

AGENDA
BOROUGH OF ALLENDALE
MAYOR AND COUNCIL
REGULAR SESSION – MARCH 9, 2023
8:00 P.M.

A Regular Meeting of the Mayor and Council of the Borough of Allendale will be held in-person on March 9, 2023 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. Roll Call

II. SALUTE TO FLAG

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

- February 23, 2023 Work & Regular Session Minutes

V. SECOND READING AND PUBLIC HEARING ORDINANCES

The following ordinance published herewith was first read by title only on February 23, 2023 and posted on the bulletin board of the lobby of the municipal building and borough website.

ORDINANCE 23-03: AN ORDINANCE TO AMEND AND REVISE CHAPTER 262 OF THE BOROUGH CODE OF THE BOROUGH OF ALLENDALE ENTITLED “WATER”

The following ordinance published herewith was first read by title only on February 23, 2023 and posted on the bulletin board of the lobby of the municipal building and borough website.

ORDINANCE 23-04: AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE CHAPTER 26, ENTITLED “ESTABLISHMENT; COMPOSITION; TABLE OF ORGANIZATION; CHIEF OF POLICE; DIRECTOR OF PUBLIC SAFETY; VACANCIES AND DUTIES” OF THE BOROUGH CODE OF THE BOROUGH OF ALLENDALE.

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VI. INTRODUCTION OF ORDINANCES

Motion that the following ordinance be introduced and passed on first reading and setting March 23, 2023 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 23-05: AN ORDINANCE TO AMEND CHAPTER 53 OF THE CODE OF THE BOROUGH OF ALLENDALE, "OFFICERS AND EMPLOYEES", TO FIX THE SALARIES, WAGES AND COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF ALLENDALE FOR THE YEAR 2023.

Motion that the following ordinance be introduced and passed on first reading and setting March 23, 2023 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 23-06: ORDINANCE OF THE BOROUGH OF ALLENDALE, COUNTY OF BERGEN, NEW JERSEY APPROVING A FINANCIAL AGREEMENT WITH ALLENDALE URBAN RENEWAL, LP

VII. 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 23-105: Authorizing Emergency Temporary Budget Appropriations.

RES 23-106: Appointment to Office - Temporary Chief Financial Officer.

RES 23-107: Bill List of March 9, 2023.

RES 23-108: Resolution of the Borough Council of the Borough of Allendale, Bergen County, approving the application of Allendale Urban Renewal, LP for a Tax Exemption and Financial Agreement.

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RES 23-109: Resolution approving and authorizing the execution of an affordable housing deed restriction with Allendale Urban Renewal, LP and the termination of the 1995 Deed Restriction and Regulatory Agreement between the Borough of Allendale and Allendale Urban Renewal, LP.

RES 23-110: Resolution of the Borough Council of the Borough of Allendale, Bergen County, approving the termination of January 6, 1997 Financial Agreement between Allendale Urban Renewal, LP and the Borough of Allendale.

VIII. UNFINISHED BUSINESS

IX. NEW BUSINESS

X. COMMITTEE REPORTS AND COMMENTS

XI. STAFF REPORTS

XII. 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.

XIII. 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 03/08/2023 with all available information as of this date.

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

ORDINANCE #23-03

**AN ORDINANCE TO AMEND AND REVISE CHAPTER 262 OF THE
BOROUGH CODE OF THE BOROUGH OF ALLENDALE ENTITLED
“WATER”**

BE IT ORDAINED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that Chapter 262, Water, of the Code of the Borough of Allendale, be and hereby is amended and revised in its entirety to read as follows:

Article I. Storm Sewers

§ 262-1. Diversion of water into storm sewers.

After the effective date of this article, no person shall cause or permit the connection of any pipe or conduit or cause the development or diversion of any brook, ditch or other waterway to any storm sewer, catch basin or other appurtenances thereof or cause the diversion of any rain- or surface water by pipe or other conduit to the public roads and streets within the Borough of Allendale, except in conformance with the regulations herein contained.

§ 262-2. Permit required; application and sketch.

A. Prior to the doing of any act or acts described in § 262-1 hereof, the owner, tenant or occupant or contractor thereof shall make application to the Borough Engineer/Engineering Department for a permit. The application for said permit shall be in writing.

B. A deposit in the amount of \$500 shall be established as an escrow account to defray the costs to the Borough of Allendale for the services of the Borough Engineer in review of the application, inspection of the work to be done and written approval of the same at the completion of the work. If the funds are depleted prior to completion of the project, the applicant shall deposit additional escrow funds to cover the remainder of the work. Upon completion, any balance remaining will be returned to the applicant upon request, in writing, to the Engineering Department.

C. The application shall state the name of the applicant and be signed by him and shall describe the property or properties upon which the improvement recited in § 262-1 hereof is intended to be located, by reference to lot and block of the assessment map and by reference to public streets.

D. The application shall state the proposed date of commencement and completion of said improvement, and the permit, if issued, shall be limited to a time interval appearing thereon, not exceeding that recited in the application.

E. The application shall describe the type of material intended to be used and the name and address of the contractor, if other than the applicant.

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ORDINANCE #23-03

F. The application shall be accompanied by a written sketch, accurately sealed, showing reference points and showing the location and extent of the sanitary sewage disposal system on the property and that of the nearest adjacent property if the intended improvement shall be located within 40 feet thereof, as well as invert elevations of proposed improvement and point of connection as well as the proposed location of the improvement. The plan as set forth in said sketch shall locate said improvement not closer than 20 feet to any part of any sanitary sewage system. Any underground pipe connecting to an underground sewer shall be provided with a six-inch-diameter lamp hole at the property line. Top of lamp hole shall be flush with finished grade and be suitably closed.

§ 262-3. Inspection of connections; certified prints.

All piping and connections to sewers must be inspected by the Borough Engineer or his designated agent before being covered. On completion of the work, the applicant must give the Engineering Department two certified prints of the work performed as installed.

§ 262-4. Correction of unsafe and unsanitary conditions.

Upon the finding that an unsafe or unsanitary condition exists as the result of discharge of effluent and upon notification, in writing, by the Chief of Police, Superintendent of Public Works, Borough Engineer or Sanitary Inspector, the owner of property shall correct such condition or stop the discharge within 24 hours.

§ 262-5. Subdivisions.

The minimum requirements hereinabove set forth shall be applicable to subdivisions, though the procedure herein required shall not apply thereto.

§ 262-6. Issuance of permit; definitions.

A. The permit herein provided shall be issued by the Construction Code Office only upon approval, in writing, by the Borough Engineer of the application and sketch, which approval shall be granted or denied by the Borough Engineer within 10 days after delivery of the same.

B. Definitions. As used in this article, the following terms shall have the meanings indicated:

APPLICANT or PERSON

Includes any natural person, corporation or partnership.

Article II. Water Supply

§ 262-7. Lien for unpaid charges.

The owner of the property on which water service is furnished shall be liable for the payment of water service related charges, incurred prior to November 30, 2022, in accordance with the laws of the State of New Jersey, be a lien on the premises until paid and satisfied, irrespective of whether or not the unpaid charges were incurred prior to, or during, such owner's period of ownership, and,

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COUNTY OF BERGEN
STATE OF NEW JERSEY**

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in case of nonpayment thereof, the premises may be sold to pay and satisfy the same in the manner provided by law.

§ 262-8. Curtailment of water usage during periods of shortage.

A. If it shall appear that for any reason the water supply system is or may be unable to furnish sufficient water for all uses and if, as a result, the Borough shall determine that a condition exists that constitutes an emergency requiring the conservation of water for the protection of public health and safety, the Borough, to conserve water, may by resolution prohibit, partially prohibit or limit to certain hours and/or certain areas of the Borough the use of water for the sprinkling or watering of lawns, trees, gardens, flowers, shrubbery or similar plant life, the use of water for the washing of cars, buildings, sidewalks and other structures or things and for any other nonessential, nonsanitary purposes.

B. In the event of the existence of any condition covered by § **262-23A** and if the condition is of such a nature that action cannot be delayed until a regular or special meeting of the Mayor and Council can be convened, the Mayor or, in case of his absence or illness, the President of the Council shall have the power to take any action which could be taken by the Borough pursuant to § **262-23A**. Any prohibition, partial prohibition or limitation so imposed by the Mayor or by the Council President shall have the same force and effect as action by the full Borough Council and shall remain in effect until modified or annulled by the Borough Council at a duly convened regular or special meeting.

C. Notice of any prohibition or limitation of the use of water imposed by this section shall be given:

(1) By publishing the same on the Borough of Allendale website;

(2) By activating the Borough's emergency notification system; or

(3) By posting notices in Borough Hall.

(4) Where time does not permit the use of the methods described in Subsection **C(1)**, **(2)** or **(3)**, by any other method which, under the circumstances, will notify as many customers as possible.

§ 262-9. General regulations.

A. No person, corporation, firm, company, consumer or property owner or agent thereof shall keep, within 50 feet of any part of the water supply system, any explosives, acids or other substances likely to injure or damage the system or any part thereof.

B. No person, corporation, firm, company, consumer or property owner or agent thereof, except an agent or employee of the Borough, shall enter upon any property owned or controlled by the Borough of Allendale and used by the Borough in connection with the water supply system; nor

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COUNTY OF BERGEN
STATE OF NEW JERSEY**

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shall any person tear down, break, destroy or tamper with any of the structures, machinery, mains, valves or any other part or portion of the water supply system.

C. Any person wishing to install an underground water sprinkling system for lawns, shrubs or other vegetation on any property shall, prior to installation, apply for a permit therefor to the Allendale plumbing subcode office. If such installation, partially or otherwise, shall be made in the public easement (right-of-way easement, sewer, water or other types of municipal easements), the application shall so note. All such installations in public easements are subject to removal by the Borough in the event that the public easement area shall be required for other authorized public purposes and installations or to maintain existing public installations such as, but not by way of limitation, water service lines, sewer lines, drainage pipes and like installations. In the event of such removal by the Borough, the cost of removal shall be charged against the property owner. The restoration of surface conditions shall be optional with the Borough, and, if completed by the Borough, the cost of such restoration shall also be charged against the property owner unless otherwise provided by law or prior separate easement agreement.

§ 262-10. Filling of pools.

No person, firm or corporation shall fill a pool having a capacity of more than 10,000 gallons with water from the public water supply system unless he or it shall have obtained a permit therefor from the Borough. The Borough Council may by resolution adopt regulations for the issuance of such permits and for the filling of pools by persons holding such permits in order to prevent the imposition of excessive demand upon the water system. No person, firm or corporation shall fill a pool between October 1 and March 31 in any year.

§ 262-11. Private wells.

No person, firm or corporation shall drill, sink, dig or otherwise create a well, nor shall any existing but unused well be placed in operation, unless notice thereof has first been given to the Borough, together with such information with respect thereto as the Borough may require.

§ 262-12. Violations and penalties.

For each and every violation of any provision of this article, the consumer, owner, firm, company, contractor or other persons interested as agents or employees or any other persons who commit, permit, allow, take part or assist in any violation of this article, who fail to comply with any requirements of this article or who shall maintain any building or premises or uses on land where a violation of this article shall exist shall, for each and every violation, be punished as provided in § **1-18** of Chapter **1**, General Provisions. Each and every day that such violation continues shall be considered a separate and specific violation of this article.

§ 262-13. Effective date.

This article shall take effect immediately, and upon publication as required by law.

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ORDINANCE #23-03

§ 262-14. Enforcement.

This chapter shall be enforced by the Police Department, Borough Engineer and other Code Officials of or contracted by the Borough of Allendale.

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

I hereby certify the above to be a true copy of an Ordinance adopted by the Governing Body of the Borough of Allendale on March 9, 2023.

Linda Louise Cervino, RMC
Municipal Clerk

Amy Wilczynski
Mayor

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

ORDINANCE #23-04

**AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE
CHAPTER 26, ENTITLED “ESTABLISHMENT; COMPOSITION; TABLE OF
ORGANIZATION; CHIEF OF POLICE; DIRECTOR OF PUBLIC SAFETY; VACANCIES AND
DUTIES” OF THE BOROUGH CODE OF
THE BOROUGH OF ALLENDALE**

BE IT ORDAINED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that Chapter 26, entitled “Establishment; composition; table of organization; Chief of Police; Director of Public Safety; vacancies and duties.”, of the Code of the Borough of Allendale be, and hereby is, amended, supplemented and revised in its entirety to read as follows:

§ 26-21 Establishment; composition; table of organization; Chief of Police; Director of Public Safety; vacancies and duties.

- A. The Police Department of the Borough of Allendale is hereby established and shall consist of the following personnel to be appointed to these positions by the Borough Council in accordance with § 26-22: not more than one Chief of Police or one Director of Public Safety, as the case may be; up to four sergeants; up to one detective; up to twelve patrol officers; and four Class Three Special Law Enforcement Officer (SLEO III) who are retired regular police officers and who may, from time to time, be appointed and shall serve at the pleasure of the governing body for a term not to exceed one year, which officers shall not be members of the regular police force but shall nevertheless be under the control and supervision of the Chief of Police for use solely as school security officers as detailed in N.J.S.A. 40A:14-146.10 et seq., as necessary.

BE IT FURTHER ORDAINED that, except as modified herein, all other provisions of Chapter 26 shall remain in full force and effect as previously adopted.

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
Lovisolo						
O’Connell						
O’Toole						
Yaccarino						
Daloisio						
Mayor Wilczynski	-----	-----				

I hereby certify the above to be a true copy of an Ordinance adopted by the Governing Body of the Borough of Allendale on March 9, 2023.

Linda Louise Cervino, RMC
Municipal Clerk

Amy Wilczynski
Mayor

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

ORDINANCE #23-05

AN ORDINANCE TO AMEND CHAPTER 53 OF THE CODE OF THE BOROUGH OF ALLENDALE, "OFFICERS AND EMPLOYEES", TO FIX THE SALARIES, WAGES AND COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF ALLENDALE FOR THE YEAR 2023.

BE IT ORDAINED, by the Governing Body of the Borough of Allendale that the salaries of the following officers and employees of the Borough of Allendale shall be paid bi-weekly and fixed in the amounts as set forth below, effective January 1, 2023.

TITLE	MINIMUM	MAXIMUM
Municipal Clerk	\$60,000	\$97,000
Deputy Municipal Clerk	48,000	68,000
Administrative Officer	5,000	40,000
Director of Communications	40,000	50,000
Summer Interns, Hourly	14.00	17.00
Chief Financial Officer	65,000	118,500
Tax Collector	63,000	71,000
Tax Assessor, Part-time	30,000	52,500
Qualified Purchasing Agent	3,000	6,000
Director of Operations	80,000	165,000
Clean Communities Coordinator/Certified Recycling Professional	1,500	3,000
Crestwood Lake Staff – Seasonal	500	20,000
Crestwood Lake Employees – Seasonal, Hourly	12.70	19.00
Water Collector	5,000	20,000
Construction Code Official	25,000	95,000
CCO Inspector	4,000	6,000
Electrical Sub Code Official, Part-time	10,000	15,500
Building Sub Code Official	1,700	15,000
Plumbing Sub Code Official, Part-time	10,000	14,000
Zoning Official	4,500	15,000
Property Maintenance Official, Part-time/Hourly	18.00	25.00
Fire Sub Code Official, Part-time	10,000	13,100
Fire Prevention Official, Part-time	3,800	5,500
Fire Inspectors, Hourly	14.00	21.00
Fire Administrator	3,000	6,000
Chief of Police	135,000	180,000
Municipal Magistrate	10,000	16,000
Municipal Prosecutor	4,000	8,000
Crossing Guards, P/T Hourly	14.00	20.00

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COUNTY OF BERGEN
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Emergency Management Official	2,500	5,000
Laborer, DPW	45,000	85,000
Standby, DPW, Per Week	425	425
Crew Chief, DPW	3,000	12,500
Laborer, DPW, Part-time/hourly	16.00	21.00
Administrative Assistant	35,000	48,000
Administrative Assistant, Part-time/hourly	16.00	23.00
Clerk Typist, Part-time/hourly	14.00	20.00
Land Use Administrative Assistant	32,000	48,000
Bookkeeper	40,000	55,000
DPW File Clerk, Part-time/hourly	14.00	22.27
Building Department Technical Assistant, Part-time/hourly	16.00	30.00
Radio Police Dispatcher, Full-time	35,000	43,000
Radio Police Dispatcher, Part-time-hourly	16.00	21.00

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

I hereby certify the above to be a true copy of an Ordinance introduced by the Governing Body of the Borough of Allendale on March 9, 2023.

Linda Louise Cervino, RMC
Municipal Clerk

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

ORDINANCE #23-06

**ORDINANCE OF THE BOROUGH OF ALLENDALE, COUNTY OF BERGEN,
NEW JERSEY APPROVING A FINANCIAL AGREEMENT
WITH ALLENDALE URBAN RENEWAL, LP**

WHEREAS, the Borough Council (the “Borough Council”) of the Borough of Allendale (the “Borough”), a public body corporate and politic of the State of New Jersey, is authorized pursuant to the Long Term Exemption Law, N.J.S.A. 40A:20-1 et seq. (the “Tax Exemption Law”), to enter into financial agreements with urban renewal entities for low and moderate income projects; and

WHEREAS, on February 3, 2023, the Borough, pursuant to Resolution #23-93, authorized the private sale of that certain real property known and designated as Block 1708, Lots 1 and 9, on the Tax Map of the Borough (the “Property”), to Allendale Urban Renewal, LP (the “Entity”) an urban renewal entity formed and qualified to do business under the provisions of the Tax Exemption Law, and formed for the purpose of inter alia, initiating and conducting low and moderate incoming housing projects; and

WHEREAS, the Entity has been undertaking a low and moderate income housing project, which qualifies as a Qualified Subsidized Housing Project, located at the Property and shall continue to undertake such low and moderate income housing project at the Property subsequent to its acquisition of the Property (the “Project”); and

WHEREAS, the Entity has applied in March 2023 to the Borough Council for tax exemption pursuant to the Exemption Law with respect to the Project (the “Exemption Application”); and

WHEREAS, the Borough Council finds that the tax exemption requested by the Entity in the Exemption Application will benefit the Borough and its inhabitants by the operation of low and moderate income housing project at the Property, and that the benefits would substantially outweigh the costs, if any, associated with tax exemptions; and

WHEREAS, the Borough Council finds that the requested tax exemptions are important to the Borough and that without the incentives of the tax exemptions the Project would not be undertaken; and

WHEREAS, as part of its Exemption Application the Entity has submitted a form of Financial Agreement (the “Financial Agreement”) providing for payments in lieu of taxes, incorporated herein by reference; and

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COUNTY OF BERGEN
STATE OF NEW JERSEY**

ORDINANCE #23-06

WHEREAS, the Entity has presented to this body certain information, copies of which are attached as exhibits to the Financial Agreement; and

WHEREAS, the Borough Council deems it to be in the best interest of the Borough to pass an Ordinance authorizing the Borough to enter into the proposed Financial Agreement with the Entity on the terms and conditions stated in the form of the Financial Agreement submitted by the Entity; and

WHEREAS, pursuant to N.J.S.A. 40A:20-8, the Mayor has reviewed the Exemption Application and the Mayor has submitted the Exemption Application and Financial Agreement to the Borough Council with her recommendation for approval, subject to the condition that the Entity pay, in lieu of tax payments on the Project, an annual service charge as provided herein; and

WHEREAS, upon review of the proposed Project, the Exemption Application and the Mayor's recommendation, the Borough has made the following findings with respect to the Project pursuant to N.J.S.A 40A:20-11:

1. The Project will benefit the Borough and its residents by the continued operation of low and moderate income housing on the Land; and
2. The Financial Agreement was a material inducement to the Entity to acquire the Property and facilitate the further operation of low and moderate income housing on the Property; and

WHEREAS, in accordance with the provisions of the Exemption Law, the Borough desires to authorize the execution of the Financial Agreement.

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF ALLENDALE, NEW JERSEY AS FOLLOWS:

Section 1. The Project is hereby approved for the grant of a tax exemption under the Exemption Law by virtue of, pursuant to, and in conformity with the provisions of the Exemption Law.

Section 2. The Mayor is hereby authorized to execute the Financial Agreement with the Entity in substantially the form referenced herein, and subject to any further review, analysis or modifications that Borough counsel may deem appropriate. The Borough Clerk is hereby authorized and directed to attest to the execution of the Financial Agreement by the authorized officers of the Borough as determined hereunder, and to affix the corporate seal of the Borough to the Financial Agreement.

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COUNTY OF BERGEN
STATE OF NEW JERSEY**

ORDINANCE #23-06

Section 3. The Financial Agreement is not to be signed until the Entity has received from the Borough the executed deed conveying title to the Property to the Entity.

Section 4. The Office of the Borough Clerk shall forthwith file certified copies of this Ordinance and the Financial Agreement with the Director of the Division of Local Government Services pursuant to N.J.S.A. 40A:20-12.

Section 5. Upon the execution of the Financial Agreement as contemplated herein, either the Entity or the Borough (through its Authorized Officers and the Borough Clerk) may file and record this Ordinance and the Financial Agreement with the Bergen County Clerk such that the Financial Agreement and this Ordinance shall be reflected upon the land records of the County of Bergen as a lien upon and a covenant running with the land constituting the Property.

Section 6. This Ordinance shall take effect at the earliest possible time as permitted by and in accordance with all applicable laws.

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

I hereby certify the above to be a true copy of an Ordinance introduced by the Governing Body of the Borough of Allendale on March 9, 2023.

Linda Louise Cervino, RMC
Municipal Clerk

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

DATE: 03/09/2023

RESOLUTION# 23-105

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

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

AUTHORIZING EMERGENCY TEMPORARY BUDGET APPROPRIATIONS

WHEREAS, an emergent condition has arisen with respect to certain budget appropriations and no adequate provision has been made in the 2023 Temporary Budget, and N.J.S.A. 40A: 4-20 provides for the creation of emergency temporary appropriations for said purpose; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Allendale that in accordance with the provisions of N.J.S.A. 40A: 4-20;

1. An emergency temporary appropriation be and the same is hereby made in the total amount of:

Current Fund	
Administration - S&W	5,000
Mayor and Council - OE	2,000
Municipal Clerk – OE	10,000
Finance – S&W	15,000
Tax Collection – S&W	5,000
Tax Assessment – S&W	3,000
Legal Services	30,000
Land Use Board – S&W	5,000
Electrical Inspector – S&W	2,000
Plumbing Subcode – S&W	2,000
Fire Subcode – S&W	1,000
Insurance – Other	75,000
Group Insurance	250,000
Police – S&W	200,000
Police – OE	50,000

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

DATE: 03/09/2023

RESOLUTION# 23-105

Emergency Mgt Services – S&W	500
Municipal Prosecutor – S&W	1,000
Streets and Roads – S&W	50,000
Streets and Roads – OE	30,000
Garbage and Trash Removal – OE	15,000
Board of Health – OE	1,000
Parks – OE	10,000
Library – OE	150,000
Telephone – OE	10,000
NWBUA – OE	488,000
Social Security	14,000
DCRP	900
Municipal Court – OE	1,000
Payment of Bond Interest	250
Total Current Fund Appropriations	\$1,426,650

2. That said emergency temporary appropriation will be provided in the 2023 budget;
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on March 9, 2023.

Linda Louise Cervino, RMC
Municipal Clerk

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

DATE: 03/09/2023

RESOLUTION# 23-106

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

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**APPOINTMENT TO OFFICE
TEMPORARY CHIEF FINANCIAL OFFICER**

WHEREAS, Alison Altano has been selected to perform all of the necessary functions of the Chief Financial Officer ("CFO") for the Borough of Allendale ("Allendale"); and

WHEREAS, Alison Altano is appointed as Temporary Chief Financial Officer ("CFO") with a term of one (1) year.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Allendale, County of Bergen, State of New Jersey that it does hereby appoint Alison Altano as Temporary Chief Financial Officer of the Borough of Allendale effective February 6, 2023 at an annual salary of \$118,500.00; and

BE IT FURTHER RESOLVED that the Municipal Clerk and Borough Attorney are hereby authorized to take such action 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 March 9, 2023.

Linda Louise Cervino, RMC
Municipal Clerk

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

DATE: 03/09/2023

RESOLUTION# 23-107

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

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

APPROVAL OF MARCH 9, 2023 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 March 9, 2023 in the amounts of:

Bill List Numbers	March 9, 2023
Current Fund	\$990,134.20
Payroll Account	\$197,315.41
General Capital	\$3,505.76
Animal Fund	
Grant Fund	
COAH/Housing Trust	
Improvement & Beautification	
Unemployment Fund	
Trust Fund	\$2,465.50
Water Operating	
Water Capital	
Total	\$1,193,420.87

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on March 9, 2023.

Linda Louise Cervino, RMC
Municipal Clerk



THE BOROUGH OF ALLENDALE

N E W J E R S E Y

500 WEST CRESCENT AVENUE, ALLENDALE, NJ 07401

WWW.ALLENDALENJ.GOV

OFFICE OF TAX COLLECTOR
OFFICE OF CHIEF FINANCIAL OFFICER

201-818-4400 EXT 205

I, Alison Altano, 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 March 9, 2023

Alison Altano
Alison Altano
Chief Financial Officer

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

DATE: 03/09/2023

RESOLUTION# 23-108

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

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF
ALLENDALE, BERGEN COUNTY, APPROVING THE APPLICATION
OF ALLENDALE URBAN RENEWAL, LP FOR A TAX EXEMPTION AND
FINANCIAL AGREEMENT**

WHEREAS, on March 3, 2023 the Mayor of the Borough of Allendale (the “Borough”) having received from Allendale Urban Renewal, LP, an urban renewal entity, an application (the “Application”), pursuant to the Long Term Exemption Law, N.J.S.A. 40A:20-1, et seq., for a tax exemption and proposed financial agreement with respect to the project located at Block 1708, Lots

WHEREAS, the Mayor, having reviewed the Application, and the attachments thereto, and finding same to be in the best interests of the Borough, recommended that the Borough Council approve same at the March 9, 2023 meeting of Allendale’s Governing Body; and

WHEREAS, the Mayor on March 9, 2023, submitted to the Borough Council for the Borough of Allendale (the “Borough Council”) a letter, pursuant to N.J.S.A. 40A:20-8, recommending that the Borough Council approve the Application; and

WHEREAS, the Borough Council having reviewed the Application and the aforesaid letter from the Mayor recommending that the Borough Council approve the Application; and

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

DATE: 03/09/2023

RESOLUTION# 23-108

WHEREAS, the Borough Council having determined that it is in the best interests of the Borough to approve the Application;

NOW, THEREFORE, BE IT RESOLVED that the aforesaid Application of Allendale Urban Renewal, LP be, and hereby is approved; and

BE IT FURTHER RESOLVED THAT the Mayor, Borough Clerk, and Borough Council be and hereby are authorized to take such further actions as may be necessary and desirable to effectuate the foregoing.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on March 9, 2023.

Linda Louise Cervino, RMC
Municipal Clerk

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

DATE: 03/09/2023

RESOLUTION# 23-109

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

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN
AFFORDABLE HOUSING DEED RESTRICTION WITH ALLENDALE URBAN RENEWAL,
LP AND THE TERMINATION OF THE 1995 DEED RESTRICTION AND REGULATORY
AGREEMENT BETWEEN THE BOROUGH OF ALLENDALE AND ALLENDALE URBAN
RENEWAL, LP**

WHEREAS, the Borough of Allendale (“Allendale”) previously entered into a “Deed Restriction and Regulatory Agreement” dated November 30, 1995 (the “1995 Deed Restriction”) with Allendale Urban Renewal, LP, (“AUR”) with respect to a certain housing project (the “Project”) on land leased by AUR from the Borough, which land is located in the Borough of Allendale and designated as Block 1708, Lot Nos. 1 and 9 on the Borough’s tax map (the “Property”); and

WHEREAS, the 1995 Deed Restriction required that during the Qualified Project Period (as such term is defined therein) at least forty percent (40%) of the housing units in the Project be occupied by individuals or families of low or moderate income; and

WHEREAS, by Resolution #23-93 adopted by the Borough’s Governing Body on February 23, 2023, the Borough authorized the sale of the Property to AUR; and

WHEREAS, in conjunction with said sale of the Property to AUR, the Borough has determined and the AUR has agreed, that, in order to properly memorialize new restrictions on the use of the Property, including but not limited to the restriction that one hundred percent (100%) of all dwelling units on the Property be occupied by individuals or families of low or moderate income, (1) the 1995 Deed Restriction should be terminated; and (2) a new Deed Restriction be entered into and recorded with the Bergen County Clerk; and

WHEREAS, the Borough, in furtherance of its obligations to provide affordable housing in accordance with the laws of the State of New Jersey, and AUR have agreed to certain restrictions on the Property, including but not limited to the above-referenced restrictions on occupation of the dwelling units on the Property by individuals and families of low and moderate income; and

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

DATE: 03/09/2023

RESOLUTION# 23-109

WHEREAS, the foregoing deed restrictions agreed to by the Borough and AUR are set forth in that document, a copy of which is attached hereto, entitled “Deed-Restricted Affordable Housing With Restrictions On Resale and Refinancing” (the “2023 Deed Restriction”); and

WHEREAS, the Borough and AUR have agreed that the 1995 Deed Restriction should be terminated and replaced in its entirety by the 2023 Deed Restriction; and

WHEREAS, the Borough has determined that it is in the best interests of the Borough and its residents to terminate the 1995 Deed Restriction, and to replace same with the 2023 Deed Restriction.

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 be, and hereby is authorized to (1) terminate the 1995 Deed Restriction and (2) enter into the 2023 Deed Restriction with AUR; and

BE IT FURTHER RESOLVED, that the Mayor, the Municipal Clerk, and the Borough Attorney be and hereby are authorized to execute the 2023 Deed Restriction in substantially the form attached hereto, and as may be recommended by the Borough Attorney; and

BE IT FURTHER RESOLVED, that the Mayor, the Municipal Clerk, the Borough Attorney and other appropriate necessary and proper Borough Officials be and hereby are authorized to take all appropriate actions and execute any and all such documents necessary and desirable in connection with the termination of the 1995 Deed Restriction, and the execution and implementation of the 2023 Deed Restriction.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on March 9, 2023.

Linda Louise Cervino, RMC
Municipal Clerk

RECORD AND RETURN TO:
Raymond R. Wiss, Esq.
Wiss & Bouregy, PC
345 Kinderkamack Road
Westwood, New Jersey 07675

DEED RESTRICTION

DEED-RESTRICTED AFFORDABLE HOUSING PROPERTY WITH RESTRICTIONS ON RESALE AND REFINANCING

To Rental Property
With Covenants Restricting Rentals, Conveyance and Improvements
And Requiring Notice of Foreclosure and Bankruptcy

THIS DEED RESTRICTION, entered into as of this the ____ day of March, 2023, by and between the Borough of Allendale, Bergen County, State of New Jersey ["Municipality"], with offices at 500 West Crescent, Allendale, NJ 07401, and Allendale Urban Renewal, LP, a New Jersey limited partnership having offices at 500 West Crescent Avenue, Allendale, NJ 07401, the developer/sponsor (the "Owner") of an inclusionary residential low or moderate-income rental project (the "Project"). The Municipality shall be assisted by an experienced affordable housing administrative agent ("Administrative Agent"), or its successor.

WITNESSETH

Article 1. Consideration

In consideration of benefits and/or right to develop received by the Owner from the Municipality regarding the Project, the Owner hereby agrees to abide by the covenants, terms and conditions set forth in this Deed Restriction, with respect to the land and improvements more specifically described in Article 2, hereof (the "Property").

Article 2. Description of Property

The Property consists of all of the land, and a portion of the improvements thereon, that is located in the Borough of Allendale, County of Bergen, State of New Jersey, and described more specifically as Block Nos. 1708, Lot Nos. 1 and 9, and known by the street address:

1-16 Cebak Court
Allendale Borough, NJ 07401

Article 3. Affordable Housing Covenants

The following covenants (the “Covenants”) shall run with the land for the period of time (the “Control Period”), commencing as to all presently existing and future dwelling units on the Property (the “Restricted Units”) upon the date of this Deed Restriction and shall expire as determined under the Uniform Controls, as defined below.

In accordance with N.J.A.C. 5:80-26.11, all Restricted Units shall remain subject to the requirements of this Deed Restriction during the Control Period unless and until the Municipality elects to release the Property and all Restricted Units from such requirements prior to the end of the Control Period. Prior to such a municipal election, the Property and all Restricted Units shall remain subject to the requirements of this Deed Restriction for a period of at least thirty (30) years.

- A. Sale and use of the Property is governed by regulations known as the Uniform Housing Affordability Controls, which are found in New Jersey Administrative Code at Title 5, chapter 80, subchapter 26, N.J.A.C. 5:80-26.1, *et seq.* (the “Uniform Controls”).
- B. The Property and all Restricted Units shall be used solely for the purpose of providing rental dwelling units for low or moderate-income households, and no commitment for any Restricted Unit shall be given or implied, without exception, to any person who has not been certified for that Restricted Unit in writing by the Administrative Agent. So long as the Property remains within the Control Period, sale of the Property must be expressly subject to this Deed Restriction, and deeds of conveyance involving the Property must have this Deed Restriction appended thereto, and no sale of the Property shall be lawful, unless approved in advance and in writing by the Municipality.
- C. No improvements may be made to the existing Restricted Units that would affect the bedroom configuration of any of such Restricted Unit, and any improvements to the Restricted Units must be approved in advance and in writing by the Administrative Agent and the Municipality.
- D. The Owner shall notify the Administrative Agent and the Municipality of any foreclosure actions filed with respect to the Property within five (5) business days of service upon Owner.
- E. The Owner shall notify the Administrative Agent and the Municipality within three (3) business days of the filing of any petition for protection from creditors or reorganization filed by or on behalf of the Owner.

Article 4. Remedies for Breach of Affordable Housing Covenants

A breach of the Covenants will cause irreparable harm to the Administrative Agent, to the

Municipality and to the public, in light of the public policies set forth in the New Jersey Fair Housing Act, the Uniform Housing Affordability Control rules found at N.J.A.C. 5:80-26, and the obligation for the provision of low and moderate-income housing.

- A. In the event of a threatened breach of any of the Covenants by the Owner, or any successor in interest of the Property, the Administrative Agent and the Municipality shall have all remedies provided at law or equity, including the right to seek injunctive relief or specific performance.
- B. Upon the occurrence of a breach of any Covenants by the Owner, or any successor in interest to the Owner or other owner of the Property, the Administrative Agent and the Municipality shall have all remedies provided at law or equity including but not limited to forfeiture, foreclosure, acceleration of all sums due under any mortgage, recouping of any funds from a sale in violation of the Covenants, diverting of rent proceeds from illegal rentals, injunctive relief to prevent further violation of said Covenants, entry on the Property, those provided under Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code and specific performance.

/REMAINDER OF PAGE LEFT BLANK. SIGNATURE PAGE FOLLOWS./

IN WITNESS WHEREOF, the Municipality and the Owner have executed this Deed Restriction in triplicate as of the date first above written.

ALLENDALE URBAN RENEWAL LP,
a New Jersey limited partnership
By: Allendale Senior Housing Corporation, its General
Partner

By: _____
Name: Vince Barra
Title: President

THE BOROUGH OF ALLENDALE

By: _____
Amy Wilczynski, Mayor

ACKNOWLEDGEMENTS

STATE OF NEW JERSEY :

: ss.

COUNTY OF BERGEN :

On this ____ day of March, in the year 2023, before me came Vince Barra, known and known to me to be President of Allendale Senior Housing Corporation, the General Partner of ALLENDALE URBAN RENEWAL LP, and thereupon he acknowledged under oath to my satisfaction that he is the person who executed the within instrument, that he was authorized to execute the within instrument on behalf of said company and that he executed said instrument as the voluntary act of the said company.

STATE OF NEW JERSEY :

: ss.

COUNTY OF BERGEN :

On this ____ day of March, 2023 before me came Amy Wilczynski known and known to me to be the Mayor of the Borough of Allendale, the Municipality identified as such in the within instrument, who states that she is duly authorized to execute the within instrument on behalf of said Municipality, and that she has so executed said instrument for the purposes stated therein.

Raymond R. Wiss, Esq.
Attorney at Law of the State of New Jersey

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

DATE: 03/09/2023

RESOLUTION# 23-110

Council	Motion	Second	Yes	No	Abstain	Absent
Homan						
Lovisollo						
O'Connell						
O'Toole						
Yaccarino						
Daloisio						
Mayor Wilczynski	-----	-----				

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF ALLENDALE,
BERGEN COUNTY, APPROVING THE TERMINATION OF JANUARY 6, 1997
FINANCIAL AGREEMENT BETWEEN ALLENDALE URBAN RENEWAL, LP AND THE
BOROUGH OF ALLENDALE**

WHEREAS, the Borough of Allendale (the "Borough") and Allendale Urban Renewal, LP, an urban renewal entity ("AUR"), previously entered into a certain financial agreement pursuant to the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq (the "Law") on January 6, 1997, as thereafter amended (the "1997 Agreement") with respect to that certain property located at Block 1708, Lots 1 and 9 in the Borough of Allendale; and

WHEREAS, pursuant to a private sale to be consummated between the Borough and AUR, fee title to the real property located at said Block 1708, Lots 1 and 9 (the "Property") is to be conveyed by the Borough to AUR; and

WHEREAS, pursuant to said private sale, the Borough has determined, and AUR has agreed, that the 1997 Agreement between them should be terminated and replaced by a new financial agreement pursuant to the Law (the "2023 Agreement"); and

WHEREAS, the Borough has determined that it is in the best interests of the Borough to terminate the 1997 Agreement and, in its place and stead, enter into the 2023 Agreement;

NOW, THEREFORE, BE IT RESOLVED that the Borough be, and hereby is, authorized to terminate the 1997 Agreement; and

IT IS FURTHER RESOLVED that the Mayor, Municipal Clerk, Borough Attorney and all other necessary or desirable Borough officials, be, and hereby are, authorized to execute such documents and take all such actions necessary or desirable to effectuate the termination of the 1997 Agreement.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on March 9, 2023.

Linda Louise Cervino, RMC
Municipal Clerk