

Mayor and Council of the Borough of Allendale
Sine Die Meeting Minutes
January 7, 2021

PRESENT: Mayor Ari Bernstein
(in person)

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

ABSENT: None

ALSO PRESENT: Borough Attorney Raymond Wiss
Acting Municipal Clerk Michelle Ryan

A Sine Die 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 January 7, 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 7:02pm by Mayor Bernstein who reminded the public to mute their devices so as not to distract from the business of the meeting. Mayor Bernstein advised the public that they would have an opportunity at an appropriate time during the meeting to be heard.

Mayor Bernstein explained that the Sine Die was a continuation of the last meeting and the conclusion of 2020 business. At 7:30pm, Reorganization, the 1st meeting of 2021, will begin.

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."

Approval of Minutes:

Motion by Councilman Strauch, second by Councilwoman Homan, that the Minutes of December 3, 2020 Work Session, December 3, 2020 Regular Session, December 3, 2020 Closed Executive Session (not for release at this time), December 17, 2020 Work Session, December 17, 2020 Regular Session, December 17, 2020 Closed Executive Session (not for release at this time) are approved.

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

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

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Public Comment:

No member of the public came forward.

Consent Agenda:

Mayor Bernstein provided a brief explanation of each resolution. As there were no questions from the governing body, Mayor Bernstein requested a motion on the Consent Agenda items.

- A. **20-280**/Approval of Bill List
- B. **20-281**/Authorize Budget Transfers
- C. **20-282**/Authorize Cancellation of Additional Taxes – Disabled Veteran Deduction – Vincent Brennan III – 272 East Allendale Avenue, Block 701, Lot 9
- D. **20-283**/Resolution Demanding NJ Legislature Accept its Responsibility to Administer Provisions of the Affordable Housing Act and Stay Further Action Until Such Time as it has Promulgated Rules Governing its Implementation
- E. **20-284**/Terminate Contract for Construction Consulting Services – Bruno Cividini

Motion by Councilman O'Toole, second by Councilwoman Wilczynski, that the Consent Agenda be approved.

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

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

All members present voting in favor, the Consent Agenda was approved.

Unfinished 2020 Business:

There was no unfinished business.

Council Reports

Councilman O'Connell – Public Safety Committee

With COVID numbers on the rise again Councilman O'Connell encouraged everyone to continue to wear a mask, socially distance, and wash hands often. He stated that vaccinations are slowly getting out to the public but to continue to do what we have been doing. He reported that the 2020 year-end call numbers were 15,246 calls to dispatch, 1,571 "911" calls, 161 fire calls, and 388 ambulance calls. Year to date numbers are 232 calls to dispatch, 33 "911" calls, 2 fire calls, and 11 ambulance calls.

Councilman Sasso – Land Use and Construction Code

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Councilman Sasso reported that the Land Use Board has not met since the last meeting and that he is looking forward to 2021.

Councilwoman Homan – Water, Sewer and Public Utilities

Councilwoman Homan reported that the Water Committee has continued to meet and has been working on putting together the paperwork for an RFP for the water system to go out sometime in the first quarter of 2021. She gave an overview of the process and assured the public and governing body that the committee would be transparent in the process. She concluded by sharing her thoughts on the tragic events that occurred at the Capitol yesterday.

Councilwoman Wilczynski – Facilities, Parks and Recreation

Councilwoman Wilczynski gave an update on the status of the 220/230 project. She then congratulated the new officers of the Allendale Fire and Volunteer Ambulance Corps. who were sworn in on Sunday. She concluded with updates on various projects in town including the new playground at Crestwood and the downtown streetscape.

Councilman O'Toole – Administration, Finance and Human Resources

Councilman O'Toole reported that the 2021 budget process is underway and gave an overview of the upcoming budget process.

Councilman Strauch – Public Works

Councilman Strauch thanked members of the Volunteer Ambulance Corps and Fire Department for donating their time as an essential service. He noted that many of the members have been serving for decades. He thanked the Borough's team for all their hard work. He continued by stating he is looking forward to another year working with the DPW. He then gave an update on recent Styrofoam recycling events that occurred in Bergen County.

Mayor's Report

Mayor Bernstein gave the following report.

2020 was a year like no other in our recent history. Globally, we faced challenges that we have not seen before. And, at the same time, we saw the best in our neighbors and those around us. On a local level, as a community, we rose to the challenges and came together as Allendale and bonded like people here in Allendale do. I've seen this under Mayor Emeritus Liz White, Mayor Emeritus Vince Barra, as a councilmember. In the darkest times, we step up and I could not be prouder to be the mayor as trying as it was. I have been fortunate to have a great council to work with. We are all volunteers, with zero salaries. The meetings start at 7:30 in the morning and they start back up at 5:30 at night after work. They go all weekend. All volunteer work and many times it's thankless. But I don't want it to go unthanked here and I want to take the opportunity to the six of you to thank you for everything you did this past year.

To the Borough. Ron, what you did this past year, I could take the next hour and still not touch on everything. There is not a part of this Borough that you have not lent

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your skill, ingenuity, and resources to. Lissa and everyone in the Finance Department, thank you, we could not do it without you. Michelle, Tatiana, and everyone in the Clerks office. You kept us running through 2020. I don't know how you did it and putting together this re-organization meeting is no small feat. Thank you very much from the bottom of our hearts.

To our professionals, we are truly appreciative of the way we can look to you for guidance. To our legal counsel, Ray Wiss, Tom and TJ. We rely on you heavily throughout the year. Knowing you're a phone call away, knowing you are at the meetings, knowing you are guiding us through, we are indebted and grateful.

This past year made us rethink how we governed and provided services to you. Despite everything we faced in 2020, we were able to adapt and adjust. We moved to virtual Mayor and Council Meetings, ensured our roads were paved, garbage was picked up, licenses and permits continued to be issued. Every day and I remember because I was there, it was not what we can't do, it how are we going to do it with the limitations we had. My hats off to everyone.

We accomplished all of this through the hard work, ingenuity, and leadership of our entire Allendale team. Mayor and Council, Borough employees, this amazing group kept our Borough running without interruption. We saw first-hand the challenges you faced and the innovative solutions you enacted. We could not be prouder of your accomplishments.

Our First Responders - Police, Fire, Volunteer Ambulance, OEM, and CERT - all rose to the challenge ensuring that our safety was never in doubt. Through the pandemic and several storms, they always answered the call, putting themselves on the line for us. Allendale is blessed to have you on the front lines protecting all of us.

As we enter 2021, our mission here in Allendale will be to continue to adapt, ensuring that we are providing you, the residents, the best level of service we can. I know that it will not be easy as I am sure that 2021 will offer its own set of challenges. That said, if 2020 taught us anything, it is that Allendale is a strong community that has, and will continue to, overcome any challenge that we face, together.

On behalf of the Borough, I extend my best wishes to all of you for a prosperous year ahead. There are good things on the horizon for all of us in 2021. Together we can start to see the light at the end of this tunnel. Again, Happy New Year!

Staff Reports

Mr. Wiss, Borough Attorney, stated that he would defer any substantive comments until the next meeting. He congratulated Councilman O'Connell and Councilwoman Wilczynski on their new terms and thanked the governing body for his reappointment. He then wished everyone a Happy New Year.

Ms. Ryan, Acting Borough Clerk, stated that there was a lot of transition with some long-time employees leaving and retiring and others stepping into new roles. Ms. Ryan

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recognized and thanked Deputy Clerk Tatiana Marquis, John Gil, and Linda Garofalo for their extraordinary efforts in 2020. She acknowledged the borough employees, department heads, and borough professionals support and thanked them for their help and patience as the Clerk's Office employees navigated their new roles. She continued by thanking Ron Kistner for always believing in us and just being the best team leader and the Governing Body for giving us this opportunity and having the confidence in us to continue in 2021. Ms. Ryan gave highlights of 2020 reporting that the Clerk's Office received and responded to a combined 36,259 emails, an average of almost 100 emails/day, and while the phone system doesn't keep actual data at least 25 calls per day were answered. She noted 2 seamless elections, responses to 601 OPRA requests, processing of 407 Compost Permits, 394 Dog Licenses, as well as cat licenses, liquor licenses, raffle licenses, and Crestwood Lake registrations. The Clerk's Office generated over \$30,000 in revenue in 2020.

Mr. Kistner, the Administrative Officer/Director of Operations stated that in his 35 years of management, his goal has always been to leave it better than he received it. He affirmed his confidence that the team here in Allendale is the best. He praised each of the departments and continued by thanking the Mayor and Council for allowing him to do his job. While Hasbrouck Heights is his home, he considers Allendale a second one and looks forward to a few more years being part of this team.

Public Comment:

Kristen Tsarnas, 74 Heights Road, stated that she would defer her comments until the Reorganization meeting.

Adjournment:

There being no further business to come before the Mayor and Council, on a motion by Councilman Sasso, second by Councilwoman Homan, and unanimously carried, the meeting was adjourned at 7:31 p.m.

Respectfully submitted



Michelle Ryan
Acting Municipal Clerk

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

DATE: 01/07/2021

RESOLUTION# 20-280

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

APPROVAL OF LIST OF BILLS

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that it hereby approves the Bill List dated December 31, 2021 in the amounts of:

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

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



Michelle Ryan
Acting Municipal Clerk



BOROUGH OF ALLENDALE

500 West Crescent Avenue, Allendale, NJ 07401-1792

OFFICE OF TAX COLLECTOR
OFFICE OF CHIEF FINANCIAL OFFICER

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

I, M. Alissa Mayer, Chief Financial Officer of the Borough of Allendale,
having reviewed the bill list for the Borough, do hereby certify that funds
are available in the accounts so designated.

Certified 12/31/2020

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

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

DATE: 01/07/2021

RESOLUTION# 20-281

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

AUTHORIZATION OF BUDGET TRANSFERS

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

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

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

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



Michelle Ryan
Acting Municipal Clerk

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

DATE: 01/07/2021

RESOLUTION# 20-282

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

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

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

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

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

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

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

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

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

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3. The Tax Assessor, Tax Collector and Chief Financial Officer are authorized to take all appropriate actions so as to implement this resolution.

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



Michelle Ryan
Acting Municipal Clerk

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

DATE: 01/07/2021

RESOLUTION# 20-283

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and

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

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

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

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

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

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

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

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

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



Michelle Ryan
Acting Municipal Clerk

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

DATE: 01/07/2021

RESOLUTION# 20-284

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

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

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

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

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

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

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

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



Michelle Ryan
Acting Municipal Clerk