

AGENDA
BOROUGH OF ALLENDALE
MAYOR AND COUNCIL
APRIL 30, 2020
8:00 P.M.

A Regular meeting of the Mayor and Council of the Borough of Allendale will be held on April 30, 2020 beginning at 8:00pm via teleconferencing on GoToMeeting due to the State of Emergency.

The public can join the meeting by taking the following steps:

1. Dial **1-571-317-3122** from a cellphone or landline
2. When prompted, enter Meeting Access Code: **421 757 789**

The public is asked to please mute their phones until such time that the public comment portions are held so as not to distract from the business of the meeting.

I. CALL TO ORDER

- A. Open Public Meetings Act Announcement
- B. Salute to Flag

II. ROLL CALL

III. APPROVAL OF MINUTES

- April 16, 2020 Work Session
- April 16, 2020 Closed Session (Not for Release to Public)
- April 16, 2020 Regular Session

IV. PUBLIC COMMENT ON AGENDA ITEMS ONLY

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

V. ORDINANCES FOR SECOND READING AND PUBLIC HEARING

The following ordinances published herewith were first read by title only on March 12, 2020 and posted on the bulletin board of the lobby of the municipal building and borough website.

ORDINANCE 20-03 – AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE CHAPTER 228, SECTION 3.1 OF THE CODE OF THE BOROUGH OF ALLENDALE ENTITLED “COMPOST PERMITS AND FEES” – **Tabled March 26, 2020**

ORDINANCE 20-04 – AN ORDINANCE ESTABLISHING CHAPTER 271 OF THE CODE OF THE BOROUGH OF ALLENDALE ENTITLED “SINGLE USE PLASTIC BAG REDUCTION” – **Tabled March 26, 2020**

VI. INTRODUCTION OF ORDINANCES

Motion that the following ordinance be introduced and passed on first reading and setting May 14, 2020 at 8:00 p.m. or as soon thereafter as the matter can be heard as the date and time and the Council Chambers of the Allendale Municipal Building as the place for a hearing on said ordinance.

ORDINANCE 20-09 – 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 2020.

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VI. CONSENT AGENDA

Matters listed below are considered routine and will be enacted by one motion of the Council and one roll call vote. There will be no separate discussion of these items unless a Council member requests an item be removed for consideration.

A. **20-125**/Approve Bill List

B. **20-126**/Covenant to Comply with Provisions of Internal Revenue Code of 1986 & Designate \$4,230,759 of Bond Anticipation Notes as “Qualified Tax-Exempt Obligation”

C. **20-127**/Authorize Agreement for Purchase of Hydraulic Lift – ESCNJ Cooperative Pricing System – Mohawk Lifts

VII. UNFINISHED BUSINESS

VIII. NEW BUSINESS

IX. COMMITTEE REPORTS AND COMMENTS

X. STAFF REPORTS

XI. 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.

XIV. ADJOURNMENT

Bulletin Board
Borough Website

*****AGENDA AND AGENDA MATERIALS SUBJECT TO CHANGE*****

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

ORDINANCE 20-03

**AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE
CHAPTER 228, SECTION 3.1 OF THE CODE OF THE BOROUGH
OF ALLENDALE ENTITLED “COMPOST PERMITS AND FEES”**

BE IT ORDAINED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that Chapter 228, Section 3.1, “Compost Permits and Fees”, of the Code of the Borough of Allendale, be and hereby is amended, supplemented and revised as follows:

§228-3.1(A)(3), be and hereby is amended, supplemented and revised in its entirety to read:

(3) A fee is forty-five (\$45.00) dollars shall be charged in exchange for said permit effective April 16, 2020.

BE IT FURTHER ORDAINED that, except as modified herein, all other provisions of Chapter 100 shall remain in full force and effect as previously adopted.

This ordinance shall take effect upon passage and publication as required by law.

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

ORDINANCE 20-04

AN ORDINANCE TO ESTABLISH CHAPTER 271 OF THE CODE OF THE BOROUGH OF ALLENDALE ENTITLED "SINGLE USE PLASTIC BAG REDUCTION"

BE IT ORDAINED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that Chapter 271 of the Code of the Borough of Allendale, be and hereby is established as follows:

Chapter 271 - Single Use Plastic Bag Reduction

§271-1. Definitions

FOOD-HANDLING ESTABLISHMENT

Any establishment, business, store or commercial property, properly licensed where required and inspected, which serves made-to-order food or beverages for dine-in, takeout or delivery, including food trucks and mobile carts.

GOODS AND PRODUCTS

Things and items that are prepared and made to be sold, including, but not limited to, groceries, prepared food, foodstuffs, meat, dairy, beverages, alcohol and any and all other related items sold at retail by businesses and stores.

PRODUCE BAG or PRODUCT BAG

Any bag without handles that is used exclusively to segregate produce, meats, seafood, nuts, other food items and merchandise to carry them inside the store to the point of sale or to prevent such items from coming into direct contact with other purchased items, where such contact could damage or contaminate other food or merchandise when placed together in a reusable or recycled bag.

PROPERTY MAINTENANCE OFFICER

The individual charged with the enforcement of this Ordinance.

RECYCLABLE PAPER CARRY-OUT BAG

A paper bag that is able to be recycled.

RETAIL

The sale of goods and products for use and/or consumption.

RETAIL ESTABLISHMENT or RETAIL STORE

For the purpose of this section, retail establishment or retail store shall mean any commercial establishment, whether or not operated for profit, including, but not limited to, any mercantile establishment or store that engages in the sale of goods and products. The definition includes, but is not limited to, pharmacies, supermarkets, grocery stores, convenience stores, clothing stores, food marts, food service establishments, seasonal and temporary businesses, home-based

businesses, indoor or outdoor markets, and street fairs, which utilize single-use plastic carry-out bags for the conveyance of merchandise.

REUSABLE BAG

A bag that is designed and manufactured to withstand repeated uses, is machine washable or made from a material that can be cleaned and disinfected regularly and meets all of the following criteria:

- i) has a minimum lifetime of 125 uses,
- ii) is capable of carrying a minimum of 22 pounds and
- iii) does not contain lead, cadmium or any other heavy metal in toxic amounts (as defined by applicable state and federal standards and regulations), and
- iv) has handles.

A retail establishment or retail store may rely on a manufacturer's, vendor's or distributor's representations regarding bag characteristics.

SINGLE-USE PLASTIC CARRY-OUT BAGS

Any bag made predominantly of plastic derived from either petroleum or a biologically based source, such as corn or other plant sources, that is provided by an operator of a retail establishment or store to a customer at the point of sale. The term also includes bags that are compostable or biodegradable, but does not include reusable bags, produce bags or product bags (as defined above). This definition specifically exempts the following from the category of "single-use plastic carry-out bags":

A. Bags provided by retail establishments or retail stores and used by consumers inside retail establishments or stores to:

- (1) package bulk items, such as fruit, vegetables, nuts, grains, candies, or small hardware items;
- (2) contain or wrap frozen foods, meat, or fish, whether packaged or not;
- (3) contain or wrap flowers, potted plants, or other items where dampness may be an issue;
- (4) contain unwrapped prepared foods or bakery goods; or
- (5) contain prescription drugs.

B. Newspaper bags, door-hanger bags, laundry and/or dry-cleaning bags, or bags sold in packages containing multiple bags intended for use as food storage bags, garbage bags, yard waste bags, or pet waste bags.

§271-2. Regulation of single-use plastic carry-out bags.

- A. No retail establishment or store shall provide to any customer a single-use plastic carry-out bag provided for the purpose of transporting products or goods out of the business or store at the checkout stand, cash register, point of sale or other point of departure, except as otherwise provided in this chapter.
- B. These prohibitions apply to single-use plastic carry-out bags used for take-out and/or deliveries from retail establishments or stores within the Borough of Allendale. The point of sale in such transactions is deemed to be at the retail establishment or store, regardless of where payment for the transaction physically occurs.

§271-3. Allowing reusable and recyclable paper carry-out bags; fees.

- A. All retail establishments or stores may make available to customers, for an optional fee, reusable bags and recyclable paper carry-out bags for the purpose of carrying goods or other materials

away from the point of sale, subject to the provisions of this chapter. The fee charged shall be reflected in the sales receipt. The retail establishment or store may charge a fee for recyclable paper carry-out bags as it sees fit.

- B. Nothing in this chapter prohibits customers from using bags of any type that they choose to bring to retail establishments or stores themselves, in lieu of using bags available for a fee from the retail establishment or store, or from carrying away purchased goods that are not placed in a bag.

§271-4. Fees for providing reusable bags and recyclable paper carry-out bags.

- A. Any fee shall be separately stated on the receipt provided to the customer at the time of sales and shall be identified as the “checkout bag charge” or use similar identifying language. Small recyclable paper bags without handles and measuring eight (8) inches by sixteen (16) inches or less are exempt from any fee.
- B. All monies collected by retail establishments or stores under this chapter shall be retained by the store.

§271-5. Use of reusable bags encouraged.

- A. A retail establishment or store may choose, in its discretion, to provide a credit to customers that choose to bring their own bags.
- B. Each retail establishment or store is strongly encouraged to educate its staff to promote the use of reusable bags and to post signs encouraging customers to bring their own reusable bags.
- C. If a retail establishment or store makes available reusable plastic bags made of plastic film, the retail establishment or store is strongly encouraged to educate customers about plastic film recycling.
- D. Each retail establishment or store that provides takeout or delivery services is encouraged to provide customers with a choice to avoid use of reusable bags made of plastic.

§271-6. Exempt customers.

All retail establishments or retail stores must provide at the point of sale, free of charge, compliant bags of the retail establishment’s or store operator’s choice to any customer who participates in or is the beneficiary of any United States government federal welfare program, or any local or Bergen County welfare assistance program, or any New Jersey State welfare program, including but not limited to the New Jersey Supplemental Nutritional Assistance Program (SNAP) or the New Jersey State Supplemental Security Income Program (SSI).

§271-7. Enforcement.

- A. After the issuance of an initial written warning, any food-handling establishment, retail establishment or retail store found with subsequent violations of this chapter shall be subject to the following penalties:
 - (1) For a first cited offense: a fine of \$50.
 - (2) For a second cited offense: a fine of \$100.
 - (3) For a third cited offense: a fine of \$200.

(4) Upon conviction of a fourth cited offense and all subsequent cited offenses: a fine not to exceed \$1,000, at the discretion of the Court.

B. Violations shall be issued to, and be the responsibility of, the food-handling establishment, retail establishment or retail store or its owner and shall not be levied against the end user or consumer.

C. The regulations shall be enforced by the Borough's Property Maintenance Officer.

§271-8. No conflict with federal or state law.

Nothing in this chapter is intended to create any requirement, power or duty that is in conflict with any federal or state law.

§271-9. Repealer.

All ordinances or parts thereof in conflict or inconsistent with this chapter are hereby repealed to the extent of such conflict or inconsistency.

§271-10. Conflict with other provisions.

All other parts, portions or provisions of the Borough Code of the Borough of Allendale, be and the same are hereby ratified and confirmed, except where inconsistent with the terms thereof. In the event of any such inconsistency, the terms of this chapter shall be deemed to govern.

§271-11. Severability.

The provisions of this chapter are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this chapter, but shall remain in effect; it being the legislative intent that this chapter shall stand notwithstanding the invalidity of any part thereof.

§271-12. Effective date.

This chapter shall take effect on September 1, 2020.

BOROUGH OF ALLENDALE

PUBLIC NOTICE

ORDINANCE 20-09 – 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 2020.

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, April 30, 2020 and will be further considered for final passage after public hearing at a regular meeting of the Mayor and Council to be held in the Council Chambers, Allendale Municipal Building, 500 West Crescent Avenue, Allendale, New Jersey on Thursday, May 14, 2020 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 Chapter 53 of the Code of the Borough of Allendale entitled “Officers and Employees” to fix the minimum and maximum salary range for “Laborer, DPW” and “Standby, DPW, Per Week” for the year 2020 as set forth in the ordinance.

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

Michelle Ryan
Acting Municipal Clerk

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

DATE: 04/30/2020

RESOLUTION# 20-125

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 April 30, 2020 in the amounts of:

Current Fund	\$3,532,931.38
Payroll Account	\$162,164.29
General Capital	\$28,285.87
Animal Fund	\$0.00
Grant Fund	\$0.00
COAH/Housing Trust	\$0.00
Improvement & Beautification	\$0.00
Unemployment Fund	\$0.00
Trust Fund	\$62.50
Water Operating	\$109,994.71
Water Capital	\$6,000.00
Total	
	\$3,839,438.75

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on April 30, 2020.

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 201-818-0193

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 April 30, 2020

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

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

DATE: 04/30/2020

RESOLUTION# 20-126

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

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF ALLENDALE, IN THE COUNTY OF BERGEN, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF ALLENDALE AND AUTHORIZING THE MAYOR, ACTING BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$4,230,759 BOND ANTICIPATION NOTE, DATED APRIL 24, 2020, PAYABLE APRIL 23, 2021, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Borough of Allendale, in the County of Bergen, New Jersey (the "Borough") from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Borough to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

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

DATE: 04/30/2020

RESOLUTION# 20-126

WHEREAS, the Borough desires to designate a \$4,230,759 Bond Anticipation Note, dated April 24, 2020, payable April 23, 2021 (the "Note"), as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code;

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

SECTION 1. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Borough (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Acting Borough Clerk, Chief Financial Officer and the other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) said Note is not a "private activity bond" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2020.

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

DATE: 04/30/2020

RESOLUTION# 20-126

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2020.

SECTION 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2020 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on April 30, 2020.

Michelle Ryan
Acting Municipal Clerk

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

DATE: 04/30/2020

RESOLUTION# 20-127

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

**AUTHORIZE AGREEMENT FOR PURCHASE OF HYDRAULIC LIFT THROUGH
ESCNJ COOPERATIVE PRICING SYSTEM – MOHAWK LIFTS**

WHEREAS, a need exists to purchase a new hydraulic lift for the Department of Public Works; and

WHEREAS, the Borough of Allendale authorized participation in the Educational Services Commission of New Jersey Cooperative Pricing System (ESCNJ) via Resolution 17-259 on October 12, 2017; and

WHEREAS, the Borough was approved as a member of the ESCNJ Cooperative Pricing System on December 4, 2017; and

WHEREAS, the ESCNJ offers competitively-bid contracts for its members to purchase from on an as-needed basis; and

WHEREAS, Mohawk Lifts, 65 Vrooman Avenue, P.O. Box 110, Amsterdam, New York 12010, is an approved vendor offering hydraulic lifts through the ESCNJ via NJ State Approved Co-op #65MCESCCPS, Bid# ESCNJ 18/19-36 Bid Term: 11/16/2018 – 11/15/2020; and

WHEREAS, the Chief Financial Officer has attached hereto a certification that adequate funds have been or will be duly budgeted and appropriated to pay for the contract.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that an Agreement is hereby authorized for the purchase of a hydraulic lift from Mohawk Lifts, 65 Vrooman Avenue, P.O. Box 110, Amsterdam, New York 12010 in the amount of \$62,852.34; and

BE IT FURTHER RESOLVED that the Mayor, Acting Borough Clerk and Borough Attorney are hereby authorized to take such action as may be necessary to implement this Resolution, including the execution of an Agreement or Proposal for the above services.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on April 30, 2020.

Michelle Ryan
Acting Municipal Clerk