

AGENDA
BOROUGH OF ALLENDALE
MAYOR AND COUNCIL
APRIL 28, 2022
8:00 P.M.

A Regular Meeting of the Mayor and Council of the Borough of Allendale will be held in-person on April 28, 2022 beginning at 8:00pm 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. RESOLUTIONS

- A. **Bergen County Open Space Grant Application – Improvements at Crestwood Lake Phase II**
 - 1. Public comments on Grant Application
 - 2. **22-129**/Authorize Submission of 2022 Bergen County Open Space Trust Fund Municipal Program Park Improvement Application – Improvements at Crestwood Lake Phase II

V. INTRODUCTION OF ORDINANCES

Motion that the following ordinance be introduced and passed on first reading and setting May 12, 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 22-02 – AN ORDINANCE GRANTING CONSENT AND PERMISSION TO SUEZ WATER – NEW JERSEY, INC. TO FURNISH WATER TREATMENT, STORAGE AND CONVEYANCE SERVICE IN THE BOROUGH OF ALLENDALE, NEW JERSEY

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.

- A. **22-130**/Covenant to Comply with Provisions of Internal Revenue Code of 1986 & Designate \$4,122,277 of Bond Anticipation Notes as “Qualified Tax-Exempt Obligation”
- B. **22-131**/Appoint Crossing Guard, P/T, Hourly – Joseph Mirra
- C. **22-132**/Authorize Shared Service – ADA Cooperative Curb Ramp Program – County of Bergen
- D. **22-133**/Approve April 28, 2022 Bill List
- E. **22-134**/Authorize Execution – NJ DEP Division of Water Quality Treatment Works Approval Permit Application

VII. UNFINISHED BUSINESS

VIII. NEW BUSINESS

IX. COMMITTEE REPORTS AND COMMENTS

X. STAFF REPORTS

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MAYOR AND COUNCIL
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8:00 P.M.

XI. 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.

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 or (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 MichelleRyan@AllendaleNJ.gov or Michelle Ryan, Acting Clerk, Borough of Allendale, 500 West Crescent Avenue, Allendale, NJ 07401 by 4pm on Thursday, April 28, 2022.

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

DATE: 04/28/2022

RESOLUTION# 22-129

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

Carried ☒ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**AUTHORIZING SUBMISSION OF A 2022 BERGEN COUNTY OPEN SPACE TRUST
FUND MUNICIPAL PARK IMPROVEMENT GRANT APPLICATION**

WHEREAS, the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("County Trust Fund"), provides matching grants to municipal governments 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 \$75,000.00 from the County Trust Fund for shade structures, tables and playground improvements at Crestwood Lake; and,

WHEREAS, the Mayor and Council of the Borough of Allendale 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 Mayor and Council of the Borough of Allendale held the required Public Hearing to receive public comments on the proposed park improvements in the application on April 28, 2022; 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 6, 2022 as established by the County; and,

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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 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 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.
5. That the Mayor and Council 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.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on April 28, 2022.

Michelle Ryan
Acting Municipal Clerk

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

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Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF ALLENDALE, IN THE COUNTY OF BERGEN, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF ALLENDALE AND AUTHORIZING THE MAYOR, ACTING BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$4,122,277 BOND ANTICIPATION NOTE, DATED APRIL 22, 2022, PAYABLE APRIL 21, 2023, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" 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") from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Borough to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

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RESOLUTION# 22-130

WHEREAS, the Borough desires to designate a \$4,122,277 Bond Anticipation Note, dated April 22, 2022, payable April 21, 2023 (the "Note"), as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of 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:

SECTION 1. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Borough (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Acting Borough Clerk, Chief Financial Officer and the other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) said Note is not a "private activity bond" 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.

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SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2022.

SECTION 6. 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.

SECTION 7. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note 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 Note.

SECTION 8. 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 April 28, 2022.

Michelle Ryan
Acting Municipal Clerk

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

DATE: 04/28/2022

RESOLUTION# 22-131

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Wilczynski						
Mayor Bernstein	---	---				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**APPOINTMENT OF CROSSING GUARD, P/T, HOURLY –
JOSEPH MIRRA**

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that Joseph Mirra is appointed as a Crossing Guard, P/T, Hourly on a per diem basis at a rate of \$20.00 per hour retroactive to April 26, 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 April 28, 2022.

Michelle Ryan
Acting Municipal Clerk

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

DATE: 04/28/2022

RESOLUTION# 22-132

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Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**AUTHORIZATION TO ENTER INTO ADA COOPERATIVE CURB
RAMP PROGRAM AGREEMENT – COUNTY OF BERGEN**

WHEREAS, Federal and State law mandate that public sidewalks at intersections provide, at a minimum, depressed curb cuts, detectable warning surfaces and a landing area at crosswalk locations, as designated by the County Engineer or his designee; and

WHEREAS, public sidewalks are a Municipal responsibility in as much as the County's road responsibility is limited to improve road areas from curb-face to curb-face as set forth in NJSA 27:16-8; and

WHEREAS, the Uniform Shared Services and Consolidation Act (NJSA 40A:65-1 et seq) promoted the broad use of shared services to reduce local expenses funded by property taxpayers; and

WHEREAS, the County of Bergen will, upon proper verification and preconstruction authorization by the County Engineer, reimburse participating Municipalities for construction costs at the prices set forth in the Cooperative bid (or the Municipalities lower pricing provided that the Municipality uses the County's bid specification for purposes of comparison); and

NOW, THEREFORE, BE IT RESOLED by the Governing Body of the Borough of Allendale that it does hereby authorize participation in the ADA Cooperative Curb-Ramp Construction Program with the County of Bergen; and

BE IT FURTHER RESOLVED that the Borough is authorized to enter into an ADA Cooperative Curb-Ramp Construction Grant Program Agreement in a form approved by the Municipal Attorney; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to execute such grant agreement following legal review.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on April 28, 2022.

Michelle Ryan
Acting Municipal Clerk

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Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

APPROVAL OF APRIL 28, 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 April 28, 2022 in the amounts of:

Current Fund	\$3,126,888.47
Payroll Account	\$176,394.66
General Capital	\$28,531.87
Animal Fund	\$6.60
Grant Fund	\$0.00
COAH/Housing Trust	\$37.50
Improvement & Beautification	\$300.00
Unemployment Fund	\$0.00
Trust Fund	\$12,023.00
Water Operating	\$129,143.99
Water Capital	
<hr/>	
Total	\$3,473,326.09

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on April 28, 2022.

Michelle Ryan
Acting 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 April 28, 2022

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

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Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**AUTHORIZE THE EXECUTION OF STATE OF NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION DIVISION OF WATER QUALITY TREATMENT
WORKS APPROVAL PERMIT APPLICATION**

WHEREAS, the Borough of Allendale (“Allendale”) and the Borough of Saddle River (“Saddle River”) are parties to a certain Sewer Connection Agreement dated July 7, 1997 (the “Agreement”); and

WHEREAS, Saddle River has advised Allendale that due to the contemplated construction of additional residential dwelling units within Saddle River, Saddle River will need to increase the sewer flow from Saddle River to Allendale beyond that which is provided for in the Agreement; and

WHEREAS, in connection with the additional development in Saddle River and its need for additional sewer flow capacity from Allendale, Saddle River has requested Allendale to consent to and execute a State of New Jersey Department of Environmental Protection Division of Water Quality Treatment Works Approval Permit Application (the “Application”); and

WHEREAS, Allendale wishes to accommodate the request of Saddle River subject to the terms and conditions set forth in this Resolution; and

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

1. The Mayor, Acting Borough Clerk, Borough Engineer and Borough Attorney are authorized to take any and all appropriate steps to implement this Resolution, including execution of the Application, subject to the terms and conditions set forth in this Resolution.

2. The consent of Allendale and its execution of the Application are specifically conditioned on Saddle River conducting, at its sole expense, a sewer flow capacity study confirming that Allendale has sufficient sewer flow capacity to accommodate an additional 112 Saddle River residential development units. The results of such study shall be provided by Saddle River to Allendale and are subject to Allendale’s acceptance and approval.

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BERGEN COUNTY, NJ**

DATE: 04/28/2022

RESOLUTION# 22-134

3. The consent of Allendale and its execution of the Application are further specifically conditioned on Allendale and Saddle River agreeing on the costs to be charged by Allendale to Saddle River for sewer flow, and any sewer system costs that may be ascribable to the sewer from Saddle River to Allendale.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on April 28, 2022.

Michelle Ryan
Acting Municipal Clerk