

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

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

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

- **From a computer, tablet or smartphone**, enter the website <https://global.gotomeeting.com/join/741252917>
- **From a phone**, dial [+1 \(646\) 749-3112](tel:+16467493112) and then enter Access Code: 741-252-917
- **From a video-conferencing room or system**
Dial in or type: [67.217.95.2](tel:67.217.95.2) or inroomlink.goto.com
Meeting ID: 741 252 917
Or dial directly: [741252917@67.217.95.2](tel:741252917@67.217.95.2) or [67.217.95.2##741252917](tel:67.217.95.2##741252917)

Anyone from the public who does not have GoToMeeting may install the app prior to the start of the meeting at <https://global.gotomeeting.com/install/741252917>

The public is asked to please mute their devices 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

May 14, 2020 Regular Session
May 28, 2020 Work Session
May 28, 2020 Regular Session
June 11, 2020 Work Session
June 11, 2020 Regular Session
June 17, 2020 Special 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.

VI. ORDINANCE FOR SECOND READING AND PUBLIC HEARING

The following ordinance published herewith was first read by title only on June 17, 2020 and posted on the bulletin board of the lobby of the municipal building and borough website.

ORDINANCE 20-11 – AN ORDINANCE OF THE BOROUGH OF ALLENDALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING THE REDEVELOPMENT PLAN FOR CERTAIN PROPERTIES SITUATED ALONG WEST CRESCENT AVENUE

VII. CONSENT AGENDA

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

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. **20-160**/Approve Bill List
- B. **20-161**/Authorize Appointment of Municipal Representatives to the Bergen County Community Development Regional Committee
- C. **20-162**/Authorize Inclusion in the Bergen County Community Development Program for Fiscal Years 2021, 2022 and 2023
- D. **20-163**/Authorize Execution of an Agreement with the County of Bergen to Supersede the Cooperative Agreement Dated July 1, 2000 and Amendments thereto establishing the Bergen County Community Development Program
- E. **20-164**/Authorize 2020 Salaries Supplement No. Two - Crestwood Lake Swim Club
- F. **20-165**/Approve Adjustment – 2020 Crestwood Lake Membership
- G. **20-166**/Authorize Refunds – 2020 Crestwood Lake Membership Overpayments
- H. **20-167**/Authorize Adoption of an Amended Affordable Housing Spending Plan
- I. **20-168**/Expression of Intent to Provide the Funds Necessary to Satisfy the Borough’s Affordable Housing Obligations
- J. **20-169**/Authorize Affordable Housing Agreement – Very-Low Income Three Bedroom Rental Unit – 221 East Crescent Avenue (Block 506, Lot 4.08) – BCUW Madeline Housing Partners, LLC
- K. **20-170**/Authorize the Borough of Allendale to Execute and File an Affordable Housing Deed Restriction – 223 East Crescent Avenue – Block 506, Lot 4.07
- L. **20-171**/ Authorize the Borough of Allendale to Execute and File an Affordable Housing Deed Restriction – 221 East Crescent Avenue – Block 506, Lot 4.08
- L. **20-172**/Authorize Repurpose Grant Contract 1900036 – 2018 Bergen County Open Space Trust Fund Municipal Park Improvement Program – “Crestwood Lake Playground Improvements”

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.

XIV. ADJOURNMENT

Bulletin Board
Borough Website

*****AGENDA AND AGENDA ITEMS SUBJECT TO CHANGE*****

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

ORDINANCE # 20-11

**ORDINANCE OF THE BOROUGH OF ALLENDALE, COUNTY OF
BERGEN, STATE OF NEW JERSEY, AMENDING THE
REDEVELOPMENT PLAN FOR
CERTAIN PROPERTIES SITUATED ALONG WEST CRESCENT
AVENUE.**

WHEREAS, on March 28, 2019, the Borough of Allendale (the “Borough”), pursuant to Ordinance # 19-03, adopted a Redevelopment Plan for certain properties situated along West Crescent Avenue; and

WHEREAS, the Borough has determined that certain modifications to such Redevelopment Plan are required based upon prevailing economic and related considerations; and

WHEREAS, such modifications are set forth in an Amended Redevelopment Plan dated June 10, 2020 which is attached hereto as **Exhibit “A”**, and is made a part hereof, and is hereby adopted pursuant to the terms of N.J.S.A. 40A:12A-7 of the Redevelopment Law; and

WHEREAS, other than as set forth herein, all recitals and provisions of Ordinance # 19-03 are readopted and reconfirmed.

NOW, THEREFORE, be it ordained by the Mayor and Council of the Borough of Allendale as follows:

Section 1. The foregoing recitals are incorporated herein as though set forth at length herein.

Section 2. The Redevelopment Plan dated June 10, 2020 and attached hereto as Exhibit A and made a part hereof, is hereby adopted pursuant to the terms of N.J.S.A. 40A:12A-7 of the Redevelopment Law.

Section 3. The Borough Council hereby finds and determines that pursuant to the Redevelopment Plan, that the Designated Redeveloper shall execute a Redevelopment Agreement, and all other documents necessary to bring the project to completion. Accordingly, a site plan, with bulk standards must be filed by the designated redeveloper with the Allendale Land Use Board for the Redevelopment Plan to be effectuated.

Section 4. The Governing Body may transfer or sell any municipal property pursuant to N.J.S.A. 40A:12A-8 g. “...lease or convey property or improvements to any other party pursuant to this section, without public bidding and at such prices and upon such terms as it deems reasonable, provided that the lease or conveyance is made in conjunction with a redevelopment plan, notwithstanding the provisions of any law, rule, or regulation to the contrary”. The Borough owned property located at 220 and 230 West Crescent Avenue (Block 1005, Lots 3 and 20 and a portion of Lot 11) which are hereby authorized to be sold pursuant to the terms and conditions of the Redevelopment Agreement and other pertinent documents.

Section 5. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 6. A copy of this Ordinance and the Amended Redevelopment Plan shall be available for public inspection at the office of the Borough Clerk during regular business hours.

Section 7. This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

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

I hereby certify the above to be a true copy of an Ordinance adopted by the Governing Body of the Borough of Allendale on June 30, 2020

Mayor Ari Bernstein

Michelle Ryan
Acting Municipal Clerk

1 Introduction.

Basis for this Amended Redevelopment Plan.

On March 28, 2019, the Borough Council of the Borough of Allendale adopted Ordinance No 19-03 “AN ORDINANCE OF THE BOROUGH OF ALLENDALE, COUNTY OF BERGEN, NEW JERSEY, ADOPTING A REDEVELOPMENT PLAN FOR CERTAIN PROPERTIES SITUATED ALONG WEST CRESCENT AVENUE.” This Ordinance was introduced on first reading at the February 28, 2019 Council meeting and was referred to and reviewed by the Allendale Land Use Board on March 20, 2019. Attached to this Amended Plan is Ordinance Number 19-03, the Redevelopment Plan, dated February 19, 2019, and the memo referring the Plan to the Borough Council upon deliberation by the Land Use Board. On March 28, 2019 the Borough Council adopted Resolution #19-101 approving the Hampshire Venture Group, LLC as the Designated Redeveloper, pursuant to the Redevelopment Plan.

The 2019 Redevelopment Plan and this Amended Redevelopment Plan has been prepared for the West Crescent Avenue area of the Borough of Allendale, Bergen County, New Jersey, previously designated as an area in need of redevelopment and situated in Planning Area-1 as specified in the State Development and Redevelopment Plan (“SDRP”). This Planning Area is the preferred area for redevelopment in the State of New Jersey.

The properties are situated along West Crescent Avenue, specifically, Block 1005, Lots 3 and Lot 20 and a portion of Block 1005, Lot 11 having street addresses of 230 W. Crescent Avenue and 220 W. Crescent Avenue (these parcels as indicated in Figure 1 are referred to as the “Property”, or “Properties”, and the “Redevelopment Plan Area”). The Redevelopment Plan Area is in a D-1 Multi-residential overlay zone, authorized and enabled pursuant to Section 3 A. 3) of the Redevelopment Plan. The underlying zoning is an industrial zoning district and the property is currently owned by the Borough of Allendale but will be repurposed pursuant to a Redevelopment Agreement as may be executed between the Borough and the Hampshire (“Designated Redeveloper”).

The following Figure 1 shows the Redevelopment Plan Area property details.

Figure 1.

The Borough of Allendale, New Jersey		
Scope of Potential W. Crescent Avenue ANR		
Bl-L0T	PROPERTY OWNER	Property Location
1005-3	Borough of Allendale	230 W. Crescent Avenue
1005-20	Borough of Allendale	220 W. Crescent Avenue
1005-11	Borough of Allendale	

This Amended Redevelopment Plan has been prepared consistent with the State of New Jersey Local Redevelopment and Housing Law (LRHL), N.J.S.A. 40A:12A-1 et seq. A principal purpose of the 2019 Redevelopment Plan and this 2020 Amended Plan is for the Borough of Allendale to sell (or “dispose of”) the Property to meet the objectives of this Plan, specifically the repurposing of the Property.

While the Borough of Allendale currently owns the Redevelopment Area Property, the Allendale Governing Body may transfer any municipal property pursuant to N.J.S.A. 40A:12A-8 g. which states that a municipality may "...lease or convey property or improvements to any other party pursuant to this section, without public bidding and at such prices and upon such terms as it deems reasonable, provided that the lease or conveyance is made in conjunction with a redevelopment plan, notwithstanding the provisions of any law, rule, or regulation to the contrary" when the municipal property is included in a Redevelopment Plan area and subject to a Redevelopment Plan. The 2019 Redevelopment Plan and this Amended Redevelopment Plan permit and envision such a transfer of sale of the Property.

All amendments to the 2019 Redevelopment Plan are hereinafter clearly set forth. The Purpose and Policy Goals stated in the 2019 Redevelopment Plan remain unchanged with the exception that Section 2 A. Purpose of the 2019 Redevelopment Plan is amended to read:

"have the successful respondent build sufficient space so as to attract quality commercial space, include **warehouse**/self-storage facilities, and a residential development component consistent with affordable housing requirements-with a focus on ~~senior citizen and~~ workforce housing (defined as a certain percent of market rate housing)." Please note that the term successful respondent is now the Designated Redeveloper. Due to changing market conditions, including the residential market as well as the business of storage unit rentals, it is necessary to amend the 2019 Redevelopment Plan. These changing market conditions are amplified by the 2020 COVID-19 pandemic.

Further, Section 2 C. Redevelopment Plan Objectives is amended as follows:

6) This Redevelopment Plan provides the structure to comply with the provisions of N.J.S.A. 40A:12A-7 "Adoption of redevelopment plan". The following statutory elements are covered in this Redevelopment Plan. To wit:

7. a. No redevelopment project shall be undertaken or carried out except in accordance with a redevelopment plan adopted by ordinance of the municipal governing body, upon its finding that the specifically delineated project area is located in an area in need of redevelopment or in an area in need of rehabilitation, or in both, according to criteria set forth in section 5 or section 14 of P.L.1992, c.79 (C.40A:12A-5 or 40A:12A-14), as appropriate.

*b. A redevelopment plan may include the provision of affordable housing in accordance with the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) and the housing element of the municipal master plan. **The provision of affordable together with market rate housing is a principle purpose of this Plan. Twenty-nine units will be "non-market" or affordable units, of which twenty (20) are age-restricted and Six (6) residential units are to be COAH type units, with an additional three (3) below market units for first responders.***

This Amended Redevelopment Plan shall NOT replace or supersede any provision of the Borough of Allendale Land Use Ordinance regulating development in the Redevelopment Area, with the exception of the nuanced notations included in the 2019 Redevelopment Plan as amended by this 2020 Amendment and through the addition (inclusion in the zoning ordinance) of the Overlay Zone. In any situation where zoning issues are not specifically addressed herein, the Allendale Land Use Ordinance shall be applicable.

Final adoption of this Plan by the Council shall be considered an amendment of the Borough of Allendale Zoning Map inasmuch as the multi-family use (Overlay Zone) is now a permitted use at Block 1005, Lot 20.

The 2019 Redevelopment Plan Shall Remain In Effect.

Only those changes to the 2019 Redevelopment Plan specifically and expressly included herein shall modify and amend the 2019 Redevelopment Plan and said amendments shall be referred to as the 2020 Amended Redevelopment Plan (covering West Crescent Avenue).

2. Amendments to the 2019 Redevelopment Plan.

The following amendments (with new text highlighted in yellow) are the approved amendments (changes) to the 2019 Redevelopment Plan at Section 3 A:

"2) The Property situated at Block 1005, Lot 20 shall have multi-family residential properties of a maximum of ~~sixty (60)~~ **seventy (70)** units as a "Primary intended use" as defined in the Borough's Zoning Ordinance. The Redeveloper shall, within thirty days of adoption of this Redevelopment Plan by the adoption of the requisite Borough Council Ordinance, provide a specific schedule of bulk standards, which shall be consistent with any conceptual site plan submitted **as part of the Redevelopment Agreement.** ~~in response to the SOI/RFQ.~~

3) Accordingly, § 270-72 A. 9 of the municipal code is hereby amended (added) to permit as an additional permitted use at Block 1005, Lot 20 ~~the~~ multi-family residences. This shall be considered the D-1 Multi-residential overlay zone. The density limitation shall be a maximum of ~~sixty (60)~~ **seventy (70)** having a height of 48 feet, shall be permitted on this parcel in an attractive **four-story** arrangement."

5) **Parking: Residential Use: 1 parking space/stall per 1-bedroom unit and 1.75 parking spaces/stalls per 2-bedroom unit. Twenty percent (20%) of all parking spaces may be "compact car" parking spaces having a dimension of 8 feet by 17 feet.**

6) **Shared parking: Shared parking for passenger vehicles (limited to two axels per vehicle) as permitted by the RSIS shall be permitted within the Redevelopment Plan Area to satisfy a proposed project's parking requirements situated in the Redevelopment Plan area. The standards set out in this Redevelopment Plan including but not limited to the bulk standards shall be applied to all development in the Redevelopment Plan. This will include both the uses permitted in the underlying D-1 and D-2 Industrial Zone and those permitted by the overlay zoning. The shared parking plan may include municipal parking lots. However, trucks must park and load/unload in designated areas only.**

7) **Trucking service: Section § 270-72A. (7)(d) is hereby amended to expand the permitted hours of "Truck Services" as included in this Section are modified to be 7:00 am to 10:00 pm Monday thru Friday and Saturday 8 am to 5 pm (no trucking services shall be permitted on Sunday. Further, §270-72 C is hereby modified to the same exact hours for truck or any other deliveries.**

8) Refrigeration facilities permitted pursuant to §270-72 C shall be restricted to 25% of the total warehouse space.

9) The existing warehouse building may stay in place and may be improved, rehabilitated and occupied as provided in Article XV of the Zoning Ordinance, the D-1 and D-2 Industrial Zone at §270-72 through §270-78, as modified in this Redevelopment Plan. The existing warehouse may be divided into units. If the warehouse is divided the Bulk Standards stipulated in the D-1 and D-2 Zone, including at §270-75 shall NOT apply to any such dividing of the warehouse and the Redevelopment Plan shall control. This Redevelopment Plan stipulates that the existing building may stay in place and be repurposed without applying new or additional bulk standards requiring restrictions on the site, except parking shall not be more restrictive than is currently in existence on the site (current site specific requirements).

The Designated Redeveloper shall submit a site plan application consistent with the following schedule of bulk standards which may be deviated from upon approval of the Planning Board.” (In Allendale the board is the statutory Land Use Board.)

Certain Conditions of the 2019 Redevelopment Plan are Reiterated for Clarity.

1) Upon approval of the Redevelopment Agreement, the Governing Body shall have found the Project land uses and repurposing concepts consistent with the Redevelopment Plan.

Further: Except where otherwise required by any of the aforesaid Planning Board approvals this Redevelopment Plan and the Redevelopment Area shall be governed by Site Plan Submission Requirements and Subdivision Submission Requirements of the Allendale Borough Land Use Ordinance.

By reference herewith the Redevelopment Project shall be constructed in accordance with the Redevelopment Plan and approved site plan. Any modification that would cause a “d” variance pursuant to N.J.S.A. 40:55D-70(d) shall require the Redeveloper to seek an amendment by the Governing Body to the Redevelopment Plan. Any modification from the Redevelopment Plan or the approved site plan, that would be deemed a “design waiver” or a “bulk standard deviation”, which shall be considered as the equivalent of and akin to the provisions of a “c” variance pursuant to N.J.S.A. 40:55D-70(c), shall be submitted to the Borough Planning Board for consideration as part of a site plan application by the Redeveloper, subject to prior review of the Borough Planner.

However, the multi-residential property bulk standards shall not be inconsistent with the concept plan submitted as part of the **Redevelopment Agreement**. ~~with the response to the SOL/RFQ.~~

Approvals by other Agencies.

The Designated Redeveloper and the Borough, as the Redevelopment Agency, are required to provide the Borough Clerk with copies of all environmental permits made to federal, state and county agencies upon filing such applications, as may be required by the Redevelopment Agreement to be executed between the Designated Redeveloper and the Borough.

Interpretation of Plan.

To be clear: Any changes to the use permitted in the Redevelopment Plan Area shall be permitted only by means of an amendment to the Redevelopment Plan made by the Borough Governing Body. Any appeal for interpretation for of any section of this Redevelopment Plan or Redevelopment Plan Area shall be made to the Governing Body, acting in its capacity as Redevelopment Agency (Entity) for this Redevelopment Plan.

Site Plan Required.

Notwithstanding any provision of the 2019 Redevelopment Plan to the contrary, the completed site plan application shall be submitted by the Designated Redeveloper on or before October 31, 2020.

In addition, a Project Plan delineating the construction of improvements within the redevelopment area, prepared in accordance with the general requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), and, further, shall be submitted by the Designated Redeveloper for review and approval by the Allendale Land Use Board. The Project Plan shall be approved pursuant to provisions of this Redevelopment Plan and the enabling ordinance thereto.

This Amended Redevelopment Plan has been prepared by BENECKE ECONOMICS.

Fred Suljic, P.P.
Robert Benecke
May 12, 2020

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

DATE: 06/30/2020

RESOLUTION# 20-160

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 June 30, 2020 in the amounts of:

Bill List Numbers	June 30, 2020
Current Fund	\$1,797,899.03
Payroll Account	\$176,736.14
General Capital	\$3,722.79
Animal Fund	\$0.00
Grant Fund	\$0.00
COAH/Housing Trust	\$0.00
Improvement & Beautification	\$0.00
Unemployment Fund	\$0.00
Trust Fund	\$3,015.61
Water Operating	\$95,862.10
Water Capital	\$0.00
Total	\$2,077,235.67

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

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

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

DATE: 06/30/2020

RESOLUTION# 20-161

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

**AUTHORIZATION OF APPOINTMENT OF MUNICIPAL REPRESENTATIVES TO
THE BERGEN COUNTY COMMUNITY DEVELOPMENT REGIONAL COMMITTEE**

WHEREAS, the Municipality of Allendale has entered into a three-year Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act N.J.S.A. 40A:8a-1 et seq. and Title 1 of the Housing and Community Development Act of 1974; and

WHEREAS, said Agreement requires that the Municipal Council appoint a representative and alternate and that the Mayor appoint a representative and alternate for the FY 2020-2021 term starting July 1, 2020 and ending on June 30, 2021.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council hereby appoints Councilwoman Amy Wilczynski as its representative and Councilman Matt O'Toole as its alternate and that the Mayor hereby appoints Ron Kistner as his representative and Michelle Ryan as his alternate to serve on the Community Development Regional Committee for FY 2020-2021; and

BE IT FURTHER RESOLVED that an original copy of this resolution be forwarded to Robert Esposito, Director; Bergen County Division of Community Development, One Bergen County Plaza, Fourth Floor, Hackensack, New Jersey 07601 for receipt no later than Friday, July 17, 2020.

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

Michelle Ryan
Acting Municipal Clerk

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

DATE: 06/30/2020

RESOLUTION# 20-162

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

**AUTHORIZATION OF INCLUSION IN THE BERGEN COUNTY COMMUNITY
DEVELOPMENT PROGRAM FOR FISCAL YEARS 2021, 2022 AND 2023**

WHEREAS, certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974, as amended; the HOME Investment Partnership Act of 1990, as amended; and the Emergency Solutions Grant of 2012; and

WHEREAS, the current Interlocal Services Cooperative Agreement contains an automatic renewal clause to expedite the notification of the inclusion process; and

WHEREAS, each Municipality must notify the Bergen County Division of Community Development of its intent to continue as a participant in the Urban County entitlement programs noted above; and

WHEREAS, it is in the best interest of the Borough of Allendale and its residents to participate in said Programs.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Allendale hereby notifies the Bergen County Division of Community Development of its decision to be included as a participant Municipality in the Urban County entitlement programs being the Community Development Block Grant Program (CDBG), the HOME Investment Partnership Program (HOME), and the Emergency Solutions Grant Program (ESG) for the Program Years 2021, 2022, and 2023 covering the period July 1, 2021 – June 30, 2024; and

BE IT FURTHER RESOLVED, that an original copy of this resolution be made available to the Director of the Bergen County Division of Community Development as soon as possible and no later than Friday, July 17, 2020.

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

Michelle Ryan
Acting Municipal Clerk

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

DATE: 06/30/2020

RESOLUTION# 20-163

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

AUTHORIZATION FOR EXECUTION OF AN AGREEMENT WITH THE COUNTY OF BERGEN TO SUPERSEDE THE COOPERATIVE AGREEMENT DATED JULY 1, 2000 AND AMENDMENTS THERETO ESTABLISHING THE BERGEN COUNTY COMMUNITY DEVELOPMENT PROGRAM

WHEREAS, certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974, as amended; the HOME Investment Partnership Act of 1990, as amended; and the Emergency Solutions Grant of 2012; and

WHEREAS, it is necessary to supersede an existing Interlocal Services Cooperative Agreement for the County and its people to benefit from these Programs; and

WHEREAS, an Agreement has been proposed under which the Borough of Allendale and the County of Bergen in cooperation with other Municipalities, will modify an Interlocal Services Program pursuant to N.J.S.A. 40A:65-1 et seq.; and

WHEREAS, it is in the best interest of the Borough of Allendale to enter into such an Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale that the Agreement entitled “Three Year Cooperative Agreement” (an Agreement superseding the Cooperative Agreement dated July 1, 2000 – June 30, 2003) to clarify the planning and implementation procedures and to enable the Municipality to make a Three Year irrevocable commitment to participate in the Community Development Block Grant Program (CDBG), the Home Investment Partnership Program (HOME), and the Emergency Solutions Grant Program (ESG) for the Program Years 2021, 2022, and 2023 covering the period July 1, 2021 – June 30, 2024 be executed by the Mayor and Acting Municipal Clerk in accordance with the provisions of law; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately in accordance with law and that an original copy be sent to the Director of the Bergen County Division of Community Development as soon as possible and no later than Friday, July 17, 2020.

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

Michelle Ryan
Acting Municipal Clerk

**BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 06/30/2020

RESOLUTION# 20-164

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

AUTHORIZATION OF 2020 CRESTWOOD LAKE SALARIES – SUPPLEMENT TWO

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that the following salaries are hereby approved for the Crestwood Lake Swim Club 2020 Season as follows:

Lifeguards (Effective June 20, 2020)		
First Name	Last Name	Hourly Pay
Cole	Chemmanur	\$12.00
Kayla	Kerrigan	\$12.00
Chiara	McMaster	\$12.00
Substitute Lifeguards (Effective July 1, 2020)		
First Name	Last Name	Hourly Pay
Alex	Argyros	\$12.00
Molly	Bennett	\$12.00
Caroline	Bodnar	\$12.00
Alex	Bryan-Jones	\$12.00
Shannon	Doran	\$12.00
Abigail	Henderson	\$12.00
Rebecca	Hoffer	\$12.00
Rylee	Hulack	\$12.00
Ava	Kearl	\$12.00
Sydney	Kull	\$12.00
Nicholas	Lardieri	\$12.00
John	McFarren	\$12.00
Jack	Smiechowski	\$12.00
Sarah	Rego	\$12.00

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

DATE: 06/30/2020

RESOLUTION# 20-164

Substitute Lifeguards (Effective July 1, 2020)		
First Name	Last Name	Hourly Pay
Alyssa	Talmo	\$12.00
Isabella	Torriani	\$12.00
Megan	Winters	\$12.00
Ty	Pennington	\$12.00
Ethan	Chrisan	\$12.00
Veronica	Torriani	\$12.00

Social Distancing Crew (Effective July 1, 2020)		
First Name	Last Name	Hourly Pay
Decklon	Blache	\$11.00
Ethan	Harris	\$11.00

BE IT FURTHER RESOLVED that the date of hire for the above employees is effective July 1, 2020 unless otherwise noted.

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

Michelle Ryan
Acting Municipal Clerk

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

DATE: 06/30/2020

RESOLUTION# 20-165

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

**APPROVAL OF ADJUSTMENT OF FEES FOR
2020 CRESTWOOD LAKE MEMBERSHIPS**

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that it hereby approves a discount for Family Memberships at Crestwood Lake for the 2020 Season to the following families for financial hardship reasons:

1. Crestwood Membership Account Number: 335111
Family Resident Rates (after June 20th): \$880.00
Discount: \$242.50

2. Crestwood Membership Account Number: 767805
Family Resident Rates (after June 20th): \$360.00
Discount: \$360.00

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

Michelle Ryan
Acting Municipal Clerk

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

DATE: 06/30/2020

RESOLUTION# 20-166

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

**AUTHORIZATION OF REFUNDS FOR
2020 CRESTWOOD LAKE MEMBERSHIP OVERPAYMENTS**

WHEREAS, the Crestwood Lake members listed below are due refunds for overpayment of 2020 Crestwood Lake Memberships.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Allendale that said refunds be granted to the following members:

Name/Address	Crestwood ID Number	Amount
Cipriano Neves 3 Crescent Place Allendale, NJ 07401 REASON: Resident Rates (before June 20 th) apply, but the system mistakenly charged the higher Resident Rates for registration after June 20 th . Should have paid \$450 but instead paid \$490.	243756	\$40.00
Grace Perruzzi 27 Stone Fence Road Allendale, NJ 07401 REASON: Resident Rates (before June 20 th) apply, but the system mistakenly charged the higher Resident Rates for registration after June 20 th . Should have paid \$200 but instead paid \$215.	246421	\$15.00
Melissa Bergen 160 Park Avenue Allendale, NJ 07401 REASON: Resident Rates (before June 20 th) apply, but the system mistakenly charged the higher Resident Rates for registration after June 20 th . Should have paid \$390 but instead paid \$425.	421170	\$35.00

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Name/Address	Crestwood ID Number	Amount
Wendy Inserra 6 Allison Court Allendale, NJ 07401 REASON: Resident Rates (before June 20 th) apply, but the system mistakenly charged the higher Resident Rates for registration after June 20 th . Should have paid \$390 but instead paid \$425.	1569455	\$35.00
Junji Miyake 780 Franklin Turnpike Allendale, NJ 07401 REASON: Resident Rates (before June 20 th) apply, but the system mistakenly charged the higher Resident Rates for registration after June 20 th . Should have paid \$330 but instead paid \$360.	1569473	\$30.00
Luis Alberto Guzman 89 Forest Road Allendale, NJ 07401 REASON: Resident Rates (before June 20 th) apply, but the system mistakenly charged the higher Resident Rates for registration after June 20 th . Should have paid \$390 but instead paid \$425.	429529	\$35.00
Bernadette Geraghty 82 West Crescent Avenue Allendale, NJ 07401 REASON: Resident Rates (before June 20 th) apply, but the system mistakenly charged the higher Resident Rates for registration after June 20 th . Should have paid \$200 but instead paid \$215.	231327	\$15.00
Monique Zhuma 2 East Crescent Avenue Allendale, NJ 07401 REASON: Resident Rates (before June 20 th) apply, but the system mistakenly charged the higher Resident Rates for registration after June 20 th . Should have paid \$450 but instead paid \$490.	1569513	\$40.00
Vivian S. Robertson 5 Delta Court Allendale, NJ 07401 REASON: Resident Rates (before June 20 th) apply, but the system mistakenly charged the higher Resident Rates for registration after June 20 th . Should have paid \$390 but instead paid \$425.	620216	\$35.00

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Name/Address	Crestwood ID Number	Amount
Michael Toomey Jr. 60 West Crescent Avenue Allendale, NJ 07401 REASON: Resident Rates (before June 20 th) apply, but the system mistakenly charged the higher Resident Rates for registration after June 20 th . Should have paid \$450 but instead paid \$490.	243262	\$40.00
Maureen Morrissey 10 Bonnie Way Allendale, NJ 07401 REASON: Resident Rates (before June 20 th) apply, but the system mistakenly charged the higher Resident Rates for registration after June 20 th . Should have paid \$200 but instead paid \$215.	242173	\$15.00
Dmitry Kostorev 223 Orchard Park Allendale, NJ 07401 (Billing Address: 55 Akers Avenue, Montvale, NJ 07645) REASON: Resident Rates (before June 20 th) apply, but the system mistakenly charged the higher Resident Rates for registration after June 20 th . Should have paid \$200 but instead paid \$215.	1117280	\$15.00
Kelly Cusato 202 Hillside Avenue Allendale, NJ 07401 REASON: Resident Rates (before June 20 th) apply, but the system mistakenly charged the higher Resident Rates for registration after June 20 th . Should have paid \$450 but instead paid \$490.	330574	\$40.00
Almida Zambrotta 13 Surrey Lane Allendale, NJ 07401 REASON: Resident Rates (before June 20 th) apply, but the system mistakenly charged the higher Resident Rates for registration after June 20 th . Should have paid \$330 but instead paid \$360.	735335	\$30.00
Brian Boyle 81 Bonnie Way Allendale, NJ 07401 REASON: Resident Rates (before June 20 th) apply, but the system mistakenly charged the higher Resident Rates for registration after June 20 th . Should have paid \$200 but instead paid \$215.	234848	\$15.00

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BERGEN COUNTY, NJ**

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Name/Address	Crestwood ID Number	Amount
Michelle Smigel 4 Butternut Road Allendale, NJ 07401 REASON: Resident Rates (before June 20 th) apply, but the system mistakenly charged the higher Resident Rates for registration after June 20 th . Should have paid \$450 but instead paid \$490.	408067	\$40.00
Machteld Hillen 34 Carteret Road Allendale, NJ 07401 REASON: Resident Rates (before June 20 th) apply, but the system mistakenly charged the higher Resident Rates for registration after June 20 th . Should have paid \$450 but instead paid \$490.	235158	\$40.00
Claire Houlihan 92 Bonnie Way Allendale, NJ 07401 REASON: Resident Rates (before June 20 th) apply, but the system mistakenly charged the higher Resident Rates for registration after June 20 th . Should have paid \$200 but instead paid \$215.	1570106	\$15.00
Sommer Forbes 6 Wilton Drive Allendale, NJ 07401 REASON: Resident Rates (before June 20 th) apply, but the system mistakenly charged the higher Resident Rates for registration after June 20 th . Should have paid \$450 but instead paid \$490.	1162028	\$40.00
Michael Hazen 56 Franklin Turnpike Allendale, NJ 07401 REASON: Resident Rates (before June 20 th) apply, but the system mistakenly charged the higher Resident Rates for registration after June 20 th . Should have paid \$390 but instead paid \$425.	247093	\$35.00
Vikas Maggon 39 Meeker Avenue Allendale, NJ 07401 REASON: Resident Rates (before June 20 th) apply, but the system mistakenly charged the higher Resident Rates for registration after June 20 th . Should have paid \$390 but instead paid \$425.	1570147	\$35.00

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

DATE: 06/30/2020

RESOLUTION# 20-166

Name/Address	Crestwood ID Number	Amount
Jacquelyn DiFrancesco 76 Farley Place Allendale, NJ 07401 REASON: Resident Rates (before June 20 th) apply, but the system mistakenly charged the higher Resident Rates for registration after June 20 th and system also allowed for incorrect membership registration. Should have paid \$510 but instead paid \$665.	903437	\$155.00
Gloria Dreyer 6 Butternut Road Allendale, NJ 07401 (Billing Address: 470 Knollwood Road, Ridgewood, NJ 07450) REASON: Resident Rates (before June 20 th) apply, but the system mistakenly charged the higher Resident Rates for registration after June 20 th . Should have paid \$390 but instead paid \$425.	621293	\$35.00
Lisa Ingrassia 210 Schuyler Road Allendale, NJ 07401 REASON: Teacher Resident Rate (before June 20 th) applies, but the system mistakenly charged the higher Family Resident Rate for registration after June 20 th . Should have paid \$150 but instead paid \$215.	233338	\$65.00
David Verbel 30 Carteret Road Allendale, NJ 07401 REASON: Resident Rates (before June 20 th) apply, but the system mistakenly charged the higher Resident Rates for registration after June 20 th and system also allowed for incorrect membership registration. Should have paid \$510 but instead paid \$555.	507579	\$45.00
Jennifer Goswami 356 East Allendale Road Allendale, NJ 07401 REASON: Resident Rates (before June 20 th) apply, but the system mistakenly charged the higher Resident Rates for registration after June 20 th . Should have paid \$390 but instead paid \$425.	1247043	\$35.00
Cindy Maher 2102 Freeman Way Allendale, NJ 07401 REASON: Resident Rates (before June 20 th) apply, but the system mistakenly charged the higher Resident Rates for registration after June 20 th . Should have paid \$200 but instead paid \$215.	1562441	\$15.00

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

DATE: 06/30/2020

RESOLUTION# 20-166

Name/Address	Crestwood ID Number	Amount
Nicole Weiss 84 Heather Court Allendale, NJ 07401	1090265	\$115.00
REASON: System allowed for incorrect membership registration, Family Resident Rates (before June 20 th) apply. Should have paid \$450.00 but instead paid \$565.00.		

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

Michelle Ryan
Acting Municipal Clerk

DRAFT

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

DATE: 06/30/2020

RESOLUTION# 20-167

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

**AUTHORIZE ADOPTION OF AN AMENDED
AFFORDABLE HOUSING SPENDING PLAN**

WHEREAS, regulations adopted by the New Jersey Council on Affordable Housing (COAH) require a municipality with an Affordable Housing Trust Fund to receive approval of a Spending Plan by COAH (and now by the Superior Court) prior to spending any of the funds in its trust fund; and

WHEREAS, these regulations require a Spending Plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds;
5. A schedule for the expenditure of all affordable housing trust funds;
6. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public-sector or nonprofit construction of housing;
7. A plan to spend the trust fund balance in accordance with the implementation schedule within the Spending Plan and approved by a settlement agreement;
8. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues are not sufficient to implement the Plan; and

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

DATE: 06/30/2020

RESOLUTION# 20-167

9. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, the Borough of Allendale has prepared an Amended Spending Plan consistent with the Borough's 2018 Third Round Housing Element and Fair Share Plan, the Settlement Agreement with Fair Share Housing Center, the Borough's June 2019 Certification filed with the Superior Court, and the Court's June 27, 2019 Final Judgment of Compliance and Repose.

NOW THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Allendale, County of Bergen, hereby adopts the June 2020 Amended Spending Plan attached hereto as committed to in its June 2019 Court Certification; and

BE IT FURTHER RESOLVED that the Borough of Allendale submits the adopted June 2020 Amended Spending Plan to the Special Master, FSHC and Court for review and to request that the Superior Court approve its June 2020 Amended Spending Plan via consent order with FSHC.

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

Michelle Ryan
Acting Municipal Clerk



Introduction

Allendale Borough's ("Borough") Third Round Housing Element and Fair Share Plan ("HEFSP") was certified by the Council on Affordable Housing ("COAH") on October 14, 2009 in accordance with the Fair Housing Act ("FHA") and COAH regulations. COAH approved the Borough's Third Round Spending Plan in 2009, and approved a spending plan amendment in 2010. On September 20, 2016, the Superior Court approved a second amendment to the Spending Plan to spend \$50,000 from the Borough's affordable housing trust fund toward the creation of the Eastern Christian Children's Retreat ("ECCR") group home at 135 West Crescent Avenue. The Court approved a third amendment to the Spending Plan on January 5, 2017 to spend \$20,000 of the Borough's trust fund toward the second ECCR group home at 200 West Crescent Avenue and \$325,000 toward the then proposed municipally sponsored development at 220 West Crescent Avenue. On May 30, 2019, the Borough amended its 2018 spending plan as part of its June 4, 2019 Certification addressing the Court's conditions of compliance set forth in the Court Order dated January 25, 2019. The Borough's amended May 2019 spending plan reflected that the Borough no longer intended to sponsor or direct trust funds towards affordable units at 220 West Crescent; instead, the Borough elected to grant a density bonus to a developer to construct an inclusionary development including very-low income family affordable rental units.

Ultimately, the Court approved the Borough's May 30, 2019 amended spending plan in its Final Order of Repose dated June 27, 2019. As part of its June 4, 2019 Certification to the Court, the Borough had committed to further amend its spending plan by the mid-point review date of July 1, 2020 to reflect a minimum 30-year subsidy for a very low-income three-bedroom family rental unit at the Bergen County United Way/Former Farm development ("Former Farm") to reflect the minimum 30-year affordability control period. This June 2020 spending plan addresses the Borough's 2019 commitment.

The Borough adopted a development fee ordinance on December 9, 1992, creating a dedicated revenue source for affordable housing. The ordinance was amended and approved by COAH in December of 2008 and amended again in October of 2018 to reflect the Court's jurisdiction as approved by the Court's 2019 JOR. The ordinance establishes the Borough's affordable housing trust fund for which this spending plan is prepared, and sets development fees at 1.5% and 2.5% of equalized assessed property value, for residential development and non-residential development, respectively.

Through January 31, 2020, the Borough has collected a total of \$3,999,237.89 in development fees, payments in-lieu of construction, interest, and other income. It has spent a total of \$3,791,426.60, leaving a balance of \$207,811.29. All development fees,



payments in-lieu of constructing affordable units on site, "other" income, and interest generated by the fees are deposited in separate interest-bearing affordable housing trust fund accounts in Lakeland Bank for affordable housing purposes. These funds shall be spent in accordance with *N.J.A.C. 5:93-8.16*, as described in the sections that follow.

In order to implement its prior Court-approved plans/spending plans, the Borough will expend an additional \$30,000 (for a total of \$50,000) from its trust fund for the constructed group home at 200 West Crescent Avenue pursuant to a June 2020 agreement with ECCR, and will expend up to \$311,443 toward the subsidy of a very low-income three-bedroom family rental unit at Former Farm to reflect the subsidy over a minimum 30-year affordability control period. Instead of using trust funds, capital reserves were allocated or will be allocated to rehabilitate units at Allendale Senior Housing. The trust funds that were going to be allocated toward those repairs will be reallocated to subsidize the very-low income family rental unit at Former Farm.

Per the Borough's Settlement Agreement with Fair Share Housing Center ("FSHC") dated September 15, 2017, the Borough received the Court's approval on June 27, 2019 that the expenditures of funds contemplated under the Borough's HEFSP and Spending Plans constitute "commitment" for expenditure pursuant to *N.J.S.A. 52:27D-329.2* and *-329.3*, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment approving the Borough's HEFSP and Spending Plan in accordance with the provisions of *In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563)*.

On June 27, 2019 the Borough received its Final Judgment of Compliance and Repose. As noted above, the Borough had committed to amend the 2019 Spending Plan by July 1, 2020. This June 2020 Amended Spending Plan acknowledges that rehabilitation funds designated for Allendale Senior Housing have come from or will come from capital reserves and not from the affordable housing trust fund as previously anticipated. This Spending Plan will instead commit the existing revenue and additional projected Third Round revenue towards the needed affordability assistance at Former Farm of up to \$311,443 over the minimum 30-year period for the very low-income unit subsidy.

Revenues for Certification Period

To calculate a projection of revenue anticipated during the period of Third Round Judgment of Repose ("JOR"), the Borough considered the following:



ALLENDALE BOROUGH | AMENDED SPENDING PLAN

Clarke Caton Hintz

- (a) Development fees:
1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
 2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
 3. Future development that is likely to occur based on historical rates of development.
- (b) Payment in lieu ("PIL"): \$0
Actual and committed payments-in-lieu ("PIL") of construction from developers. The Borough received \$2,542,486 from Garden Homes (aka The Whitney), Allendale Glen Estates, and other developments. Although the downtown overlay zones permit PILs, no additional revenues from PILs are expected over the Third Round JOR period.
- (c) Other funding sources: \$0
The Borough has previously collected funds from other sources, but does not anticipate future funds from this category at this time. Funds from other sources, include, but are not limited to the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, and proceeds from the sale of affordable units. All monies in the Affordable Housing Trust fund are anticipated to come from development fees and interest.
- (d) Projected interest: \$6,000
Based on the current average annual interest rate of less than 2% interest earned in recent years, and projected rates of development fee revenue, the Borough anticipates collecting \$6,000 in interest through 2025.



Source of Funds – Housing Trust Fund 2020 through 2025

Year	To Date	2020	2021	2022	2023	2024	2025	2020-2025 Total
Projected Residential Development	\$207,811.29 STARTING BALANCE (January 31, 2020)	\$29.1k	\$29.1k	\$29.1k	\$29.1k	\$29.1k	\$29.1k	\$174.6k
Projected Non-Residential Development		\$0k	\$0k	\$0k	\$6.5k	\$0k	\$0k	\$6.5k
Interest		\$1k	\$1k	\$1k	\$1k	\$1k	\$1k	\$6k
Total			30.1k	\$30.1k	\$30.1k	\$36.6k	\$30.1k	\$30.1k



ALLENDALE BOROUGH | SPENDING PLAN

Clarke Caton Hintz

Architecture

Planning

Landscape Architecture

The Borough projects a total of \$187,100 in revenue to be collected between January 2020 and July 2025, from residential and non-residential development fees and accrued interest. Development fees are projected based on historic development fee receipts and expected development patterns. Nearly all development fees received over the life of the trust fund have come from residential developments and additions. The projected residential development fee revenue reflects an average per-unit revenue of \$4,850 and assumes six (6) new units per year, based on certificates of occupancy for new single-family construction since 2007. The Borough expects future fee generating development to come in the form of additions and residential tear down/rebuilds. Although the Borough is not aware of any upcoming non-residential development, the Borough did recently receive limited non-residential development fees, thus, the spending plan assumes that at least one additional non-residential improvement might occur which would generate development fees.

The Borough's projected revenue amount of \$187,100, when added to Allendale's trust fund balance of \$207,811 as of January 31, 2020, results in an anticipated total revenue of \$394,911 available to fund and administer its affordable housing plan. All interest earned on the account shall be used only for the purposes of affordable housing.

Administrative Mechanism to Collect and Distribute Funds

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by the Borough:

(a) Collection of development fee revenues:

All collections of development fee revenues will be consistent with the Borough's most recently adopted Development Fee Ordinance.

(b) Distribution of development fee revenues:

The governing body reviews a spending request for consistency with the spending plan and adopts the recommendation by resolution.

The release of funds requires the adoption of the governing body resolution. Once a request is approved by resolution, the Chief Financial Officer releases the requested revenue from the trust fund for the specific use approved in the governing body's resolution.



Description of Anticipated Use of Affordable Housing Funds

(a) Affordability Assistance (N.J.A.C. 5:93-8.16(c))

The Borough is required to spend a minimum of 30 percent of development fee revenue and interest to render existing affordable units more affordable. At least one-third of that amount must be dedicated to very-low income households (i.e. households earning less than 30 percent of the regional median income) or to create very-low income units.

Projected minimum affordability assistance requirement

Actual development fees to date		\$1,133,869
Actual interest earned to date	+	\$154,014
Development fees projected 2020 - 2025	+	\$181,100
Interest projected 2020 - 2025	+	\$6,000
Total	=	\$1,474,984
30 percent requirement	x 0.30 =	\$442,495
Less Affordability assistance expenditures to date	-	\$545,000
PROJECTED MINIMUM Affordability Assistance Requirement	=	\$0
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement	÷ 3 =	\$0

Based on fees and interest collected to date, and projected revenues, and the Borough’s history of using affordable housing trust funds to create very-low income units and to render units more affordable, the Borough has no affordability assistance requirement to address. Notwithstanding, the Borough will make \$30,000 available for the constructed ECCR very-low income group home at 200 West Crescent Avenue to implement its prior Court-approved 2019 spending plan and will make available up to \$311,443 of trust funds available to subsidize a very low-income three-bedroom family rental unit at the Former Farm development. Pursuant to the June 2020 executed development agreement between the Borough and Bergen County United Way (“BCUW”) and Madeline Housing Partners, LLC (“Madeline”), the Borough will provide funds to



ALLENDALE BOROUGH | AMENDED SPENDING PLAN

Clarke Caton Hintz

BCUW/Madeline equal to the difference between the HUD rent for a three-bedroom unit affordable to households at 50% of regional median income and the HUD rent for a three-bedroom unit affordable to HUD's extremely low income households at 30% of regional median income (HUD's extremely low income definition corresponds to the NJ FHA's very low-income definition per N.J.S.A. 52:27D-329.1). Affordable rents for both income levels were previously calculated using the 2019 income limits published by HUD.

This spending plan commits funding for the very low-income unit subsidy not only through the end of the Third Round in 2025, but also through the minimum 30-year affordability control period.

The Borough has expended, and will continue to expend, more than the minimum required affordability assistance amount through the creation of a very low-income three-bedroom family rental unit at Former Farm, 18 very-low income units at Crescent Commons and ten (10) total very low-income group home bedrooms from the ECCR group homes at 135 West Crescent Avenue and 200 West Crescent Avenue (including the additional \$30,000 affordability assistance payment approved as part of the 2019 JOR for the group home constructed at 200 West Crescent Avenue and shown herein as well).

(b) Administrative Expenses (*N.J.A.C. 5:93-8.16(e)*)

The Borough may use affordable housing trust fund revenue for related administrative costs up to a 20 percent limitation pending funding availability after programmatic and affordability assistance expenditures. The Roberts Bill (P.L. 2008, c. 46), which was adopted on July 17, 2008, amended the FHA to differentiate between payments in-lieu of construction ("PILs") from development fees, among other things. Historically, municipalities counted PILs received prior to July 17, 2008 as revenues that can be spent toward administration, while subtracting past spending on RCA programs from the gross revenue basis of the administrative expenses cap calculation.



Projected Administrative Expenses

Development fees/interest collected through January 31, 2020		\$1,287,883
Payment-in-lieu of construction through July 17, 2008	+	\$1,842,486
Development fees projected 2020-2025	+	\$181,100
Interest projected 2020-2025	+	\$6,000
Less RCA Expenditures	-	\$240,000
Total	=	\$3,077,469
20 percent maximum permitted administrative expenses	x 0.20 =	\$615,493
Less administrative expenditures through 1/31/2020	-	\$562,025
Projected allowed administrative expenditures	=	\$53,468

The Borough projects that \$53,468 may be available from the affordable housing trust fund to be used for administrative purposes through 2025. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

- Borough Attorney, Engineer, Planner, and other consultant fees related to plan preparation and implementation.

(c) Rehabilitation

Allendale Senior Housing utilized capital reserves (not trust funds, as was originally planned) to renovate or repair at least one (1) major system in 15 of the 16 rental units. The 16th rental unit is newly converted and received a new construction credit. A total of \$184,890 of capital reserves was expended after April 1, 2010 and an additional \$84,600 capital reserves is anticipated to be expended on the repair or replacement of HVAC systems before July 2025. Thus, the Borough has addressed 15 of its 21-unit rehabilitation share at this time (completely fulfilling its rental rehabilitation requirements) and will rely on the HOME-funded County program for additional Third Round rehabilitations.

Expenditure Schedule

The Borough intends to use affordable housing trust fund revenues for affordability assistance through the creation of a very low-income special needs group home and



ALLENDALE BOROUGH | AMENDED SPENDING PLAN

through the subsidy of one (1) very-low income family rental unit at Former Farm and also for administration. Where applicable, the funding schedule below will parallel the implementation schedule set forth in the Housing Element and Fair Share Plan as modified herein and is summarized as follows.

Projected Expenditure Schedule 2020 Through 2025

Program	Units/ Bedrooms	2020- 2021	2022- 2023	2024- 2025	Total
Affordability Assistance					
<i>Very-Low group home - 200 W. Crescent Ave.</i>	5	\$30k	\$0	\$0	\$30k
<i>BCUW/Former Farm – very -low income 3-BR family rental unit</i>	1	\$103.8k	\$103.8k	\$103.8k	\$311.4k
Administration		\$17.8k	\$17.8k	\$17.8k	\$53.4k
TOTAL		\$151.6k	\$121.6k	\$121.6k	\$394.9k

Excess or Shortfall of Funds

The Borough has sufficient funds for the agreed-upon additional payment of \$30,000 (resulting in a total \$50,000 contribution by the Borough) to ECCR for the group home at 200 West Crescent Avenue. In the event of a shortfall of funds for the subsidy of a very-low income family 3-BR affordable rental unit at Former Farm, the Borough will adopt a revised resolution of intent to fund this affordable housing compliance mechanism.

Summary

The Borough intends to spend affordable housing trust fund revenues pursuant to the extant regulations governing such funds and consistent with the Borough’s 2018 Third Round Housing Element and Fair Share Plan, as modified by the 2019 Borough Certification to the Superior Court and resulting Third Round JOR dated June 27, 2019. The Borough had a balance of \$207,811 as of January 31, 2020. The Borough anticipates an additional \$187,100 in revenues before the expiration of its Third Round Judgment of Repose for a total of \$394,911. Although the Borough has exceeded its affordability



ALLENDALE BOROUGH | AMENDED SPENDING PLAN

assistance expenditure requirement through previous spending toward the creation of very low-income units (including five [5] units at the ECCR group home at 135 West Crescent Avenue, a prior \$20,000 payment for five [5] units at the ECCR group home at 200 West Crescent Avenue, 10 very-low income units at Orchard Commons and 18 very-low income units at Crescent Commons), at this time, the Borough desires to expend additional trust funds towards affordability assistance with the expenditure of \$30,000 of trust funds to further assist the (5) special needs very-low income bedrooms at 200 West Crescent Avenue and up to \$311,443 to subsidize the rent of a family three-bedroom unit to a very-low income level at Former Farm. The Borough may also expend up to \$53,468 of trust funds on administrative costs during the period of repose.

Spending Plan Summary

Revenues	
Balance as of January 31, 2020	\$207,811
Projected Revenue from 2020 through 2025	\$187,100
1. Development fees	+ \$181,100
2. Payments in lieu of construction	+ \$0
3. Other funds	+ \$0
Interest	+ \$6,000
Total Projected Revenue	= \$394,911
Expenditures	
Affordability Assistance	
<i>Very-Low income group home at 200 West Crescent Avenue</i>	- \$30,000
<i>Very-Low Income Family 3-BR Unit Subsidy - Former Farm</i>	- \$311,493
Administration	- \$53,468
Total Projected Expenditures	= \$394,911

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

DATE: 06/30/2020

RESOLUTION# 20-168

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

**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 Superior Court approved a Settlement Agreement between the Borough of Allendale, Bergen County, State of New Jersey 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 outlined the Borough's compliance mechanisms; and

WHEREAS, the Borough's Joint Land Use Board ("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 Borough Council endorsed the Plan on June 28, 2018 at a properly-noticed public meeting; and

WHEREAS, on May 30, 2019, the Borough prepared an amended spending plan as part of its June 4, 2019 Certification addressing the Court's conditions of compliance set forth in the Court Order dated January 25, 2019; and

WHEREAS, the Borough's amended May 2019 spending plan reflected that the Borough no longer intended to sponsor or direct trust funds towards affordable units at 220 West Crescent; instead, the Borough elected to grant a density bonus to a developer to construct an inclusionary development including very-low income family affordable rental units; and

WHEREAS, the Court approved the Borough's May 30, 2019 amended spending plan in its Final Order of Repose dated June 27, 2019; and

WHEREAS, as part of its June 4, 2019 Court Certification, the Borough had committed to further amend its spending plan by the mid-point review date of July 1, 2020 to reflect a minimum 30-year subsidy for a very low-income three-bedroom family rental unit at the Bergen County United Way/Former Farm development ("Former Farm") to reflect the minimum 30-year affordability control period; and

WHEREAS, the Borough has prepared an amended June 2020 spending plan to address the Borough's 2019 Court Certification commitment; and

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

DATE: 06/30/2020

RESOLUTION# 20-168

WHEREAS, the Borough's June 2020 Spending Plan allocates affordable housing trust funds as follows: \$30,000 payment (of a total \$50,000 payment) for a five (5) bedroom group home for adults with developmental disabilities operated by Eastern Christian Children's Retreat and up to \$311,443 toward the subsidy of a very low-income three-bedroom family rental unit at Former Farm to reflect the subsidy over a minimum 30-year affordability control period; and

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 creditworthiness of the various compliance techniques included in its Housing Element and Fair Share Plan as modified by the 2019 Borough Court Certification and in the June 2020 amended Spending Plan, the Borough must demonstrate adequate and stable funding sources; and

WHEREAS, since the Borough has secured 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 as modified by the 2019 Borough Court Certification and in the June 2020 amended Spending 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 within the timeframes required for compliance by the terms of the settlement agreement and Borough's June 27, 2019 Judgment of Compliance and Repose 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 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 per the Borough's June 2019 Certification submitted to the Superior Court.

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

1. The Borough desires to expend trust funds towards affordability assistance with the expenditure of \$30,000 (of a total contribution of \$50,000) to further assist the ECCR five (5) special needs very-low income group home bedrooms at 200 West Crescent Avenue and up to \$311,443 to subsidize the rent of a family three-bedroom unit to a very-low income level at Former Farm; and

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

DATE: 06/30/2020

RESOLUTION# 20-168

2. If the Borough cannot secure sufficient trust funds or financing to completely satisfy its affordable housing obligations, 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 and included in the Borough's 2018 Third Round Housing Element and Fair Share Plan as modified by the Borough's June 2019 Certification to the Superior Court.
3. 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 June 30, 2020.

Michelle Ryan
Acting Municipal Clerk

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

DATE: 06/30/2020

RESOLUTION# 20-169

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

**AUTHORIZE EXECUTION OF AFFORDABLE HOUSING AGREEMENT –
SUBSIDY AND DEED RESTRICTION OF A VERY-LOW INCOME THREE
BEDROOM RENTAL UNIT – 221 EAST CRESCENT AVENUE (BLOCK 506,
LOT 4.08) – BCUW MADELINE HOUSING PARTNERS, LLC**

WHEREAS, the Borough of Allendale (“Borough”), pursuant to its obligations under the provisions of the New Jersey Fair Housing Act and rules, regulations and other laws relating to same (the “FSHA”), seeks to enter into an agreement with a sponsor to provide a very-low income three-bedroom rental unit; and

WHEREAS, BCUW Madeline Housing Partners, LLC (“BCUW/Madeline”) has, or will, construct, develop and administer such a home at the property within the Borough known as Block 506, Lot 4.08 (the “Project”); and

WHEREAS, the Borough desires to satisfy a portion of the aforesaid obligations under the FSHA by entering into an agreement with BCUW/Madeline whereby BCUW/Madeline agrees to develop and administer the Project for and on behalf of the Borough to satisfy a portion of the Borough’s obligation to provide very low-income housing.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Acting Municipal Clerk, be and hereby are authorized to enter into and to execute, on behalf of the Borough, the agreement between Borough and BCUW/Madeline for the development and administration of the Project, the form of such agreement being attached to this Resolution (the “Agreement”), and that the Mayor, the Acting Municipal Clerk and Borough Counsel are further authorized to take all other necessary and proper actions for the execution and implementation of the Agreement.

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

Michelle Ryan
Acting Municipal Clerk

AFFORDABLE HOUSING AGREEMENT

Between the Borough of Allendale and BCUW Madeline Housing Partners, LLC
Regarding the Subsidy and Deed Restriction of a Very-Low Income Three-Bedroom Rental Unit
at Former Farm

June __, 2020

THIS AFFORDABLE HOUSING AGREEMENT (“**Agreement**”) is made on this _____ day of June, 2020 by and between **BCUW Madeline Housing Partners, LLC**, a non-profit corporation of the State of New Jersey, with offices at 6 Forest Avenue, Paramus, NJ 07652 (“**BCUW/Madeline**”) and the **Borough of Allendale**, a municipal corporation of the State of New Jersey, with offices at 500 West Crescent Avenue, Allendale, New Jersey 07401 (the “**Borough**” and/or “**Allendale**”).

RECITALS

1. The New Jersey Supreme Court and the New Jersey Legislature have determined in Southern Burlington County NAACP v. Mount Laurel, 92 N.J. 158 (1983) (“**Mount Laurel II**”) and the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 *et seq.* (“**FHA**”) that all municipalities in New Jersey have an ongoing obligation to facilitate the provision of affordable housing in the housing region in which the community is located.

2. To establish the Borough’s Third Round fair share obligation and preliminary compliance mechanisms, Allendale Borough entered into a settlement agreement with Fair Share Housing Center (“**FSHC**”) which was fully executed on September 15, 2017 (“**Allendale/FSHC Agreement**”). The Allendale/FSHC Agreement was approved by the Superior Court by Order dated January 10, 2018 and said agreement requires the provision of two (2) affordable family rental units on the Former Farm site.

3. On June 20, 2018, the Borough adopted a Housing Element and Fair Share Plan (“Plan”) to implement the Court-approved Allendale/FHSC Agreement. The Borough Plan was endorsed by the Borough’s governing body on June 28, 2018. As means to address the Borough’s Third Round realistic development potential (“RDP”), the Borough’s Plan includes the Former Farm inclusionary development site to produce two (2) affordable family rental units as three-bedroom single-family detached affordable housing units to be administered by BC UW/Madeline.

4. The Borough’s Plan was reviewed at a Court Compliance Hearing held on November 29, 2018 and on January 25, 2019, the Borough received a Judgment of Mount Laurel Compliance and Repose with Conditions from the Superior Court. One of the conditions in the Court Order was for the Borough to address the New Jersey statutory very-low income family housing requirements (affordable to a household earning no greater than 30% of regional median income) and priced at a rent no greater than 30% of regional median income as set forth in the Court-approved Allendale/FSHC Agreement.

5. In order to address the Court’s requirement, the Borough committed to the creation of one (1) very-low income (at 30% of regional median income), three-bedroom family affordable rental unit as part of its June 4, 2019 Court Certification. Specifically, the Certification stated that the Borough will create one (1) very-low income family affordable rental unit (at 30% of regional median income) from one (1) of the two (2) affordable family rental units constructed on the site. Thus, instead of having one (1) HUD-funded unit priced for a household earning no more than 50% of regional median income and one (1) HUD-funded unit priced for a household earning no more than 60% of regional median income, BC UW/Madeline

will agree to provide one (1) very-low income unit (at 30% of regional median income) and one (1) HUD-funded unit at 60% of regional median income.

6. On June 27, 2019, the Borough received its Final Judgment of Compliance and Repeal.

7. As part of its June 4, 2019 Court Certification, the Borough also committed to further amend its spending plan by the mid-point review date of July 1, 2020 to reflect a minimum 30-year subsidy for a very low-income three-bedroom family rental unit (at 30% of regional median income) at the BCUW/Madeline Former Farm inclusionary development ("Former Farm") to reflect the minimum 30-year affordability control period. The Borough has prepared a revised spending plan, dated June 2020, to address the Borough's 2019 commitment.

8. The very-low income requirements of the Uniform Housing Affordability Controls ("UHAC") have been superseded by the statutory requirements for very-low income housing as set forth at N.J.S.A. 52:27D-329.1. Thus, the statutory requirement for very-low income housing to serve households with incomes no greater than 30% of the regional median income replaces the UHAC requirement for very-low income households to be served at incomes of 35% of the regional median income.

9. As approved by the Court, both affordable family three-bedroom rental units at Former Farm will have a preference for veterans and their families per N.J.S.A. 52:27D-311.j.

10. BCUW/Madeline is a non-profit affordable housing developer that purchases, develops, constructs and renovates properties to create affordable homes as defined by the New Jersey Council on Affordable Housing ("COAH") at N.J.A.C. 5:93-1.3, 5.3 new construction and 5.6 inclusionary development.

11. Municipalities are permitted to credit each affordable home against their affordable housing obligations pursuant to N.J.A.C. 5:93-5.3 and 5.6.

12. To create one (1) very-low income three-bedroom family rental unit (at 30% of regional median income), the Borough desires to provide a rental subsidy to BCUW/Madeline to subsidize the rent of one (1) of the affordable family rental units at the property in Allendale that is shown as designated on the community tax map as Block 506, Lot 4.08, which is commonly known as 221 East Crescent Avenue (the “**Property**”) to assist BCUW/Madeline in the long-term financial subsidy and administration of a three-bedroom single family affordable unit of housing with a preference for military veterans and their families on the Property. BCUW/Madeline asserts that HUD financing (through Bergen County HOME funds) was previously granted for this affordable unit to house an income-eligible household at 50% of regional median income and for a rent to be set at 50% of regional median income, thus, BCUW/Madeline is in need of an ongoing monthly subsidy in order to write down the rent permitted to be charged for a very-low income rent no greater than 30% of regional median income. The amount of the rent subsidy shall be the difference between the “50% rent” and the “30% rent” on an annual basis for a period of at least 30 years. Specifically, the difference is between the ‘net’ rent at 50% of the regional median income and the ‘net’ rent at 30% of the regional median income (net rent is gross monthly HUD rent less the monthly HUD utility allowance).

13. BCUW/Madeline constructed the three-bedroom rental home reserved for occupancy by a HUD household at 50% of regional median income with a preference for military veterans and their families. BCUW/Madeline received a certificate of occupancy (c.o.) for the home from the Borough on December 4, 2019. BCUW/Madeline will accept the Borough

rental subsidy to assist the Borough in addressing the very low income housing obligations at 30% of regional median income pursuant to P.L. 2008 c.46 at N.J.S.A. 52:27D-329.1. BCUW/Madeline attests that the current household residing in 221 East Crescent Avenue is a qualified, income-eligible household earning no more than 30% of regional median income.

14. The Borough Council adopted Resolution No. _____ on June 30__, 2020 approving an annual rent subsidy to BCUW/Madeline, on the condition that BCUW/Madeline deed restrict and administers the affordable family rental housing on the Property in accordance with this Agreement.

15. The Borough desires to enter into this Agreement with BCUW/Madeline to document its commitment to meet its affordable housing obligations generally and BCUW/Madeline's commitment that one (1) three- bedroom unit will be reserved for "very low income" households earning no more than 30% of regional median income with a preference for military veterans and their families and will comply with COAH's rules and UHAC regulations codified at N.J.A.C. 5:80-26.1, *et seq.* (with the one exception to UHAC 'very-low' regulations noted above) such that the Borough is entitled to take full credit for the unit against its fair share obligation.

16. It is the Borough's intent to commence the obligation of the aforesaid rent subsidy to BCUW/Madeline at such time as both the following acts have occurred:

- (a) BCUW/Madeline records the required UHAC Covenant and Restriction in a form reasonably satisfactory to the Borough, (the "Deed Restriction") against the Property in accordance with the NJ statutory requirement for very-low income housing to be reserved for households with incomes of no more than 30% of the regional median income and at a rent set no higher than at 30% of

the regional median income and with all other UHAC regulations including imposing required affordability controls for a term of at least 30 years such that the Borough is entitled to take full credit for the affordable unit against its fair share obligation; and

(b) BCUW/Madeline certifies to the Borough the income of the existing household occupying the Property at 221 East Crescent Avenue at a level no greater than 30% of regional median income in 2019 (the year the unit's rent was established), that BCUW/Madeline initially implemented affirmative marketing efforts addressing HUD/HOME Program requirements for the Property, and BCUW/Madeline provides the stated new 'net' rent to be charged the existing very-low income household (which earns no more than 30% of the regional median income) which shall not exceed a rent set at 30% of regional median income.

17. At the request of the Borough, BCUW/Madeline shall agree to extend the affordability controls on the rental home so as to permit an additional 30-year period of control after the initial 30-year affordability control period.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties hereto agree as follows:

SECTION I

INCORPORATION OF RECITALS

The recitals set forth above are incorporated and adopted by reference herein as if set forth herein at length.

SECTION II

PURPOSE OF AGREEMENT AND BOROUGH TRUST ACCOUNT EXPENDITURE TO SUBSIDIZE AND PARTIALLY FUND OPERATING EXPENSES

The express purpose of this Agreement is for BCUW/Madeline to deed restrict and administer one (1) three-bedroom home for very-low income households earning no more than 30% of regional median income with a preference for military veterans and their families located at 221 East Crescent Avenue, Allendale, New Jersey and to ensure the unit will be compliant with all regulations adopted by COAH and UHAC with the very-low income exception noted above such that the units may be credited against the Borough of Allendale's fair share obligation, specifically to address the NJ statutory requirements for the provision of very-low income family housing at 30% of regional median income.

The Borough shall contribute an annual rent subsidy to BCUW/Madeline for the provision of one (1) very-low income affordable housing unit at 30% of regional median income specifically to address the statutory requirements of very-low income housing per N.J.S.A. 52:27D-329.1. The very-low income units shall be reserved for very-low income households with a preference for military veterans and their families whose income does not exceed 30% of the regional median income.

BCUW/Madeline agrees that it will execute the Deed Restriction to be filed by BCUW/Madeline in the Bergen County Clerk's Office imposing minimum 30-year affordability controls in accordance with UHAC regulations (with the very-low income exception such that the unit will be restricted to households at 30% of the regional median income) in order that the Borough can secure confirmation that the one (1) very-low affordable unit at 30% of the regional median income can be credited against the Borough's fair share obligation. The form of the Deed Restriction shall be in accordance with the sample Covenants and Restrictions that are

appended to the UHAC regulations and which must be reviewed and approved in advance by the Borough Attorney.

BCUW/Madeline agrees that it will certify to the Borough the income of the existing household occupying the Property at 221 East Crescent Avenue to show that it is at a level no greater than 30% of regional median income in 2019 (the year the unit's rent was established), that it will certify that BCUW/Madeline initially implemented affirmative marketing efforts addressing HUD/HOME Program requirements for the Property prior to the initial occupancy, and BCUW/Madeline shall certify to and provide the stated new 'net' rent to be charged the existing very-low income household (which earns no more than 30% of the regional median income) which shall not exceed a rent set at 30% of regional median income

BCUW/Madeline agrees to prepare and execute such certification and agrees to submit such executed certification to the Borough (1) within five (5) days of the date this Agreement is fully executed and (2) prior to the Borough executing the Deed Restriction and delivering same to BCUW/Madeline.

BCUW/Madeline agrees to execute said Deed Restriction and submit such executed Deed Restriction to the Borough within 5 days of the execution of this Agreement. BCUW/Madeline agrees to record said Deed Restriction within five (5) days of its receipt of the original, fully executed Deed Restriction.

SECTION III

FULL COMPLIANCE WITH COAH'S RULES AND UHAC

As set forth in SECTION II (above), BCUW/Madeline agrees to record the required Deed Restriction within five (5) days of its receipt of the original, fully executed Deed Restriction. Upon filing of the Deed Restriction, BCUW/Madeline agrees to comply with the UHAC

regulations (with the very-low income exception such that the unit will be restricted to households at 30% of the regional median income) and COAH's rules in all respects including, but not limited to, affirmative marketing, income qualification and BCUW/Madeline expressly agrees that one (1) three-bedroom home will be reserved for occupancy by a very low income household with a preference for military veterans and their families as that term is defined in the NJ Fair Housing Act. BCUW/Madeline agrees to retain its own COAH-qualified and certified Administrative Agent at its cost and expense to implement and monitor its affordable housing program for the very low income rental home at 30% of regional median income. The BCUW/Madeline Administrative Agent shall provide all information and documentation necessary for the Borough to complete annual Court monitoring forms and verify information contained therein. BCUW/Madeline shall submit monitoring forms within 30 days of the Borough's request.

SECTION IV

DEFAULT

In the event of default by BCUW/Madeline of any of its obligations herein, the Borough shall be permitted to avail itself of all remedies provided in law or equity, including specific performance.

SECTION V

NOTICES

All notices required under this Agreement shall be in writing and shall be given by certified mail, return receipt requested, or by recognized overnight personal carriers with certified proof of receipt, and by duplicate facsimile transmission if under 25 pages. All notices shall be deemed received upon the date of delivery which is set forth in the mailing certifications by the mail or delivery services used, and all times for performance based upon such notice shall

be from the date set forth in such proof of delivery. The persons and entities to receive notice shall be as follows:

To the Borough of Allendale: Borough Clerk
Borough of Allendale
Municipal Building
500 West Crescent Avenue
Allendale, NJ 07401

With Copy To: Raymond R. Wiss, Esq.
Wiss & Bouregy, PC
345 Kinderkamack Road
Westwood, NJ 07675

To BCUW/Madeline: BCUW Madeline Housing Partners, LLC
6 Forest Avenue
Paramus, NJ 07652
Attn: Thomas Toronto

With Copy To: Shari DePalma
Madeline Corporation
555 10th Street
Palisades Park, NJ

SECTION VI

MISCELLANEOUS

(a) **Captions.** Captions and titles to this Agreement are inserted for the purpose of convenience and reference only, and are in no way to be construed as limiting or modifying the scope and intent of the various purposes and provisions of this Agreement.

(b) **Cooperation.** The parties expressly agree to cooperate with each other in order to effectuate and carry out the purposes of this Agreement, the Borough’s Housing Element and Fair Share Plan, the Mount Laurel doctrine, the FHA, COAH’s Rules, and the UHAC regulations. BCUW/Madeline further agrees to participate in any proceedings before the Court as the Court may request.

(c) **Waiver.** Each of the parties waives all rights to challenge the validity and enforceability of this Agreement. Failure to enforce provisions or obligations in this Agreement by any party shall not be construed as a waiver of these provisions and obligations.

(d) **Entire Agreement.** This Agreement and its prefatory statements and recitals constitute the entire agreement between the parties. No representative, agent or employee of any party has been authorized to make any representation and/or promises that are not contained herein or to otherwise modify, amend, vary or alter the terms hereof except as stated herein. No modifications, amendments, variations or alternations shall be binding unless reduced to writing and signed by the parties.

(e) **Validity.** In the event that one or more of the provisions of this Agreement shall be held to be invalid, unenforceable or void, the parties shall within thirty (30) days of such determination, attempt to restructure this Agreement consistent with its underlying intent. If the parties fail to resolve such a restructuring, any party may seek Court review and a ruling to restructure the Agreement in a legally acceptable manner reflecting the underlying intent of the parties as expressed herein.

(f) The parties agree that any presumption for resolving ambiguities against the drafter shall not apply.

(g) **Counterpart Signature.** This Agreement may be executed simultaneously or in one or more counterparts, each of which, when so executed and delivered, shall constitute an original, fully enforceable counterpart for all purposes. Facsimile counterparts shall be accepted and enforceable. Immediately upon the delivery of a facsimile counterpart, the sending party shall deliver a counterpart with the original execution page.


(h) **Recordation.** This Agreement may be filed and recorded with the Bergen County Clerk by either the Borough or BCUW/Madeline.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year appearing below their names.

Attest:



BCUW Madeline Housing Partners, LLC

By: 
_____ Thomas Toronto,

Date: June 22, 2020

Attest:

Clerk

**Borough of Allendale
A Municipal Corporation of the
State of New Jersey**

By: _____
Ari Bernstein, Mayor

Date: _____

[SEAL]

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

DATE: 06/30/2020

RESOLUTION# 20-170

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

**AUTHORIZATION FOR THE BOROUGH OF ALLENDALE TO EXECUTE
AND FILE AN AFFORDABLE HOUSING DEED RESTRICTION FOR
223 EAST CRESCENT AVENUE, BLOCK 506 LOT 4.07**

WHEREAS, the Borough of Allendale (the “Borough”) has or will, as part of its Affordable Housing obligations, enter into an agreement (the “Agreement”) with BCUW Madeline Housing Partners, LLC (“BCUW/Madeline”) to develop/sponsor a residential moderate-income family rental project located at 223 East Crescent Avenue, Allendale, New Jersey (Block 506, Lot 4.07); and

WHEREAS, pursuant to said Agreement and applicable provisions of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et. seq., a deed restriction (the “Deed Restriction”) setting forth the affordability controls and control period is to be executed by the Borough and BCUW/Madeline, and thereafter filed with the Bergen County Clerk;

IT IS HEREBY RESOLVED that the Mayor and the Acting Municipal Clerk be and hereby are authorized to execute the Deed Restriction in such form as has been approved by the Borough Attorney, and

IT IS FURTHER RESOLVED that the Borough Attorney be and hereby is authorized to file the fully executed Deed Restriction with the Bergen County Clerk.

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

Michelle Ryan
Acting Municipal Clerk

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

DATE: 06/30/2020

RESOLUTION# 20-171

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

**AUTHORIZATION FOR THE BOROUGH OF ALLENDALE TO EXECUTE
AND FILE AN AFFORDABLE HOUSING DEED RESTRICTION FOR
221 EAST CRESCENT AVENUE, BLOCK 506 LOT 4.08**

WHEREAS, the Borough of Allendale (the “Borough”) has or will, as part of its Affordable Housing obligations, enter into an agreement (the “Agreement”) with BCUW Madeline Housing Partners, LLC (“BCUW/Madeline”) to develop/sponsor a residential moderate-income family rental project located at 221 East Crescent Avenue, Allendale, New Jersey (Block 506, Lot 4.08); and

WHEREAS, pursuant to said Agreement and applicable provisions of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et. seq., a deed restriction (the “Deed Restriction”) setting forth the affordability controls and control period is to be executed by the Borough and BCUW/Madeline, and thereafter filed with the Bergen County Clerk;

IT IS HEREBY RESOLVED that the Mayor and the Acting Municipal Clerk be and hereby are authorized to execute the Deed Restriction in such form as has been approved by the Borough Attorney, and

IT IS FURTHER RESOLVED that the Borough Attorney be and hereby is authorized to file the fully executed Deed Restriction with the Bergen County Clerk.

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

Michelle Ryan
Acting Municipal Clerk

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

DATE: 06/30/2020

RESOLUTION# 20-172

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

**GRANTEE AUTHORIZING RESOLUTION
COUNTY OF BERGEN 2018 OPEN SPACE TRUST FUND –
REPURPOSE GRANT CONTRACT 1900036**

BE IT RESOLVED, that the Mayor and Council of Borough of Allendale wish to enter into a Bergen County Trust Fund Project Contract (“Contract”) with the County of Bergen for the purpose of using a \$75,000.00 matching grant award from the 2018 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (“Trust Fund”) for the municipal park project entitled Crestwood Lake Playground Improvements, located in Block 1003, Lot 6, on the tax maps of the Borough of Allendale;

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Ron Kistner to be a signatory to the aforesaid Contract; and,

BE IT FURTHER RESOLVED, that the Mayor and Council hereby acknowledge that, in general, the use of this Trust Fund grant towards this approved park project must be completed by or about March 6, 2021; and,

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment, and other such documents as may be required by the County in accordance with the Trust Fund’s requirements; and,

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant disbursement to the municipality will be equivalent to fifty (50) percent of the eligible construction costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund’s requirements. Professional Services Costs may be reimbursed from grant award’s unexpended balance, should there be a balance.

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

Michelle Ryan
Acting Municipal Clerk