, the terms of which amended Spending Plan are incorporated herein by reference.

Resolution 19-156

**A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF ALLENDALE
EXPRESSING ITS INTENT TO PROVIDE THE FUNDS NECESSARY TO
SATISFY THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS**

WHEREAS, the Joint Land Use Board of the Borough of Allendale, Bergen County, State of New Jersey ("JLUB") adopted a Third Round Housing Element and Fair Share Plan on June 20, 2018 pursuant to N.J.S.A. 40:55D- 28, and N.J.A.C. 5:93, and the Court approved Settlement Agreement between the Borough and Fair Share Housing Center that established the Borough's fair share obligation, granted a vacant land adjustment of the Borough's Third Round obligation, and outlined the Borough's compliance mechanisms; and

WHEREAS, the Borough Council endorsed the Plan on June 28, 2018 at a properly-noticed public meeting; and

WHEREAS, the Borough's Housing Element and Fair Share Plan includes a number of compliance mechanisms, such as a Rehabilitation Program to be administered by the County of Bergen, four (4) municipally sponsored age-restricted rental units at 220 West Crescent Avenue, and a five (5) bedroom group home for adults with developmental disabilities operated by Eastern Christian Children's Retreat;

WHEREAS, pursuant to the State's affordable housing regulations and policies, and the conditions of the Court-approved FSHC Settlement Agreement, in order to assure the creditworthiness of the various compliance techniques included in its Housing Element and Fair Share Plan, the Borough must demonstrate adequate and stable funding sources; and

WHEREAS, since the Borough is committed to securing judicial approval of its Affordable Housing Plan, in order to provide an adequate and stable funding source for the components of the Borough's Housing Element and Fair Share Plan, the Borough shall rely on the funds in its Affordable Housing Trust Fund, established by its Development Fee Ordinance; and

WHEREAS, if -- after exhausting every potential funding source and every valid compliance technique -- the Borough still cannot secure sufficient financing to completely satisfy its affordable housing obligations within the timeframes required for compliance by the terms of the settlement

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agreement and judgment of compliance and repose without being forced to raise or expend municipal revenues in order to provide low- and moderate-income housing, the Borough will cover such costs through bonding and/or other legal means; and

WHEREAS, the Court has indicated its intent to review the Borough's Housing Element and Fair Share Plan, and the Borough wishes to leave no question as to the Borough's intent to cover the cost of implementing its Housing Element and Fair Share Plan or any modification thereof that may be necessary as a result of the Court's review.

NOW, THEREFORE, BE IT RESOLVED by Council of the Borough of Allendale, County of Bergen, State of New Jersey, as follows:

1. In order to provide adequate and stable funding for the County's HIP housing rehabilitation program, the four (4) affordable age-restricted rental units, and the five (5) bedroom group home in its Housing Element and Fair Share Plan, and in order to maintain the timetables set forth in the Settlement Agreement between the Borough and Fair Share Housing Center, Allendale Borough shall make a *bona fide*, diligent, and good faith effort to exhaust the potential funding sources included in "A Guide to Affordable Housing Funding Sources" ("Funding Guide"), dated October 28, 2008, and currently posted on COAH's official website.
2. The Borough shall also maximize use of the funds from its Development Fee Ordinance to facilitate the economic feasibility of the Borough's Housing Element and Fair Share Plan; and
3. If, after exhausting every potential funding source in the Funding Guide and its Development Fee Trust Fund, the Borough still cannot secure sufficient financing to completely satisfy its affordable housing obligations within the timeframe agreed upon between the Borough and Fair Share Housing Center and approved by the Court, the Borough will fully fund, by way of municipal bonding, any gaps in financing to assure the economic feasibility of the compliance techniques listed above included in the Borough's 2018 Third Round Housing Element and Fair Share Plan.
4. The Borough reserves the right to recoup any subsidy provided through future collections of development fees as such funds become available.

Resolution 19-157

WHEREAS, the Borough desires to authorize Borough counsel, Wiss & Bouregy, P.C. to utilize the services of the RTP Environmental Associates, Inc. ("RTP") in connection with its December 22, 2018 Agreement of Purchase Agreement of Real Estate with Hampshire Venture Partners, L.P.; and

WHEREAS, RTP has provided to Borough counsel, Wiss & Bouregy, P.C. a proposal (the "Proposal") dated May 16, 2019 for such services in an amount not to exceed \$5,000.00, the terms of which Proposal are incorporated herein; and

WHEREAS, the Borough's governing body desires to authorize Wiss & Bouregy, P.C. to enter into the Proposal with RTP;

IT IS HEREBY RESOLVED that Wiss & Bouregy, P.C. be and hereby is authorized to execute the Proposal; and

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IT IS FURTHER RESOLVED that the Mayor, the Borough Clerk and Borough Counsel be and hereby are authorized to take such other and further action as may be necessary or desirable to approve and assist RTP with its services to be rendered pursuant to the Proposal.

BE IT FURTHER RESOLVED that the Mayor, the Borough Clerk, the Chief Financial Officer, the Allendale Police Department and the Borough Attorney are authorized to take all appropriate actions so as to implement this Resolution.

Resolution 19-158

Appointment of an Hourly Seasonal Intern

Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that Kaitlyn Callaghan be appointed as an hourly, part-time, seasonal intern effective May 21, 2019 at a rate of \$15.00 per hour.

Resolution 19-159

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 Brian O'Connor be appointed as a Seasonal Laborer with the Department of Public Works at a salary of \$15.00/hour effective June 2, 2019 to September 3, 2019; 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.

Unfinished Business:

There was no unfinished business.

New Business:

There was no new business.

Council Committee Reports and Comments

Councilman Strauch – Public Safety

Councilman Strauch reported that the Public Safety Committee met this past Tuesday. He congratulated the Allendale Police Department for achieving accreditation, commenting that it is an amazing achievement for any department, especially one so small. He advised that the number of arrests is down. There will be three interns, two full-time and one part-time, working with the Police Department this summer. The application process is currently underway for the SLEO III position. Firearms training continues for new rifles. The committee is in the process of scheduling its next meeting.

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Mayor Bernstein announced that there is a Cub Scout in the audience and asked him to come forward.

Levi Stringham, 5 Wehner Place, advised that he is in 5th grade and just attained the rank of Webelos tonight. He explained that he is attending tonight's meeting to obtain one of his merit badges and questioned the reason that Crestwood Lake is closed to the public on weekdays during school.

Councilwoman Wilczynski explained that there are staffing issues prior to the end of the school year and not many residents use the lake during this timeframe. In addition, salaries will be increased significantly over the next few years and the Borough is attempting to reduce costs where possible in order to keep the rates low.

Councilman O'Toole – Public Works

Councilman O'Toole advised that the DPW has been busy preparing for opening day at Crestwood Lake. Two gravel roads, Meeker and Ackerman, were graded and areas requiring stone were filled in by Layne Simon of the DPW. Another 4 tons of asphalt were used to fix potholes which included the large potholes in the driveway at Crestwood Lake. HVAC units at the Allendale Police Department are being serviced as part of a preventative maintenance program. A new, high-efficiency pump has been installed at Crestwood Lake. American flags and planters were installed in the downtown. Recycle Coach is up and running which is a free app that provides reminders regarding garbage and recycling collections. Councilman O'Toole thanked the Holiday Observers who used the organization's funds to remove and replace the tree in front of Acme known as the Hamilton Tree, explaining that Sgt. Hamilton was an airplane mechanic in the military and this tree was planted by his family in his memory.

Councilwoman Wilczynski – Facilities, Parks and Recreation

Councilwoman Wilczynski announced that Crestwood Lake is ready to open. Flowers have been planted and she commented that the lake looks great. Pictures will be taken at the lake on Saturday at 1 p.m. for badges and early bird rates will be honored through Memorial Day for residents only. Pete & Mary's Concessions will be open for the season. There will be a preconstruction meeting for the band shell on May 29th, the materials for which have been delivered. There are new diving boards at the lake this year. The refurbishment of the Van Houten Red Barn Pavilion is complete which features new floors and picnic tables. Councilwoman Wilczynski noted that this project was done through a grant. The bands have been scheduled and Family Night is coming up soon.

With respect to 220 and 230 West Crescent Avenue, the due diligence period continues. As discussed previously, Bob Benecke is being tasked to prepare the PILOT agreement. The Vision Committee met and the needs for the proposed Senior Center are being discussed. Preparation of the schematic design will begin with Bruno Cividini guiding the Borough through this process. With respect to the environmental aspect, she noted that the findings came back with additional contaminants under the parking lot of the back building. This issue is being addressed and the NJ DEP has been notified. An environmental consultant, RTP, will help guide the Borough through the process to ensure that the recommended plan is executed. This firm will also be working with the environmental team for the prospective purchaser. The affordable housing aspect is moving forward with the assistance of the Borough's COAH Planner, Mary Beth Lonergan. The contract for the 5,000 square foot Borough storage facility in 230 West Crescent Avenue is almost finalized.

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Councilman Sasso – Administration, Finance and Human Resources

Councilman Sasso advised that the Administration, Finance and Human Resources Committee met on May 15th. There was discussion regarding the various positions that were filled on the agenda this evening. Two interviews are scheduled tomorrow to fill another permanent position. Document scanning and the implementation of GovPilot are both going well.

Mayor Bernstein added that Accuscan picked up 40 boxes of Building Department records on May 13th for scanning. Online applications for train permits and block parties have gone live through GovPilot. There are still three modules left to deploy and the committee is evaluating which permits make the most sense to automate.

Mayor's Report:

On behalf of Councilman O'Connell, Mayor Bernstein reported that the Land Use and Construction Code Committee met last week. The committee will be meeting again on Saturday morning at 8 a.m. to review the legal analysis of the Borough Code to see what, if any, proposed revisions should be implemented.

Mayor Bernstein advised that the Land Use Board met last week.

The third graders took a field trip to the Fell House and Mayor Bernstein commented that he was privileged to take part in this activity. He thanked Susanne Lovisolo and Pat Finn for all of their hard work in putting this event together.

The Library Board met last Thursday. A representative from the board will attend a Mayor and Council meeting every six months to keep the lines of communication open between the two bodies.

Mayor Bernstein visited the Allendale Community for Senior Living to deliver a proclamation in honor of National Skilled Nursing Care Week to Dr. Tim Giancarlo, noting that the Giancarlo family built the facility and has run it for approximately 50 years. Mayor Bernstein requested that Councilwoman Wilczynski reach out to Dr. Giancarlo regarding becoming a sponsor of an Allendale sports team.

Mayor Bernstein commented that Saturday Mornings with the Mayor and Council got off to a wonderful start and he thanked all who came to this event. He announced that the next one will be held on June 15th.

The Memorial Day Parade will be held on May 27th. Lineup will begin at 9 a.m. at the corner of Myrtle Avenue and Talman Place and the parade will kick off at 9:30 a.m. It will conclude at Memorial Park and unofficially move to the Allendale Firehouse for refreshments and hot dogs. Mayor Bernstein expressed gratitude to Joe Chinnici, Commander of VFW Post 10181, for his work in organizing the parade as well as the DPW employees for preparing Memorial Park and the downtown for this event. He noted that there will be a rugby match later in the day.

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Staff Reports:

Ray Wiss, Municipal Attorney, echoed Councilman Strauch's remarks with respect to the accreditation of the Allendale Police Department. He noted that the process is very laborious and detailed. He advised that the criteria that must be met in order to become fully accredited serves as a best practice model for police departments and expressed that it is a very high commendation that deserves the recognition that it received this evening. He advised that he worked with the Police Chief on the SLEO agreement with the high school which is now in place. He noted that the Borough is close to closure on the final certification for low- and moderate-income housing which will provide immunity from builder's remedy lawsuits through 2025. Matters pertaining to 220 and 230 West Crescent Avenue are ongoing.

Anne Dodd, Municipal Clerk, reported that 36 OPRA requests have been received to date this month and 176 requests have been received to date this year. Her office has been busy issuing compost permits and garage sale licenses as well as registering residents for Crestwood Lake. Her office has also been preparing for the upcoming Primary Election which is on June 4th. Voting machines were delivered this past Tuesday. Polls will be open 6 a.m. to 8 p.m. on June 4th.

Ron Kistner, Administrative Officer/Director of Operations, advised that he has no report.

Public Comment on any issue:

Mark Savastano, 22 Vreeland Place, expressed his opinion that this Borough does an excellent job of getting a lot accomplished as a small municipality. He commented that he was sorry to have missed the Saturday with the Mayor and Council.

Mayor Bernstein advised that the next one will take place on June 15th and stated that this information is posted to the website and a reminder will go out a few days prior.

Mr. Savastano inquired whether the Land Use Committee meeting referenced by Mayor Bernstein is open to the public.

Mayor Bernstein advised that this meeting is not open to the public as it is a committee meeting. He explained that any ordinance amendments would be adopted at a Mayor and Council meeting, and depending on the scope, could be referred to the Land Use Board.

Borough Attorney Wiss explained that ordinances that require an amendment to or a determination as to consistency with the Master Plan would require referral to the Land Use Board. He further explained that the adoption of any ordinance would require action at a public meeting.

Mr. Savastano advised that he raised a public safety concern with Chief Scherb this evening regarding overnight parking on his street. He also requested that the sidewalk on Myrtle Avenue be addressed as he believes it poses a tripping hazard. Mayor Bernstein advised that both matters would be investigated.

James Thomas, 30 Arlton Avenue, explained that the current Governor has formed a taskforce to look into applications for tax incentives and tax programs, including PILOT programs, in order to analyze the procedures followed to determine if there was any wrongdoing. He explained that members of this community may be called upon to comment on programs such as the PILOT program at 220 and 230 West Crescent Avenue and expressed his belief that this testimony may be

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from those who are opposed to this program. He detailed some of the concerns that he believes may be raised.

Mayor Bernstein noted that, when the application comes before the Land Use Board, there will be the opportunity for members of the public to comment and express any concerns. He advised that the financing of this project has been previously discussed at a public meeting.

Adjournment:

There being no further business to come before the Mayor and Council, on a motion by Councilman Sasso, second by Councilman O'Toole, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:59 p.m.

Respectfully submitted,

Anne Dodd, RMC
Municipal Clerk