

Mayor and Council of the Borough of Allendale
Work Session Meeting Minutes
March 24, 2022

PRESENT: Mayor Ari Bernstein and Councilmembers Liz Homan, Susanne Lovisolo, Matthew O'Toole, Steve Sasso, and Amy Wilczynski

ABSENT: Councilmember Ed O'Connell

ALSO PRESENT: Raymond Wiss, Borough Attorney
Michelle Ryan, Acting Municipal Clerk
Ron Kistner, Director of Operations/Administrative Officer
Michael Dillon, Chief of Police
John Gil, Director of Communications
Tyler Yaccarino, Webmaster and IT

A Work 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 March 24, 2022. The meeting was called to order at 7:30 pm 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 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. Notice of this meeting by the March 22, 2022 Sunshine Notice was sent to The Record, Ridgewood News and Star Ledger and has been posted on the public bulletin board in the Municipal Building and Borough website."

Public Comment:

None.

Administration:

A. Agenda Review

Mayor Bernstein reviewed the Regular Session Agenda, consisting of minutes of the September 23, 2021 through December 16, 2021 Work and Regular Sessions as well as the January 3, 2022 Reorganization meeting. Councilmembers O'Connell and Wilczynski will need to abstain from the September 23rd meetings. Councilwoman Lovisolo will need to abstain from all the 2021 meetings. Everyone is eligible to vote for the January 3, 2022 Reorganization meeting. Second reading and public hearing for Ordinance 22-01, which sets the 2022 salary ranges for non-union employees, Resolution 22-103, which authorizes the execution of an agreement of sale of Allendale's Water System with Suez Water New Jersey, Inc, seven Consent Agenda Resolutions and one closed session matter pertaining to 220/230 Contract Negotiations complete tonight's agenda. No members of the Council had questions.

Mayor and Council of the Borough of Allendale
Work Session Meeting Minutes
March 24, 2022

B. Council Reports

Councilwoman Homan – *Public Utilities Committee and Public Works*
Councilwoman Homan gave the following statement and presentation:

The water shut off moratorium ended on March 15, 2022. However, prior to the shutoff of a resident's water, the law requires that we offer an installment plan for the unpaid balance. Interest fees may be applied to arrearages. Bill assistance and arrearage forgiveness programs are available through the NJ Department of Community Affairs. You are encouraged to visit our web site where more information will be available.

Everyone hopefully received the notification from VP/General Manager Alan Whelan, the SUEZ. If not, I wanted to ensure everyone was aware that the SUEZ-VEOLIA merger is complete and they have officially become VEOLIA, I believe we will start seeing the transition to the name-VEOLIA. This does not impact our sale of the Allendale water system to SUEZ/VEOLIA. Our working team remains the same and SUEZ/VEOLIA remains committed to providing excellent water service as our contract operator currently and as our official water provider once the sale of the system closes. We continue to make forward progress on this process.

Tonight Resolution 22-103 is on the agenda for consideration. As the Water Committee team and Suez finalized the legal document, we worked to define the land transfers more clearly. We wanted to re-present for your consideration the final version of the Agreement of sale to be signed once we received the Suez executed copy... this is why we ask for an affirmative vote for Resolution 22-103. Thank you to the amazing team working on this contract.

I would like to review with you and residents the information on temporary PFAS treatment and the reason for the final land transfers to not yet be defined and the options we have currently planned for in the APA.

Please recall Exhibit L in the APA – this is where the PFAS plan is reviewed.

The proposed SUEZ capital plan assumes a full upgrade of the New Street Treatment Plant, including replacement of the existing Lowery Boxes used for VOC treatment as well as a new treatment technology for PFAS. The approximate timeline would be three and a half years from design to construction completion.

SUEZ is fully committed to meeting and exceeding requirements for the removal of PFAS from our drinking water as the EPA and NJDEP introduce new regulations. Levels of PFAS at the existing New Street Wells are near the regulatory limits, Well 11 is currently turned off. The parties have concluded that treatment will be needed prior to completion of the Permanent New Street Treatment Plant and as such the parties have agreed that should the sale of the water system to Suez proceed as planned, Suez shall design, construct and install **temporary** PFAS treatment at the New Street Treatment Plant on or before May 5, 2023.

We do continue to have testing for PFAS.

Mayor and Council of the Borough of Allendale
Work Session Meeting Minutes
March 24, 2022

The challenge with both the temporary and the permanent PFAS treatment is the necessity of SUEZ/VEOLIA to acquire permits from NJDEP- this includes not one, but numerous permits and depending on what NJDEP allows that will define what will be built and WHERE... As you know Allendale did secure permits for temporary treatment at New street in the location of the current WTP. Upon discussion with SUEZ it was determined that because the temporary treatment will stay in place year round for over 3 years, that the proposed connections to the temporary treatment may be vulnerable to weather. Suez will be pursuing modifications to the permits once a closing occurs. The idea is to potentially house the temporary treatment in the old water office building... across from the DPW building.

The location of the temporary treatment in the WATER office building seems reasonable to assume it will receive approval from NJDEP. The Permanent facility is more challenging as the New Street property has some floodway and flood zone areas. Because of the challenges of successfully obtaining permits Allendale and SUEZ have come up with contingency plans that needed to be incorporated into the Allendale Purchase Agreement.

This and other land information are overviewed in Exhibit O

Subdivision of Block 2102, Lot 4 For Buyer's Development of Permanent PFAS Treatment. (HANDOUT of Schedule 1 to exhibit O)

The actual final subdivision of Block 2101 Lot 4 will depend on what the NJDEP will allow for site improvements given the existing environmental constraints at this property. SUEZ will provide all design and permitting documents for NJDEP review. The Borough will work with SUEZ and NJDEP to secure approvals for permanent PFAS treatment. The subdivision shall at a minimum consist of the creation of a lot for the existing water treatment plant (the "WTP Lot"). Following the subdivision, the respective new lots shall each be given its own tax lot designation.

At the Closing, the Borough shall grant Buyer an irrevocable license to access, utilize and modify the existing Department of Public Works Garage Building (the DPW Building") for the installation and operation of temporary PFAS treatment (the "License Agreement") until the permanent PFAS treatment is installed and placed into service. As set forth in the License Agreement, Buyer shall be responsible for the maintenance of the DPW Building and the payment of any utilities associated with said building during the period of construction/installation of permanent PFAS treatment and up until the temporary PFAS treatment is actually removed. The preference of the Parties is to locate permanent PFAS treatment within the DPW WATER Building, but if such option is disallowed by NJDEP, then to explore each subsequent option until a location for permanent PFAS treatment is established.

(i) Option A - If the NJDEP approves the placement of permanent PFAS treatment within the DPW WATER Building, then the Borough shall expand the subdivision for the WTP Lot to include the DPW WATER Building

Mayor and Council of the Borough of Allendale
Work Session Meeting Minutes
March 24, 2022

(ii) Option B - If the NJDEP does not approve the placement of permanent PFAS treatment within the DPW Building, but approves of it being placed just outside of the DPW Building (the "Alternative Location"), then the Borough shall provide the land for the building of the PFAS facility and easement access to this facility

(iii) Option C - If the NJDEP does not approve the placement of permanent PFAS treatment as proposed within Options A or B, then the Borough shall create and convey the WTP Lot to the Buyer and continue to work cooperatively with Buyer to locate permanent PFAS treatment within the proposed 100' Radius Easement shown in Schedule 2 to Exhibit O.

(iv) Option D - If the NJDEP does not approve the placement of permanent PFAS treatment as proposed within Options A, B or C, then the Borough shall create and convey the WTP Lot to the Buyer and continue to work cooperatively with Buyer to locate permanent PFAS treatment within a feasible and suitable location on Block 2101, Lot 4 that is acceptable to NJDEP.

(v) Option E - If the Parties are unable to locate permanent PFAS treatment within Block 2101, Lot 4 pursuant to Options A through D provided above, then the Borough shall create and convey the WTP Lot to Buyer and the Parties shall continue to cooperatively work in good faith to collectively find an appropriate location for permanent PFAS treatment at an offsite location or as otherwise determined by the Parties.

Allendale has committed to assist in any way possible in the acquisition of permits, land and information to ensure SUEZ/ Allendale residents have PFAS temporary and permanent treatment. Honestly it is important that Allendale always works closely with SUEZ/VEOLIA to ensure that Allendale residents have clean, safe and reliable water service.

As a review on the land transfer for the **Fairhaven Water Storage Tank Lot** - The Two lots that SUEZ is acquiring will be merged into one LOT. SUEZ will provide Allendale with an easement to the back lot Block 303 Lot 1 that we still retain. It is the lot on the Ramsey Border.

As a review of the ZONING - Statute 270-12 of the Land Use Ordinances of the Borough of Allendale to permit the Land to be used for potable water utility purposes. To the extent Statute 270-12 does not permit the Land to be used for potable water utility purposes, the Borough will take all necessary and/or appropriate steps and actions to re-zone the Land conveyed to the Buyer on or before the Closing so that all of the parcels will have a permitted use for potable water utility purposes. There is additional language that can be read in the Agreement.

Mayor and Council of the Borough of Allendale
Work Session Meeting Minutes
March 24, 2022

Councilwoman Wilczynski stated that the process of selling the water system was a 2 plus year arduous process of research including a feasibility study. There was no stone left unturned as we collectively decided to come to the decision to sell the water system. Councilwoman Homan did an incredible job keeping the community and the council up to speed throughout the process.

The decision was not easy but after time with the research and thinking it through, it became obvious that this was the best for Allendale. We no longer could guarantee safe, clean water at an affordable price to our residents. The testing and mandates are going to get stricter and we need people who have the technical expertise to take it from here.

She concluded that she was so grateful for the endless hours that Councilwoman Homan put in. The residents are extremely lucky to have had her at the helm.

Councilman Sasso – *Facilities, Parks and Recreation*

Councilman Sasso gave an update on the various projects that the DPW Department has been working on at Crestwood Lake.

Councilwoman Wilczynski – *Finance, Human Resources and Administration*

Councilwoman Wilczynski gave an update on the Committee's work on the budget, with the goal of introducing it at the first meeting in April.

Councilman O'Toole – *Public Safety*

Councilman O'Toole reported some public safety issues that have happened in town. He then clarified that a posting about distracted driving by the PD was a part of a State grant program and that the wording was from the State and not the PD. To date, there have been 59 fire calls received, 188 EMS, and 3,905 to police. He then invited everyone to the Holiday Observers Easter Egg Hunt.

Councilwoman Lovisolo – *Land Use and Construction Code*

Councilwoman Lovisolo reported that various residents' concerns were reviewed at last week's committee meeting. They have clarified the Borough's stream cleaning policy to align with state regulations and work continues to update the 5G ordinance.

C. Mayor's Report

Mayor Bernstein gave the following report:

The Compost and Recycling Facilities will open on Saturdays from 9am to 3pm and Sundays from 9am to 1pm starting Saturday, April 2nd through December 18th. To use the Compost Facility, residents must purchase a 2022 Compost Permit. Applications can be completed at allendalenj.gov. Employees from the Clerk's Office will also be at the facility that weekend to sell permits as well. On Sunday, April 3rd the Bergen County Utilities Authority will be having a Household Hazardous Waste Collection at Bergen Community College in Paramus from 9am to 3pm, rain or shine. Visit bcua.org for all the details on items they accept. Save the Date and start your spring cleaning! On April 23rd, Allendale in conjunction with the BCUA will be hosting a free paper shredding event from 9am to 1pm at Borough Hall. The Hillside Kindergarten class will also be present to collect single use plastic bags for their bench

Mayor and Council of the Borough of Allendale

Work Session Meeting Minutes

March 24, 2022

project, Chief Dillon and the Allendale Police Department will be accepting unwanted prescription drugs which they will safely dispose of, and the Clerk's Office will be selling compost permits as well as processing Crestwood Lake registrations and taking badge

photos. We are also working on offering more recycling opportunities as well and will have more details at our next meeting.

D. Staff Reports

Raymond Wiss, Borough Attorney, reported on some of the costs the Borough would have incurred if Allendale Water Sale did not go through.

Adjournment:

There being no further business to come before the Mayor and Council, on a motion by Councilwoman Homan, second by Councilman Sasso, and unanimously carried, the meeting was adjourned at 7:59 p.m.

Respectfully submitted,



Michelle Ryan
Acting Municipal Clerk