

AGENDA
BOROUGH OF ALLENDALE
MAYOR AND COUNCIL
OCTOBER 11, 2018
8:00 P.M.

- E. **18-238**/Approve Amended Affirmative Marketing Plan – Borough’s 2018 Housing Element & Fair Share Plan
- F. **18-239**/Authorize Change Order No. 1 – NJDOT 2016 Municipal Aid Program – Donnybrook Drive Resurfacing Phase I
- G. **18-240**/Authorize Reduction of 2018 Tax Levy – State Tax Court Judgment – Block 701 Lot 23
- H. **18-241**/Authorize Award of Contract through Bergen County Cooperative Contract Purchasing System – Supplying of Rock Salt

VIII. UNFINISHED BUSINESS

IX. NEW BUSINESS

X. COMMITTEE REPORTS AND COMMENTS

XI. STAFF REPORTS

XII. PUBLIC COMMENTS

Audience members wishing to speak will have a five (5) minute time limit to address the governing body. Large groups are asked to have a spokesperson represent them.

XIII. CLOSED SESSION

A. Pending & Prospective Litigation

- 1. COAH Litigation Matter/Contract Negotiations

XIV. ADJOURNMENT

Bulletin Board
Borough Website

****AGENDA & AGENDA MATERIALS SUBJECT TO CHANGE****

**BOROUGH OF ALLENDALE
SALARY ORDINANCE – 2018**

ORDINANCE 18-21

AN ORDINANCE TO AMEND CHAPTER 53 OF THE CODE OF THE BOROUGH OF ALLENDALE, "OFFICERS AND EMPLOYEES", TO FIX THE SALARIES, WAGES AND COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF ALLENDALE FOR THE YEAR 2018.

BE IT ORDAINED, by the Governing Body of the Borough of Allendale that the salaries of the following officers and employees of the Borough of Allendale shall be paid bi-weekly and fixed in the amounts as set forth below:

| TITLE | MINIMUM | MAXIMUM |
|------------------------------------|----------------|----------------|
| Assistant Fire Official, Part-time | \$1,500 | \$3,000 |

BOROUGH OF ALLENDALE

PUBLIC NOTICE

ORDINANCE 18-22 – AN ORDINANCE OF THE BOROUGH OF ALLENDALE, COUNTY OF BERGEN AND STATE OF NEW JERSEY AMENDING CHAPTER 81 "AFFORDABLE HOUSING" TO THE CODE OF THE BOROUGH OF ALLENDALE

was introduced at a regular meeting of the Mayor and Council of the Borough of Allendale, in the County of Bergen, New Jersey, held on Thursday, October 11, 2018 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, October 27, 2018 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 I. Section 81-4.c.1 of Article I, "General Program Purposes, Procedures," Section II. Section 81-21, "Conversions", in Article II, "Affordable Unit Controls and Requirements, Section III. Section §81-34., "Affordable Housing Trust Fund", in Article IV, "Development Fees," and Section IV. Section 81-37, "Ongoing Collection of Fees" in Article IV, "Development Fees" of Chapter 81 entitled "Affordable Housing," as set forth in the ordinance, in order to better serve the Borough in implementing its affordable housing plan.

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.

Anne Dodd, RMC
Municipal Clerk

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

DATE: 10/11/2018

RESOLUTION# 18-234

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

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 October 11, 2018 in the amounts of:

| | |
|------------------------------|-----------------------|
| Current Fund | \$903,945.15 |
| Payroll Account | \$165,916.21 |
| General Capital | \$1,363,850.00 |
| Animal Fund | \$0.00 |
| Grant Fund | \$982.50 |
| COAH/Housing Trust | \$0.00 |
| Improvement & Beautification | \$0.00 |
| Unemployment Fund | \$0.00 |
| Trust Fund | \$5,221.97 |
| Water Operating | \$0.00 |
| Water Capital | \$22,900.00 |
| Total | \$2,462,815.83 |

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 11, 2018.

Anne Dodd, RMC
Municipal Clerk

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BOROUGH OF ALLENDALE
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DATE: 10/11/2018

RESOLUTION# 18-235

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| Mayor White | --- | --- | | | | |

**A RESOLUTION OF THE COUNCIL OF THE BOROUGH
OF ALLENDALE EXPRESSING ITS INTENT TO PROVIDE
THE FUNDS NECESSARY TO SATISFY THE BOROUGH’S
AFFORDABLE HOUSING OBLIGATIONS**

WHEREAS, the Joint Land Use Board of the Borough of Allendale, Bergen County, State of New Jersey (“JLUB”) adopted a Third Round Housing Element and Fair Share Plan on June 20, 2018 pursuant to N.J.S.A. 40:55D- 28, and N.J.A.C. 5:93, and the Court approved Settlement Agreement between the Borough and Fair Share Housing Center that established the Borough’s fair share obligation, granted a vacant land adjustment of the Borough’s Third Round obligation, and outlined the Borough’s compliance mechanisms; and

WHEREAS, the Borough Council endorsed the Plan on June 28, 2018 at a properly-noticed public meeting; and

WHEREAS, the Borough’s Housing Element and Fair Share Plan includes a number of compliance mechanisms, such as a Rehabilitation Program to be administered by the County of Bergen, four (4) municipally sponsored age-restricted rental units at 220 West Crescent Avenue, and a five (5) bedroom group home for adults with developmental disabilities operated by Eastern Christian Children’s Retreat;

WHEREAS, pursuant to the State’s affordable housing regulations and policies, and the conditions of the Court-approved FSHC Settlement Agreement, in order to assure the

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creditworthiness of the various compliance techniques included in its Housing Element and Fair Share Plan, the Borough must demonstrate adequate and stable funding sources; and

WHEREAS, since the Borough is committed to securing judicial approval of its Affordable Housing Plan, in order to provide an adequate and stable funding source for the components of the Borough's Housing Element and Fair Share Plan, the Borough shall rely on the funds in its Affordable Housing Trust Fund, established by its Development Fee Ordinance; and

WHEREAS, if -- after exhausting every potential funding source and every valid compliance technique -- the Borough still cannot secure sufficient financing to completely satisfy its affordable housing obligations without being forced to raise or expend municipal revenues in order to provide low- and moderate-income housing, the Borough will cover such costs through bonding and/or other legal means; and

WHEREAS, the Court has indicated its intent to review the Borough's Housing Element and Fair Share Plan, and the Borough wishes to leave no question as to the Borough's intent to cover the cost of implementing its Housing Element and Fair Share Plan or any modification thereof that may be necessary as a result of the Court's review.

NOW, THEREFORE, BE IT RESOLVED by Council of the Borough of Allendale, County of Bergen, State of New Jersey, as follows:

1. In order to provide adequate and stable funding for the County's HIP housing rehabilitation program, the four (4) affordable age-restricted rental units, and the five (5) bedroom group home in its Housing Element and Fair Share Plan, and in order to maintain the timetables set forth in the Settlement Agreement between the Borough and Fair Share Housing Center, Allendale Borough shall make a *bona fide*, diligent, and good faith effort to exhaust the

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potential funding sources included in “A Guide to Affordable Housing Funding Sources” (“Funding Guide”), dated October 28, 2008, and currently posted on COAH’s official website.

2. The Borough shall also maximize use of the funds from its Development Fee Ordinance to facilitate the economic feasibility of the Borough’s Housing Element and Fair Share Plan; and
3. If, after exhausting every potential funding source in the Funding Guide and its Development Fee Trust Fund, the Borough still cannot secure sufficient financing to completely satisfy its affordable housing obligations within the timeframe agreed upon between the Borough and Fair Share Housing Center and approved by the Court, the Borough will fully fund, by way of municipal bonding, any gaps in financing to assure the economic feasibility of the compliance techniques listed above included in the Borough’s 2018 Third Round Housing Element and Fair Share Plan.
4. The Borough reserves the right to recoup any subsidy provided through future collections of development fees as such funds become available.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 11, 2018.

Anne Dodd, RMC
Municipal Clerk

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

DATE: 10/11/2018

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| Wilczynski | | | | | | |
| Mayor White | --- | --- | | | | |

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF ALLENDALE,
BERGEN COUNTY, APPOINTING AN ADMINISTRATIVE AGENT FOR THE
ADMINISTRATION OF THE BOROUGH'S AFFORDABLE HOUSING PROGRAM**

WHEREAS, in an order dated January 10, 2018 the Superior Court approved the Settlement Agreement (“Agreement”) between the Borough of Allendale (“Borough”) and Fair Share Housing Center (“FSHC”), which included the Borough’s preliminary compliance measures; and

WHEREAS, on June 20, 2018 the Joint Land Use Board of the Borough of Allendale (“Joint Land Use Board”) adopted the Borough’s 2018 Third Round Housing Element and Fair Share Plan (“Plan”); and

WHEREAS, the Borough Council endorsed the Plan on June 28, 2018 at a properly-noticed public meeting; and

WHEREAS, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, *et seq.*, hereinafter the “Act”) the Borough is implementing a program to provide affordable housing units to very-low, low- and moderate-income households desiring to live within the Borough; and

WHEREAS, at Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code, the State has promulgated affordability controls in regulations designed to implement the Act, by assuring that low- and moderate-income units that are created under the Act are occupied by low- and moderate-income households for an appropriate period of time (the “Rules”); and

WHEREAS, Section 5:80-26.14 of the Rules provides that affordability controls shall be administered by an administrative agent acting on behalf of a municipality; and

WHEREAS, the UHAC requirement at N.J.A.C. 5:80-26.3(d) requiring 10% of all low- and moderate-income units to be set-aside for households earning less than 35% of regional

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median income is superseded by the statutory requirement at N.J.S.A. 52:27D-329.1, and as reflected in paragraphs 9 and 12 of the Settlement Agreement executed on September 15, 2017 between the Borough and FSHC, which requires the Borough to set aside at least 13% of its affordable units for very-low income households earning less than 30% of regional median income; and

WHEREAS, the Borough has selected Madeline Corporation (hereinafter referred to as “Administrative Agent”) to be the Administrative Agent for the purposes of providing affordability control services four (4) affordable age-restricted rental units at 220 West Crescent Avenue and any affordable units created through inclusionary development requirements established in the Borough Code; and

WHEREAS, the Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in the Rules, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

- (1) Affirmative Marketing
 - (a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of Allendale Borough and the provisions of N.J.A.C. 5:80-26.15;
 - (b) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH, the Court, or another appropriate jurisdiction; and
 - (c) Providing counseling or contracting to provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, rental lease requirements, and landlord/tenant law.
 - (d) As required by the September 15, 2017 Settlement Agreement between the Borough and Fair Share Housing Center, and as further provided in the Affirmative Marketing Plan approved by the Mayor and Council on October 11, 2018, the Administrative Agent shall reach out to Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, Bergen County Branch of the NAACP, the Bergen County Urban League, the Bergen County Housing Coalition, and the Bergen County United Way as part of its affirmative marketing strategy.

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(2) Household Certification

- (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
- (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
- (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
- (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form of rental certificates set forth in Appendix K of N.J.A.C. 5:80-26.1 et. seq.;
- (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
- (f) Employing a random selection process as provided in the Affirmative Marketing Plan of Allendale Borough when referring households for certification to affordable units.

(3) Affordability Controls

- (a) Furnishing to attorneys or closing-agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
- (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
- (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;
- (d) Communicating with lenders regarding foreclosures; and

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- (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
- (4) Rental
 - (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for rental; and
 - (b) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for re-rental.
- (6) Enforcement
 - (a) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - (b) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;
 - (c) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
 - (d) Establishing a program for diverting unlawful rent payments to the Borough's affordable housing trust fund or other appropriate municipal fund approved by the Court;
 - (f) Creating and publishing a written operating manual, as approved by the Courts, setting forth procedures for administering such affordability controls; and
 - (g) Providing annual reports to the Court and Fair Share Housing Center, and posting the annual report on the Borough's website by September 15th of every year.
- (7) Records received, retained, retrieved, or transmitted under the terms of this contract may constitute public records of Allendale Borough as defined by N.J.S.A. 47:3-16, and are

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legal property of Allendale Borough. The Administrative Agent named in this contract must agree to administer and dispose of such records in compliance with the State's public records laws and associated administrative rules.

- (8) The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Allendale in the County of Bergen, and the State of New Jersey that Madeline Corporation is hereby appointed by the Borough Council of the Borough of Allendale as the Administrative Agent for the administration of the Borough's affordable housing program.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 11, 2018.

Anne Dodd, RMC
Municipal Clerk

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BOROUGH OF ALLENDALE
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| Council | Motion | Second | Yes | No | Abstain | Absent |
|--------------------|--------|--------|-----|----|---------|--------|
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| Wilczynski | | | | | | |
| Mayor White | --- | --- | | | | |

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF ALLENDALE,
BERGEN COUNTY, AUTHORIZING ENTERING INTO A CONTRACT WITH AN
ADMINISTRATIVE AGENT FOR THE ADMINISTRATION OF AFFORDABLE UNITS**

WHEREAS, in an order dated January 10, 2018, the Superior Court approved the Settlement Agreement (“Agreement”) between the Borough of Allendale (“Borough”) and Fair Share Housing Center (“FSHC”), which included the Borough’s preliminary compliance measures; and

WHEREAS, on June 20, 2018 the Joint Land Use Board of the Borough of Allendale adopted the Borough’s 2018 Third Round Housing Element and Fair Share Plan (“Plan”); and

WHEREAS, the Borough Council endorsed the Plan on June 28, 2018 at a properly-noticed public meeting; and

WHEREAS, the Mayor and Council of the Borough of Allendale wish to enter into a contract with Madeline Corporation for the purpose of administering and enforcing the affordability controls and the Affirmative Marketing Plan of the Borough of Allendale, in accordance with the regulations of the Council on Affordable Housing pursuant to N.J.A.C. 5:93 et seq., the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 et seq., and the Borough’s responsibilities as established by the Settlement Agreement executed on September 15, 2017; and

WHEREAS, the UHAC requirement at N.J.A.C. 5:80-26.3(d) requiring 10% of all low- and moderate-income units to be set-aside for households earning less than 35% of regional median income is superseded by the statutory requirement at N.J.S.A. 52:27D-329.1, and as reflected in paragraphs 9 and 12 of the Settlement Agreement executed on September 15, 2017 between the Borough and FSHC, which requires the Borough to set aside at least 13% of its affordable units for very-low income households earning less than 30% of regional median income; and

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WHEREAS, the contract designates Madeline Corporation as the Administrative Agent for four (4) affordable age-restricted rental units at 220 West Crescent Avenue and any affordable units created through inclusionary development requirements established in the Borough Code.

NOW THEREFORE BE IT RESOLVED, that subject to the Court's approval of this contract, the Mayor and Borough Clerk are hereby authorized to sign this contract; and

BE IT FURTHER RESOLVED, the Borough of Allendale hereby designates the Municipal Housing Liaison as the liaison to Madeline Corporation; and

BE IT FURTHER RESOLVED, this contract is hereby attached to the original of 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 October 11, 2018.

Anne Dodd, RMC
Municipal Clerk

CONTRACT FOR THE ADMINISTRATION OF AFFORDABLE HOUSING UNITS

THIS CONTRACT, entered into as of this the ____ day of _____, 2018,

BETWEEN

Allendale Borough, a municipality and instrumentality of the State, having offices at 500 West Crescent Avenue, Allendale Borough, NJ, 07401 hereinafter called the "Borough"; and

Madeline Corporation, having offices at 555 10th Street, Palisades Park, NJ 07650-2339, hereinafter called the "Administrative Agent."

WITNESSETH

WHEREAS, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, *et seq.*, hereinafter the "Act") the Borough is implementing a program to provide affordable housing units to low- and moderate-income households desiring to live within the Borough; and

WHEREAS, at Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code ("Uniform Housing Affordability Controls", or "UHAC"), the State has promulgated affordability controls in regulations designed to implement the Act, by assuring that low- and moderate-income units that are created under the Act are occupied by low- and moderate-income households for an appropriate period of time (the "Rules"); and

WHEREAS, the UHAC requirement at N.J.A.C. 5:80-26.3(d) requiring 10% of all low- and moderate-income units to be set-aside for households earning less than 35% of regional median income is superseded by the statutory requirement at N.J.S.A. 52:27D-329.1, and as reflected in paragraphs 9 and 12 of the September 15, 2017 Settlement Agreement between the Borough and Fair Share Housing Center ("FSHC"), which requires the Borough to set aside at least 13% of its affordable units for very-low income households earning less than 30% of regional median income; and

WHEREAS, Section 5:80-26.14 of the Rules provides that affordability controls may be administered by an administrative agent acting on behalf of a municipality; and

WHEREAS, Madeline Corporation has submitted a proposal to provide affordable housing Administrative Agent services to the Borough; and

WHEREAS, the Borough has selected Madeline Corporation to be the Administrative Agent for the purposes of providing affordability control services for affordable units in the proposed development at 220 West Crescent Avenue and for any affordable units generated from new inclusionary development in the Borough resulting from the Borough-wide mandatory set-aside requirement at §81-3 or the inclusionary overlay zoning ordinances in Chapter 270 of the Borough Code.

NOW THEREFORE, subject to Superior Court approval, the Borough and the Administrative Agent hereby agree to the following terms and conditions:

Section 1. Term

This Contract shall become effective as of the _____ day of _____, 2018, and shall have a term of 1 years, terminating at the close of business on the _____ day of _____, 2019, subject to the termination and renewal provisions set forth in *Section 4*, below.

Section 2. Applicability and Supersession

This Contract shall define and govern all terms between the parties with respect to affordability controls for affordable housing units provided under the Act, and shall supersede all prior contracts, agreements, or documents related thereto.

Section 3. Agency and Enforcement Delegation

The Borough and the Administrative Agent acknowledge that under the Rules, the Administrative Agent is acting hereunder primarily as an agent of the Borough. Anything herein to the contrary notwithstanding, however, the Borough hereby delegates to the Administrative Agent, and the Administrative Agent hereby accepts, primary responsibility for enforcing substantive provisions of the Act and the Rules. The Borough, however, shall retain the ultimate responsibility for ensuring effective compliance with the Rules and the Administrative Agent will come under the supervision of the Municipal Housing Liaison.

Section 4. Termination and Renewal

- (1) The Contract may be terminated at the discretion of the Borough with 30 days' written notice without cause and by Madeline Corporation with 90 days' written notice without cause, to the address and in the form as set forth in *Section 8*, below, provided however, that no such termination may take effect unless and until an alternate Administrative Agent has been selected by the Borough and approved by all required governmental authorities.
- (2) Unless terminated, this Contract shall automatically be renewed for _____ successive terms of _____ years each.

Section 5. Assignment of Affordable Housing Units

For the term hereof, and without exception, this Contract shall govern the provision of affordability control services for the following affordable housing units located within the Borough and programs that fall under the jurisdiction of the Act:

- (1) 220 West Crescent Avenue

- (2) Any affordable units created through inclusionary development requirements established in the Borough Code.

Section 6. Responsibilities of the Administrative Agent

The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in the Rules, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:

- (1) Affirmative Marketing
 - (a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of Allendale Borough and the provisions of N.J.A.C. 5:80-26.15;
 - (b) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH, the Court, or another appropriate jurisdiction; and
 - (c) Providing counseling or contracting to provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, rental lease requirements, and landlord/tenant law.
 - (d) As required by the September 15, 2017 Settlement Agreement between the Borough and Fair Share Housing Center, and as further provided in the Affirmative Marketing Plan adopted by the Joint Land Use Board on _____, 2018, the Administrative Agent shall reach out to Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, Bergen County Branch of the NAACP, the Bergen County Urban League, the Bergen County Housing Coalition, and the Bergen County United Way as part of its affirmative marketing strategy.
- (2) Household Certification
 - (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
 - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;

- (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form of rental certificates set forth in Appendix K of N.J.A.C. 5:80-26.1 et. seq.;
 - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
 - (f) Employing a random selection process as provided in the Affirmative Marketing Plan of Allendale Borough when referring households for certification to affordable units.
- (3) Affordability Controls
- (a) Furnishing to attorneys or closing-agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
 - (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 - (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;
 - (d) Communicating with lenders regarding foreclosures; and
 - (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
- (4) Rental
- (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for rental; and
 - (b) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for re-rental.
- (6) Enforcement
- (a) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in

any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

- (b) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;
 - (c) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
 - (d) Establishing a program for diverting unlawful rent payments to the Borough's affordable housing trust fund or other appropriate municipal fund approved by the Court;
 - (f) Creating and publishing a written operating manual, as approved by the Courts, setting forth procedures for administering such affordability controls; and
 - (g) Providing annual reports to the Courts and Fair Share Housing Center, and posting the annual report on the Borough's website by September 15th of every year.
- (7) Records received, retained, retrieved, or transmitted under the terms of this contract may constitute public records of Allendale Borough as defined by N.J.S.A. 47:3-16, and are legal property of Allendale Borough. The Administrative Agent named in this contract must agree to administer and dispose of such records in compliance with the State's public records laws and associated administrative rules.
- (8) The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

Section 7. Responsibilities of The Borough

The Borough shall:

- (1) Provide to the Administrative Agent the name, title and telephone number of the municipal official designated as the Municipal Housing Liaison to the Administrative Agent on all matters related to this Contract;
- (2) Ensure that applicable local ordinances are not in conflict with, and enable efficient implementation of, the Rules and the provisions of this Contract;
- (3) Monitor the status of all restricted units in the Borough's Fair Share Plan;
- (4) Compile, verify, and submit annual reports as required by the Courts;
- (5) Coordinate meetings with affordable housing providers and Administrative Agents, as applicable;

- (6) Develop an Affirmative Marketing Plan and distribute to the Administrative Agent;
- (7) Ensure that all restricted units are identified as affordable within the tax assessor's office and any Municipal Utility Authority (MUA). The Borough and MUA shall promptly notify the Administrative Agent of a change in billing address, payment delinquency of two billing cycles, transfer of title, or institution of a writ of foreclosure on all affordable units; and
- (8) Provide all reasonable and necessary assistance to the Administrative Agent in support of efforts to enforce provisions of the Act, the Rules, deed covenants, mortgages, court decisions or other authorities governing the affordability control services to be provided under the Agreement.

Section 8. Notices

All notices and other written communications between the Borough and the Administrative Agent shall be to the addresses and personnel specified below:

if to the Borough:

Allendale Municipal Building
500 West Crescent Avenue
Allendale, NJ 07401

Attn: Anne Dodd, Borough Clerk

if to the Administrative Agent:

Madeline Corporation
555 10th Street
Palisades Park, NJ 07650-2339

Attn: Shari DePalma, Executive Director

Section 9. Non-Waiver of Conditions

The failure of either party to insist upon strict performance of any provision of this Contract in any one or more instances shall not constitute a consent to waiver of or excuse for any other different or subsequent breach of the same or other provision, nor as a result shall either party relinquish any rights which it may have under this Contract. No terms or provisions hereof shall be deemed waived and no breach excused unless such waiver or consent is in writing and signed by the waiving party.

Section 10. Merger and Amendment

This written Contract, together with its Exhibits, constitutes the sole contract between the parties

with respect to the matters covered therein, and no other written or oral communication exists which shall bind the parties with respect thereto, provided however that this Contract may be modified by written amendments clearly identified as such and signed by both the Borough and the Administrative Agent.

Section 11. Partial Invalidation of Contract

Should any provision of this Contract be deemed or held to be invalid, ineffective or unenforceable, under present or future laws, the remainder of the provisions shall remain in full force and effect.

IN WITNESS WHEREOF, the Borough and the Administrative Agent have executed this Contract in triplicate as of the date first above written.

THE BOROUGH OF ALLENDALE

BY _____
Liz White
Mayor

MADLINE CORPORATION

BY _____
Shari DePalma
Executive Director

ACKNOWLEDGEMENTS

On this the ____ day of _____, 2018 before me came Liz White known and known to me to be the Mayor of the Borough of Allendale, the Municipality identified as such in the foregoing Contract, who states that (s)he is duly authorized to execute said Contract on behalf of said Municipality, and that (s)he has so executed the foregoing Contract for the purposes stated therein.

NOTARY PUBLIC

On this the ____ day of _____, 2018 before me came Shari DePalma, known and known to me to be the Executive Director of Madeline Corporation, the Administrative Agent identified as such in the foregoing Contract, who states that (s)he has signed said Contract on behalf of said Administrative Agent for the purposes stated therein.

NOTARY PUBLIC

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

DATE: 10/11/2018

RESOLUTION# 18-238

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

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF ALLENDALE APPROVING THE AMENDED AFFIRMATIVE MARKETING PLAN OF THE BOROUGH'S 2018 HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, on January 10, 2018, the Honorable Menelaos W. Toskos, J.S.C., issued a Court Order approving a Settlement Agreement (“Agreement”) between the Borough and Fair Share Housing Center (“FSHC”) that established the Borough’s fair share obligation, granted a vacant land adjustment of the Borough’s Third Round obligation, and preliminarily approved the Borough’s compliance mechanisms; and

WHEREAS, on June 20, 2018 the Joint Land Use Board of the Borough of Allendale (“JLUB”) adopted the Borough’s 2018 Third Round Housing Element and Fair Share Plan (“Plan”), addressing the Borough’s prior round obligation, third round obligation, and rehabilitation share as established in the Agreement; and

WHEREAS, the Borough Council endorsed the Plan on June 28, 2018 at a properly-noticed public meeting; and

WHEREAS, the adopted and endorsed Plan includes an Affirmative Marketing Plan component, as required by the Council on Affordable Housing’s (“COAH”) rules at N.J.A.C. 5:93-11, which is designed to attract households of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to the affordable units located in the Borough; and

WHEREAS, the Affirmative Marketing Plan was prepared in accordance with COAH’s rules, the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26, and the Court-approved Settlement Agreement, including the addition of the following community and regional organizations that shall be directly noticed of all available affordable housing units in the Borough: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action

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

DATE: 10/11/2018

RESOLUTION# 18-238

Network, Bergen County Branch of the NAACP, Bergen County Urban League, and Bergen County Housing Coalition.

NOW THEREFORE, BE IT RESOLVED the Borough Council of the Borough of Allendale, Bergen County, State of New Jersey, hereby approves the Affirmative Marketing Plan component of the Housing Element and Fair Share Plan.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 11, 2018.

Anne Dodd, RMC
Municipal Clerk

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

DATE: 10/11/2018

RESOLUTION# 18-239

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

Change Order Number One – 2016 Municipal Aid Program
Donnybrook Drive Resurfacing (Phase I)

Whereas, the Borough Engineer has requested that certain changes are needed in the Donnybrook Drive Resurfacing (Phase I) contract; and

Whereas, a net increase of \$22,647.33 will result from the actual quantities of work measured and performed; and

Whereas, the CFO has 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 Change Order Number One resulting in a increase of \$22,647.33, a 0.16% increase in the original contracted amount, be approved for the Donnybrook Drive Resurfacing (Phase I), resulting in a new contract amount of \$166,337.05.

Be It Further Resolved that Change Order Number One in the increased amount of \$22,647.33 be approved for performance by American Asphalt & Milling Service, 96 Midland Avenue, Kearny, NJ 07032.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 11, 2018.

Anne Dodd, RMC
Municipal Clerk

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

DATE: 10/11/2018

RESOLUTION# 18-240

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

State Board Judgment

BE IT RESOLVED, by the Council of the Borough of Allendale that the Tax Collector is hereby authorized to reduce the 2018 tax levy due to a State Tax Court Judgment as follows:

701/23

Hoyt, Donald & Maria

\$2,747.21

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 11, 2018.

Anne Dodd, RMC
Municipal Clerk

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

DATE: 10/11/2018

RESOLUTION# 18-241

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

AUTHORIZING THE AWARD OF A CONTRACT FOR THE SUPPLYING OF ROCK SALT TO THE BOROUGH OF ALLENDALE

WHEREAS, The Borough of Allendale is hereby joined with the County of Bergen under the Cooperative Pricing System; and

WHEREAS, under the Bergen County Cooperative Pricing Agreement and Bergen County Bid Number 18-52 for the purchase of rock salt according to the provisions of law and N.J.A.C. 5:30-17, Allendale wishes to purchase rock salt; and

WHEREAS, the County of Bergen received sealed bids, after due notice and advertisement, for the supplying of rock salt for the County of Bergen and all participating municipal units; and

WHEREAS, Cargill, Inc. – Deicing Technology Business was one of the lowest qualified bidders for the supplying of rock salt for the County of Bergen and all participating local units, complying with all bid specifications and bid requirements; and

WHEREAS, the specifications and bids were for unit prices only with estimated quantities, thereby constituting an open contract, which does not obligate the Borough of Allendale to make any purchase thereby requiring certifications of availability of funds at this time.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Allendale, in the County of Bergen as follows:

1. That the contract for the supplying of rock salt for the Borough of Allendale as one of the participating units be and hereby is awarded to Cargill, Inc. – Deicing Technology Business as with and pursuant to the bid proposal submitted by said company and the Specifications promulgated by the County.

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

DATE: 10/11/2018

RESOLUTION# 18-241

2. That before any purchase be made pursuant to the within award a Certification must be obtained from the Chief Financial Officer of the Borough of Allendale certifying that sufficient funds are available at that time for that particular purchase and identifying the line item of the Borough Budget out of which said funds will be paid.

3. The Mayor and the Borough Attorney of the Borough of Allendale are hereby authorized to execute contracts for the aforementioned purpose on behalf of the Borough.

4. The specifications for this matter are hereby approved by the Borough.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 11, 2018.

Anne Dodd
Municipal Clerk

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

DATE: 10/11/2018

RESOLUTION# 18-242

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

Closed Session

BE IT RESOLVED in compliance with N.J.S.A. 10:4-12, the Mayor and Council of the Borough of Allendale entered into Closed Executive Session to discuss the following matters:

- A. Pending & Prospective Litigation
 - 1. COAH Litigation Matter/Contract Negotiation

Minutes will be taken of the meeting and released to the public at the time that the matter is resolved.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 11, 2018.

Anne Dodd, RMC
Municipal Clerk