

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
April 29, 2021

PRESENT: Mayor Ari Bernstein
(in person)

PRESENT: Councilmembers Liz Homan, Edward O'Connell, Matthew O'Toole, Jim Strauch,
and Amy Wilczynski
(via teleconference)

ABSENT: Councilman Steve Sasso

ALSO PRESENT: Borough Attorney Raymond Wiss
(in person) Acting Municipal Clerk Michelle Ryan

A Regular Session Meeting of the Mayor and Council of the Borough of Allendale was held in the Municipal Building at 500 West Crescent Avenue, Allendale, NJ on April 29, 2021. However, due to the COVID-19 pandemic, access to the public was provided via GoToMeeting video and teleconferencing only, with adequate notice of same posted for public viewing. The meeting was called to order at 8:01 p.m. by Mayor Bernstein who reminded the public to mute their devices so as not to distract from the business at hand. Mayor Bernstein advised the public that they would have several opportunities at appropriate times throughout this meeting to be heard.

Mayor Bernstein asked that the Acting Municipal Clerk read the open public meetings statement: "In compliance with the Open Public Meetings Act, the notice requirements have been satisfied. The meeting dates for the year are confirmed at the Annual Meeting, are posted on the public bulletin board in the Municipal Building, published in The Record within the first 10 days of the New Year, and copies are sent to The Ridgewood News and Star Ledger."

The Mayor led those present in a salute to the flag.

Public Comment on Agenda Items Only:

No one came forward.

Resolutions

Bergen County Open Space Grant Application – Improvements at Crestwood Lake

Councilwoman Wilczynski commented that the grant is to get a new PA system and possibly conduits for the lighting and to upgrade our mobi mats at Crestwood Lake.

Public Comment on Grant Application

No one came forward.

21-127/Authorize Submission of 2021 Bergen County Open Space Trust Fund Municipal Program Park Improvement Application – Improvements at Crestwood Lake

Motion by Councilwoman Wilczynski, second by Councilwoman Homan that the Consent Agenda be and is hereby approved.

On a roll call, the vote was recorded as follows:

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Councilwoman Homan:	aye	Councilman Sasso:	absent
Councilman O'Connell:	aye	Councilman Strauch:	aye
Councilman O'Toole:	aye	Councilwoman Wilczynski:	aye

21-128/Approve Application of Hampshire Allendale MF Urban Renewal, LLC for Tax Exemption & Financial Agreement

Motion by Councilwoman Wilczynski, second by Councilwoman Homan that the Consent Agenda be and is hereby approved.

On a roll call, the vote was recorded as follows:

Councilwoman Homan:	aye	Councilman Sasso:	absent
Councilman O'Connell:	aye	Councilman Strauch:	aye
Councilman O'Toole:	aye	Councilwoman Wilczynski:	aye

Introduction of Ordinances:

Motion by Councilwoman Wilczynski that the following ordinance be introduced and passed on first reading and setting May 13, 2021, at 8:00 p.m. or as soon thereafter as the matters 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. Second by Councilwoman Homan.

The Municipal Clerk read the title of the ordinance into the record:

ORDINANCE 21-07 – ORDINANCE OF THE BOROUGH OF ALLENDALE, COUNTY OF BERGEN, NEW JERSEY APPROVING A FINANCIAL AGREEMENT WITH HAMPSHIRE ALLENDALE MF URBAN RENEWAL, LLC

On a roll call, the vote was recorded as follows:

Councilwoman Homan:	aye	Councilman Sasso:	absent
Councilman O'Connell:	aye	Councilman Strauch:	aye
Councilman O'Toole:	aye	Councilwoman Wilczynski:	aye

Motion by Councilman O'Connell that the following ordinance be introduced and passed on first reading and setting May 13, 2021, at 8:00 p.m. or as soon thereafter as the matters 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. Second by Councilman Strauch.

The Municipal Clerk read the title of the ordinance into the record:

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

On a roll call, the vote was recorded as follows:

Councilwoman Homan:	aye	Councilman Sasso:	absent
Councilman O'Connell:	aye	Councilman Strauch:	aye
Councilman O'Toole:	aye	Councilwoman Wilczynski:	aye

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Consent Agenda:

- A. **21-129**/Authorize Final Payment and Release of Retainage – Paving Program 2020 – D&L Paving Contractors, Inc.
- A. **21-130**/Covenant to Comply with Provisions of Internal Revenue Code of 1986 & Designate \$4,176,518 of Bond Anticipation Notes as “Qualified Tax-Exempt Obligation”
- B. **21-131**/Authorize Refunds – 2018 & 2021 Tax Overpayments
- C. **21-132**/Authorize Submission of 2020 Recycling Tonnage Grant Application
- D. **21-133**/Authorize 2021 Salaries – Non-Union Employees
- E. **21-134**/Authorize 2021 Salaries – Crestwood Lake Employees
- F. **21-135**/Establish 2021 Crestwood Lake Fees
- G. **21-136**/Waive 2021 Red Barn Fees – Non-Profits/Community Organizations
- H. **21-137**/Appoint Police Department Personnel – Police Radio Dispatcher, Full-Time – John Rubino III & Jonathan Huber
- I. **21-138**/Approve Extension of Temporary Modification and Relaxation of Portions of Chapter 185 (Outdoor Cafes) in the Borough of Allendale due to COVID-19
- J. **21-139**/Approve April 29, 2021 Bill List
- K. **21-140**/Approve First Amendment to Amended and Restated Agreement of Purchase of Real Estate between Borough of Allendale and Hampshire Venture Partners, LLC
- L. **21-141**/Approve and Authorize Execution of Subdivision Deed for 220-230 West Crescent Avenue
- M. **21-142**/Approve and Authorize Execution of Warehouse Redevelopment Agreement between Borough of Allendale and THC Allendale Industrial Renewal LLC for Redevelopment of Property to be designated Block 1005, Lot 3.01
- N. **21-143**/Authorize and Approve Execution of Water Main Easement Agreement

Motion by Councilwoman Homan, second by Councilwoman Wilczynski that the Consent Agenda be and is hereby approved.

On a roll call, the vote was recorded as follows:

Councilwoman Homan:	aye	Councilman Sasso:	absent
Councilman O’Connell:	aye	Councilman Strauch:	aye
Councilman O’Toole:	aye	Councilwoman Wilczynski:	aye

Unfinished Business:

There was no unfinished business.

New Business:

There was no unfinished business.

Committee Reports and Comments:

Reports were provided in the Work Session

Mayor’s Report:

Mayor Bernstein’s report was provided during the Work Session.

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Staff Report:

Raymond Wiss, Borough Attorney, stated that his recent work is reflected in tonight's agenda. He commented that it was a big day in relation to 220/230 and that a momentous step will be taken with the closing in May. He also commented on the bid for the sale of the water system and the incredible volume and scope of OPRA requests being handled by the Clerks Office. He shared that he and Mr. Kistner have been working on some property issues over the last few weeks and work to close the white-collar contract, and certain matters involving the promotions within the Police Department.

Michelle Ryan, Acting Clerk reported that the State has notified us that they extended the deadline to file the annual financial disclosure statement to June 30th. The Clerks Office will be open until 9pm on Tuesday, May 18th to process voter registration, compost permits, and any other business with the office. In regards to OPRA's, the office recently received a request that has over 7,000 records that need to be reviewed and redacted. Members of the Council and Mr. Wiss discussed the impacts on the Borough to handle these requests. Ms. Ryan thanked Tatiana Marquis for her work in fulfilling the OPRA requests. Mayor Bernstein thanked Ms. Ryan and her team for the work done in these extraordinary times.

Mr. Kistner reported on an excellent meeting he and Layne Simone had with the North West Bergen Sewer Authority to discuss the cleaning of catch basins and the conditions of their walls.

Alissa Mayer, Borough CFO, reminded residents that taxes are due May 1st and reviewed payment options.

Public Comment on any issue:

No one came forward.

Adjournment:

There being no further business to come before the Mayor and Council, on a motion by Councilwoman Wilczynski, with second by Councilman O'Toole, and unanimously carried, the meeting was adjourned at 8:18 p.m.

Respectfully submitted



Michelle Ryan
Acting Municipal Clerk

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

DATE: 04/29/2021

RESOLUTION# 21-127

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

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**AUTHORIZING SUBMISSION OF A 2021 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 to fund the following project: 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 29, 2021; 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 14, 2021 as established by the County; and,

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

DATE: 04/29/2021

RESOLUTION# 21-127

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 29, 2021.



Michelle Ryan
Acting Municipal Clerk

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

DATE: 04/29/2021

RESOLUTION# 21-128

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

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

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

WHEREAS, on April 29, 2021 the Mayor of the Borough of Allendale (the "Borough") having received from Hampshire Allendale MF Urban Renewal, LLC, 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 a portion of the redevelopment project located at Block 1005, Lots 3 and 20 and a portion of Lot 11 in the Borough of Allendale (the "Redevelopment Area"); and

WHEREAS, the portion of the Redevelopment Area for which the Application has been submitted (the "Residential Redevelopment Area") is located at a portion of Lot 20, at Block 1005, and a portion of Lot 3, Block 1005, said area being further described as Block 1005, Lot 20.02 in the January 20, 2021 resolution of the Land Use Board of the Borough of Allendale, designated as Resolution #LUB-21-10, approving the application dated September 30, 2020 for Preliminary and Final Site Plan and Minor Subdivision approval, submitted by Hampshire Venture Partners, LLC, for Block 1005, Lots 3, 11, 20 (a/k/a 220/230 West Crescent Avenue); and

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

DATE: 04/29/2021

RESOLUTION# 21-128

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 April 15, 2021 meeting of Allendale's Governing Body; and

WHEREAS, the Mayor on April 29, 2021, 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

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 Hampshire Allendale MF Urban Renewal, LLC be, and hereby is approved; and

BE IT FURTHER RESOLVED THAT the Mayor, Acting 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 April 29, 2021.


Michelle Ryan
Acting Municipal Clerk

BOROUGH OF ALLENDALE

PUBLIC NOTICE

ORDINANCE 21-07 – AN ORDINANCE OF THE BOROUGH OF ALLENDALE, COUNTY OF BERGEN, NEW JERSEY APPROVING A FINANCIAL AGREEMENT WITH HAMPSHIRE ALLENDALE MF URBAN RENEWAL, LLC

was introduced at a regular meeting of the Mayor and Council of the Borough of Allendale, in the County of Bergen, State of New Jersey, held on Thursday, April 29, 2021 and will be further considered for final passage after public hearing at a regular meeting of the Mayor and Council to be held in the Council Chambers, Allendale Municipal Building, 500 West Crescent Avenue, Allendale, New Jersey on Thursday, May 13, 2021 at 8:00 P.M. prevailing time, or as soon thereafter as the matter can be heard.

A clear and concise statement of this ordinance is to approve a financial agreement, including tax exemption pursuant to and in conformity with the provisions of the Exemption Law, with Hampshire Allendale MF Urban Renewal, LLC for property located at 220 West Crescent Avenue, Allendale, New Jersey (Block 1005, portion of Lot 3 and portion of Lot 20), as set forth in the ordinance.

A copy of this ordinance may be obtained without cost between the hours of 9:00 a.m. and 4:30 p.m. at the Office of the Municipal Clerk, 500 West Crescent Avenue, Allendale, New Jersey.

Michelle Ryan
Acting Municipal Clerk

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

ORDINANCE 21-07

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

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 Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), to determine whether certain parcels of land within the Borough constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, in accordance with the criteria set forth in the Redevelopment Law, the Borough on June 28, 2018 adopted a resolution identifying and designating the property commonly known as Block 1005, Lot 3 and Lot 20 and a portion of Block 1005, Lot 11 having street addresses of 230 West Crescent Avenue and 220 West Crescent Avenue as an area in need of redevelopment (the “Redevelopment Area”); and

WHEREAS, on March 28, 2019 the Borough Council passed Ordinance #19-03 which adopted a redevelopment plan for the Redevelopment Area dated February 12, 2019 entitled “Borough of Allendale 2019 Redevelopment Plan At West Crescent Avenue” (the “Redevelopment Plan”); and

WHEREAS, the Borough determined that certain modifications to such Redevelopment Plan were required based on prevailing economic and related considerations; and

WHEREAS, such modifications are set forth in an Amended Redevelopment Plan dated June 10, 2020 entitled “Borough of Allendale 2020 Amended Redevelopment Plan At West Crescent Avenue” (the “Amended Redevelopment Plan”); and

WHEREAS, on June 30, 2020 the Borough Council passed Ordinance #20-11 which adopted the Amended Redevelopment Plan; and

WHEREAS, the Redevelopment Law authorizes the Borough to arrange or contract for the planning, construction or undertaking of any development project or redevelopment work in an area designated to be an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-8; and

WHEREAS, on December 28, 2018, the Borough, pursuant to Resolution #18-277 adopted on December 27, 2018, authorized the execution of the “Agreement of Purchase of Real Estate” (the “Purchase Agreement”) by and between Hampshire Venture Partners, LLC (“Hampshire”) and the Borough whereby Hampshire, or its designated affiliate(s) agreed to purchase and redevelopment the Redevelopment Area; and

WHEREAS, on December 28, 2018, the Purchase Agreement was fully executed by the Borough and Hampshire; and

WHEREAS, on July 9, 2020, the Borough, pursuant to Resolution #20-176, authorized the execution of an Amended and Restated Agreement Of Purchase Of Real Estate between Hampshire and the Borough (the “Amended Purchase Agreement”); and

WHEREAS, the Amended Purchase Agreement provides for a project (the “Project”) to redevelop the Redevelopment Area as provided for in said Agreement; and

WHEREAS, on July 9, 2020, the Amended Purchase Agreement was fully executed by Hampshire and the Borough; and

WHEREAS, on March 28, 2019, the Borough adopted Resolution #19-101 which (a) designated Hampshire, as the contract property owner of the Redevelopment Area, or a successor or related entity of Hampshire organized for the purpose of carrying out the aforementioned Project as the redeveloper of the Redevelopment Area, and (b) authorized the Mayor of the Borough to execute on behalf of the Borough a Redevelopment Agreement between the Borough and Hampshire, or a successor or related entity of Hampshire, to carry out the terms and conditions of the Project, as may be amended or modified; and

WHEREAS, Hampshire Allendale MF Urban Renewal, LLC (the “Entity”) an urban renewal entity formed and qualified to do business under the provisions of the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1, et seq. (the “Exemption Law”) and formed by Hampshire for the purpose of acquiring and redeveloping a portion of the Redevelopment Area, proposed to undertake the redevelopment of one portion of the Redevelopment Area comprised of a portion of Block 1005, Lot 20 and a portion of Block 1005, Lot 3, said area being further described as a new parcel designated as Block 1005, Lot 20.02 in the January 20, 2021 Resolution #LUB-21-10 of the Land Use Board of the Borough of Allendale, (the “Residential Redevelopment Area”); and

WHEREAS, the Entity proposes to redevelop the Residential Redevelopment Area by constructing a new four (4) story, seventy (70) unit residential apartment building, which will include six (6) affordable housing units in furtherance of the Borough’s Fair Share Housing Settlement, and three (3) housing units to be made available to volunteer first responders of the Borough (the “Residential Project”); and

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

WHEREAS, the Borough Council finds that the tax exemption requested by the Entity will benefit the Borough and its inhabitants by furthering the redevelopment of the Redevelopment Area and in particular the Residential Redevelopment Area, 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 Residential Project would not be undertaken; and

WHEREAS, as part of its application for a tax exemption the Entity has submitted a form of Financial Agreement (the "Residential Financial Agreement") providing for payments in lieu of taxes, incorporated herein by reference; and

WHEREAS, the Entity has presented to this body certain financial information, copies of which are attached as exhibits to the Residential 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 Residential Financial Agreement with the Entity on the terms and conditions stated in the form of the Residential 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 Residential Financial Agreement to the Borough Council with his recommendation for approval, subject to the condition that the Entity pay, in lieu of tax payments on the Residential Project, an annual service charge, such that the combined tax payment on the land and the annual service charge paid by the Entity each year shall be no less than the amount of the total property taxes that the Borough has received from the Residential Redevelopment Area, prior to redevelopment; and

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

1. The Redevelopment Area is not currently developed to its maximum potential. The Redevelopment Area is partially vacant; not conducive to good working conditions; has been vacant for extended period of time; and is obsolete. Upon expiration of the exemption, the Residential Project shall be fully assessed and conventionally taxed;
2. Given the costs, as well as the uncertainty and instability of current economic and market conditions, as well as aggressive competition within the region, the investment risk makes the financing of the Project, including the Residential Project, not feasible in the absence of the requested Residential Financial Agreement;
3. The construction of the Project, including the Residential Project will result in the remediation of the Redevelopment Area, substantial improvements to the infrastructure on the site as well as community benefits in the form of increased jobs and ratables;
4. The Project, including the Residential Project, is consistent with the Redevelopment Plan, will further its objectives and will contribute to the economic growth of the Borough;
5. The Residential Financial Agreement was a material inducement to the Entity to undertake the Residential Project in the Borough and facilitate the redevelopment of the Residential Redevelopment Area; and

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

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

Section 1. The development of the Residential 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 Residential 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 Acting Borough Clerk is hereby authorized and directed to attest to the execution of the Residential Financial Agreement by the authorized officers of the Borough as determined hereunder, and to affix the corporate seal of the Borough to the Residential Financial Agreement.

Section 3. The Residential Financial Agreement is not to be signed until the Entity has entered into a Redevelopment Agreement with respect to the Residential Redevelopment Area, with the Borough.

Section 4. The Office of the Borough Clerk shall forthwith file certified copies of this Ordinance and the Residential 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 Residential Financial Agreement as contemplated herein, either the Entity or the Borough (through its Authorized Officers and the Acting Borough Clerk) may file and record this Ordinance and the Residential Financial Agreement with the Bergen County Clerk such that the Residential 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 Residential Redevelopment Area.

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

	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

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BOROUGH OF ALLENDALE

PUBLIC NOTICE

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

was introduced at a regular meeting of the Mayor and Council of the Borough of Allendale, in the County of Bergen, State of New Jersey, held on Thursday, April 29, 2021 and will be further considered for final passage after public hearing at a regular meeting of the Mayor and Council to be held in the Council Chambers, Allendale Municipal Building, 500 West Crescent Avenue, Allendale, New Jersey on Thursday, May 27, 2021 at 8:00 P.M. prevailing time, or as soon thereafter as the matter can be heard.

A clear and concise statement of this ordinance is to amend Section 270-26(M)(1) of the Code of the Borough of Allendale to prohibit the operation of any class of cannabis businesses within the geographical boundaries of the Borough of Allendale, County of Bergen, State of New Jersey, as set forth in the ordinance.

A copy of this ordinance may be obtained without cost between the hours of 9:00 a.m. and 4:30 p.m. at the Office of the Municipal Clerk, 500 West Crescent Avenue, Allendale, New Jersey.

Michelle Ryan
Acting Municipal Clerk

**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: 04/29/2021

RESOLUTION# 21-129

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

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**AUTHORIZATION OF FINAL PAYMENT (RELEASE OF RETAINAGE) – PAVING
PROGRAM 2020 – D&L PAVING CONTRACTORS, INC.**

WHEREAS, the Borough of Allendale awarded D&L Paving Contractors, Inc. a contract for the Paving Program 2020 via Resolution 20-154 on July 23, 2020; and

WHEREAS, the Borough Engineer has recommended that the final payment (release of retainage) be made; and

WHEREAS, the CFO has previously certified that sufficient funds are available.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that final payment (release of retainage) to D&L Paving Contractors, Inc., 675 Franklin Avenue, Nutley, New Jersey 07110 be and is hereby approved in the amount of \$3,428.08 for the Paving Program 2020 project.

BE IT FURTHER RESOLVED that the CFO and Acting Municipal Clerk be and are hereby authorized to take the necessary action 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 April 29, 2021.



Michelle Ryan
Acting Municipal Clerk

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

DATE: 04/29/2021

RESOLUTION# 21-130

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

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 \$4,176,518 BOND ANTICIPATION NOTE, DATED APRIL 23, 2021, PAYABLE APRIL 22, 2022, 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

**RESOLUTION
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BERGEN COUNTY, NJ**

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RESOLUTION# 21-130

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

WHEREAS, the Borough desires to designate a \$4,176,518 Bond Anticipation Note, dated April 23, 2021, payable April 22, 2022 (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

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

DATE: 04/29/2021

RESOLUTION# 21-130

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 2021.

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 2021.

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;

**RESOLUTION
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DATE: 04/29/2021

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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 2021 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 29, 2021.



Michelle Ryan
Acting Municipal Clerk

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

DATE: 04/29/2021

RESOLUTION# 21-131

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

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☒

TAX OVERPAYMENTS

BE IT RESOLVED by the Council of the Borough of Allendale that the Tax Collector is hereby authorized to issue the following checks on the properties listed below and charge same to Overpayment of 2018 & 2021 Taxes:

<u>Block/Lot/Q</u>	<u>Name</u>	<u>Property Location</u>	<u>Amount</u>
1102/6	Niederauer, W & Saalfeld, L	153 Fox Drive	\$36.96
1102/9	Wells Fargo R/E Tax Services	127 Fox Drive	\$5265.77

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 29, 2021.



Michelle Ryan
Acting Municipal Clerk

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

DATE: 04/29/2021

RESOLUTION# 21-132

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

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

AUTHORIZE 2020 RECYCLING TONNAGE GRANT APPLICATION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and,

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and,

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and,

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and,

WHEREAS, a resolution authorizing this municipality to apply for the 2020 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council of the Borough of Allendale to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and,

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Allendale that they hereby endorse the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and that they designate the Borough of Allendale's Certified Recycling Coordinator, Julia Burdge, to ensure that the application is completed and properly filed; and,

BE IT FURTHER RESOLVED that the monies received from said grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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 29, 2021.



Michelle Ryan
Acting Municipal Clerk

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

DATE: 04/29/2021

RESOLUTION# 21-133

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

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**BOROUGH OF ALLENDALE
2021 SALARY RESOLUTION**

Be It Resolved that the following are the salaries for Borough employees for the year 2021. All salaries are retroactive to January 1, 2021.

Michelle Ryan, Acting Municipal Clerk	\$80,580
Tatiana Marquis, Deputy Municipal Clerk	65,280
John Gil, IV, Director of Communications	42,840
Tyler Yaccarino, Webmaster	2,700
M. Alissa Mayer, Chief Financial Officer	\$106,422
M. Alissa Mayer, Water Collector	5,602
Harold Laufeld, III, Tax Collector, Part-time (1/1/21 thru 3/31/21)	10,404
Colleen Ennis, Tax Collector, Part-time (Starting 4/1/21)	8,000
Angela Mattiace, Tax Assessor, Part-time	49,114
Joe Citro, Qualified Purchasing Agent	6,000
Ron Kistner, Director of Operations	147,900
Ron Kistner, Administrative Officer	7,490
Julia Burdge, Clean Communities Coordinator/Certified Recycling Professional	3,000
Anthony Hackett, Construction Code Official, Part-time	58,353
Anthony Hackett, Building Sub Code Official, Part-time	1,953
Anthony Hackett, Zoning Officer	5,170
Michael Dalessio, Electrical Sub Code Official, Part-time	14,184
Fred W. Depken, CCO Inspector, Part-time Salary	5,520
David Nizborski, Plumbing Sub Code Official, Part-time	12,297
David Nizborski, Plumbing Sub Code Official, Hourly Rate	39.41
Michael Limatola, Property Maintenance Official, Part-time Hourly	22.08
Robert Connell, Fire Sub Code Official, Part-time	12,297
Kevin Todd, Fire Official, Part-time	4,906
Kevin Todd, Fire Inspector, Hourly	19.74
James Schultz, Fire Inspector, Hourly	16.21
Jeff Picinich, Fire Inspector, Hourly	16.21
Steven Alvarez, Fire Inspector, Hourly	15.89
Brian Testino, Fire Inspector, Hourly	15.89


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George Scherb, Chief of Police	170,000
Michael Dillon, Emergency Management Official, Part-time Salary	3,570
Harry Norton, Municipal Magistrate	15,057
Richard Rosa, Municipal Prosecutor	5,750
Crossing Guards, Part-time Hourly	\$18.00

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 29, 2021.


Michelle Ryan
Acting Municipal Clerk

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

DATE: 04/29/2021

RESOLUTION# 21-134

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

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

AUTHORIZATION OF 2021 CRESTWOOD LAKE SALARIES

uncil
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that the following salaries are hereby approved for the Crestwood Lake Swim Club 2021 Season as follows:

(SEE ATTACHED)

BE IT FURTHER RESOLVED that the date of hire for the above employees is effective May 15, 2021.

uncil
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 29, 2021.



Michelle Ryan
Acting Municipal Clerk

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Director		
First Name	Last Name	Salary
Tom	Viscardi	\$17,799.00
Lifeguards		
First Name	Last Name	Hourly Pay
Ava	Abbatiello	\$12.25
Julia	Blass	\$12.25
Lucas	Bottini	\$12.25
Luke	Bussetti	\$12.25
Bradley	Cary	\$12.25
Cole	Cheman	\$12.25
Lauren	Cooney	\$12.25
Matthew	Cooney	\$12.25
Kate	Darling	\$12.25
Erik	Diedrichs	\$12.25
Hannah	Feeley	\$12.25
Jake	Fishman	\$12.25
Kassidy	Fishman	\$12.25
Reilly	Fox	\$12.25
Richard	Golden	\$12.25
Matthew	Haddad	\$12.25
Brayden	Hascup	\$12.25
Colin	Hascup	\$12.25
Emma	Hekemian	\$12.25
Michael	Horkan	\$12.25
Christina	Hughes	\$12.25
Kaycee	Hunt	\$12.25
Zoe	Kearney	\$12.25
Jack	Krause	\$12.25
Taite	Lee	\$12.25
Mackenzie	Lynch	\$12.25
Sophia	Meller	\$12.25
Michael	Menichino	\$12.25
Edward	Moodie	\$12.25
Kristi	Moodie	\$12.25

Assistant Directors		
First Name	Last Name	Salary
Leighton	Yates	\$10,200.00
Kevin	Hughes	\$10,200.00
Head Guard		
First Name	Last Name	Salary
Tierney	Benvenuto	\$3,000.00
Robert	Councilor	\$3,000.00
Social Distancing Directors		
First Name	Last Name	Hourly Pay
Brian	Koch	\$15.00
Substitute Lifeguards		
First Name	Last Name	Hourly Pay
Alex	Argyros	\$12.25
Molly	Bennett	\$12.25
Caroline	Bodnar	\$12.25
Alex	Bryan-Jones	\$12.25
Abigail	Henderson	\$12.25
Rebecca	Hoffer	\$12.25
Rylee	Hulack	\$12.25
Ava	Kearl	\$12.25
Nicholas	Lardieri	\$12.25
Victoria	Moya	\$12.25
Sarah	Rego	\$12.25
Isabella	Torriani	\$12.25
Jack	Smiechowski	\$12.25
Ethan	Chrisan	\$12.25
Abigail	Chu	\$12.25
Gate People		
First Name	Last Name	Hourly Pay
Charlotte	Fargis	\$11.25
Margaret	Higgins	\$11.25
Esmee	Oehler	\$11.25
Robert	Sasso	\$11.25
Mikayla	Walsh	\$11.25

Nicole	Moodie	\$12.25
Kenneth	Morrissey	\$12.25
Hailey	Pataki	\$12.25
Laura	Pereira	\$12.25
Chloe	Pielka	\$12.25
Liam	Roy	\$12.25
Owen	Roy	\$12.25
Brayden	Rutter	\$12.25
Rebecca	Skier	\$12.25
Marley	St. Pierre	\$12.25
Jeremy	Unanue	\$12.25
Ryan	Yu	\$12.25
Gabriella	Guevara	\$12.25
Sydney	Weiner	\$12.25
Andrew	Zorian	\$12.25

Yasmin	Chakhman	\$11.25
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**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 04/29/2021

RESOLUTION# 21-135

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

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**ESTABLISH 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.

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

RATES

Crestwood Membership:

	Resident Rates May 3 through May 31	Resident Rates Starting June 1	Non-Resident Rates
1 st Family Member	210	215	340
2 nd Family Member	135	145	205
Add'l Family member	65	65	130
Extra Adult	175	175	250
Senior Rate	65	70	85

Early Registration discounts for resident rates shall be valid through May 31, 2021.

Active Military and Veterans shall receive a 25% discount off all published membership rates.

Employees of the Borough of Allendale shall receive a discount of 50% off the resident rates.

Guest Fees for Residents and Non-Residents:

Daily \$ 10

Umbrella Anchor:

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BERGEN COUNTY, NJ**

DATE: 04/29/2021

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Daily Fee \$ 3

Lifeguard Fee for Beach and Camp Rentals:

Cost \$ 20 per hour

Kayak Rental

Per Hour, Per Kayak \$ 5

Red Barn and Pavilion (Pavilion available after Labor Day till Mid-November)

Allendale Families \$ 325

Allendale Businesses \$ 725

Security Deposit \$250
(Refundable upon satisfactory conditions after facility rental)

Businesses not able to rent Pavilion

Swim Lessons

Per Person, Per Session \$ 60

Day Camp Rentals

Per Day \$ 650

Crestwood Cruisers

Swim Team for all ages \$ 85

Dive Team for all ages \$ 50

Both Swim & Dive Teams for all ages \$ 130

Day C **BE IT FURTHER RESOLVED** that free family memberships be granted to eligible members of the Allendale Volunteer Fire Department, Allendale Volunteer Ambulance Corps, Allendale CERT, 2021 Mayor and Council members and any Mayor Emeritus; and,

BE IT FURTHER RESOLVED that employees of the Allendale Elementary School District and Northern Highlands High School District shall be charged 25% off of the applicable captioned membership rates; and

**RESOLUTION
BOROUGH OF ALLENDALE
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DATE: 04/29/2021

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BE IT FURTHER RESOLVED that residents of special needs housing at Crescent Commons and Orchard Commons shall be charged \$60 for membership; and

BE IT FURTHER RESOLVED that all payments shall be deemed final when remitted and that no refunds shall be provided.

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 29, 2021.



Michelle Ryan
Acting Municipal Clerk

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

DATE: 04/29/2021

RESOLUTION# 21-136

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

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

APPROVAL OF WAIVER OF 2021 RED BARN APPLICATION FEES

WHEREAS, the Borough of Allendale, from time to time, permits use of public facilities, including Red Barn, for certain activities by Allendale non-profit organizations; and

WHEREAS, the Borough of Allendale recognizes the significant contributions that these organizations make to the community at large; and

WHEREAS, the Borough wishes to waive the application fees associated with the use of Red Barn by these organizations for the year 2021.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that it does hereby agree to waive the 2020 Red Barn application fees for the following organizations:

ALEOOOP

Allendale Board of Education

Allendale Boy Scouts

Allendale CERT

Allendale Civic Association

Allendale Fire Department

Allendale Foundation for Education Excellence (AFEE)

Allendale Garden Club

Allendale Girl Scouts

Allendale Housing, Inc.

Allendale PTO

Allendale Recreation Commission

Allendale Senior Housing, Inc.

Allendale Travel Softball

Allendale Volunteer Ambulance Corps

Allendale Woman's Club

Camp Acorn

Crestwood Cruisers

Friends of Lee Memorial Library

Hemophilia Walk

Holiday Observers

Hope & Healing After an Addiction Death

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

DATE: 04/29/2021

RESOLUTION# 21-136

Northern Highlands Board of Education
Veterans of Foreign Wars – Allendale Post 10181

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 29, 2021.



Michelle Ryan
Acting Municipal Clerk

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

DATE: 04/29/2021

RESOLUTION# 21-137

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

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**APPOINTMENT OF FULL-TIME RADIO POLICE DISPATCHERS –
JOHN RUBINO III & JONATHAN HUBER**

WHEREAS, a need for two Full-Time Radio Police Dispatchers in the Allendale Police Department exists due to resignations; and

WHEREAS, John Rubino III and Jonathan Huber are currently Per Diem Dispatchers for the Borough of Allendale and each possess the necessary qualifications and experience to be a Full-Time Radio Police Dispatcher for the Allendale Police Department.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, upon recommendation of the Chief of Police, that John Rubino and Jonathan Huber are hereby appointed as Full-Time Dispatchers of the Allendale Police Department effective April 29, 2021 at an annual salary in accordance with the UPSEU White Collar Unit agreement; and

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

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on April 29, 2021.



Michelle Ryan
Acting Municipal Clerk

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

DATE: 04/29/2021

RESOLUTION# 21-138

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

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**APPROVAL TO EXTEND TEMPORARY MODIFICATION AND RELAXATION OF
PORTIONS OF CHAPTER 185 (OUTDOOR CAFES) IN THE BOROUGH
OF ALLENDALE DUE TO COVID-19**

Toole **WHEREAS**, a Public Health Emergency due to the COVID-19 pandemic, as declared by the President of the United States and the Governor of the State of New Jersey in March 2020, still exists nationwide and in the State of New Jersey; and

WHEREAS, in response to the COVID-19 pandemic, Governor Murphy issued a number of Executive Orders which have implemented certain restrictions on businesses and imposed social distancing requirements on individuals; and

WHEREAS, the Governing Body of the Borough of Allendale approved Resolution 20-156 on June 11, 2020 which provided for the temporary modification and relaxation of certain portions of Borough Code Chapter 185 pertaining to outdoor cafes; and

Toole **WHEREAS**, the Governing Body further extended these modifications and relaxations through October 30th, via Resolution 20-201 on August 27, 2020; and

WHEREAS, the Governing Body further extended these modifications and relaxations through November 30, 2020, via Resolution 20-242 on October 22, 2020; and

WHEREAS, with the pandemic ongoing and state-imposed restrictions still in place, the Governing Body wishes to further extend their prior approvals beginning as of the date of this Resolution through September 13, 2021.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Allendale extends the modifications and relaxations of certain portions of Borough Code 185 as set forth in Resolutions 20-156, 20-201 and 20-242 commencing immediately through September 13, 2021.

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 29, 2021.



Michelle Ryan
Acting Municipal Clerk

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

DATE: 04/29/2021

RESOLUTION# 21-139

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

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

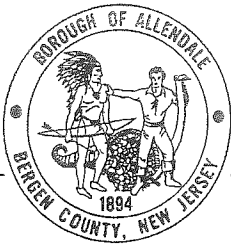
APPROVAL OF APRIL 29, 2021 LIST OF BILLS

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 April 29, 2021 in the amounts of:

Bill List Numbers	April 29, 2021
Current Fund	\$2,631,308.14
Payroll Account	\$177,118.13
General Capital	\$6,783.03
Animal Fund	\$0.00
Grant Fund	\$179.00
COAH/Housing Trust	\$0.00
Improvement & Beautification	\$0.00
Unemployment Fund	\$0.00
Trust Fund	\$625.00
Water Operating	\$129,746.66
Water Capital	\$0.00
Total	\$2,945,759.96

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 29, 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 4/27/2021

Gina Witkmoach

M. Alissa Mayer, CMFO
Chief Financial Officer

Per
Alissa Mayer

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

DATE: 04/29/2021

RESOLUTION# 21-140

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

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**APPROVAL OF FIRST AMENDMENT TO AMENDED AND
RESTATED AGREEMENT OF PURCHASE OF
REAL ESTATE BETWEEN BOROUGH OF ALLENDALE AND
HAMPSHIRE VENTURE PARTNERS, LLC**

WHEREAS, the Borough of Allendale ("Allendale") and Hampshire Venture Partners, LLC ("Hampshire") have previously entered into an agreement dated December 28, 2018 setting forth terms and conditions for Hampshire's purchase from Allendale of certain real property (the "Agreement") commonly known as 220 West Crescent Avenue and 230 West Crescent Avenue, Allendale, New Jersey (the "Property"); and

WHEREAS, Allendale and Hampshire thereafter entered into an Amended and Restated Agreement of Purchase of Real Estate dated July 9, 2020 setting forth additional terms and agreements regarding the purchase by Hampshire of the Property (the "Amended Agreement"); and

WHEREAS, Allendale and Hampshire have engaged in ongoing negotiations to discuss and agree upon additional terms and conditions regarding the purchase by Hampshire of the Property, in addition to those set forth in the Agreement and the Amended Agreement; and;

WHEREAS, Allendale wishes to memorialize its approval of such additional terms and conditions, as reflected in a First Amendment to Amended and Restated Agreement of Purchase of Real Estate (the "First Amendment"), the terms of which are incorporated by reference herein; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale that, the First Amendment between Allendale and Hampshire be and hereby is **APPROVED**; and

BE IT FURTHER RESOLVED, that the Mayor, the Acting Municipal Clerk and the Borough Attorney are authorized to take all appropriate actions so as to implement this Resolution, including but not limited to, the execution of the First Amendment by the Mayor and the Acting Municipal Clerk; and

RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: 04/29/2021

RESOLUTION# 21-140

BE IT FURTHER RESOLVED, that the Mayor, the Acting Municipal Clerk, the Chief Financial Officer and the Borough Attorney are authorized to take all appropriate actions required of the Borough in the First Amendment, once the First Amendment has been executed by the Mayor.

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 29, 2021.



Michelle Ryan
Acting Municipal Clerk

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

DATE: 04/29/2021

RESOLUTION# 21-141

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

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF
SUBDIVISION DEED FOR 220-230 WEST CRESCENT AVE**

WHEREAS, on March 28, 2019, the Borough Council of the Borough of Allendale (the “Council”) adopted Ordinance #19-03 establishing a redevelopment plan for the properties at 220-230 West Crescent Avenue, Allendale, New Jersey (the “Properties”); and

WHEREAS, on June 30, 2020, the Council adopted Ordinance #20-11 adopting an Amended Redevelopment Plan for the Properties (the “Amended Redevelopment Plan”); and

WHEREAS, by Resolution #19-01 dated March 28, 2019, the Council designated Hampshire Venture Partners, LLC (“Hampshire”) or a successor or related entity organized for the purposes of carrying out the aforementioned redevelopment project, as redeveloper of the Properties; and

WHEREAS, by Resolution #LUB-21-10, the Land Use Board of the Borough of Allendale granted Hampshire Preliminary and Final Site Plan and Minor Subdivision approval on the terms and conditions set forth in said Resolution whereby as part of their redevelopment, the Properties would be subdivided into four new parcels, Block 1025 – Lots 3.01, 11.01, 20.01 and 20.02 (the “New Lots”) as reflected on a map entitled “Minor Subdivision Plan, West Crescent Avenue Redevelopment, Block 1005, Lot Nos. 3, 11 and 20, Borough of Allendale, Bergen County, New

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BERGEN COUNTY, NJ**

DATE: 04/29/2021

RESOLUTION# 21-141

Jersey” Drawing No. CB101-Project No. 130137501; prepared by Langan Engineering and Environmental Services, dated November 10, 2010; and

Amer
grant

WHEREAS, the Borough, as the owner of the Properties, and of the New Lots to be created by a minor subdivision deed, is required to execute a Minor Subdivision Deed as Grantor in furtherance of the Land Use Board’s approval of the foregoing subdivision.

NOW, THEREFORE, BE IT RESOLVED that the Minor Subdivision Deed presented to the Council, the terms of which are incorporated herein by reference, (the “Minor Subdivision Deed”), is hereby approved; and

Amer
grant

BE IT FURTHER RESOLVED THAT the Mayor and Acting Municipal Clerk be and hereby are authorized to execute the Minor Subdivision Deed and to cause same to be recorded with the Bergen County Clerk; and

BE IT FURTHER RESOLVED that the Mayor, the Acting Municipal Clerk and the Borough Attorney be and hereby are authorized to take such acts as may be necessary in connection with the foregoing.

Amer
grant

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 29, 2021.



Michelle Ryan
Acting Municipal Clerk

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

DATE: 04/29/2021

RESOLUTION# 21-142

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

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☐

**APPROVING AND AUTHORIZING THE EXECUTION OF THE REDEVELOPMENT
AGREEMENT BETWEEN THE BOROUGH OF ALLENDALE AND THC
ALLENDALE INDUSTRIAL RENEWAL LLC FOR REDEVELOPMENT OF
PROPERTY TO BE DESIGNATED AS BLOCK 1005, LOT 3.01**

WHEREAS, on March 28, 2019 the Borough Council of the Borough of Allendale adopted ordinance number 19-03 establishing a redevelopment plan for the properties at 220-230 West Crescent Avenue, Allendale, Bergen County, New Jersey; and

WHEREAS, on June 30, 2020, the Borough Council of the Borough of Allendale adopted Ordinance #20-11 adopting an Amended Redevelopment Plan for the properties at 220-230 West Crescent Avenue (the "Amended Redevelopment Plan"); and

WHEREAS, Borough Council by Resolution 19-101 dated March 28, 2019, designated the contract property owner, Hampshire Venture Partners, LLC, a New Jersey based company ("Hampshire"), or a successor or related entity, as the designated redeveloper to perform all project work in accordance with the objectives of the aforesaid Amended Redevelopment Plan; and

WHEREAS, Hampshire has designated THC Allendale Industrial Renewal LLC ("THC Allendale") to be the redeveloper of that portion of the redevelopment project designated as the "Warehouse Facility", and said Warehouse Facility shall be located on that portion of 220-230 West Crescent Avenue to be designated as Block 1005, Lot 3.01, upon the filing of a subdivision deed in furtherance of the Amended Redevelopment Plan; and

WHEREAS, THC Allendale and the Borough have agreed upon a form of a redevelopment agreement for the Warehouse Facility (the "Warehouse Redevelopment Agreement") so as to carry out the terms and conditions of the Warehouse Facility portion of the redevelopment project, the terms of which Warehouse Redevelopment Agreement are incorporated herein.

**RESOLUTION
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BERGEN COUNTY, NJ**

DATE: 04/29/2021

RESOLUTION# 21-142

NOW THEREFORE, BE IT RESOLVED, the Warehouse Redevelopment Agreement is approved and, pursuant to N.J.S.A. 40A:12A-8, the Mayor is hereby authorized to execute on behalf of the Borough of Allendale the Warehouse Redevelopment Agreement, and a copy of said Warehouse Redevelopment Agreement shall be placed on file in the office of the Borough Clerk; and

BE IT FURTHER RESOLVED, that the above preamble (WHEREAS clauses) is made a part of this resolution as though it is a material and actionable part of this resolution;

BE IT FURTHER RESOLVED, that the Borough Mayor and the Acting Municipal Clerk are hereby authorized to execute the Warehouse Redevelopment Agreement, and that the Mayor, Acting Borough Clerk and Borough Attorney are authorized to enforce and carry out the terms and conditions of the Redevelopment Agreement authorized herein.

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 29, 2021.



Michelle Ryan
Acting Municipal Clerk

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

DATE: 04/29/2021

RESOLUTION# 21-143

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

Carried ☐ Defeated ☐ Tabled ☐

Approved on Consent Agenda ☒

**RESOLUTION AUTHORIZING AND APPROVING THE
EXECUTION OF WATER MAIN EASEMENT AGREEMENT**

WHEREAS the Borough of Allendale ("the Borough") is the owner of certain real property located in the Borough of Allendale, County of Bergen, State of New Jersey and designated as Lots 3, 11 and 20 in Block 1005 on the current Tax Map of the Borough of Allendale, County of Bergen, State of New Jersey (the "Property"); and

WHEREAS, pursuant to certain Resolutions adopted by the Borough on October 23, 1986, Owner's predecessor-in-title, Black Millwork Co., Inc., entered into a certain Easement Agreement with the Borough, dated October 7, 1986 (and fully executed as of December 30, 1986) but was never recorded (the "Existing Easement Agreement"), granting an easement to the Borough to construct, reconstruct and perpetually maintain a municipal water line over and through a twenty (20) foot wide strip of land (the "Existing Easement Area") located on a portion of the Property (the "Existing Easement"); and

WHEREAS, pursuant to the Existing Easement Agreement, the Borough installed the existing underground municipal water line together with the pertinent facilities (the "Water Main") within the Existing Easement Area; and

WHEREAS, the Property was designated as an Area in Need of Redevelopment by the Borough and is subject to a Redevelopment Plan adopted by Ordinance 19-03 on March 28, 2019 and amended by Ordinance 20-11 on June 30, 2020 (the "Redevelopment Plan"); and

WHEREAS, the Borough has entered into an Amended and Restated Agreement of Purchase of Real Estate with Hampshire Venture Partners, LLC ("Developer") dated July 9, 2020 (as may be amended from time to time) to sell and convey a portion of the Property to Developer (or its affiliates) pursuant to the Local Redevelopment and Housing law (N.J.S.A. 40A:12A-1, et seq.), with Developer as designated Redeveloper under the Redevelopment Plan; and

WHEREAS, by Resolution # LUB 21-10 adopted on January 20, 2021, the Land Use Board for the Borough granted approval of an application submitted by Developer for Preliminary and Final Site Plan and Minor Subdivision Approval, and associated variance relief and incidental waivers for a proposed minor subdivision and site plan improvements, but subject to the Redevelopment Plan; and

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BERGEN COUNTY, NJ**

DATE: 04/29/2021

RESOLUTION# 21-143

WHEREAS, the Borough and the Developer desire that the Existing Easement granted to the Borough in the Existing Easement Agreement be placed of record; and

WHEREAS, due to the passage of time and intervening conveyance of the Property since 1986, the Borough in its capacity as the owner of the Property, and in its capacity as the beneficiary of the Existing Easement Agreement wishes to terminate the Existing Easement Agreement and, in its place, enter into an Agreement to establish the rights and responsibilities of the Borough (1) in its capacity as the owner of the Property, and (2) in its capacity as a beneficiary of the Existing Easement, as provided for in a new easement agreement for the municipal water main (the "Water Main Easement Agreement").

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Acting Municipal Clerk be and hereby are authorized to execute the Water Main Easement Agreement in the Borough's capacity as the owner of the Property conveying the Water Main Easement, and in its capacity as the beneficiary of the conveyance of the Water Main Easement, such Water Main Easement Agreement to be in such form as approved by the Mayor and the Borough Attorney; and

BE IT FURTHER RESOLVED that the Mayor, the Acting Municipal Clerk, and Borough Attorney are authorized to take such further actions necessary in furtherance of said Water Main Agreement; and

BE IT FURTHER RESOLVED THAT a fully executed copy of the Water Main Easement Agreement be placed on file in the office of the Borough Clerk.

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 29, 2021.



Michelle Ryan
Acting Municipal Clerk

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