

AGENDA  
BOROUGH OF ALLENDALE  
MAYOR AND COUNCIL  
MAY 27, 2021  
8:00 P.M.

A Regular Meeting of the Mayor and Council of the Borough of Allendale will be held on May 27, 2021 beginning at 8:00pm via a video and teleconferencing meeting on GoToMeeting due to the State of Emergency.

The public can join the meeting by taking the following steps:

- **From a computer, tablet or smartphone**, enter the website <https://global.gotomeeting.com/join/302918517>
- **From a phone**, dial [+1 \(872\) 240-3212](tel:+18722403212) and then enter Access Code: [302-918-517](https://global.gotomeeting.com/join/302918517)

Anyone from the public who does not have GoToMeeting may install the app prior to the start of the meeting at <https://global.gotomeeting.com/install/302918517>

*The public is asked to please mute their devices until such time that the public comment portions are held so as not to distract from the business of the meeting.*

I. CALL TO ORDER

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

II. ROLL CALL

- III. APPROVAL OF MINUTES    February 11, 2021 Work Session Meeting  
   February 11, 2021 Regular Session Meeting  
   February 11, 2021 Closed Session (not for release at this time)  
   March 3, 2021 Special Session  
   March 11, 2021 Work Session  
   March 11, 2021 Regular Session

IV. PUBLIC COMMENT ON AGENDA ITEMS ONLY

Audience members wishing to speak will have a five (5) minute time limit to address the governing body on agenda items only. Large groups are asked to have a spokesperson represent them.

V. ORDINANCE FOR SECOND READING AND PUBLIC HEARING

The following ordinance published herewith was first read by title only on April 29, 2021 and posted on the bulletin board of the lobby of the municipal building and borough website.

**ORDINANCE 21-08** – AN ORDINANCE BY BOROUGH OF ALLENDALE (“ALLENDALE”) IN BERGEN COUNTY, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING SECTION 270-26(M)(1) OF THE ALLENDALE MUNICIPAL CODE

VI. 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.

AGENDA  
BOROUGH OF ALLENDALE  
MAYOR AND COUNCIL  
MAY 27, 2021  
8:00 P.M.

- A. **21-152**/Authorize Refund – Water Overpayment – Account 3115799424404
- B. **21-153**/Amend 2021 Crestwood Lake Fees
- C. **21-154**/Appoint DPW Seasonal Employee – Brian O’Connor
- D. **21-155**/Approve Contract – Annual Re-Assessment Program (Commercial Properties) – BBG/Izenberg Appraisal Associates
- E. **21-156**/Approve May 27, 2021 Bill List
- F. **21-157**/Authorize Ribbon Hanging in Recognition of Pride Month – Democratic Committee of Allendale

VII. UNFINISHED BUSINESS

VIII. NEW BUSINESS

IX. COMMITTEE REPORTS AND COMMENTS

X. STAFF REPORTS

XI. PUBLIC COMMENTS

Audience members wishing to speak will have a five (5) minute time limit to address the governing body. Large groups are asked to have a spokesperson represent them.

XII. ADJOURNMENT

Bulletin Board  
Borough Website

\*\*\*AGENDA AND AGENDA MATERIALS SUBJECT TO CHANGE\*\*\*

**BOROUGH OF ALLENDALE  
COUNTY OF BERGEN  
STATE OF NEW JERSEY**

**ORDINANCE 21-08**

**AN ORDINANCE BY BOROUGH OF ALLENDALE (“ALLENDALE”) IN BERGEN  
COUNTY, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF  
CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND  
AMENDING SECTION 270-26(M)(1) OF THE ALLENDALE MUNICIPAL CODE**

**WHEREAS**, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

**WHEREAS**, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

**WHEREAS**, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

**WHEREAS**, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

**WHEREAS**, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

**WHEREAS**, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

**WHEREAS**, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

**WHEREAS**, the Mayor and Council of the Borough of Allendale has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on Allendale in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of Allendale’s residents and members of the public who visit, travel, or conduct business in Allendale, to amend Allendale’s zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of Allendale; and

**WHEREAS**, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act’s 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Allendale, in the Bergen County, State of New Jersey, as follows:

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in Allendale, except for the delivery of cannabis items and related supplies by a delivery service., notwithstanding any State law to the contrary.

2. Section 270-26(M)(1) of the Allendale Municipal Code is hereby repealed and replaced with the following: "All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service, are hereby prohibited from operating anywhere in the Borough."

3. Any article, section, paragraph, subsection, clause, or other provision of the Allendale Municipal Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

5. After introduction, the Clerk is hereby directed to submit a copy of this Ordinance to the Land Use Board of the Borough of Allendale for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Board is directed to make and transmit to the Council, within thirtyfive (35) days after referral, a report including identification of any provisions in this proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matters as the Board may deem appropriate

6. This ordinance shall take effect upon its passage and publication and filing with the Bergen County Planning Board, and as otherwise provided for by law.

	Motion	Second	Yea	Nay	Absent	Abstain
Homan			✓			
O'Connell	✓		✓			
O'Toole			✓			
Sasso					✓	
Strauch		✓	✓			
Wilczynski			✓			
Bernstein						

I hereby certify that the foregoing is a true copy of an ordinance introduced by the Mayor and Council of the Borough of Allendale on April 29, 2021

Michelle  
Acting Borough Clerk

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

**DATE: 05/27/2021**

**RESOLUTION# 21-152**

Council	Motion	Second	Yes	No	Abstain	Absent
<b>Homan</b>						
<b>O'Connell</b>						
<b>O'Toole</b>						
<b>Sasso</b>						
<b>Strauch</b>						
<b>Wilczynski</b>						
<b>Mayor Bernstein</b>	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**AUTHORIZE REFUND – WATER OVERPAYMENT**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Allendale that the Water Collector is hereby authorized to issue the following refund check for overpayment on the account listed below and charge same to Water Rents/Overpayments for 2021:

<b>Account Number</b>	<b>Name</b>	<b>Amount</b>
3115799424404	MYUNG SHIM SUH 290 NORTH DRIVE RIVER EDGE, NJ 07661	\$32.62

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I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on May 27, 2021.

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Michelle Ryan  
Acting Municipal Clerk

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

**DATE: 05/27/2021**

**RESOLUTION# 21-153**

Council	Motion	Second	Yes	No	Abstain	Absent
<b>Homan</b>						
<b>O'Connell</b>						
<b>O'Toole</b>						
<b>Sasso</b>						
<b>Strauch</b>						
<b>Wilczynski</b>						
<b>Mayor Bernstein</b>	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**AMEND 2021 FEES FOR CRESTWOOD LAKE  
SEASON AND RED BARN RENTALS**

**WHEREAS**, pursuant to Chapter 203, Section 20A of the Code of the Borough of Allendale, fees for the use of recreational facilities are to be established annually by resolution of the governing body; and

**WHEREAS**, the Crestwood Lake fees were established for the 2021 season via Resolution 21-135 on April 29, 2021; and

**WHEREAS**, the Governing Body wishes to amend them.

**NOW, THEREFORE, BE IT RESOLVED**, that the following rates be and are hereby approved for Crestwood Lake for the 2021 season:

1. Year-Round Employees of the Borough of Allendale shall receive a free family membership in accordance with established eligibility requirements.

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I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on May 27, 2021.

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Michelle Ryan  
Acting Municipal Clerk

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

**DATE: 05/27/2021**

**RESOLUTION# 21-154**

Council	Motion	Second	Yes	No	Abstain	Absent
<b>Homan</b>						
<b>O'Connell</b>						
<b>O'Toole</b>						
<b>Sasso</b>						
<b>Strauch</b>						
<b>Wilczynski</b>						
<b>Mayor Bernstein</b>	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**APPOINTMENT OF DPW SEASONAL EMPLOYEE – BRIAN O’CONNOR**

**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 \$16.00/hour effective May 24, 2021 through August 28, 2021; and

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

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I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on May 27, 2021.

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Michelle Ryan  
Acting Municipal Clerk



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

**DATE: 05/27/2021**

**RESOLUTION# 21-155**

Council	Motion	Second	Yes	No	Abstain	Absent
<b>Homan</b>						
<b>O'Connell</b>						
<b>O'Toole</b>						
<b>Sasso</b>						
<b>Strauch</b>						
<b>Wilczynski</b>						
<b>Mayor Bernstein</b>	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**APPROVAL OF CONTRACT FOR PROVIDING ASSISTANCE FOR ANNUAL RE-  
ASSESSMENT OF COMMERCIAL PROPERTY FOR TAX EQUALIZATION  
PURPOSES – BBG/IZENBERG APPRAISAL ASSOCIATES**

**WHEREAS**, the Borough of Allendale (Borough) appointed BBG/Izenberg Appraisal Associates as an Appraisal Firm, pursuant to non-fair and open contract provisions, via Resolution 21-04 on January 7, 2021; and

**WHEREAS**, the Borough is engaged in a program to annually re-assess all the lands, buildings and improvements contained within the boundaries of the Borough and has engaged the services of BBG/Izenberg Appraisal Associates (BBG/Izenberg) to render necessary advice and assistance in this said project for commercial properties; and

**WHEREAS**, BBG/Izenberg assists the Borough Tax Assessor with completing an annual re-assessment as prescribed by N.J.S.A. 54:1-35.35; and

**WHEREAS**, the Bergen County Board of Taxation and the Director of the State of New Jersey Division of Taxation have previously granted approval for an annual re-assessment program set for October 1, 2020 to be effective for the tax year 2021 and continue each year to tax year 2025; and

**WHEREAS**, BBG/Izenberg has provided a proposal for provision of services to assist with the annual re-assessment program of commercial properties at a rate of \$100 per line item.

**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 a contract with BBG/Izenberg Appraisal Associates in an amount not to exceed Six Thousand Five Hundred (\$6,500.00) Dollars, to provide assistance for the annual re-assessment of commercial properties for tax equalization purposes; and

**BE IT FURTHER RESOLVED** that the Mayor, Acting Municipal Clerk, Borough Attorney, CFO and Tax Assessor are authorized to take all appropriate actions necessary to effectuate this Resolution; and

**BE IT FURTHER RESOLVED** that the Mayor and Acting Municipal Clerk are authorized to sign an agreement, subject to review and approval by the Borough Attorney, on

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

**DATE: 05/27/2021**

**RESOLUTION# 21-155**

behalf of the Borough of Allendale.

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I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on May 27, 2021.

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Michelle Ryan  
Acting Municipal Clerk

DRAFT

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

**DATE: 05/27/2021**

**RESOLUTION# 21-156**

Council	Motion	Second	Yes	No	Abstain	Absent
<b>Homan</b>						
<b>O'Connell</b>						
<b>O'Toole</b>						
<b>Sasso</b>						
<b>Strauch</b>						
<b>Wilczynski</b>						
<b>Mayor Bernstein</b>	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

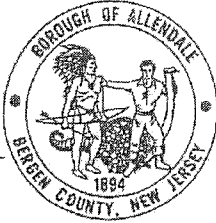
**APPROVAL OF MAY 27, 2021 LIST OF BILLS**

**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 27, 2021 in the amounts of:

Current Fund	\$1,396,234.50
Payroll Account	\$188,367.58
General Capital	\$13,256.00
Animal Fund	\$0.00
Grant Fund	\$0.00
COAH/Housing Trust	\$0.00
Improvement & Beautification	\$0.00
Unemployment Fund	\$0.00
Trust Fund	\$14,691.25
Water Operating	\$156,264.55
Water Capital	\$0.00
<hr/>	
<b>Total</b>	<b>\$1,768,813.88</b>

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on May 27, 2021.

\_\_\_\_\_  
Michelle Ryan  
Acting Municipal Clerk



## BOROUGH OF ALLENDALE

500 West Crescent Avenue, Allendale, NJ 07401-1792

OFFICE OF TAX COLLECTOR  
OFFICE OF CHIEF FINANCIAL OFFICER

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 May 27, 2021

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

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

**DATE: 05/27/2021**

**RESOLUTION# 21-157**

Council	Motion	Second	Yes	No	Abstain	Absent
<b>Homan</b>						
<b>O'Connell</b>						
<b>O'Toole</b>						
<b>Sasso</b>						
<b>Strauch</b>						
<b>Wilczynski</b>						
<b>Mayor Bernstein</b>	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**AUTHORIZATION FOR RIBBON HANGING IN RECOGNITION OF PRIDE MONTH  
– DEMOCRATIC COMMITTEE OF ALLENDALE**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that the Democratic Committee of Allendale has permission to hang ribbons on the lampposts in the downtown area of Allendale during the month of June in recognition of Pride Month.

**BE IT FURTHER RESOLVED** that a Certificate of Insurance and Hold Harmless Agreement will be sought from the organization.

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I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on May 27, 2021.

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Michelle Ryan  
Acting Municipal Clerk