

AGENDA
BOROUGH OF ALLENDALE
MAYOR AND COUNCIL
JANUARY 7, 2021
7:00 P.M.

A Sine Die meeting of the Mayor and Council of the Borough of Allendale will be held on January 7, 2021 at 7:00 p.m. via a video and teleconferencing meeting on GoToMeeting due to the declared State of Emergency and Public Health 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 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

December 3, 2020 Work Session
December 3, 2020 Regular Session
December 3, 2020 Closed Executive Session
December 17, 2020 Work Session
December 17, 2020 Regular Session
December 17, 2020 Closed Executive Session

IV. 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.

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.

- A. **20-280**/Approval of Bill List
- B. **20-281**/Authorize Budget Transfers
- C. **20-282**/Authorize Cancellation of Additional Taxes – Disabled Veteran Deduction – Vincent Brennan III – 272 East Allendale Avenue, Block 701, Lot 9

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MAYOR AND COUNCIL
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- D. **20-283**/Resolution Demanding NJ Legislature Accept its Responsibility to Administer Provisions of the Affordable Housing Act and Stay Further Action Until Such Time as it has Promulgated Rules Governing its Implementation
- E. **20-284**/Terminate Contract for Construction Consulting Services – Bruno Cividini

VI. UNFINISHED 2020 BUSINESS

VII. COMMITTEE REPORTS AND COMMENTS

VIII. MAYOR'S REPORT

IX. STAFF REPORTS

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

Bulletin Board
Borough Website

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

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

DATE: 01/07/2021

RESOLUTION# 20-280

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

APPROVAL OF 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 December 31, 2020 in the amounts of:

Current Fund	\$51,270.52
Payroll Account	\$0.00
General Capital	\$8,290.00
Animal Fund	\$578.40
Grant Fund	
COAH/Housing Trust	
Improvement & Beautification	
Unemployment Fund	
Trust Fund	
Water Operating	\$48,571.90
Water Capital	
<hr/>	
Total	\$108,710.82

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on January 7, 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 12/31/2020

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

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

DATE: 01/07/2021

RESOLUTION# 20-281

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

AUTHORIZATION OF BUDGET TRANSFERS

WHEREAS, Budget Transfers are permitted during the last two months of the current year and the first three months of the following year;

NOW THEREFORE, BE IT RESOLVED, by the Mayor & Council of the Borough of Allendale that the following transfers be made between the following 2020 Budget Appropriations:

DEPARTMENT	ACCOUNT	FROM	TO
CURRENT FUND			
Administration, S&W	0-01-20-100-012		\$3,000
Municipal Clerk, S&W	0-01-20-120-011		\$1,000
Police, S&W	0-01-25-240-014		\$12,000
Fire Official, O.E.	0-01-25-265-063		\$500
Salary & Wage Adjustment	0-01-30-411-012	\$16,000	
Emergency Management, O.E.	0-01-25-252-030	\$500	
Totals		\$16,500	\$16,500

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on January 7, 2021.

Michelle Ryan
Acting Municipal Clerk

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

DATE: 01/07/2021

RESOLUTION# 20-282

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

**AUTHORIZATION TO CANCEL ADDITIONAL TAXES –
DISABLED VETERAN DEDUCTION – VINCENT BRENNAN III –
272 EAST ALLENDALE AVENUE – BLOCK 701, LOT 9**

WHEREAS, the Mayor and Council of the Borough of Allendale has adopted Ordinance 20-16 to amend, supplement, and revise Chapter 237, Article I, entitled property tax refunds for disabled veterans; and

WHEREAS, the property owner at 272 E Allendale Ave Block 701, Lot 9, previously filed an application with the Tax Assessor who determined that the property owner qualified for a tax exemption from the July 30, 2020 date of application; and

WHEREAS, based upon the foregoing, the property owner was granted the exemption as of July 31, 2020, as per Resolution # 20-235, which was adopted by the Mayor and Council on October 22, 2020; and

WHEREAS, the property owner, due to the current COVID-19 pandemic has appealed to the Mayor and Council based upon an inability to secure the necessary documentation to verify the April 1, 2020 purchase date of the subject property, and is therefore requesting that taxes be cancelled from April 1, 2020 to July 30, 2020, and that a tax refund in the amount of \$ 6,965.33 be approved; and

WHEREAS, the Mayor and Council has discussed and evaluated the request made by the property owner, and has determined that due to the COVID 19 pandemic, the appeal should be approved and that taxes for the period April 1, 2020 to July 30, 2020 should be cancelled, and that a refund in the amount of \$6,965.33 for this period should be granted.

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

1. The property owner is deemed entitled to a disabled veteran's deduction commencing as of April 1, 2020.
2. Property taxes in the amount of \$6,965.33 for the above-referenced period shall be refunded to the property owner.

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RESOLUTION# 20-282

3. The Tax Assessor, Tax Collector and Chief Financial Officer 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 January 7, 2021.

Michelle Ryan
Acting Municipal Clerk

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

DATE: 01/07/2021

RESOLUTION# 20-283

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

**RESOLUTION DEMANDING THAT THE NEW JERSEY STATE LEGISLATURE
ACCEPT ITS RESPONSIBILITY TO ADMINISTER THE PROVISIONS OF THE
AFFORDABLE HOUSING ACT AND STAY FURTHER ACTION UNTIL SUCH TIMES
AS IT HAS PROMULGATED RULES GOVERNING ITS IMPLEMENTATION**

WHEREAS, in 1975 the New Jersey Supreme Court in Mount Laurel I decreed that every municipality in New Jersey, “must, by its land use regulations, presumptively make realistically possible an appropriate variety and choice of housing. More specifically, presumptively it cannot foreclose the opportunity of the classes of people mentioned for low and moderate income housing and in its regulations must affirmatively afford that opportunity, at least to the extent of the municipality's fair share of the present and prospective regional need therefor” (*10 S. Burlington Cty. N.A.A.C.P. v. Mount Laurel Twp.*, 67 N.J. 151, 174 (1975)) ;

and

WHEREAS, in 1983, the Supreme Court in Mount Laurel II expanded the Mount Laurel doctrine, saying:

“Therefore, proof of a municipality's bona fide attempt to provide a realistic opportunity to construct its fair share of lower income housing shall no longer suffice. Satisfaction of the Mount Laurel obligation shall be determined solely on an objective basis: if the municipality has in fact provided a realistic opportunity for the construction of its fair share of low and moderate income housing, it has met the Mount Laurel obligation to satisfy the constitutional requirement; if it has not, then it has failed to satisfy it. Further, whether the opportunity is “realistic”

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will depend on whether there is in fact a likelihood-to the extent economic conditions allow-that the lower income housing will actually be constructed. Plaintiff's case will ordinarily include proof of the municipality's fair share of the regional need and defendant's proof of its satisfaction. Good or bad faith, at least on this issue, will be irrelevant.” (*S. Burlington Cty. N.A.A.C.P. v. Mount Laurel Twp.*, 92 N.J. 158, 220–22 (1983)); and

WHEREAS, the Supreme Court in Mount Laurel II suggested that builders’ remedies should be used to force compliance by municipalities, reasoning that:

Experience . . . has demonstrated to us that builder's remedies must be made more readily available to achieve compliance with Mount Laurel. We hold that where a developer succeeds in Mount Laurel litigation and proposes a project providing a substantial amount of lower income housing, a builder's remedy should be granted unless the municipality establishes that because of environmental or other substantial planning concerns, the plaintiff's proposed project is clearly contrary to sound land use planning. We emphasize that the builder's remedy should not be denied solely because the municipality prefers some other location for lower income housing, even if it is in fact a better site. (*S. Burlington Cty. N.A.A.C.P. v. Mount Laurel Twp.*, 92 N.J. 158, 279–80 (1983)); and

WHEREAS, the New Jersey Legislature responded quickly to the Court’s Mount Laurel decision by enacting the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., which created the Council on Affordable Housing (“COAH”) which as the Court noted in Mount Laurel IV “ . . . was designed to provide an optional administrative alternative to litigating constitutional compliance through civil exclusionary zoning actions.” (*In re Adoption of N.J.A.C. 5:96 & 5:97 ex rel. New Jersey Council on Affordable Hous.*, 221 N.J. 1, 4 (2015); and

WHEREAS, COAH, pursuant to the authority granted to it by the Fair Housing Act, then adopted procedural and substantive rules which provided clear guidance to municipalities as to how they could meet their affordable housing obligation; and

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WHEREAS, in its rules, COAH assigned a fair share number to each municipality and set forth various mechanisms that a municipality could use in order to satisfy that obligation; and

WHEREAS, the Borough of Allendale, like many other municipalities throughout the State of New Jersey, met its First and Second Round Affordable Housing Obligations through the COAH process; and

WHEREAS, COAH adopted the First Round Rules for the period from 1987 through 1993 and the Second Round Rules for the period 1993 to 1999 and then extended to 2004; and

WHEREAS, COAH was obliged by the Fair Housing Act to adopt Third Round Rules to take effect in 2004, however, but never adopted rules that were acceptable to the Courts; and

WHEREAS, in 2015, the Supreme Court again stepped in, finding that COAH's failure to adopt Third Round Rules forced the Court to intervene; and

WHEREAS, the Supreme Court designated Mount Laurel judges in each of the fifteen court vicinages to hear all Mount Laurel cases; and

WHEREAS, instead of providing clear guidance, like the COAH rules did, the Supreme Court in Mount Laurel IV set forth vague standards that have led to a complex system of non-uniform implementation;

and

WHEREAS, as a result of the Supreme Court's decision in Mount Laurel IV, municipalities no longer were assigned fair share numbers, no longer had clear and concise procedural and substantive rules to follow, and no longer had one tribunal to decide these issues, which meant that even the threshold issues of regional need and local fair share obligations had

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to be litigated before fifteen different Mount Laurel judges, and as a result, municipalities were forced to spend tens of thousands, and in some cases hundreds of thousands of dollars, to negotiate fair share numbers with the Fair Share Housing Center (“FSHC”) and to gain court approval of settlement agreements negotiated with FSHC; and

WHEREAS, the Supreme Court in Mount Laurel IV concluded its opinion by encouraging the Legislature to once again assume responsibility in the area of affordable housing, saying:

“In conclusion, we note again that the action taken herein does not prevent either COAH or the Legislature from taking steps to restore a viable administrative remedy that towns can use in satisfaction of their constitutional obligation. In enacting the FHA, the Legislature clearly signaled, and we recognized, that an administrative remedy that culminates in voluntary municipal compliance with constitutional affordable housing obligations is preferred to litigation that results in compelled rezoning. (Citation omitted.) It is our hope that an administrative remedy will again become an option for those proactive municipalities that wish to use such means to obtain a determination of their housing obligations and the manner in which those obligations can be satisfied” (*In re Adoption of N.J.A.C. 5:96 & 5:97 ex rel. New Jersey Council on Affordable Hous.*, 221 N.J. 1, 34 (2015)); and

WHEREAS, it has been five years since the Mount Laurel IV opinion was issued and, to the detriment of each municipality in New Jersey and to the future viability of the State, neither the Legislature nor the Governor nor COAH have taken any action to remedy the situation; and

WHEREAS, if the Governor, the Legislature and COAH continue to ignore their responsibilities, municipalities will once again face a burdensome, time-consuming and expensive process to obtain Fourth Round Mount Laurel compliance starting in 2025;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of

**RESOLUTION
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BERGEN COUNTY, NJ**

DATE: 01/07/2021

RESOLUTION# 20-283

Allendale, County of Bergen, State of New Jersey, that it does hereby demand that the Governor and the Legislature cease their unconscionable disregard of this most important provision of the State constitution and take immediate and decisive action to restore a viable administrative remedy that municipalities can use in satisfaction of their constitutional obligations to provide affordable housing.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on January 7, 2021.

Michelle Ryan
Acting Municipal Clerk

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

DATE: 01/07/2021

RESOLUTION# 20-284

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

**RESOLUTION TERMINATING AWARD TO BRUNO CIVIDINI OF
CONTRACT FOR CONSTRUCTION CONSULTING SERVICES**

WHEREAS, on May 23, 2019, the Borough of Allendale (the "Borough") by Resolution 19-151 awarded a contract for professional construction consulting services to Bruno Cividini in an amount not to exceed \$65,000.00 (the "Contract"); and

WHEREAS, the work contemplated by the Contract did not have to be performed; and

WHEREAS, no services were ultimately rendered by Bruno Cividini pursuant to the Contract.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that it hereby terminates the Contract for construction consulting services heretofore awarded to Bruno Cividini; and

BE IT FURTHER RESOLVED that the Mayor, the Borough Attorney and the Chief Financial Officer be and hereby are authorized to take such action as may be appropriate to effectuate 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 January 7, 2021.

Michelle Ryan
Acting Municipal Clerk