AGENDA BOROUGH OF ALLENDALE MAYOR AND COUNCIL REGULAR SESSION – OCTOBER 13, 2022 8:00 p.m.

A Regular Meeting of the Mayor and Council of the Borough of Allendale will be held in-person on October 13, 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. APPROVAL OF MINUTES:

June 16, 2022 Work Session June 16, 2022 Regular Session June 16, 2022 Closed Session June 30, 2022 Work Session June 30, 2022 Regular Session

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: 22-226: AUTHORIZE RENEWAL OF 2022-2023 ABC LIQUOR LICENSES.
- RES: 22-227: RESOLUTION FOR APPROVAL OF BOROUGH OF ALLENDALE V. TIMOTHY DRISCOLL TAX APPEAL SETTLEMENT.
- RES: 22-228: A RESOLUTION ACCEPTING A GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEY **ECONOMIC** DEVELOPMENT AUTHORITY AND THE NEW **JERSEY** DEPARTMENT OF ENVIRONMENTAL PROTECTION.

AGENDA BOROUGH OF ALLENDALE MAYOR AND COUNCIL REGULAR SESSION – OCTOBER 13, 2022 8:00 p.m.

- RES: 22-229: RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF ALLENDALE, IN THE COUNTY OF BERGEN, NEW JERSEY, DESIGNATING \$4,944,284 OF NOTES CONSISTING OF \$4,675,478 GENERAL BOND ANTICIPATION NOTES AND \$268,806 WATER UTILITY BOND ANTICIPATION NOTES, BOTH ISSUES DATED SEPTEMBER 23, 2022, PAYABLE MARCH 23, 2023, AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.
- RES: 22-230: AUTHORIZATION OF REFUNDS FOR 2021 TAX OVERPAYMENTS STATE BOARD JUDGMENT BLOCK 1202, LOT 12.
- RES: 22-231: AUTHORIZATION OF REFUNDS FOR 2020 TAX OVERPAYMENTS STATE BOARD JUDGMENT BLOCK 1702, LOT 28.
- RES: 22-232: RESOLUTION AUTHORIZING A 2022 HALLOWEEN CURFEW IN THE BOROUGH OF ALLENDALE.
- RES: 22-233: APPOINTMENT OF FIRE CHIEF DAVE BAEZ.
- RES: 22-234: APPOINTMENT OF PART-TIME ASSISTANT TO THE CONSTRUCTION DEPARTMENT MIKE LIMATOLA.
- RES: 22-235: APPROVAL OF OCTOBER 13, 2022 LIST OF BILLS.
- RES: 22-236: AUTHORIZATION TO ADVERTISE BID SPECIFICATIONS FOR 2022 SNOW PLOWING & REMOVAL SERVICES OF BOROUGH FACILITIES.

VI. UNFINISHED BUSINESS

- VII. NEW BUSINESS
- VIII. COMMITTEE REPORTS AND COMMENTS
- IX. STAFF REPORTS

AGENDA BOROUGH OF ALLENDALE MAYOR AND COUNCIL REGULAR SESSION – OCTOBER 13, 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. ADJOURNMENT

Additional items may be added to this agenda. Final action may be taken on all matters listed or added to this agenda. This agenda was prepared as of 10/11/2022 with all available information as of this date.

DATE: 10/13/2022

RESOLUTION# 22-226

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

Carried \Box Defeated \Box Tabled \Box

Approved on Consent Agenda \Box

AUTHORIZE RENEWAL OF ABC LIQUOR LICENSES FOR 2022-2023

WHEREAS, all Plenary Retail Consumption, Retail Distribution, Limited Distribution and Club Licenses will expire on June 30, 2022; 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, 2023, to the following:

PLENARY RET	AIL DISTRI	IBUTION L	ICENSES - \$	\$2,500,00
<u>I DDMARI KDI</u>	$\frac{1}{10}$ $\frac{1}{10}$ $\frac{1}{10}$ $\frac{1}{10}$ $\frac{1}{10}$		ICDINOLO 4	2,000.00

LICENSE#	<u>LICENSEE</u>	LICENSED PREMISES
0201-44-004-004	Walgreens Eastern Co., Inc.	(Pocketed)

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on <u>October 13, 2022</u>.

DATE: 10/13/2022

RESOLUTION# 22-227

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

Carried \Box Defeated \Box Tabled \Box

Approved on Consent Agenda \Box

RESOLUTION FOR APPROVAL OF BOROUGH OF ALLENDALE V. TIMOTHY DRISCOLL TAX APPEAL SETTLEMENT

WHEREAS, the Defendant, Timothy Driscoll was erroneously assessed for tax year 2022 due to a computer error which removed the partial assessment percentage for the subject property; and

WHEREAS, the Borough Tax Assessor verified that the property was under and is still under construction and should have been only partially assessed for tax year 2022; and

WHEREAS, to correct the error in the taxpayer's assessment, the Borough filed a Correction of Errors Complaint to rectify the computer error which resulted in a 100% assessment although the property was not substantially completed as required by law; and

WHEREAS, the subject property is located at 36 Carteret Road; and

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

WHEREAS, the Borough Tax Assessor and Borough Tax Expert have approved and recommend that the assessment be corrected and reduced from \$2,778,000.00 (\$475,400.00 land, \$2,302,600.00 improvement) to \$960,500 (\$475,400.00 land, \$485,100.00 improvement); and

WHEREAS, the taxpayer has paid taxes on a reduced sum in accordance with on-going settlement discussions however, if there is a refund 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.

DATE: 10/13/2022

RESOLUTION# 22-227

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 <u>Borough of</u> <u>Allendale v. Timothy Driscoll</u> 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 and the Tax Collector is hereby authorized to issue an amended tax bill for tax year 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 October 13, 2022.

Levi J. Kool, Esq.
Attorney I.D. No. 034352009
HUNTINGTON BAILEY, L.L.P.
373 Kinderkamack Road
Westwood, New Jersey 07675
(201) 666-8282
Attorneys for Plaintiff

BOROUGH OF ALLENDALE,

Plaintiff,

TAX COURT OF NEW JERSEY BERGEN COUNTY

vs.

DRISCOLL, TIMOTHY,

Defendant.

CIVIL ACTION

DOCKET NO.: 010495-2022

CORRECTION OF ERRORS COMPLAINT STIPULATION OF SETTLEMENT

IT IS HEREBY STIPULATED AND AGREED:

1. Pursuant to the Complaint filed in the above-captioned matter, the Parties

agree that the Assessment for the Subject Property was erroneously established for tax year

2022 due to a computer error.

2 The assessment of the following property shall be adjusted and a Judgment

be entered as follows:

Block: 1503.01 Lot: 17

Street Address: 36 Cartaret Road, Allendale, New Jersey 07401

Tax Year: 2022

	Original Assessment	County Board	Requested Tax Court
		Judgment	Judgment
Land	\$475,400.00	N/A	\$475,400.00
Improvements	\$2,302,600.00	N/A	\$485,100.00
Total	\$2,778,000.00	N/A	\$960,500.00

2. The undersigned have made such examination of the value and proper assessment of the property and have obtained such appraisal, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into the Stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to the settlement and has concurred.

3. Based upon the foregoing, the undersigned represent to the Court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law.

4. The Parties further agree that the provisions of N.J.S.A. 54:51A-8 (the Freeze Act) shall not apply to the 2022 Judgment.

5. Should there have been an over-payment of taxes, statutory interest, pursuant to <u>N.J.S.A.</u> 54:3-27.2, having been waived by taxpayer, shall not be paid provided the tax refund is paid within sixty (60) days of the date of entry of the Tax Court Judgment.

Date: September ____, 2022

HUNTINGTON BAILEY, L.L.P. Attorneys for Plaintiff

Date: September ____, 2022

Levi J. Kool, Esq.

LAW OFFICES OF GREG A. ILARDI Attorney for Defendant

Greg Ilardi, Esq.

DATE: 10/13/2022

RESOLUTION# 22-228

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

Carried \Box Defeated \Box Tabled \Box

Approved on Consent Agenda \Box

SCHEDULE D

A RESOLUTION ACCEPTING A GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, Borough of Allendale has applied for and has been awarded a grant in the amount of up to \$80,139.60 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the New Jersey Department of Environmental Protection and the New Jersey Economic Development Authority for PA/SI/RI of the 230 West Crescent Avenue property;

NOW, THEREFORE, BE IT RESOLVED By the governing body of the Borough of Allendale that the above referenced grant is hereby accepted and the (Mayor, Administrator, etc.) is hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the Borough of Allendale.

BE IT FURTHER RESOLVED that a comprehensive plan exists specifically for the development or redevelopment of contaminated or potentially contaminated real property in the host municipality or that a realistic opportunity exists that the project site will be developed or redeveloped within a three-year period from the completion of the remediation.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the New Jersey Economic Development Authority.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 13, 2022.

DATE: 10/13/2022

RESOLUTION# 22-229

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

Carried \Box Defeated \Box Tabled \Box

Approved on Consent Agenda \Box

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF ALLENDALE, IN THE COUNTY OF BERGEN, NEW JERSEY, DESIGNATING \$4,944,284 OF NOTES CONSISTING OF \$4,675,478 GENERAL BOND ANTICIPATION NOTES AND \$268,806 WATER UTILITY BOND ANTICIPATION NOTES, BOTH ISSUES DATED SEPTEMBER 23, 2022, PAYABLE MARCH 23, 2023, AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Borough of Allendale, in the County of Bergen, New Jersey (the "Borough") intends to issue \$4,944,284 of notes consisting of \$4,675,478 General Bond Anticipation Notes and \$268,806 Water Utility Bond Anticipation Notes, both issues dated September 23, 2022, payable March 23, 2023 (the "Notes"); and

WHEREAS, the Borough desires to designate the Notes as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code");

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

DATE: 10/13/2022

RESOLUTION# 22-229

SECTION 1. The Notes are hereby designated as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code.

SECTION 2. It is hereby determined and stated that (1) said Notes are not "private activity bonds" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2022.

SECTION 3. It is further determined and stated that the Borough has, as of the date hereof, issued the following taxexempt obligations (other than the Notes) during the calendar year 2022:

Amount	Dated - Due
\$4,122,277 BAN	4/22/22 - 4/21/23

SECTION 4. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

DATE: 10/13/2022

RESOLUTION# 22-229

SECTION 5. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Notes and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2022 dated as of the date of delivery of the Notes.

<u>SECTION 6</u>. This resolution shall take effect immediately upon its adoption.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 13, 2022.

DATE: 10/13/2022

RESOLUTION# 22-230

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

Carried \Box Defeated \Box Tabled \Box

Approved on Consent Agenda \Box

AUTHORIZATION OF REFUNDS FOR 2021 TAX OVERPAYMENTS – STATE BOARD JUDGMENT

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 2021.

Block/Lot	Name	Property Location	Amount
1202/12	Caparyan, Avedis & Luis V.	147 Forest Road	\$1,597.38

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 13, 2022.

DATE: 10/13/2022

RESOLUTION# 22-231

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

Carried \Box Defeated \Box Tabled \Box

Approved on Consent Agenda \Box

AUTHORIZATION OF REFUNDS FOR 2020 TAX OVERPAYMENTS – STATE BOARD JUDGMENT

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
1702/28	Jennifer R Jacobus, Trustee for Nash, Wayne & Kathy Ross 201 Littleton Road Suite 100 Morris Plains, NJ 07950	50 Dale Avenue	\$3,465.07

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 13, 2022.

DATE: 10/13/2022

RESOLUTION# 22-232

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

Carried \Box Defeated \Box Tabled \Box

Approved on Consent Agenda \Box

RESOLUTION AUTHORIZING A 2022 HALLOWEEN CURFEW IN THE BOROUGH OF ALLENDALE

WHEREAS, the Police Chief of the Borough of Allendale has requested a Halloween Curfew for all children under the age of eighteen for the purpose of maintaining order; and

WHEREAS, said curfew would limit potential damage to persons and property; and

WHEREAS, the Borough of Allendale has determined that a Halloween curfew would be in the best interest of the citizens of Allendale; and

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

1. There will be a curfew on Sunday, October 30, 2022 from 9:00 p.m. until sunrise and on Monday, October 31, 2022 from 9:00 p.m. until sunrise for all children under the age of eighteen.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 13, 2022.

DATE: 10/13/2022

RESOLUTION# 22-233

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

Carried \Box Defeated \Box Tabled \Box

Approved on Consent Agenda \Box

APPOINTMENT OF FIRE CHIEF

BE IT RESOLVED that the Mayor and Borough Council do hereby confirm the appointment of the following individual to fill an unexpired 1-year term effective September 29, 2022, expiring December 31, 2022:

Dave Baez

Fire Chief

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 13, 2022.

DATE: 10/13/2022

RESOLUTION# 22-234

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

Carried \Box Defeated \Box Tabled \Box

Approved on Consent Agenda \Box

APPOINTMENT OF PART-TIME ASSISTANT TO THE CONSTRUCTION DEPARTMENT

WHEREAS, the Borough of Allendale is in need of the services of a parttime hourly Assistant to the Construction Department.

NOW, THEREFORE, BE IT RESOLVED that Michael Limatola is hereby appointed to the aforementioned position to be effective October 3, 2022 at an hourly rate of \$22.52 not to exceed 30 hours total between the positions as parttime Assistant to the Construction Department and his current position as Property Maintenance Officer.

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.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 13, 2022.

DATE: 10/13/2022

RESOLUTION# 22-235

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

Carried \Box Defeated \Box Tabled \Box

Approved on Consent Agenda \boxtimes

APPROVAL OF OCTOBER 13, 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 October 13, 2022 in the amounts of:

Bill List Numbers	October 13, 2022
Current Fund	\$1,059,408.69
Payroll Account	\$189,323.16
General Capital	\$197,083.53
Animal Fund	\$547.00
Grant Fund	\$0.00
COAH/Housing Trust	\$1,628.75
Improvement &	
Beautification	\$0.00
Unemployment Fund	\$0.00
Trust Fund	\$9,041.76
Water Operating	\$155,127.52
Water Capital	\$0.00

Total

\$1,612,160.41

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on <u>October 13, 2022.</u>



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 October 13,

ayer alissa

M. Alissa Mayer, CMFO Chief Financial Officer

DATE: 10/13/2022

RESOLUTION# 22-236

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

Carried \Box Defeated \Box Tabled \Box

Approved on Consent Agenda \Box

AUTHORIZATION TO ADVERTISE BID SPECIFICATIONS FOR 2022 SNOW PLOWING & REMOVAL SERVICES OF BOROUGH FACILITIES

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 2022 Snow Plowing & Removal Services of Borough Facilities; and,

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

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 13, 2022.