

Mayor and Council of the Borough of Allendale  
Regular Session Meeting Minutes  
July 22, 2021

PRESENT: Mayor Ari Bernstein

PRESENT: Councilmembers Liz Homan, Ed O'Connell, Matthew O'Toole, and Steve Sasso

ABSENT: Councilpersons Jim Strauch and Amy Wilczynski

ALSO PRESENT: Borough Attorney Raymond Wiss  
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 July 22, 2021 and livestreamed via Zoom Webinar. The meeting was called to order at 8:00 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.

***Presentation:***

Mayor Bernstein thanked Councilwoman Homan, Councilman Sasso, Ron Kistner, Layne Simon, Alissa Mayer, Mike Vreeland, Ray Wiss, Tom Bouregy, Ryan Scerbo, Jeff Picinich, James Fahey and William Hahn for their team effort, not only on the potential sale of the water system, but also keeping the water system operating and the drinking water safe.

Councilwoman Homan gave a detailed presentation of the current status of the Allendale water system and an overview of Ordinance 21-10 approving an agreement of the sale between the Borough and SUEZ for the sale of the Borough's water supply, treatment, and distribution system and authorizing a proposal to be printed on the ballot for consideration at the general Election on November. She highlighted what the benefits to the Borough would be by the sale including economic benefits of an \$18 million one-time cash infusion allowing the Borough to pay off all debt as well as not having to spend on future improvements to the system. She then discussed the technical knowledge SUEZ brings as their business is water unlike the Borough. She reminded residents that SUEZ has operated the Allendale water system since 2013. Councilwoman Homan then discussed the 10-year rate plan as proposed in the bid, which would also need to be approved by the BPU. She then highlighted other benefits such as SUEZ's commitment to infrastructure above and beyond the RFB requirement. She concluded by reviewing the actual question and explanation that will appear on the ballot as well as opportunities for further public presentations on the referendum.

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***Public Hearing for Advertised Ordinances:***

The Acting Municipal Clerk read into the record:

The following ordinance published herewith was first read by title only on July 8, 2021 and posted on the bulletin board of the lobby of the municipal building and borough website.

**ORDINANCE 21-10** – AN ORDINANCE OF THE BOROUGH OF ALLENDALE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROVING AN AGREEMENT OF SALE BETWEEN THE BOROUGH AND SUEZ WATER NEW JERSEY INC. FOR THE SALE OF THE BOROUGH'S WATER SUPPLY, TREATMENT AND DISTRIBUTION SYSTEM AND AUTHORIZING A PROPOSAL TO BE PRINTED ON THE BALLOT FOR CONSIDERATION BY THE VOTERS WITHIN THE BOROUGH AT THE GENERAL ELECTION ON NOVEMBER 2, 2021 PROVIDING FOR THE SALE OF THE BOROUGH'S WATER SUPPLY, TREATMENT AND DISTRIBUTION SYSTEM TO SUEZ WATER NEW JERSEY INC.

**Public Comments on Ordinance 21-10:**

Andrea Pennington, 45 Bonnie Way, stated that on behalf of residents around the water tanks that they be painted green to better blend in to the community. Councilwoman Homan responded that she would speak to SUEZ.

Mark Savastano, 22 Vreeland Pl., stated that most of his concerns have been addressed in conversations, through council meetings, and through his own research about the ownership of the actual water. His understanding is that SUEZ will not own the actual water in the ground and that would still be governed by the NJDEP. Mayor Bernstein confirmed that was accurate. He stated that while he was not against the principle of selling the water system, he is not happy that it will be privatized, but expected it would happen because it's fiscally responsible. He expressed that he did have some reservations of it being sold to a foreign owned company, but understood that it was part of the process of bidding. He did have concerns over the bidding process due to SUEZ's current involvement in running the system. Councilwoman Homan stated that the Borough did not release the feasibility study to SUEZ or any other bidders. Borough Attorney Wiss added that Mr. Scerbo worked very hard on making sure that there was no disclosure to create that imbalance and bidders had an opportunity to ask questions. Mr. Kistner gave examples of other bidders touring the current facilities. Mr. Stavasano asked about SUEZ's knowledge of PFAS levels to which Councilwoman Homan stated that was public information and anyone can look up that information. Mr. Wiss added that with the changing state regulations, most water utilities state wide are almost a guessing game. Mr. Stavasano stated that the reason for his questions was the disparity of SUEZ's bid being twice as high. Mr. Wiss shared his opinion that they didn't want another company in their playground. Councilwoman Homan added that Allendale's location among other communities and making the water system efficient is beneficial for whatever water system comes in the future. Mr. Scerbo added that it was not that far away. Mr. Stavasano then asked if any more information or changes would come out after the ordinance is passed. Mr. Wiss stated that beyond typical negotiation terms or BPU's ruling on the rates, the RFP is the RFP. Mr. Stavasano thanked Ms. Ryan for providing all the information he requested.

Ken Pennington, 45 Bonnie Way, questioned SUEZ becoming the land owner of the property at the Fair Haven tank and what happens in the future should SUEZ want to sell. Mr. Wiss stated that this was an important discussion in the process and should SUEZ no longer need the land, the Borough would get the first right to repurchase. Also, the land is deed restricted as a water utility

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so that it can only be used for its current purposes. Essentially, there could only be one purchaser in town and that would be reverting the property back to the Borough. A discussion was had on how that would be worked into process.

Motion by Councilwoman Homan, second by Councilman Sasso, that Ordinance 21-10 be passed on second and final reading and is hereby adopted and notice of same shall be published according to law.

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

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

(See Ordinance 21-10 attached and made a part hereof.)

***Consent Agenda:***

Motion by Councilman O'Toole, 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:	aye
Councilman O'Connell:	aye	Councilman Strauch:	absent
Councilman O'Toole:	aye	Councilwoman Wilczynski:	absent

(See Resolutions 21-193 through 21-196 attached and made a part hereof.)

***Unfinished Business:***

There was no unfinished business.

***New Business:***

There was no new business.

***Committee Reports and Comments:***

Committee Reports were given during the Work Session.

***Mayor's Report:***

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

***Staff Reports:***

Staff Reports were given during the Work Session.

***Public Comment on any issue:***

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Mark Savastano, 22 Vreeland Place, thanked Ron Kistner for his letter advising of the process for organizations, such as the Green Team, to disseminate information moving forward. He advised that a meeting has been arranged between Bergen County and the Bergen Hub Green Team to discuss Styrofoam recycling.

Jan Vesce, 55 Bonnie Way, shared that she was impressed with the water presentation. She then stated that she has tried to contact the Borough about falling trees around the Fair Haven Water Tank property. These falling trees have impacted her property and damaged her fence and prevented her from opening their pool. She provided photos to the Mayor and Council and formally requested the Borough to address. Mr. Kistner responded that the Borough did take down the dangerous trees. A letter has been drafted stating that his position is that the area is not a natural area for people to walk and that signs be posted for insurance purposes that it is not an area for walking or riding bikes. If there is damage to a fence, a resident can submit a claim that will be processed through our JIF Risk Manager. A discussion was had on the who would be responsible to evaluate the condition of the trees and determine if more would be taken down. Jan Vesce commented that the trees taken down were an eye sore and just left on the ground.

***Adjournment:***

There being no further business to come before the Mayor and Council, on a motion by Councilman O'Connell, with second by Councilman O'Toole, and unanimously carried, the meeting was adjourned at 8:56 p.m.

Respectfully submitted



Michelle Ryan  
Acting Municipal Clerk

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

**ORDINANCE 21-10**

**ORDINANCE OF THE BOROUGH OF ALLENDALE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROVING AN AGREEMENT OF SALE BETWEEN THE BOROUGH AND SUEZ WATER NEW JERSEY INC. FOR THE SALE OF THE BOROUGH'S WATER SUPPLY, TREATMENT AND DISTRIBUTION SYSTEM AND AUTHORIZING A PROPOSAL TO BE PRINTED ON THE BALLOT FOR CONSIDERATION BY THE VOTERS WITHIN THE BOROUGH AT THE GENERAL ELECTION ON NOVEMBER 2, 2021 PROVIDING FOR THE SALE OF THE BOROUGH'S WATER SUPPLY, TREATMENT AND DISTRIBUTION SYSTEM TO SUEZ WATER NEW JERSEY INC.**

**WHEREAS**, the Borough of Allendale, in the County of Bergen, New Jersey (the "Borough") currently owns and operates a water system servicing the residents and property owners (the "Customers") within the geographic boundaries of the Borough (the "System"); and

**WHEREAS**, the Borough has determined that it is in the best interest of such Customers to sell the System to an entity with experience and expertise in owning and operating such systems in order to meet all necessary demands associated with such System including all present and future requirements of various state and federal regulatory agencies and to make necessary capital improvements to the System; and

**WHEREAS**, the Borough prepared and distributed a Request for Bids for the Sale of the Water System (the "RFB") dated April 7, 2021 requesting bids for the purchase of the System pursuant to N.J.S.A. 40:62-1 et seq. (the "Public Utilities Law"); and

**WHEREAS**, on May 24, 2021 the Borough received two bids from two regulated water companies, Suez Water New Jersey Inc. and New Jersey American Water Company, Inc., to purchase the Borough's System; and

**WHEREAS**, based on the review of the above referenced bids, the Borough has determined that the bid submitted by Suez Water New Jersey Inc. in the amount of \$18,000,000 was the highest responsible bid; and

**WHEREAS**, under the terms of the RFB, the Borough would sell all of the Borough's rights and interests in the land and improvements comprising the System, provided that any purchaser of the System would continue to provide water production, storage treatment and distribution services to the Customers in accordance with all applicable state and local standards, make all capital improvements as required by the RFB, and meet other requirements set forth in the RFB; and

**WHEREAS**, the Borough and Suez Water New Jersey Inc. have agreed to the terms of the sale of the System; and

**WHEREAS**, the Public Utilities Law requires that in addition to the approval of the Borough, the legal voters of the Borough must also approve the sale of the System; and

**WHEREAS**, the Public Utilities Law, specifically N.J.S.A. 40:62-5, authorizes the Borough to request that the clerk of the County of Bergen place the question of the sale of the System on the ballot used at the next general election in the Borough, which is scheduled for November 3, 2021; and

**WHEREAS**, the Borough desires to enter into the Agreement of Sale, subject to the approval of the voters of the Borough as set forth in N.J.S.A. 40:62-5 and any other regulatory approvals set forth in the Public Utilities Law.

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

#### **SECTION I**

The recitals are hereby incorporated as if set forth in full herein.

#### **SECTION II**

The Borough hereby approves the sale of the System to Suez Water New Jersey Inc. for \$18,000,000 in accordance with its bid and in accordance with the terms and conditions of the RFB and the Agreement of Sale, subject to the approval of the voters of the Borough as set forth in N.J.S.A. 40:62-5.

#### **SECTION III**

The Agreement of Sale between the Borough and Suez Water New Jersey Inc. entitled "Agreement of Sale between the Borough of Allendale, New Jersey and Suez Water New Jersey Inc." substantially in the form on file in the office of the Borough Clerk, is hereby approved with such further changes, insertions and amendments as deemed necessary by the governing body of the Borough, in consultation with the Borough staff and professionals. The approval of this Agreement of Sale is subject to compliance with the provisions of N.J.S.A. 40:62-5 of the Public Utilities Law.

#### **SECTION IV**

The Mayor and Council and all other appropriate officials of the Borough are hereby authorized and directed to execute the Agreement of Sale and any other documents deemed necessary to effectuate the terms of this Ordinance and to proceed with the regulatory process and approvals required under the provisions of the Agreement of Sale and the Public Utilities Law subject to approval of the sale by the voters of the Borough pursuant to N.J.S.A. 40:62-5.

#### **SECTION V**

The Mayor and Council hereby requests and directs the Clerk of the County of Bergen to place the following question and explanation on the ballot of the next general election, such to be substantially in the form provided in N.J.S.A. 40:62-5 as follows:

#### **PROPOSAL**

"Shall the Borough of Allendale, in the County of Bergen, New Jersey, be authorized to sell its water supply, storage, treatment and distribution system (commonly known as the "water system") to Suez Water New Jersey Inc. for the sum of \$18,000,000?"

Yes

No

**Explanation**

If a majority of the legal votes cast in the Borough are "yes", the Borough of Allendale will sign an agreement with Suez Water New Jersey Inc. for the sale of water system servicing the residents and property owners within the geographic boundaries of the Borough in the amount of \$18,000,000.

This agreement provides that Suez Water New Jersey Inc. will provide and maintain all water services to the existing customers of the Borough's water system and will make substantial capital improvements to such system in accordance with the terms of the Agreement of Sale approved by the Borough. Subject to the final review and approval of the New Jersey Board of Public Utilities, the service rates to the customers of the Borough's System are proposed to be changed as follows for up to a maximum of 10 years following the sale:

Year	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
Rate Increase	0%	0.5%	0%	0%	5%	0%	5%	0%	0%	5%

Upon the completion of the rate schedule approved by the Board of Public Utilities future rate changes shall be subject to approval by the New Jersey Board of Public Utilities.

If a majority of the legal votes cast in the Borough are "no", the Borough will retain the water system and will immediately begin a process to increase water rates to the extent required to address the need for additional treatment technology and maintenance activities.

## SECTION VI

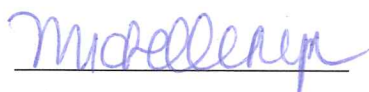
This Ordinance shall take effect as provided by law.

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

I hereby certify the above to  
be a true copy of an Ordinance  
adopted by the Governing Body  
of the Borough of Allendale on  
July 22, 2021



Mayor Ari Bernstein



Michelle Ryan  
Acting Municipal Clerk



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

**DATE: 07/22/2021**

**RESOLUTION# 21-193**

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 ADJUSTMENT OF FEES FOR  
2021 CRESTWOOD LAKE MEMBERSHIPS**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that it hereby approves a discount for Family Memberships at Crestwood Lake for the 2021 Season to the following families for financial hardship reasons:

Wilczynski

Mayor I. Crestwood Membership Account Number: 245003  
Family Resident Rates (after May 31<sup>st</sup>): \$215.00  
Discount: \$215.00

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on July 22, 2021.



Michelle Ryan  
Acting Municipal Clerk

Stratton

Wilczynski

Mayor

Stratton

Wilczynski

Mayor



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

**DATE: 07/22/2021**

**RESOLUTION# 21-194**

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 –  
SUPPLEMENT FIVE**

**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:

Gate Person (Effective July 23, 2021)		
First Name	Last Name	Hourly Pay
Clare	Trainor	\$11.25

**BE IT FURTHER RESOLVED** that the date of hire for the above employees is effective July 23, 2021.

Thereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on July 22, 2021.



Michelle Ryan  
Acting Municipal Clerk

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

**DATE: 07/22/2021**

**RESOLUTION# 21-195**

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

Carried ☐ Defeated ☐ Tabled ☐


Approved on Consent Agenda ☒

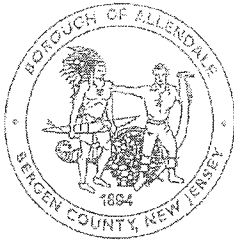
**APPROVAL OF JULY 22, 2021 LIST OF BILLS**

**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 July 22, 2021 in the amounts of:

Bill List Numbers	July 22, 2021
Current Fund	\$3,203,922.40
Payroll Account	\$202,849.25
General Capital	\$25,067.52
Animal Fund	\$0.00
Grant Fund	\$0.00
COAH/Housing Trust	\$0.00
Improvement & Beautification	\$0.00
Unemployment Fund	\$0.00
Trust Fund	\$300.00
Water Operating	\$367,106.34
Water Capital	\$0.00
<b>Total</b>	<b>\$3,799,245.51</b>

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on July 22, 2021.

  
Michelle Ryan  
Acting Municipal Clerk



## Borough of Allendale

500 WEST CRESCENT AVENUE  
ALLENDALE, NEW JERSEY 07401

OFFICE OF TAX COLLECTOR  
OFFICE OF CHIEF FINANCIAL OFFICER

TEL: 201-818-4400 EXT 205  
FAX: 201-815-0193

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 July 23, 2021

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

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

DATE: 07/22/2021

RESOLUTION# 21-196

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

Carried ☐ Defeated ☐ Tabled ☐

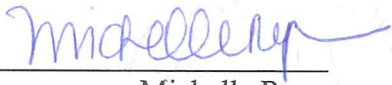
Approved on Consent Agenda ☒

**AUTHORIZATION TO SOLICIT PROPOSALS FOR  
"STORM DRAIN INLET REPAIRS, AS-NEEDED"**

CO  
Homan  
O'Connell

**BE IT RESOLVED** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that it hereby authorizes the Acting Municipal Clerk to solicit proposals for "Storm Drain Inlet Repairs, As-Needed".

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on July 22, 2021.

  
Michelle Ryan  
Acting Municipal Clerk

CO  
Homan  
O'Connell  
Bernstein

CO  
Homan  
O'Connell  
Bernstein

CO  
Homan