

AGENDA
BOROUGH OF ALLENDALE
MAYOR AND COUNCIL
REGULAR SESSION – AUGUST 18, 2022
8:00 P.M.

A Regular Meeting of the Mayor and Council of the Borough of Allendale will be held in-person on August 18, 2022 beginning at 8:00 pm in the Mayor & Council Chambers of the Allendale Municipal Building, 500 West Crescent Avenue, Allendale, New Jersey 07401.

I. CALL TO ORDER

- A. Open Public Meetings Act Announcement
- B. Salute to Flag

II. ROLL CALL

III. PUBLIC COMMENT ON AGENDA ITEMS ONLY

Audience members wishing to speak will have a three (3) minute time limit to address the governing body on agenda items only. Large groups are asked to have a spokesperson represent them.

IV. INTRODUCTION OF ORDINANCES

Motion that the following ordinance be introduced and passed on first reading and setting September 8, 2022 at 8:00 p.m. or as soon thereafter 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.

ORDINANCE 22-13: TBD

V. CONSENT AGENDA

Matters listed below are considered routine and will be enacted by one motion of the Council and one roll call vote. There will be no separate discussion of these items unless a Council member requests an item be removed for consideration.

RES 22-199: APPOINTMENT OF PLUMBING SUBCODE OFFICIAL.

RES 22-200: REVIEW AND CERTIFICATION OF ANNUAL REPORT OF AUDIT FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021.

RES 22-201: RESOLUTION MODIFYING 2022 DIRECTOR OF OPERATIONS SALARY.

RES 22-202: RESOLUTION MODIFYING 2022 ADMINISTRATIVE OFFICER SALARY.

AGENDA
BOROUGH OF ALLENDALE
MAYOR AND COUNCIL
REGULAR SESSION – AUGUST 18, 2022
8:00 P.M.

- RES 22-203: A RESOLUTION OF THE BOROUGH OF ALLENDALE, COUNTY OF BERGEN, STATE OF NEW JERSEY ESTABLISHING AND APPOINTING A LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) FOR A ONE-YEAR TERM.
- RES 22-204: APPROVAL OF 2022/2023 CONTRACT FOR TWO CLASS III SPECIAL LAW ENFORCEMENT OFFICERS AT NORTHERN HIGHLANDS HIGH SCHOOL.
- RES 22-205: AUTHORIZE HIRE OF TWO CLASS THREE SPECIAL LAW ENFORCEMENT OFFICERS (SLEO III) – WILLIAM WRIGHT & DANIEL KELLOGG.
- RES 22-206: APPROVAL OF MONAGLE, WILLIAM & DEBRAH V. BOROUGH OF ALLENDALE TAX APPEAL SETTLEMENT.
- RES 22-207: AUTHORIZATION OF REFUNDS FOR 2020 TAX OVERPAYMENTS – STATE BOARD JUDGMENTS.
- RES 22-208: AUTHORIZATION FOR ADOPTION OF AND AMENDMENT TO ALLENDALE POLICE DEPARTMENT RULES AND REGULATIONS.
- RES 22-209: A RESOLUTION AUTHORIZING APPOINTMENT OF MUNICIPAL REPRESENTATIVES TO BERGEN COUNTY COMMUNITY DEVELOPMENT REGIONAL COMMITTEE.
- RES 22-210: APPROVAL OF 2022-2024 SNOW PLOWING AGREEMENT.
- RES 22-211: APPROVAL OF AUGUST 18, 2022 LIST OF BILLS.
- RES 22-212: GRANTEE AUTHORIZING RESOLUTION COUNTY OF BERGEN 2020 OPEN SPACE TRUST FUND – REPURPOSE GRANT CONTRACT 2100024.

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

VIII. COMMITTEE REPORTS AND COMMENTS

IX. STAFF REPORTS

AGENDA
BOROUGH OF ALLENDALE
MAYOR AND COUNCIL
REGULAR SESSION – AUGUST 18, 2022
8:00 P.M.

X. PUBLIC COMMENTS

Audience members wishing to speak will have a three (3) minute time limit to address the governing body. Large groups are asked to have a spokesperson represent them.

XI. CLOSED SESSION

- A. RES 22-198/Authorize Closed Session
1. Contract Negotiations – Allendale Senior Housing
(Attorney-Client Privilege)

XII. ADJOURNMENT

Bulletin Board
Borough Website

AGENDA AND AGENDA ITEMS SUBJECT TO CHANGE

The Borough of Allendale will livestream the Work and Regular Sessions. Members of the public wishing to view these meetings only should take the following steps:

- From a computer, tablet or smartphone, enter the website:
<https://zoom.us/j/95236146732>
- From a phone, dial **(301) 715-8592** and then enter Webinar ID: **952 3614 6732**

***Alternate phone numbers to dial: **(312) 626-6799; (929) 205-6099**
(346) 248-7799; (669) 900-6833
(253) 215-8782

The public is advised that there will be no opportunity for comment by those viewing the livestreamed Work and Regular Session meetings. Public wishing to comment must attend in person or submit advance written comments, for reading at the meeting, to LindaCervino@allendalenj.gov or Linda Cervino, Municipal Clerk, Borough of Allendale, 500 West Crescent Avenue, Allendale, NJ 07401 by 4 p.m. on the day of the meeting.

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 08/18/2022

RESOLUTION# 22-199

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
Lovisolo						
O'Connell						
O'Toole						
Sasso						
Wilczynski						
Mayor Bernstein	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

APPOINTMENT OF PLUMBING SUBCODE OFFICIAL

WHEREAS, David Nizborski was appointed Acting Plumbing Subcode Official by the Governing Body on August 9, 2018 by Resolution 18-202; and

WHEREAS, said appointment expires on September 30, 2022;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body that it does hereby re-appoint David Nizborski as Plumbing Subcode Official.

BE IT FURTHER RESOLVED, that the appointment is effective as of October 1, 2022 and shall expire on September 30, 2026.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on August 18, 2022.

Linda Louise Cervino, RMC
Municipal Clerk

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 08/18/2022

RESOLUTION# 22-200

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
Lovisolo						
O'Connell						
O'Toole						
Sasso						
Wilczynski						
Mayor Bernstein	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**REVIEW AND CERTIFICATION OF ANNUAL REPORT OF AUDIT FOR THE
FISCAL YEAR ENDING DECEMBER 31, 2021**

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 2021 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,

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 08/18/2022

RESOLUTION# 22-200

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.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on August 18, 2022.

Linda Louise Cervino, RMC
Municipal Clerk

CERTIFICATION OF GOVERNING BODY OF THE ANNUAL AUDIT
GROUP AFFIDAVIT FORM
NO PHOTO COPIES OF SIGNATURES

STATE OF NEW JERSEY
COUNTY OF BERGEN COUNTY

We, members of the governing body of the Borough of Allendale of, in the County of Bergen, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Mayor and Council of the Borough of Allendale in the county of Bergen;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2021;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

(L.S.)	(L.S.)
_____	_____
(L.S.)	(L.S.)
_____	_____
(L.S.)	(L.S.)
_____	_____
(L.S.)	(L.S.)
_____	_____
(L.S.)	(L.S.)
_____	_____

Sworn to and subscribed before me this

_____ day of _____

Notary Public of New Jersey

Linda Louise Cervino, RMC
Municipal Clerk

The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be sent to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625.

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 08/18/2022

RESOLUTION# 22-201

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
Lovisolo						
O'Connell						
O'Toole						
Sasso						
Wilczynski						
Mayor Bernstein	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

RESOLUTION MODIFYING 2022 DIRECTOR OF OPERATIONS SALARY

WHEREAS, the Borough of Allendale (the "Borough") has heretofore adopted its 2022 Salary Resolution; and

WHEREAS, the Borough wishes to modify the same so as to reflect that the salary of the Director of Operations shall be \$156,568.00 per year effective January 1, 2022; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale that the salary of the Director of Operations shall be \$156,568.00 per year effective January 1, 2022; and

BE IT FURTHER RESOLVED THAT that the Mayor, Borough Clerk, Borough Attorney, and Chief Financial Officer are authorized to take all appropriate steps so as to implement this resolution.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on August 18, 2022.

Linda Louise Cervino, RMC
Municipal Clerk

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 08/18/2022

RESOLUTION# 22-202

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
Lovisolo						
O'Connell						
O'Toole						
Sasso						
Wilczynski						
Mayor Bernstein	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**RESOLUTION MODIFYING 2022
ADMINISTRATIVE OFFICER SALARY**

WHEREAS, the Borough of Allendale (the "Borough") has heretofore adopted its 2022 Salary Resolution; and

WHEREAS, the Borough wishes to modify the same so as to reflect that the salary of the Administrative Officer shall be \$5,000.00 per year effective January 1, 2022; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale that the salary of the Administrative Officer be modified to \$5,000.00 per year effective January 1, 2022; and

BE IT FURTHER RESOLVED THAT that the Mayor, Borough Clerk, Borough Attorney, and Chief Financial Officer are authorized to take all appropriate steps so as to implement this resolution.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on August 18, 2022.

Linda Louise Cervino, RMC
Municipal Clerk

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 08/18/2022

RESOLUTION# 22-203

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
Lovisolo						
O'Connell						
O'Toole						
Sasso						
Wilczynski						
Mayor Bernstein	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**A RESOLUTION OF THE BOROUGH OF ALLENDALE, COUNTY OF BERGEN,
STATE OF NEW JERSEY ESTABLISHING AND APPOINTING A LOCAL
EMERGENCY PLANNING COMMITTEE (LEPC) FOR A ONE-YEAR TERM**

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Allendale that it hereby authorizes and establishes a "Local Emergency Planning Committee" (LEPC) pursuant to the New Jersey Emergency and Temporary Acts Section App.A:9-41, which requires the establishment of "Local Emergency Management Councils."

BE IT FURTHER RESOLVED that the LEMC shall assist the Borough in establishing the various local agencies needed to meet the requirements of all Local Emergency Management activities in accordance with the rules and regulations established by the Governor of the State of New Jersey in pursuance of the provisions of this act; and

BE IT FURTHER RESOLVED that it hereby appoints the following individuals to the Local Emergency Planning Committee (LEPC):

1. Michael T. Dillon - Emergency Management Coordinator/ LEPC Chairperson
2. Terrence Lawler - Deputy EMC
3. Michael Limatola - Deputy EMC
4. Robert Policht - Fire Chief
5. Daryl D'Amore-Bottaro - EMS Chief
6. Mayor Ari Bernstein - Mayor, Borough of Allendale
7. Ron Kistner - Director of Operations
8. Matthew O'Toole - Councilperson/Public Safety Chair
9. Edward O'Connell - Councilperson/Co-Chair/Public Safety Committee
10. Maria Engeleit - School Safety Specialist, Allendale Public Schools
11. Michael Koth - Vice Principal, Northern Highlands Regional High School
12. Shari Depalma - Special Needs & Senior Housing (Crescent/Orchard Commons & Cebak Court)
13. Nadine Benoit - Board of Health
14. Claudia Sanchez - Allendale Chamber of Commerce

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on August 18, 2022.

Linda Louise Cervino, RMC
Municipal Clerk

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 08/18/2022

RESOLUTION# 22-204

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
Lovisolo						
O'Connell						
O'Toole						
Sasso						
Wilczynski						
Mayor Bernstein	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**APPROVAL OF 2022/2023 CONTRACT FOR TWO CLASS III SPECIAL LAW
ENFORCEMENT OFFICERS AT NORTHERN HIGHLANDS HIGH SCHOOL**

WHEREAS, the Mayor and Council of the Borough of Allendale (“Allendale”) has determined that it is in the best interests of Allendale, Northern Highlands Regional Board of Education (“Board”), and the community at large, to provide for the appointment of two (2) Class III Special Law Enforcement Officers (“SLEOs”) at Northern Highlands Regional High School for the 2022/2023 school year; and

WHEREAS, the Public Safety Committee on behalf of Allendale and representatives on behalf of the Board have agreed upon terms for appointment of two SLEOs for the 2022/2023 school year and wish to memorialize same; and

WHEREAS, Board has advised Allendale that it has sufficient funding to provide for the establishment of such positions in accordance with the written agreement referenced herein, subject to subsequent authorization and appointment by Allendale; and

WHEREAS, Allendale, by adoption of this Resolution, authorizes the approval of said agreement, subject to written agreement and appointment resolution by Board regarding same as well as review and approval by the Borough Attorney.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Allendale that it authorizes and approves a contract with the Northern Highlands Regional Board of Education for two (2) Class III Special Law Enforcement Officers at Northern Highlands Regional High School for the 2022/2023 school year, subject to written agreement and appointment resolution by Board regarding same as well as review by the Borough Attorney; and

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

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on August 18, 2022.

Linda Louise Cervino, RMC Municipal Clerk

AGREEMENT
CONCERNING THE HIRING AND PLACEMENT OF SPECIAL POLICE OFFICER III IN
NORTHERN HIGHLANDS REGIONAL HIGH SCHOOL

BY AND BETWEEN

THE BOROUGH OF ALLENDALE

AND

NORTHERN HIGHLANDS REGIONAL HIGH SCHOOL DISTRICT

WHEREAS, the State of New Jersey has created a new class of Special Police Officers known as Special Police Officer III (SLEO III) specifically and solely for the purpose of school security as outlined in N.J.S.A. 40A:14-146.10, 40A:14-146.11, 40A:14-146.14, and 40A:14-146.16, and other appropriate provisions of New Jersey law; and

WHEREAS, the Borough of Allendale (the "Borough") and the Northern Highlands Regional School District (the "District") Board of Education (the "Board") agree that having security personnel that are Special Police Officers who are specifically trained for school security is a best practice for the safety and security of the students and staff at Northern Highlands Regional High School; and

WHEREAS, the Borough and the Board agree that school security is of the utmost importance to create a safe learning environment for students.

NOW, THEREFORE, IT IS AGREED by and between the Borough and the District that the Borough, through the Allendale Police Department (the "Police Department"), shall hire, subject to the terms of this Agreement ("Agreement"), and make available two (2) SLEO III to Northern Highlands Regional High School, as specified under the following terms and conditions:

- 1) Rate of pay. The rate of pay paid by the Borough for the SLEO III shall be \$31.00 per hour. Such rate of pay shall be reimbursed by the District to the Borough, along with all other costs, as set forth in Paragraph 3 below.
- 2) Classification of SLEO III. The SLEO III shall be classified as an hourly part-time, "at will" employee of the Borough, who is not entitled to pension, health or other benefits from either the Borough or the District. Such officer shall serve at the pleasure of the Borough, and nothing herein is intended to create any contractual right to employment by a SLEO III. Nothing herein is intended to, nor shall it, create any employment relationship between the District and the SLEO III.

In the event that the Borough is required by law to provide any such benefits, as outlined above, such costs shall be reimbursed by the District to the Borough as set forth under Paragraph 3 below.

3) Reimbursement/Payment requirements.

- a. The District agrees to reimburse the Borough for all costs related to the Borough's hiring, training, outfitting and employment of the SLEO III, which shall include, but is not limited to the following:
 - i. Wages and associated payroll costs for the hours worked by the SLEO III;
 - ii. All costs associated with the hiring and equipping of the SLEO III including uniforms, bulletproof vests, Police Department issued equipment, training hours and any other additional costs associated with the employment, training and outfitting of the SLEO III.
 - iii. All pre-employment and post-employment medical and physiological examination costs.
 - iv. Any mandated police training courses, costs associated with attending the same, costs for in house police training mandated by the Attorney General Guidelines, costs of qualifying ammunition, and the costs of any required classes mandated by the Police Training Commission
- b. The SLEO III assigned to Northern Highlands Regional High School will turn over time cards signed by the school designee to the Allendale Police Department for processing on a bi-monthly basis.
- c. The Borough shall bill the District for wages and associated payroll costs set forth herein on a semiannual basis in July and January. For the School year 2022-2023, the Borough shall waive the right to any reimbursement of administrative oversight fees.
- d. The District shall reimburse the Borough for all other allowable costs set forth herein as incurred and billed to be paid within thirty (30) days of receipt of a completed invoice from the Borough.

4) Vetting of officers. The vetting process for the SLEO III hired by the Borough and assigned to Northern Highlands Regional High School will be agreed upon by both the Borough and the District prior to appointment of the SLEO III. The Chief of Police shall confer with the District Superintendent during the hiring process. No special law enforcement officer shall be appointed if he/she is not deemed acceptable by the District Superintendent. The Borough will appoint special law enforcement officers sufficient to perform the duties and responsibilities permitted by and in accordance with law. The SLEO III assigned to Northern Highlands Regional High School shall be under the supervision and direction of the Chief of Police. In the event that the District Superintendent determines that the SLEO III hired by the Borough and assigned to Northern Highlands Regional High School is not performing the duties to the satisfaction of the Superintendent, or engages in misconduct, the Borough, upon written notice from the Superintendent to the Borough, agrees to institute appropriate procedures to effectuate discipline, which can include up to termination of the SLEO III for cause.

- 5) Policies and procedures. The SLEO III shall be subject to the Rules and Regulations of the Police Department. The Police Department will consult with the District Superintendent regarding any additional policies and procedures governing the use of the SLEO III, but the Borough shall maintain, in its sole discretion, the sole authority as to the adoption of such policies.
- 6) Assignment and duties. Assignment and daily duties at Northern Highlands Regional High School will be determined by the District Superintendent or his/her designee in accordance with the established Police Department Policies and Procedures and State Law, and in accordance with the terms of this Agreement. The SLEO III shall only serve during school hours, while school is in session, or such events when the school is occupied by students, subject to any required training days.
- 7) Training. Police training for the SLEO III will be scheduled and administered by the Police Department consistent with current policy. All training shall be conducted in consultation with the District to ensure school security is not compromised.
- 8) Uniforms and equipment. The SLEO III will be armed with Police Department service weapons and shall wear uniforms with SLEO III patches as required by State Law. Use of any department issued service weapon shall only be used in accordance with N.J.S.A. 40A:14-146.14
- 9) Insurance. The Borough will name the District an additional insured on its insurance policy with respect to the performance of the SLEO III's work in the District, and will provide the District with proof of having named the District as an additional insured.
- 10) Term of agreement. This Agreement shall be deemed effective as of the start of the 2022-2023 School Year and shall remain in effect until the end of the 2022-2023 School Year. However, nothing herein shall be deemed to exclude from reimbursement under Paragraph 3 any training days ordered by the Borough's Chief of Police. This Agreement may be revoked prior to its expiration, by either the District or the Borough, upon thirty (30) days' written notice.
- 11) Modifications in Writing. Modifications or the waiver of any provisions of this Agreement shall in no event be effective unless the same shall be in writing and signed by the parties hereto, and then such modification or waiver shall be effective only in the specific instance and for the specific purpose for which given.
- 12) Failure to Exercise Rights. Neither any failure nor any delay on the part of either party in exercising any right, power or privilege hereunder shall operate as a waiver thereof, nor shall a single or partial exercise thereof preclude any other or further exercise of any other right, power or privilege.
- 13) Assignment. There shall be no assignment of this Agreement by any party hereto.
- 14) Captions. The section headings contained herein are for reference purposes only and shall not in any way affect the meaning or interpretation of the Agreement.

- 15) Severability. In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.
- 16) Counterparts. This Agreement may be signed in any number of counterparts with the same effect as if the signatures thereto and hereto were upon the same instrument.
- 17) Reservation. Except as otherwise expressly set forth in this Agreement, the Borough and the District reserve all of their respective rights and powers under Federal Law and the laws of the State of New Jersey.
- 18) Entire Agreement. This Agreement and its provisions constitutes the entire understanding and agreement of the parties regarding all matters covered herein, and any prior discussions, representations, understandings and agreements are hereby superseded by this Agreement. The parties agree to be bound hereby and acknowledge that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement on the day and year first above written.

WITNESS

Linda L. Cervino
Borough Clerk

BOROUGH OF ALLENDALE

Ari Bernstein
Mayor

WITNESS

Sue Anne Mather
Business Administrator

**NORTHERN HIGHLANDS REGIONAL
HIGH SCHOOL DISTRICT
BOARD OF EDUCATION**

Dr. Scot Beckerman
Superintendent

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 08/18/2022

RESOLUTION# 22-205

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
Lovisolo						
O'Connell						
O'Toole						
Sasso						
Wilczynski						
Mayor Bernstein	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**AUTHORIZE HIRE OF TWO CLASS THREE SPECIAL LAW ENFORCEMENT
OFFICERS (SLEO III) – WILLIAM WRIGHT & DANIEL KELLOGG**

BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, upon recommendation of the Chief of Police and Public Safety Committee that William Wright, effective September 6, 2022 and Daniel Kellogg, effective November 16, 2022, are hereby appointed as Class III Special Law Enforcement Officers (SLEO III) of the Allendale Police Department, assigned to the Northern Highlands Regional High School at the salary of \$31 per hour.

BE IT FURTHER RESOLVED that the Borough of Allendale is to be reimbursed by Northern Highlands Regional High School District for all costs related to the Borough's hiring, training, outfitting and employment of SLEO III William Wright and SLEO III Daniel Kellogg, in accordance with terms outlined in a written agreement approved by the Governing Body of the Borough of Allendale via Resolution #22-204 on August 18, 2022.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on August 18, 2022.

Linda Louise Cervino, RMC
Municipal Clerk

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 08/18/2022

RESOLUTION# 22-206

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
Lovisololo						
O'Connell						
O'Toole						
Sasso						
Wilczynski						
Mayor Bernstein	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**APPROVAL OF MONAGLE, WILLIAM & DEBRAH V.
BOROUGH OF ALLENDALE TAX APPEAL SETTLEMENT**

WHEREAS, the taxpayer, William and Debrah Monagle, appealed the assessment levied on Block 1401, Lot 8 for the tax years 2019, 2020 and 2022; and

WHEREAS, the subject property is located at 244 Schuyler Road; and

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

WHEREAS, the Borough Tax Assessor and Borough Tax Expert have approved and recommend that the appeal be settled as follows: the 2019 and 2020 appeals will be withdrawn and the 2022 Assessed Value will be reduced from \$1,027,700 to \$976,000; and

WHEREAS, there are sufficient funds available in the reserve for tax appeals account to satisfy the 2022 tax refund, if any; 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 appeals encaptioned Monagle, William & Debrah 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.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on August 18, 2022.

Linda Louise Cervino, RMC
Municipal Clerk

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 08/18/2022

RESOLUTION# 22-207

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
Lovisolo						
O'Connell						
O'Toole						
Sasso						
Wilczynski						
Mayor Bernstein	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**AUTHORIZATION OF REFUNDS FOR 2020 TAX OVERPAYMENTS –
STATE BOARD JUDGMENTS**

BE IT RESOLVED by the Council of the Borough of Allendale that the Tax Collector is hereby authorized to issue the following overpayment check due to State Board Judgment for the tax year 2020.

Block/Lot	Name	Property Location	Amount
1201.01/9	Zrebiec, Matthew J & Kristen c/o Garibaldi & Garibaldi LLC 266 Harristown Road Glen Rock, NJ 07452	191 MacIntyre Lane	\$ 475.36
1203/8.02	Amin, Chirag & Patel, Dipa c/o Garibaldi & Garibaldi LLC 266 Harristown Road Glen Rock, NJ 07452	81 Valley Road	\$1,018.29

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on August 18, 2022.

Linda Louise Cervino, RMC
Municipal Clerk

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 08/18/2022

RESOLUTION# 22-208

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
Lovisolo						
O'Connell						
O'Toole						
Sasso						
Wilczynski						
Mayor Bernstein	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**AUTHORIZATION FOR ADOPTION OF AND
AMENDMENT TO ALLENDALE POLICE
DEPARTMENT RULES AND REGULATIONS**

WHEREAS, pursuant to N.J.S.A. 40A:14-118, Borough Code § 26-23, and Borough Code § 26-30.1, the Mayor and Council of the Borough of Allendale are the Appropriate Authority designated and authorized to adopt and amend the rules and regulations for the government of the Allendale Police Department (the "Rules and Regulations") and the employees thereof; and

WHEREAS, the Borough's Chief of Police and Public Safety Committee have recommended an amendment to the Rules and Regulations as set forth herein; and

WHEREAS, the Borough's Mayor and Council as the Appropriate Authority, have determined such amendment to be appropriate and necessary for the governance of the Allendale Police Department, and desire by this resolution, to authorize such amendment;

NOW, THEREFORE, BE IT RESOLVED, by the Borough's Mayor and Council, that the amendment to the entirety of Section B of the Paragraph entitled "Selection Process" in Volume 2, Chapter 17 of the Allendale Police Department Standard Operating Procedures as set forth as follows, is hereby approved and adopted, effective immediately.

- B. (i) In the case of a selection process that only considers PTC certified officers, those candidates shall be a current PTC certified officer, or an Alternate Route graduate, or graduating Alternate Route candidate(s), or a Special Class II, waiver eligible. The requirements in sections C(1) (Written Examination) and C(2) (Physical Examination) of the selection process may be waived at the discretion of the Chief of Police. Candidates shall only participate in the rest of the process as outlined in this policy. The selection of certified officers shall be a separate hiring process and shall not be done to circumvent an existing list of candidates. This process shall

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 08/18/2022

RESOLUTION# 22-208

begin with the submission of a resume for review by the Chief of Police and continue as listed in this policy.

- (ii) In the case of a selection process that only considers police telecommunicators presently employed by the Borough, such candidates shall have been so employed by the Borough as a police telecommunicator for a period of not less than six (6) months. The requirements for such candidates in section C(1) (Written Examination) and section C(3) (Agency Oral Interview) may be waived at the discretion of the Chief of Police, and such candidates shall only participate in the rest of the process as outlined in the policy. The selection of police telecommunicators shall be a separate hiring process and shall not be done to circumvent an existing list of candidates. This process shall begin with the submission of a resume for review by the Chief of Police and continued as listed in this policy.

AND BE IT FURTHER RESOLVED that, except as set forth hereinabove, all other provisions of Volume 2, Chapter 17 of the Allendale Police Department Standard Operating Procedures shall remain in full force and effect.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on August 18, 2022.

Linda Louise Cervino, RMC
Municipal Clerk

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 08/18/2022

RESOLUTION# 22-209

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
Lovisolo						
O'Connell						
O'Toole						
Sasso						
Wilczynski						
Mayor Bernstein	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**A RESOLUTION AUTHORIZING APPOINTMENT OF MUNICIPAL
REPRESENTATIVES TO BERGEN COUNTY COMMUNITY
DEVELOPMENT REGIONAL COMMITTEE**

WHEREAS, the Borough of Allendale has entered into a three-year Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act N.J.S.A. 40A:65-1 et seq. and Title 1 of the Housing and Community Development Act of 1974; and

WHEREAS, said Agreement requires that the Municipal Council to appoint a representative and alternate and that the Mayor appoint a representative and alternate for the FY 2022-2023 term starting July 1, 2022 and ending on June 30, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council hereby appoints Councilwoman Amy Wilczynski as its representative and Councilman Matthew O'Toole as its alternate and that the Mayor hereby appoints Ron Kistner as his representative and Linda Louise Cervino as his alternate to serve on the Community Development Regional Committee for FY 2022-2023; and

BE IT FURTHER RESOLVED that an original, certified copy of this resolution be immediately emailed and sent via postage to Robert G. Esposito, Director; Bergen County Division of Community Development; One Bergen County Plaza, Fourth Floor; Hackensack, New Jersey 07601 | resposito@co.bergen.nj.us **as soon as possible and no later than Friday, August 12, 2022.**

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on August 18, 2022.

Linda Louise Cervino, RMC
Municipal Clerk

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 08/18/2022

RESOLUTION# 22-210

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
Lovisolo						
O'Connell						
O'Toole						
Sasso						
Wilczynski						
Mayor Bernstein	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

APPROVAL OF 2022-2024 SNOW PLOWING AGREEMENT

WHEREAS, there is a need for snow plowing on the County roads in the Borough of Allendale, and

WHEREAS, the County of Bergen has available such services as are needed; and

WHEREAS, the Borough of Allendale has agreed to provide these services at a rate of \$115.00 per hour.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that it hereby approves the contract between the Borough of Allendale and the County of Bergen for snow plowing; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk be and they are hereby authorized to sign said contract.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on August 18, 2022.

Linda Louise Cervino, RMC
Municipal Clerk



**COUNTY OF BERGEN
DEPARTMENT OF PUBLIC WORKS**
One Bergen County Plaza
Hackensack, N.J. 07601-7076
(201) 336-6800 · Fax (201) 336-6845

James J. Tedesco III
County Executive

Thomas Connolly
County Road Supervisor

July 6, 2022

Attention: Municipalities DPW Superintendent/Administrator

Re: 2022-2024 Snow Plowing Agreement

Dear Superintendent and/or Administrator,

Attached is a copy of our Municipal Snow Plow Agreement for the 2022-2024 snow plowing seasons. Please be advised that this contract will run for two consecutive snow seasons. The operating rate is \$115.00 per hour. There now is only one rate as the county has not supplied plows or plow parts in many years. Control of the plowing of county roads in your municipality would come under the supervision of your Superintendent of Public Works. Please mail or email all snow plowing invoices to Charlie Unagast at cunagast@co.bergen.nj.us.

It is our recommendation that municipalities commence plowing county roads simultaneously with operation on municipal streets, that is, generally when snow reaches a depth of two (2) inches, and that it is apparent that snow fall will continue.


Please print out three (3) copies of the agreement and have your mayor sign all three copies; along with your governing body's authorizing resolution and return as soon as possible to:

**Tom Connolly/Liza Schoen
Bergen County Operations Division
220 E. Ridgewood Ave., Suite 205
Paramus, NJ 07652**

One (1) completed copy will be mailed to you for your records after the County Executive or the County Administrator signs the agreements.

If you have any questions regarding the agreement, please call me at 201-336-7676 or email me at tconnolly@co.bergen.nj.us.

Sincerely,


Tom Connolly
County Road Supervisor

COUNTY OF BERGEN – SHARED SERVICES AGREEMENT – SNOW PLOWING/SALTING

THIS AGREEMENT made on the _____ day of _____, 2022 by and between the COUNTY OF BERGEN, a body politic and corporate of the STATE OF NEW JERSEY, acting by and through the Director of Public Works, hereinafter referred to as the "County" and _____, a municipal corporation of the STATE OF NEW JERSEY, herein referred to as the "MUNICIPALITY."

WHEREAS, the Board of Chosen Freeholders of the County of Bergen, is authorized by N.J.S.A. 27:16-33, to cause snow to be plowed from the County owned or County controlled roads; and

WHEREAS, it is the desired plan of the County to employ the services of the Municipality for snow plow operations and salting on county roads located within the Municipality for **a period of two snow seasons.**

NOW, THEREFORE, for the consideration hereinafter stated, the parties hereto agree as follows:

(1) The Municipality agrees that it will furnish the necessary equipment and personnel required to perform snow plowing operations on County roads located within the Municipality for the two winter seasons commencing October 1, 2022, and ending April 30, 2024.

(2) The Municipality, through the Superintendent of Public Works or designated official, will have complete supervision of snow plow operations. The Municipality agrees it will commence plowing of County roads simultaneously with operation on municipal streets once snow reaches a minimum depth of two (2) inches, and it appears that snowfall will continue. The Municipality agrees to keep the County Snow Control informed of the progress of the snow plowing operations.

(3) The Municipality agrees that it shall defend and save the County of Bergen harmless from any and all claims that may be filed either in equity or law, arising from the performance of this Agreement, and that it shall secure and maintain throughout the duration of this Contract, comprehensive Automobile Liability insurance in an amount not less than \$1,000,000 CSL (combined single limit) and general liability insurance in an amount not less than \$1,000,000 per occurrence and Umbrella Excess Liability Insurance in an amount not less than \$4,000,000 per occurrence. The Municipality further agrees that the County of Bergen shall be provided a Certificate of Insurance naming the county of Bergen as an additional insured with respect to services performed under this Contract, and evidencing the minimum limits of insurance coverage set forth in this agreement

(4) The County will compensate the Municipality for conducting said snow plow operations at a rate of one hundred and fifteen dollars (\$115) per hour of active plowing. The County will not be required to pay for standby time. To receive prompt payment, Municipality agrees to submit County of Bergen Direct Vouchers and/or invoice on municipal letterhead within five (5) days after completion of snow plowing of each storm. Municipality understands and agrees that the county will not pay vouchers submitted more than thirty days after the storm. The County may audit the Municipality's records to confirm the information set forth in the Voucher and the payment due to Municipality for each storm.

(5) The County will, during the term of this agreement, continue to provide the Municipality with salt consistent with past practice, sufficient to allow the Municipality to salt the County roads in the same manner whenever weather conditions are such that the Municipality salts its municipal streets.

IN WITNESS WHEREOF, the parties hereto have hereunto executed this Agreement in the manner provided by laws, the day and year after above written.

(Name of Municipality)
BY: _____
(Signature)
Title: _____
Date: _____
Attest: _____

COUNTY OF BERGEN

BY: _____
James J. Tedesco III, County Executive, or
Thomas Duch, County Administrator
DATE: _____
Attest: _____ -

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 08/18/2022

RESOLUTION# 22-211

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
Lovisolo						
O'Connell						
O'Toole						
Sasso						
Wilczynski						
Mayor Bernstein	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

APPROVAL OF AUGUST 18, 2022 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 August 18, 2022 in the amounts of:

Bill List Numbers

August 18, 2022

Current Fund	\$2,750,852.40
Payroll Account	\$455,413.68
General Capital	\$95,373.12
Animal Fund	\$15.60
Grant Fund	\$0.00
COAH/Housing Trust	\$0.00
Improvement & Beautification	\$1,100.00
Unemployment Fund	\$0.00
Trust Fund	\$71,607.54
Water Operating	\$146,371.72
Water Capital	\$0.00

Total

\$3,520,734.06

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on August 18, 2022.

Linda Louise Cervino, RMC
Municipal Clerk



Borough of Allendale

500 WEST CRESCENT AVENUE
ALLENDALE, NEW JERSEY 07401

OFFICE OF TAX COLLECTOR
OFFICE OF CHIEF FINANCIAL OFFICER

TEL: 201-818-4400 EXT 205
FAX 201-818-0193

I, M. Alissa Mayer, Chief Financial Officer of the Borough of Allendale,
having reviewed the bill list for the Borough, do hereby certify that funds
are available in the accounts so designated.

Certified August 18, 2022

M. Alissa Mayer
M. Alissa Mayer, CMFO
Chief Financial Officer

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 08/18/2022

RESOLUTION# 22-212

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
Lovisolo						
O'Connell						
O'Toole						
Sasso						
Wilczynski						
Mayor Bernstein	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**GRANTEE AUTHORIZING RESOLUTION
COUNTY OF BERGEN 2020 OPEN SPACE TRUST FUND –
REPURPOSE GRANT CONTRACT 2100024**

BE IT RESOLVED, that the Mayor and Council of the Borough of Allendale wish to enter into a Bergen County Trust Fund Project Contract (“Contract”) with the County of Bergen for the purpose of using a \$75,000 matching grant award from the 2020 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (“Trust Fund”) for the municipal park project entitled Crestwood Lake Playground Improvements located in Crestwood Lake, 300 West Crescent Avenue, Allendale, New Jersey 07401, Block 1003, Lot 6 on the tax maps of the Borough of Allendale;

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Ron Kistner to be a signatory to the aforesaid Contract; and,

BE IT FURTHER RESOLVED, that the Mayor and Council hereby acknowledge that, in general, the use of this Trust Fund grant towards this approved park project must be completed by or about July 6, 2024; and,

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment, and other such documents as may be required by the County in accordance with the Trust Fund’s requirements; and,

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 08/18/2022

RESOLUTION# 22-212

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant disbursement to the municipality will be equivalent to fifty (50) percent of the eligible construction costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund's requirements. Professional Services Costs may be reimbursed from grant award's unexpended balance, should there be a balance.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on August 18, 2022.

Linda Louise Cervino, RMC
Municipal Clerk