NOVEMBER 21, 2017

The Regular Meeting of the Governing Body of the Borough of Bloomingdale was held on the above date in the Council Chambers of the Municipal Building, 101 Hamburg Turnpike, Bloomingdale, NJ. Mayor Dunleavy called the meeting to order at 7:09 p.m.

## SALUTE TO THE AMERICAN FLAG

Mayor Dunleavy led the Salute to the Flag.

## ROLL CALL

*In Attendance:* Mayor: Jonathan Dunleavy

 Council Members: Anthony Costa

John D’Amato

Richard Dellaripa

Dawn Hudson

Michael Sondermeyer

Ray Yazdi

*Others Present:* Municipal Clerk: Jane McCarthy, RMC

Tax Office Asst: Breeanna Calabro
Borough Attorney: Fred Semrau, Esq.

**PUBLIC NOTICE STATEMENT**

Mayor Dunleavy stated that adequate notice of this meeting was posted in the Bloomingdale Municipal Building and provided to The Suburban Trends; The North Jersey Herald & News; and all other local news media on December 28, 2016.

**NON-AGENDA ITEM**

Mayor stated that we have two Non-Agenda items:

* Authorization of a mutual aid agreement with the Township of Wayne for Animal Control Services
* Authorization for membership on Bloomingdale Fire Department; K. Legrand

**PUBLIC HEARING ON NOTICE OF UNSAFE STRUCTURE; 45 BUENA VISTA WAY**

At this time, Mayor Dunleavy referred to a Notice of Unsafe Structure and an Order to repair or remove for the property known as 45 Buena Vista Way in Bloomingdale; Block 4085 and Lot 39.

DANIEL HAGBERG

Construction Official

MAUREEN Depascale

Technical Assistant

Phone:973-838-7995 Fax: 973-838-5790

Code Enforcement Department Building

Plumbing Electrical

Fire Protection Zoning

6 November 2017

Mr. Michael Finklestein Stonefield Investments 21 Robert Pitt Dr. # 207

Monsey, NY 10952

NOTICE OF UNSAFE STRUCTU RE ORDER TO REPAI R OR REMOV E HEARING NOTICE

Property known as 45 Buena Vista Way, Bloomingdale, NJ Block 4085 Lot 39

Mr. Finklestein:

This office recently inspected the property and structures at 45 Buena Vista Way, Bloomi ngdale, NJ. It appears that the detached garage is in imminent hazard of collapse and the principal building is unsafe.

Pursuant to Borough ordinance l l -3.2a- A building or structure or any part thereof shall be considered unsafe to l ife and health or unsafe to adjourning properties when the same is dangerous by reason of:

I . The bad conditions of its walls.

2. Its defective construction

1. Its lack of sanitary facilities and Jack of ventilation or lights.
2. Its dilapidated condition.
3. Its defects increasing the hazards of fire.
4. Its disrepair.

Borough ordinance 1 1-3.4 Service of Written Complaint; Contents; Hearing. The Construction Official has reason to believe that this property, specifically the detached garage and principle building is unsafe as set forth in subsection I 1-3.2a and has hereby issued a written complaint to be served upon the owner of the building or structure.

Pursuant to Borough ordinance 1 1-3.4 a notice of hearing has been scheduled for November 21, 2017 at 7:00pm in the Bloomingdale Borough Hall, 101 Hamburg Turnpike, Council chambers before Mayor and Council. The owner and parties of interest shall have the right to file an answer and to appear in person or otherwise and give testimony at this time.

The Construction Official declares that the detached garage and principle structure are unsafe and dangerous by reason of the conditions as set forth in Borough ordinance 11-3.2a Standards as stated above.

Daniel Hagberg Construction Official

At this time, Construction Official Dan Hagberg was in attendance and outlined for the Mayor and Council all the documents which he prepared for this hearing this evening in regard to the Order to Repair or Remove the property at 45 Buena Vista Way.

Mr. Hagberg presented various pictures as to the disrepair, health issues and conditions of the property and noted that the Property Maintenance Officer and Borough Engineer were on site as to the condition of the property. The imminent hazard is the shed at the front of the house and it is uninhabitable and he recommends that all buildings on the property be demolished.

The current property owners started to clean up the property but have stopped.

It was noted that we did not get any response from the current owner as to the hearing this evening; it was posted and certified mailed. Construction Official is asking the Mayor and Council to move forward with his recommendation and demolish the accessory structures and work to proceed with the demolition of the house.

Discussion as to whether there is a septic system their or tanks. Various recommendations were made as to securing property and demolishing garage at this point. Borough Engineer will come and take a close look at the primary structure.

(Councilman Yazdi entered at this time, 7:35 p.m.)

Concern expressed to have it deemed safe enough for our own DPW to go in there and do the work.

Construction Official will talk to the board of health about septic and well.

Borough Attorney will prepare a notice to put them on notice as to the Public Hearing recommendations.

***Adoption of Resolution No. 2017-11.8: Repair or removal of the structures located on* premises known as 45 Buena Vista Way**

Councilwoman Hudson offered the following Resolution and moved for its adoption:

**RESOLUTION #2017-11.8**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***Ordering the repair or removal of the structures located on the premises known as 45 Buena Vista Way in the Borough of Bloomingdale also known as Block 4085, Lot 39***

***WHEREAS,*** the Borough of Bloomingdale Construction Official, pursuant to Ordinance 11-3-2a of the Borough Code, had duly noticed the property owners of the premises that a public hearing was scheduled seeking an order from the Borough Council to declare the property of it as an unsafe structure as well as an Order to repair or remove the improvements on the premises. In the alternative, the Construction Official also seeks a declaration that the garage and principal structure are unsafe and dangerous by reasons of the conditions set forth in the Borough Code Section 11-3; and

***WHEREAS***, the property owner was duly noticed and a hearing was conducted before the Mayor and Council of the Borough of Bloomingdale on November 21, 2017 at 7pm; and

***WHEREAS***, the Construction Official presented various evidence including photographs, documentation, in addition to testimony regarding the depleted condition of the improved structures on the premises of the property; and

***WHEREAS***, the Construction Official, pursuant to Borough Ordinance 11-3.2a set forth numerous reasons and testimony in support of his recommendation to declare the property as an unsafe structure inclusive of the following conditions: the walls on the premises, defective construction, lack of sanitary facilities, dilapidated condition, defects increasing the hazards of fire and disrepair; and

***WHEREAS***, the Governing Body questioned the Construction Official, Daniel Hagberg, further regarding his testimony whereby members of the public were permitted to comment and the property owner or interested party failed to appear nor did they respond to the complaint in any manner; and

***WHEREAS***, at the conclusion of the hearing the Mayor and Council made certain determinations in the following manner:

***NOW, THEREFORE, BE IT RESOLVED*** by the Council of the Borough of Bloomingdale, County of Passaic, State of New Jersey as follows: pursuant to Borough Ordinance 11-3 et al, the structures on the premises known as 45 Buena Vista Way also known as Block 4085, Lot 39 in the Borough of Bloomingdale are hereby ordered to be either repaired or demolished.

***BE IT FURTHER RESOLVED*** that the Council pursuant to Section 11-3.5 and 11-3.6 hereby issues an order of repair or removal of the structure and the Construction Official will proceed to take necessary steps to evaluate the cost of demolition and if it meets the requirements of the Borough Code, proceed in that fashion after due notice and a lien shall be placed on the premises for the removal of the structure.

***BE IT FURTHER RESOLVED*** that in the event the Borough Engineer is of the opinion that the premises in question are unsafe or eminent hazards, pursuant to Section 11-3.8 of the Borough Code, then the Construction Official is authorized to take necessary action to immediately remove the structures on the premises in question and place a lien on the property for reimbursement of such costs.

***BE IT FURTHER RESOLVED*** that a copy of this resolution shall be served upon the property owner of the premises known as 45 Buena Vista Way, Bloomingdale New Jersey.

Councilman Costa seconded the motion.

At this time, Borough Attorney asked again if anyone was here representing Stonefiled Investments for 45 Buena Vista Way. There was no one who came forward.

The motion carried as per the following roll call: Council Members: Costa; D’Amato; Dellaripa; Hudson; Sondermeyer and Yazdi all YES.

**EARLY PUBLIC COMMENT**

Councilman D’Amato opened the meeting to Early Public Comment; seconded by Councilman Yazdi and carried on voice vote.

David Struble, 15 Mary Street, spoke in regard to his roadway and fact that it is a dirt road and wanted to know if something can be done by the Borough to pave it.

Mayor noted that Mr. Struble discussed this with him back in 2013. DMC did a survey back until 1959 which did not provide the written description that Lot 605 was merged.

Mr. Kochka sold the property to Mr. Struble in 2004; they wanted the Borough to transfer the easement lot to the Borough; Borough did not retain the title. People in the area do have parking on Vreeland. If we assume it, we assume the liability.

Mayor stated that a decision will not be made this evening; we will look at it to see if there is anything we are willing to do. We may discuss it in executive session this evening.

Since there was no one else who wished to speak, Councilman Costa moved that the Early Public Comment be closed; seconded by Councilwoman Hudson and carried on voice vote.

**REPORTS OF PROFESSIONALS, DEPARTMENT HEADS, COMMITTEES, LIAISONS AND MAYOR’S REPORT**

**Municipal Elections**

Congratulations to Councilmen D’Amato and Yazdi for being the successful candidates in the November General Election for another three year term.

**100th Anniversary Book**

Councilman D’Amato stated that there is a meeting every two weeks and we are going over the 75th Anniversary book to update for the 100th Anniversary.

We will be interviewing two residents who have lived her a long time, Mr. Shorter and Mr. Crum as to their memories of the Borough.

**APPROVAL OF CONSENT AGENDA**

Councilman Dellaripa offered the Following Consent Agenda and moved for its adoption including Resolutions No. 2017-11.9 through No. 2017-11.14:

1. Approval of Mayor and Council Minutes: Work Session October 3, 2017 and November 1 2017; Special Meeting October 30, 2017 and Regular Meeting October 17, 2017
2. Adoption of Resolution No. 2017-11.9 Authorizing Veteran Exemption
3. Approval for membership Bloomingdale Fire Dept. Jack Weinberg
4. Acceptance of resignation of Matt Zaccone as a member of the Economic Development Commission
5. Adoption of Resolution No. 2017-11.10: Reauthorizing 2% Salary Increase for all Department Heads and Non-contractual Employees
6. Adoption of Resolution No. 2017-11.11: Authorizing the hiring of Nicole Stewart as part-time Animal Shelter Attendant
7. Adoption of Resolution NO. 2017-11.12: Authorizing Town wide Garage Sale approval 4/29/2018 (rain date 4/30/2018); authorization to waive fee
8. Adoption of Resolution NO. 2017-11.13: Authorizing Peddlers Permit Application for Bloomingdale Fire Dept. to sell Christmas Trees 12/8, 9 and 10; authorization to waive fee
9. **Adoption of Resolution No. 2017-11.14: Authorizing Treatment Works Approval Application for 144 Pine Tree Road**
10. **Acceptance of notice of retirement of Pamela Esteves with regret as Part-time Registrar of Vital Statistics**

Councilman Costa seconded the motion and it carried as per the following roll call: Council Members: D’Amato; Dellaripa; Hudson; Sondermeyer; Yazdi \* (Councilman Yazdi abstained on Resolution No. 2017-11.10: Salary Resolution and Costa all YES

**PENDING ITEMS**

1. **Second and final reading and Public Hearing of Ordinance No. 21-2017: Cablevision Franchise Renewal**

**AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE BOROUGH OF BLOOMINGDALE, NEW JERSEY TO CSC TKR, LLC D/B/A CABLEVISION OF RARITAN VALLEY** was given second and final reading and Public Hearing at this time.

Public statement notice read by Municipal Clerk

The Municipal Clerk read the ordinance by title

**ORDINANCE NO. 21-2017**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

**AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE BOROUGH OF BLOOMINGDALE, NEW JERSEY TO CSC TKR, LLC D/B/A CABLEVISION OF RARITAN VALLEY**

**WHEREAS**, the governing body of the Borough of Bloomingdale (hereinafter referred to as the “Borough”) determined that Cablevision of Oakland, LLC, (hereinafter referred to as “the Company” or “Cablevision”) had the technical competence and general fitness to operate a cable television system in the Borough, and by prior ordinance granted its municipal consent for Cablevision to obtain a non-exclusive franchise (the “Franchise”) for the placement of facilities and the establishment of a cable television system in the Borough; and

**WHEREAS**, by application for renewal consent filed with the Borough and the Office of Cable Television on or about May 22, 2017, Cablevision has sought a renewal of the Franchise; and

**WHEREAS**, the Borough having held public hearings has made due inquiry to review Cablevision’s performance under the Franchise, and to identify the Borough‘s future cable-related needs and interests and has concluded that Cablevision has substantially complied with its obligations under the Franchise and applicable law and has committed to certain undertakings responsive to the Borough’s future cable-related needs and interests;

**WHEREAS**, the governing body of the Borough has accordingly concluded that the consent should be renewed subject to the requirements set forth below; and that, provided Cablevision’s proposal for renewal embodies the commitments set forth below, the Borough’smunicipal consent to the renewal of the Franchise should be given; and

**WHEREAS**, imposition of the same burdens and costs on other competitors franchised by the Borough is a basic assumption of the parties;

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough Bloomingdale, County of Passaic, and State of New Jersey, as follows:

## SECTION 1. DEFINITIONS

For the purpose of this Ordinance the terms defined above shall have the meanings there indicated, and the following additional terms shall have the following meanings:

1. “Act” or “Cable Television Act” shall mean that statute of the State of New Jersey relating to cable television, known as the Cable Television Act, N.J.S.A. 48:5A-1 et seq.
2. “Application” shall mean Cablevision’s application for Renewal of Municipal Consent, which application is on file in the Borough Clerk’s office and is incorporated herein by reference and made a part hereof, except as modified, changed, limited or altered by this Ordinance.
3. “Board” shall mean the Board of Public Utilities of the State of New Jersey or its successor agency.
4. “Borough” shall mean the governing body of the Borough Bloomingdale in the County of Passaic, and the State of New Jersey.
5. “Company” shall mean Cablevision of Oakland, LLC (“Cablevision”) the grantee of rights under this Ordinance.
6. “FCC” shall mean the Federal Communications Commission.
7. “Federal Act” shall mean that federal statute relating to cable communications commonly known as the Cable Communications Policy Act of 1984, 47 U.S.C. Section 521 et seq. and the Telecommunications Act of 1996, or as those statutes may be amended.
8. “Federal Regulations” shall mean those federal regulations relating to cable television services, 47 C.F.R. Section 76.1 et seq. (and, to the extent applicable, any other federal rules and regulations relating to cable television, including but not limited to, those described in 47 C.F.R. Section 76.3), or as such regulations may be amended.
9. “Standard installation” shall mean the installation of drop cable to a customer’s premise where the distance from the point of entry into the building being served is less than 150 feet from the active cable television system plant.
10. “State” shall mean the State of New Jersey.
11. “State Regulations” shall mean those regulations of the State of New Jersey Board of Public Utilities relating to cable television. N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1 et seq., or as such regulations may be amended.

### **SECTION 2. STATEMENT OF FINDINGS**

 A public hearing concerning the consent herein granted to Cablevision was held after proper public notice pursuant to the terms and conditions of the Act. Said hearing having been held and fully open to the public, and the municipality having received all comments regarding the qualifications of Cablevision to receive this consent, the Borough hereby finds Cablevision possesses the necessary legal, technical, character, financial and other qualifications to support municipal consent, and that Cablevision’s operating and construction arrangements are adequate and feasible.

## SECTION 3. GRANT OF AUTHORITY

 The Borough hereby grants to Cablevision its non-exclusive consent to place in, upon, along, across, above, over, and under its highways, streets, alleys, sidewalks, public ways, and public places in the municipality poles, wires, cables, and fixtures necessary for the maintenance and operation in the Borough of a cable television system or other communications facility, and for the provision of any communication service over such facilities. Operation and construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

## SECTION 4. DURATION OF FRANCHISE

This consent granted herein shall be non-exclusive and shall be for a term of ten (10) years from the date of issuance of a Certificate of Approval by the Board.

#### **SECTION 5. EXPIRATION AND SUBSEQUENT RENEWAL**

 If Cablevision seeks successive consent, it shall, prior to the expiration of this consent, apply for a municipal consent and certificate of approval in accordance with N.J.S.A 48:5A-16, and applicable state and federal rules and regulations. In accordance with N.J.S.A. 48:5A-25.1, both the Borough and Cablevision shall be bound by the terms of this municipal consent until such time as Cablevision converts the municipal consent (and any certificate of approval) into a system-wide franchise.

# **SECTION 6. FRANCHISE TERRITORY**

The consent granted under this Ordinance to Cablevision shall apply to the entirety of the Borough and any property hereafter annexed.

# **SECTION 7. SERVICE AREA**

Cablevision shall be required to proffer video programming service along any public right-of-way to any person’s residence within the portion of the Franchise territory, as described in the Application for municipal consent, at Cablevision’s schedule of rates for standard and nonstandard installation.

**SECTION 8. EXTENSION OF SERVICE**

Commercial and residential entities will be proffered service in accordance with the Company’s line extension policy as identified in the Application.

# **SECTION 9. FRANCHISE FEE**

Pursuant to the terms and conditions of the Cable Television Act, Cablevision shall pay to the Borough, as an annual franchise fee, a sum equal to two percent (2%) of the actual gross revenues received from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception services in the Borough. In the event applicable law hereinafter permits a larger franchise fee to be collected, but does not fix the amount thereof, the Borough and Cablevision shall negotiate in good faith with respect to the amount thereof; provided, however, that nothing herein shall be construed to permit the Borough to require payment of a franchise fee by Cablevision that is higher than the fee paid by all other cable television service providers offering service in the Municipality.

# **SECTION 10. FREE SERVICE**

Cablevision shall, upon written request, provide free of charge, one (1) standard installation and monthly cable television reception service to all State or locally accredited public schools and all municipal public libraries, as well as municipal buildings located within the Borough.

Upon written request from the Borough, the Company shall provide to state and locally accredited elementary and secondary schools and municipal public libraries in the Borough, without charge, the following: (1) one standard installation per school or library; (2) one cable modem per installation; and, (3) basic cable modem service for the term of this Ordinance for each installation. This offer shall be subject to the terms, conditions and use policies of the Company, as those policies may exist from time to time.

Upon written request from the Borough, the Company shall provide to (1) one municipally owned facility, without charge, the following: (1) one standard installation; (2) one cable modem per installation; and (3) basic cable modem service for the term of this Ordinance for each installation. This offer shall be subject to the terms, conditions and use policies of the Company as those policies may exist from time to time.

## SECTION 11. CONSTRUCTION/SYSTEM REQUIREMENTS

 Cablevision shall perform construction and installation of its plant and facilities in accordance with applicable State and federal law. The Company shall be subject to the following additional construction requirements with respect to the installation of its cable plant and facilities in the Borough:

 (a) In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways or other surfaces, the Company shall at its sole expense restore and replace such disturbances in as good a condition as existed prior to the commencement of said work.

 (b) If at any time during the period of this consent, the municipality shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Borough shall remove or relocate its equipment, at its own expense.

 (c) Upon request of a person holding a building or moving permit issued by the Borough, the Company shall temporarily move or remove appropriate parts of its facilities so as to permit the moving or erection of buildings or for the performance of other work. The expense of any such temporary removal or relocation shall be paid in advance to the Company by the person requesting the same. In such cases, the Company shall be given not less than fourteen (14) days prior written notice in order to arrange for the changes required.

 (d) During the exercise of its rights and privileges under this consent, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Borough so as to prevent the branches of such trees from coming in contact with the wires, cables, conduits and fixtures of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company’s facilities.

#### **SECTION 12. TECHNICAL AND CUSTOMER SERVICE STANDARDS**

 Cablevision shall comply with the technical and customer service standards established for the cable industry under applicable federal and State laws, rules and regulations.

# **SECTION 13. LOCAL OFFICE OR AGENT**

Cablevision shall establish and maintain during the entire term of this consent a local area business office or agent for the purpose of receiving, investigating and resolving complaints regarding the quality of service, equipment malfunctions and similar matters. Said office shall be open daily during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of holidays.

# **SECTION 14. DESIGNATION OF COMPLAINT OFFICER**

The Office of Cable Television is hereby designated as the complaint officer for the Borough pursuant to the provisions of N.J.S.A. 48:5A-26. All complaints shall be reviewed and processed in accordance with N.J.A.C. 14:17-6.5.

# **SECTION 15. LIABILITY INSURANCE**

1. Cablevision agrees to maintain and keep in force and effect at its sole cost at all times during the term of this consent, sufficient liability insurance naming the Borough as an additional insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amounts of five-hundred thousand dollars ($500,000) for bodily injury or death to one person, and one million dollars ($1,000,000) for bodily injury or death resulting from any one accident or occurrence stemming from or arising out of the Company’s exercise of its rights hereunder.

## SECTION 16. PERFORMANCE BOND

 Cablevision shall obtain and maintain, at its sole cost and expense, during the entire term of this Agreement, a bond to the municipality in the amount of twenty-five thousand dollars ($25,000.00). Such bond shall be to insure the faithful performance of its obligations as provided in this Franchise.

## SECTION 17. RATES

A. The rates of the Company for cable television service shall be subject to regulation to the extent permitted by federal and State law.

B. Cablevision shall implement a senior citizen discount in the amount of ten percent (10%) off the monthly broadcast basic level of cable television service rate to any person sixty-two (62) years of age or older, who subscribes to cable television services provided by the Company, subject to the following:

1. Such discount shall only be available to eligible senior citizens who do not share the subscription with more than one person in the same household who is less than sixty-two (62) years of age; and,
2. In accordance with N.J.S.A. 48:5A-11.2, subscribers seeking eligibility for the discount must meet the income and residence requirements of the Pharmaceutical Assistance to the Aged and Disabled program pursuant to N.J.S.A. 30:4D-21; and,
3. The senior discount herein relates only to the broadcast basic level of cable television service, and shall not apply to any additional service, feature, or equipment offered by the Company, including any premium channel services and pay-per-view services; and,
4. Senior citizens who subscribe to a level of cable television service beyond expanded basic service, including any premium or per channel a la carte service, shall not be eligible for the discount; and,

C. The Company shall have no further obligation to provide the senior discount herein in the event that (a) the Company converts the municipal consent granted herein to a system-wide franchise in accordance with N.J.S.A. 48:5A-25.1; or (b) upon Board approval of a certification that another cable television service provider offering services to residents of the Borough files, in accordance with N.J.S.A. 48:5A-30(d), is capable of serving sixty percent (60%) or more of the households within the Borough. In the event the Company does cease providing a senior discount pursuant to this provision, it shall comply with all notice requirements of applicable law.**]**

## SECTION 18. EMERGENCY USES

 Cablevision shall be required to have the capability to override the audio portion of the system in order to permit the broadcasting of emergency messages by the Borough pursuant to state and federal requirements. The Company shall in no way be held liable for any injury suffered by the Borough or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television system as contemplated herein. The Borough shall utilize the state-approved procedures for such emergency uses.

# **SECTION 19. EQUITABLE TERMS**

In the event that the service of another multi-channel video program provider not subject to the Borough’s regulatory authority within the Borough creates a significant competitive disadvantage to Cablevision, the Company shall have the right to request from the Borough lawful amendments to its Franchise that relieve it of burdens which create the unfair competitive situation. Should the Company seek such amendments to its Franchise, the parties agree to negotiate in good-faith appropriate changes to the Franchise in order to relieve the Company of such competitive disadvantages. If the parties can reach an agreement on such terms, the Borough agrees to support the Company's petition to the Board for modification of the consent in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7.

If the parties are unable to reach an agreement on appropriate amendments to the franchise, the Borough acknowledges that the Company shall have the right to petition the Board directly for such amendments in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7; provided, however, the Borough shall be under no obligation to support Cablevision's request for such relief from the Board.

In any subsequent municipal consent, Borough shall require, at a minimum, the same terms and conditions of any other provider of multi-channel video programming subject to the Borough’s regulatory authority as those contained in the instant consent.  In the event such subsequent consent does not contain the same terms and conditions as the instant consent, Borough agrees to support the Company's petition to the Board for modification of the consent in accordance with NJSA 48:5A-47 and NJAC 14:17-6.7 to relieve the Company of competitive disadvantages identified in the Company's petition.

# **SECTION 20. REMOVAL OF FACILITIES**

Upon expiration, termination or revocation of this Ordinance, Cablevision at its sole cost and expense and upon direction of the Board, shall remove the cables and appurtenant devices constructed or maintained in connection with the cable services authorized herein, unless Cablevision, its affiliated entities or assignees should, within six (6) months after such expiration, termination or revocation obtain certification from the FCC to operate an open video system or any other federal or state certification to provide telecommunications.

#### **SECTION 21. PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS**

A. Cablevision shall continue to make available non-commercial public, educational and governmental (PEG) access services available to the residents of the Borough as described in the Application for municipal consent. All Cablevision support for PEG access shall be for the exclusive benefit of Cablevision’s subscribers.

B. The Borough agrees that Cablevision shall retain the right to use the PEG access channel, or portion thereof, for non-PEG access programming, during times when the Borough is not utilizing the channel for purposes of providing PEG access programming. In the event that the Company uses said PEG access channel for the presentation of such other programming, the PEG programming shall remain the priority use and the Company’s rights with respect to using the channel for non-PEG programming shall be subordinate to the Borough’s provision of PEG access programming on such channel.

C. Cablevision shall have discretion to determine the format and method of transmission of the PEG access programming provided for in this Section 21.

D. In consideration for the rights granted in this Ordinance **Cablevision shall provide the Borough with a one-time PEG grant of up to one thousand dollars ($1,000.00)** payable as follows: (1) an initial grant payment one thousand dollars ($1,000.00) within 90 days of the issuance of the Certificate of Approval by the Board of Public Utilities (the “Initial Grant”); and (2) a grant up to one thousand dollars ($1,000.00) provided in annual installments of one thousand dollars ($1,000.00) each, upon written request by the Borough (the “Annual Grant). Each installment of the Annual Grant shall be payable to the Borough annually during the term of this Franchise, within ninety (90) days from receipt of the Borough’s written request. Cablevision shall not be obligated to make any additional payments beyond year ten of the franchise term.

E. The Borough agrees that the Initial Grant and the Annual Grant provided pursuant to Paragraph D shall be used by the Borough for any cable and/or other telecommunications related purpose and/or for the exclusive support of PEG access programming, such as the purchase and/or rental of PEG access equipment and facilities. On request, the Borough shall provide Cablevision with a certification of compliance with this Section 21(E).

G. The Company shall have no further obligation to provide any PEG grant payments due and payable after the date upon which the Company converts the municipal consent granted herein to a system-wide franchise in accordance with N.J.S.A. 48:5A-25.1.

# **SECTION 22. INCORPORATION OF APPLICATION**

All of the commitments contained in the Application and any amendment thereto submitted in writing to the Borough by the Company except as modified herein, are binding upon Cablevision as terms and conditions of this consent. The Application and any other written amendments thereto submitted by Cablevision in connection with this consent are incorporated in this Ordinance by reference and made a part hereof, except as specifically modified, changed, limited, or altered by this Ordinance, or to the extent that they conflict with State or federal law.

# **SECTION 23. CONSISTENCY WITH APPLICABLE LAWS**

This consent shall be construed in a manner consistent with all applicable federal, State and local laws; as such laws, rules and regulations may be amended from time to time.

# **SECTION 24. SEPARABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

###### **SECTION 25. NOTICE**

Notices required under this Ordinance shall in writing and shall be mailed, first class, postage prepaid, to the addresses below. Either party may change the place where notice is to be given by providing such change in writing at least thirty (30) days prior to the time such change becomes effective. The time to respond to notices under this Ordinance shall run from receipt of such written notice.

Notices to the Company shall be mailed to:

Altice USA
1111 Stewart AvenueBethpage, NY 11714
Attention: Vice President for Government/Public Affairs, New Jersey

With a copy to:

Cablevision of Oakland, LLC
1111 Stewart Avenue
Bethpage, NY 11714
Attention: Legal Department

Notices to the Borough shall be mailed to:

Borough of Bloomingdale

101 Hamburg Turnpike

Bloomingdale, New Jersey 07403

Attention: Full-time Mayor

## SECTION 26. EFFECTIVE DATE AND BOARD OF PUBLIC UTILITY APPROVAL

This Ordinance shall take effect upon issuance of a Certificate of Approval as issued by the Board of Public Utilities that incorporates the material terms of this Ordinance. Nothing herein shall alter the right of the Company to seek modification of this Ordinance in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7. In accordance with N.J.S.A. 48:5A-25.1, the terms of this Ordinance will no longer be in effect upon Cablevision converting the municipal consent (and any certificate of approval) into a system-wide franchise.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect upon the passage, and publication as required by law.

Councilman Costa moved that the meeting be open to Public Hearing on this ordinance; seconded by Councilman Sondermeyer and carried on voice vote.

Since there was no one who wished to speak under Public comment, Councilwoman Hudson moved that it be closed; seconded by Councilman Sondermeyer and carried on voice vote.

(Councilman Dellaripa stepped off the dais at this time)

Councilman Costa moved for the adoption of the ordinance; seconded by Councilman Sondermeyer and carried as per the following roll call: Council Members: Hudson; Yes; Sondermeyer, YES; Yazdi, YES; Costa and D’Amato Councilman Dellaripa; Recused

1. **Second and Final reading and Public Hearing of Ordinance No. 22-2017**

***REFUNDING BOND ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF ITS OUTSTANDING 2008 GENERAL IMPROVEMENT BONDS AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $1,615,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE BOROUGH TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR*** was given second and final consideration for adoption at this time.

Public statement notice read by Municipal Clerk.

Motion was made by Councilman Dellaripa moved that the Ordinance be read by title, seconded by Councilman D’Amato and carried on voice vote.

Municipal Clerk read the Ordinance by title only:

**BOROUGH OF BLOOMINGDALE**

**BOND ORDINANCE NUMBER 22-2017**

**REFUNDING BOND ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF ITS OUTSTANDING 2008 GENERAL IMPROVEMENT BONDS AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $1,615,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE BOROUGH TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR**

 **WHEREAS**, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the “Local Bond Law”), the Borough of Bloomingdale, in the County of Passaic, State of New Jersey (the “Borough”), has previously issued $4,050,000 General Improvement Bonds, Series 2008 on July 18, 2008 (the “2008 Bonds”); and

 **WHEREAS**, a $1,500,000 outstanding principal portion of the 2008 Bonds maturing on July 15 in the years 2019 through 2023, inclusive, are subject to redemption, either in whole or in part on any date on or after July 15, 2018 prior to their stated maturity dates, at a redemption price equal to 100% of their principal amount (the “Refunded Bonds”);

 **WHEREAS**, the Borough Council has an opportunity to refund all or a portion of the aforesaid Refunded Bonds through the issuance of General Obligation Refunding Bonds in an aggregate principal amount not to exceed $1,615,000 (the “Refunding Bonds”), to provide for net debt service savings; and

 **WHEREAS**, the Borough Council now desires to adopt this Refunding Bond Ordinance (the “Refunding Bond Ordinance”) authorizing the issuance of Refunding Bonds in an aggregate principal amount not exceeding $1,615,000, a portion of the sale proceeds of which shall be used to refund the Refunded Bonds.

 **NOW THEREFORE,** **BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

 **SECTION 1.** The refunding of all or a portion of the Refunded Bonds is hereby authorized.

 **SECTION 2.** In order to refund the Refunded Bonds and to pay all related costs associated therewith, the Borough is hereby authorized to issue the Refunding Bonds in an aggregate principal amount not to exceed $1,615,000, all in accordance with the requirements of N.J.S.A. 40A:2-51 et seq., and appropriate the proceeds of such Refunding Bonds to such purpose described in Section 3 hereof. Such Refunding Bonds shall be designated as “General Obligation Refunding Bonds” with such series designation as may be necessary to identify such bonds.

 **SECTION 3.** The purpose of the issuance of the Refunding Bonds is to achieve debt service savings by refunding all or a portion of the Refunded Bonds.

 **SECTION 4.** An aggregate amount not exceeding $90,000, may be allocated from the aggregate principal amount of the Refunding Bonds to pay for items of expense listed and permitted under N.J.S.A. 40A:2-51(b), including, but not limited to, the aggregate allocated costs of issuance thereof, including underwriting, printing, credit enhancement or other insurance, advertising, accounting, financial, legal and other expenses in connection therewith.

 **SECTION 5.**  The purpose of the issuance of the Refunding Bonds is to realize net present value interest cost savings for property taxpayers residing in the Borough (“net” meaning savings after payment of all costs of issuance of the Refunding Bonds). Applicable State requirements mandate that such net present value interest cost savings equal at least 3% of the principal amount of the Refunded Bonds. In addition, the issuance of the Refunding Bonds shall comply with the provisions of N.J.A.C. 5:30-2.5, including that within 10 days of the date of the closing on the Refunding Bonds, the Clerk shall file a report with the Local Finance Board within the Division of Local Government Services, New Jersey Department of Community Affairs setting forth (a) a comparison of the Refunding Bonds’ debt service and the Refunded Bonds’ debt service which comparison shall set forth the present value savings achieved by the issuance of the Refunding Bonds; (b) a summary of the issuance of the Refunding Bonds; (c) an itemized accounting of all costs of issuance in connection with the issuance of the Refunding Bonds and (d) a certification of the Clerk that (i) all of the conditions of section (b) of N.J.A.C. 5:30- 2.5 have been met and (ii) a resolution authorizing the issuance of the Refunding Bonds, adopted pursuant N.J.S.A. 40A:2-51(c), was approved by a two-thirds vote of the full membership of the Borough Council.

 **SECTION 6.** The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Borough Clerk and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this Refunding Bond Ordinance and the said bonds and notes authorized by this Refunding Bond Ordinance will be within all debt limitations prescribed by the Local Bond Law.

 **SECTION 7.** The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on all Refunding Bonds issued under this Refunding Bond Ordinance.

 **SECTION 8.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

Motion to open the hearing to the public was made by Councilwoman Hudson; seconded by Councilman Sondermeyer & carried on voice with all in favor.

Since no one from the public wished to come forward a motion to close the public hearing was made by Councilman Costa, seconded by Councilman Dellaripa carried on voice vote with all in favor.

Councilman Sondermeyer moved for the adoption of this ordinance; seconded by Councilman Costa and carried as per the following roll call: Council Members: Sondermeyer; Yazdi; Costa; D’Amato; Dellaripa and Hudson all YES.

**INTRODUCTION OF NEW BUSINESS**

***Adoption of Resolution No. 2017-11.15: Payment of bills***

Councilman Sondermeyer offered the following resolution and moved for its adoption:

 **RESOLUTION - #2017 –11.15**

**OF THE GOVERNING BODY**

 **OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Payment of Municipal Obligations***

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that certain municipal obligations have come due and are now payable; and

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby authorize payment of said municipal obligations, in accordance with the recommendations of the Chief Financial Officer and the Borough Treasurer, from the following accounts and in the following amounts: **WHEREAS**, the Governing Body further finds and declares that said obligations have been itemized on the annexed schedules, which are hereby deemed part of this Resolution;

BILLS LIST PREPAID LIST

CURRENT 3,272,556.68 CURRENT 396,032.00

UTILITY 69,361.05 UTILITY 36,166.92

CAPITAL 26,141.78 OPEN SPACE 2,500.00

UTILITY CAPITAL 50,760.00 TRUST ACCOUNT 260.00

TRUST 22,233.49 RECYCLING 121.60 DOG 699.42 DOG TRUST 474.55

RECREATION 9,170.00 UNEMPLOY 54.12
ROSE FUND 11,325.32 CAPITAL 9,287.50

RECYCLING 131.25 WATER CAPITAL 0,000.00

UNEMPLOYMENT 4,200.00 RECREATION 0,000.00

AFFORDABLE HOUSING 16,858.64

TOTAL 3,483,527.63 TOTAL 444,896.69

Councilman Dellaripa seconded the motion and it carried as per the following roll call with all council Members voting YES.

***Adoption of Resolution No. 2017-11.16: Award of Professional Services Contract to Phoenix Advisors LLC for continuing disclosure services.***

Councilman Yazdi offered the following Resolution and moved for its adoption:

**RESOLUT ION NO. 2017-11.16**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEWJERSEY, AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO PHOENIX ADVISORS LLC FOR ADDITIONAL MUNICIPAL ADVISOR SERVICE***

**WHEREAS**, the Borough of Bloomingdale, in the County of Passaic, New Jersey has previously

issued its bonds, bond anticipation notes and/or other debt obligations (the “Bonds”) and is undertaking a refunding of specific bonds outstanding; and

**WHEREAS**, it is beneficial to retain assistance of appropriately registered experts in the field of

municipal bond finance, with knowledge and experience in these matters, to assist in assuring

compliance with the refunding bond issuance; and

**WHEREAS**, Phoenix Advisors LLC provides such assistance and is an independent registered municipal advisor under the SEC regulations; and

**WHEREAS**, Phoenix Advisors LLC has completed and submitted a Business Entity Disclosure

Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Borough of Bloomingdale with the elected officials in the previous one year, and that the contract will prohibit the firm of Phoenix Advisors from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Treasurer has recommended that Phoenix Advisors LLC be retained

to provide Municipal Advisor Services to the Borough of Bloomingdale for the refunding bond work;

**NOW THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Bloomingdale, County of Passaic, State of New Jersey, the following:

1. The Mayor and Municipal Clerk be and are hereby authorized to execute a contract with Phoenix Advisors LLC for Municipal Advisor Services applicable to bonds and notes in an amount not to exceed $7,500 for the refunding bond work

2. This contract is awarded without competitive bidding as a “Professional Services” pursuant to

N.J.S.A. 19:44A-20 et seq. and the local public contracts law.

3. The term of this contract shall be until December 31, 2017.

4. The total fee authorized for this contract shall not exceed $7,500.00 without the prior written approval of the Borough Council.

5. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolution authorizing same are available for public inspection in the office of Municipal Clerk

Councilman Dellaripa seconded the motion and it carried as per the following roll call: Council Members: Sondermeyer; Yazdi; Costa; D’Amato Dellaripa and Hudson all YES.

***Adoption of Resolution No. 2017-11.17: Award of Professional Service Contract to Community Grants ^ Planning & Housing LLC as Affordable Housing Agent***

Councilman Dellaripa offered the following Resolution and moved for its adoption:

**RESOLUTION No. 2017-11.17**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***Resolution of the Borough of Bloomingdale, County of Passaic and State of New Jersey, Authorizing the Award of a Non-Fair and Open Professional Service Contract to Community Grants, Planning & Housing LLC as Affordable Housing Agent and Authorizing Affordable Housing Administration Services Contract for January 1, 2018 through December 31, 2018***

WHEREAS, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301), et. Seq., the Borough of Bloomingdale is implementing a program to provide affordable housing units to low and moderate income households desiring to live within the Municipality; and has a need to appoint a Affordable Housing Agent for the Borough of Bloomingdale; and

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

WHEREAS, the Borough is also implementing a local housing rehabilitation program; and

WHEREAS, the Local Public Contracts law (N.J.S.A. 40A:11-1, et. seq) requires that the Resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be awarded for public inspection; and

WHEREAS, the Borough has received a proposal from Community Grants, Planning & Housing LLC for Affordable Housing Agent for six affordable sale units and all affordable housing constructed and to be constructed within the municipality, which sets forth the terms and conditions under which such services are to be rendered; and

WHEREAS, Community Grants Planning & Housing LLC employs licensed professional planners that are certified affordable housing administrative agents; and

WHEREAS, it has been determined that the value of the contract is not to exceed $18,880; cost to Bloomingdale is $2,900 for administrative agent work and $15,980 for the housing rehabilitation work (fee schedule on file in Municipal Clerk’s office); and

WHEREAS, BE IT further resolved that the contract is awarded in accordance with the fee schedule which is on file in the clerk’s office; and

WHEREAS, the term of this contract for this services is one year from January 1, 2018 through December 31, 2018; and

WHEREAS, this contract is conditioned upon the funds being approved by the Treasurer;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Bloomingdale award a contract to Community Grant s, Planning & Housing, LLC

As per the proposal dated November 21, 2017; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the Borough’s legal newspaper.

Councilman Yazdi seconded the motion and it carried as per the following roll call: Council Members: Yazdi; Costa; D’Amato; Dellaripa; Hudson and Sondermeyer all YES.

***Adoption of Resolution No. 2017-11.18: Transfer***

Councilman D’Amato offered the following resolution and moved for its adoption:

**RESOLUTION - #2017-11.18**

**OF THE GOVERNING BODY**

 **OF THE BOROUGH OF BLOOMINGDALE**

***RESOLUTION RE: Authorizing the Transfer of 2017 Appropriations***

 WHEREAS, Title 40A:4-58 provides that should it become necessary during the last two months of the fiscal year to expend for any of the purposes specified in the budget an amount in excess of any respective sums appropriated therefore and there shall be an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation, the Governing Body may by resolution setting forth the facts adopted by not less than 2/3 vote of the full membership thereof, transfer the amount of such excess of those appropriations deemed to be insufficient; and

 WHEREAS, the Governing Body further finds and declares that the Treasurer has determined that the following transfers are both necessary and appropriate; and

 NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Bloomingdale that the Borough Treasurer is hereby authorized to make the following transfers in the FY2017 Budget.

|  |  |  |  |
| --- | --- | --- | --- |
| **To:** |  |  |  |
|  |  |  |  |
| Police O/E |  | 7-01-25-240-001-059 | $ 5,000.00 |
| Clerk S/W |  | 7-01-20-120-001-011 | $ 5,000.00 |
| Streets & Roads O/E |  | 7-01-26-290-001-059 | $ 8,500.00 |
| Fire O/E  |  | 7-01-25-265-001-053 | $ 13,000.00 |
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| **TOTAL** |  |  | **$ 31,500.00**  |
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| **From:** |  |  |  |
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| Planning Board O/E |  | 7-01-21-180-001-028 | $ 1,500.00 |
| ACO O/E |  | 7-01-27-340-001-051 | $ 5,000.00 |
| Electricity O/E |  | 7-01-31-430-001-100  | $ 5,000.00 |
| Gasoline O/E |  | 7-01-31-460-001-100 | $ 2,000.00 |
| Administration O/E |  | 7-01-20-100-001-203 | $ 3,000.00 |
| Clerk O/E |  | 7-01-20-120-001-055 | $ 3,000.00 |
| Salary & Wage O/E |  | 7-01-30-425-001-011 | $ 5,000.00 |
| DCRP O/E |  | 7-01-36-477-001-100 | $ 2,000.00 |
| Uniform Construction O/E |  | 7-01-22-195-001-028 | $ 3.000.00 |
| Sr. Center O/E |  | 7-01-30-423-001-076 | $ 1,000.00 |
| Sr. Center O/E |  | 7-01-30-423-001-208 | $ 1,000.00 |
| **TOTAL** |  |  |

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| **$ 31,500.00** |

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| **UTILITY** |  |  |  |
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Jonathon Dunleavy, Mayor

Councilman Yazdi seconded the motion and it carried as per the following roll call: Council Members: Costa; D’Amato; Dellaripa; Hudson; Sondermeyer and Yazdi all YES.

***Adoption of resolution No. 2017-11.19: SCB Fire Dept. Breathing Apparatus***

Councilman Yazdi offered the following resolution and moved for its adoption:

**RESOLUT ION NO. 2017-11.19**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***AWARD OF CONTRACT FOR FIRE DEPARTMENT SCBA APPARATUS***

**WHEREAS**, the Borough of Bloomingdale is authorized pursuant to N.J.S.A. 52:34-6.2(b)(3) to use alternative procurement methods by entering into nationally recognized cooperative purchasing agreements, provided certain requirements are met; and;

**WHEREAS,** the Bloomingdale Fire Department has recommended the award of a contract for the purchase of SCBA Apparatus to Witmer Public Safety based on a proposal dated October 16, 2017, which was submitted in accordance with a bid submitted by Witmer Public Safety to the Houston-Galveston Area Counsel (“HGAC”), a national cooperative; and,

**WHEREAS**, the HGAC and the contract award by the HGAC to Witmer Public Safety meet the requirements of State law for awarding contracts through national cooperatives, including the following:

* The Witmer Public Safety contract was awarded through a competitive bidding process that complies with the laws covering the issuing entity;
* The HGAC is a contracting unit as defined by statute; and
* The HGAC bid was advertised as a national cooperative contract;

**WHEREAS**, Witmer Public Safety has submitted required documentation with its proposal, including the following:

* New Jersey Business Registration certificate;
* Non-Collusion Affidavit and Stockholder Disclosure statement; and
* Proof of EEO compliance;

**WHEREAS,** as required by State statute, the Mayor and Council are satisfied, based on the information and representations presented to it, that the use of the HGAC contract shall result in cost savings after all factors have been considered; and,

**WHEREAS**, as recommended by New Jersey Division of Local Government Services Local Finance Notice 2012-10, the Borough published a Notice of Intent to Award a Contract under a National Cooperative Purchasing Agreement establishing a comment period for the award of the contract to Pierce under the HGAC contract; and,

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Bloomingdale, County of Passaic and State of New Jersey that the recommendation of the Bloomingdale Fire Department be and is hereby approved and that a contract for the purchase of SCBA apparatus – be and is hereby awarded to Witmer Public Safety, Inc. in the amount of $242,756.00 in accordance with its proposal dated October 16, 2017; and,

**BE IT FINALLY RESOLVED** that a copy of this resolution be provided to the Witmer Public Safety, Inc ; the Houston-Galveston Area Counsel and the Fire Chief .

Councilwoman Hudson second the motion and it carried as per the following roll call: Council Members: D’Amato, ABSTAIN; Dellaripa, YES; Hudson, YES; Sondermeyer, YES; Yazdi, YES and Costa, YES

***Motion for approval of final payment for 30 Fichter Street/Bloomingdale Home***

***Improvement Program***

Councilman Dellaripa a moved that payment be made to Severe Structures, LLC for $15,400; seconded by Councilman Costa and carried per the following roll call vote: DELLARIPA, HUDSON, SONDERMEYER, YAZDI, and COSTA – all YES

***Adoption of Resolution NO. 2017-11.20: Award of contract for Fire Dept. Vehicles***

Councilman Yazdi offered the following resolution and moved for its adoption:

**RESOLUTION #2017-11.20**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***A RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY***

***OF PASSAIC AND STATE OF NEW JERSEY, AUTHORIZING purchase of Two 2017 Chevrolet Tahoes under State Contract No. A89938***

 **WHEREAS,** the Borough of Bloomingdale is in need of two 2017 Chevrolet Tahoes; and

 **WHEREAS,** the purchase of goods and services, without advertising for bids, by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

 **WHEREAS**, Day Fleet, 1600 Golden Mile Highway, Monroeville, PA 15146 has been awarded New Jersey State Contract No. **A89938** for 2017 Chevrolet Tahoes; and

 **WHEREAS**, the Fire Chief of the Borough of Bloomingdale recommends the utilization of this contract on the grounds as the best means available to obtain the two 2017 Chevrolet Tahoes; and

 **WHEREAS**, the contract to Day Fleet shall not exceed the amount of $88,164.94; and

 **WHEREAS,** funding for this resolution is available by appropriation in the budget of the Borough, as evidenced by the Certification of the Borough Treasurer; and

 **NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Bloomingdale, in the County of Passaic and State of New Jersey, as follows:

1. The Borough of Bloomingdale hereby authorizes the purchase of two 2017 Chevrolet Tahoes from Day Fleet, 1600 Golden Mile Highway, Monroeville, PA 15146 under State Contract No. A89938
2. The total fee authorized for this contract shall not exceed $88,164.94 without the prior written approval of the Borough Council.
3. The Full Time Mayor, Borough Clerk and/or such other officials as is necessary and proper are hereby authorized to execute documents necessary to implement this Resolution.
4. A copy of this resolution shall be provided to the Borough Treasurer and Day Fleet for their information and guidance.

This Resolution shall take effect immediately.

Councilman Dellaripa seconded the motion and it carried as per the following roll call: Council Members Hudson: YES; Sondermeyer, YES; Yazdi, YES; Costa, YES, D’Amato, ABSTAIN and Dellaripa, YES

***Adoption of Resolution No. 2017-11.21: Authorization to enter into an Interlocal with Wayne for after-hours Animal Control Officer services***

Councilwoman Hudson offered the following Resolution and moved for its adoption:

**RESOLUTION NO. 2017-11.21
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF BLOOMINGDALE AND THE TOWNSHIP OF WAYNE FOR AFTER HOURS ANIMAL CONTROL OFFICER SERVICES**

**WHEREAS,** The Township of Wayne has the need for the after hour services of an Animal Control Officer to provide emergency animal control services; and

**WHEREAS**, The Borough of Bloomingdale has the ability to provide these emergency animal control services; and

**WHEREAS**, The Borough of Bloomingdale and the Township of Wayne wish to enter into an agreement setting forth the terms and conditions upon which said services will be provided by the Borough of Bloomingdale; and

**WHEREAS**, execution of said agreement is authorized pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seg.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of The Borough of Bloomingdale, Passaic County and State of New Jersey, as follows:

1. A Shared Services Agreement by and between the Borough of Bloomingdale and the Township of Wayne for animal control services is hereby approved and its execution authorized pursuant to the provisions of the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq. Said agreement will be on file in the Office of the Clerk and available for public inspection.

Councilman costa seconded the motion and it carried as per the following roll call: Council Members: Sondermeyer; Yazdi; Costa; D’Amato; Dellaripa and Hudson all yes

***Adoption of Resolution No. 2017-11.22: Authorization for ice skating rink***

Councilman Sondermeyer offered the following resolution and moved for is adoption

**RESOLUTION NO. 2017-11.22**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION REAPPROPRIATING $58,750.00 EXCESS BOND PROCEEDS FROM VARIOUS BOND ORDINANCES TO PROVIDE FOR THE VAROIUS IMPROVEMENTS AND ACQUISITIONS OF THE BOROUGH, BY AND FOR THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY**

**WHEREAS,** the Borough Council of the Borough of Bloomingdale, in the County of Passaic, State of New Jersey (the “Borough”), finally adopted the following bond ordinances: Bond Ordinance Number 10-2011 on June 28, 2011, Bond Ordinance Number 20-2011 on December 13, 2011 and Bond Ordinance Number 10-2012 on July 17, 2012 (collectively, the “Ordinances”); and

**WHEREAS,** following the effective dates of each of the Ordinances, the Borough issued obligations to fully fund certain improvements authorized therein; and

**WHEREAS,** the Borough has completed the improvement or purpose set forth in Section 3(a) of each of the Ordinances; and

**WHEREAS,** the Borough has determined that certain bond proceeds (the “Excess Proceeds”) are not necessary for the improvement described in Section 3(a) of each of the Ordinances as set forth below

 Ordinance Number Excess Proceeds

 10-2011, Section 3(a) $ 21,000.00

 (finally adopted 6/28/11)

 20-2011, Section 3(a) $ 18,750.00

 (finally adopted 12/13/11)

 10-2012, Section 3(a) $ 19,000.00

 (finally adopted 7/17/12)

TOTAL AMOUNT TO BE REAPPROPRIATED: $58,750.00; and

**WHEREAS,** in accordance with its statutory powers set forth in section 39 of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., the Borough Council has determined that it is in the best interest of the Borough to reappropriate the Excess Proceeds to finance (i) improvements to the retaining wall at the Department of Public Works and (ii) the acquisition of a new ice skating rink by and for Borough (collectively, the “New Purposes”), thereby avoiding the need to incur additional Borough debt to finance such New Purposes; and

**WHEREAS,** the Borough Council now desires to reappropriate the Excess Proceeds to such New Purposes for which purposes bonds may be issued.

**NOW, THEREFOR, BE IT RESOLVED** BY THE BOROUGH COUNCIL OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AS FOLLOWS:

**SECTION 1.** Excess Proceeds of the Ordinances in the amount of $58,750.00 are no longer necessary for the purposes for which they were authorized and issued.

**SECTION 2.** The $58,750.00 in Excess Proceeds is hereby reappropriated pursuant to N.J.S.A. 40A:2-39, and shall be used to finance (i) improvements to the retaining wall at the Department of Public Works and (ii) the acquisition of a new ice skating rink by and for the Borough.

**SECTION 3.** The capital budget of the Borough is hereby amended to conform with the provisions of this resolution to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, shall be on file in the office of the Borough Clerk and will be available for public inspection.

**SECTION 4.** This resolution shall take effect immediately.

Councilman D’Amato; Councilman Yazdi; Costa D’Amato; Dellaripa; Hudson and Sondermeyer all YES.

***Appointment of Kenneth LaGrande as a member of the Bloomingdale Fire Dep.;***

Councilman D’Amato moved to approve the membership of Kenneth LaGrande as a member of the Bloomingdale Fire Department; seconded by Costa and it was carried on voice vote with al Council Members voting YES.

**LATE PUBLIC**

Councilwoman Hudson moved that the meeting be open to Late Public Comment; seconded by Councilman Sondermeyer and carried on voice vote

Since there was no on who wished to speak under Public Comment; seconded by Councilman Sondermeyer and carried on voice vote.

***Adoption of Resolution No. 2017-11.23: AUTHORIZING CERTAIN ACTIONS NECESSARY IN CONNECTION WITH THE SALE AND ISSUANCE OF NOT TO EXCEED $1,615,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS***

Councilman D’Amato offered the following resolution and moved for its adoption:

**RESOLUTION NO. 2017-11.23**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AUTHORIZING CERTAIN ACTIONS NECESSARY IN CONNECTION WITH THE SALE AND ISSUANCE OF NOT TO EXCEED $1,615,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2017 AND AUTHORIZING THE APPROPRIATE OFFICIALS TO DO ALL ACTS AND THINGS DEEMED NECESSARY AND ADVISABLE IN CONNECTION WITH THE SALE, ISSUANCE AND DELIVERY OF SAID BONDS**

 **WHEREAS**, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the “Local Bond Law”), the Borough of Bloomingdale, in the County of Passaic, State of New Jersey (the “Borough”), had previously issued $4,050,000 General Improvement Bonds, Series 2008 dated July 15, 2008 (the “2008 Bonds”); and

 **WHEREAS**, $1,500,000 of such 2008 Bonds maturing on July 15 in the years 2019 through 2023 are subject to redemption, either in whole or in part, prior to their stated maturity (the “Refunded Bonds”); and

 **WHEREAS**, the Borough Council desires to refund all or a portion of the aforesaid Refunded Bonds through the issuance of its General Obligation Refunding Bonds, Series 2017 in an aggregate principal amount not to exceed $1,615,000 (the “Refunding Bonds”); and

 **WHEREAS**, the Borough, pursuant to a refunding bond ordinance (the “Refunding Bond Ordinance”) was introduced on first reading by the Borough on October 30, 2017, and finally adopted on November 21, 2017, authorized the issuance of the Refunding Bonds for the purpose of refunding the Refunded Bonds; and

 **WHEREAS**, the Borough now desires to adopt a resolution authorizing the issuance of the Refunding Bonds in an aggregate principal amount not to exceed $1,615,000, the net proceeds of which shall be used to refund all or a portion of the Refunded Bonds in accordance with their terms and authorize certain actions in connection with the sale and issuance of the Refunding Bond.

 **NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:**

 **SECTION 1**. There is hereby delegated to the Chief Financial Officer, subject to the limitations contained herein and in consultation with Wilentz, Goldman & Spitzer, P.A., Woodbridge, New Jersey, Bond Counsel to the Borough (“Bond Counsel”), and Phoenix Advisors, LLC (the “Municipal Advisor”), the power with respect to the Refunding Bonds to determine and carry out the following:

 a) the sale of the Refunding Bonds at private sale to a purchaser (the “Purchaser”) as selected by the Chief Financial Officer upon advice of the Municipal Advisor and Bond Counsel, provided that the purchase price paid by the Purchaser thereof shall not be less than ninety-five percent (95%) of the principal amount of the Refunding Bonds so sold;

 b) the principal amount of the Refunding Bonds to be issued, provided that (i) such amount shall not exceed $1,615,000, and (ii) such amount shall not exceed the amount necessary to pay the costs of issuance associated with the Refunding Bonds and to fund the deposit to the escrow fund as set forth in the Escrow Deposit Agreement (as defined herein) in an amount that, when invested, will be sufficient to provide for the timely payments required for the Refunded Bonds;

 c) the maturity dates and the principal amount of each maturity or sinking fund redemption amount of the Refunding Bonds, provided that no Refunding Bonds refunding the Refunded Bonds shall mature later than the maturity date of the Refunded Bonds.

 d) the interest payment dates and the interest rates on the Refunding Bonds, provided that the true interest cost on the Refunding Bonds shall produce a present value debt service savings of at least three percent (3%) of the principal amount of the Refunded Bonds;

 e) the denomination or denominations of and the manner of numbering and lettering the Refunding Bonds, provided that all Refunding Bonds of like maturity shall be identical in all respects, except as to denominations, amounts, numbers and letters;

 f) provisions for the sale or exchange of the Refunding Bonds and for the delivery thereof;

 g) the form of the Refunding Bonds shall be substantially in the form set forth in Exhibit A attached hereto, with such additions, deletions and omissions as may be necessary for the Borough to market the Refunding Bonds;

 h) the direction for the application and investment of the proceeds of the Refunding Bonds;

 i) the terms of redemption of the Refunding Bonds; and

 j) any other provisions deemed advisable by the Chief Financial Officer not in conflict with the provisions hereof.

 The Chief Financial Officer shall execute a certificate evidencing the determinations or other actions taken pursuant to the authority granted hereunder, and any such certificate shall be conclusive evidence of the actions or determinations of the Chief Financial Officer as to the matters stated therein.

 **SECTION 2**. The Mayor and Chief Financial Officer of the Borough are hereby authorized and directed to execute by manual or facsimile signature the Refunding Bonds in the name of the Borough and the corporate seal (or facsimile thereof) shall be thereunto affixed, imprinted, engraved or otherwise reproduced thereon. The Borough Clerk is hereby authorized and directed to attest to such signature and to the affixing of said seal to the Refunding Bonds.

 **SECTION 3**. The Chief Financial Officer, in consultation with Bond Counsel and the Municipal Advisor, is hereby authorized and directed to approve the Escrow Deposit Agreement (the “Escrow Deposit Agreement”) with an escrow agent (the “Escrow Agent”) to be selected by the Chief Financial Officer, in consultation with Bond Counsel and the Municipal Advisor, with respect to the Refunded Bonds, to be dated the date of the closing on the Refunding Bonds. The Chief Financial Officer is hereby authorized and directed to execute and deliver the Escrow Deposit Agreement in the name of the Borough and the corporate seal (or facsimile thereof) shall be thereunto affixed, imprinted, engraved or otherwise reproduced thereon. The Chief Financial Officer is hereby authorized and directed to attest to such signature and to the affixing of said seal to the Escrow Deposit Agreement.

 **SECTION 4**. The Chief Financial Officer is hereby authorized and directed to select a verification agent (the “Verification Agent”), if required, in consultation with Bond Counsel and the Municipal Advisor, with respect to the Refunded Bonds. The Verification Agent shall prepare the verification report required to verify the sufficiency of the escrowed monies to refund the Refunded Bonds.

 **SECTION 5**. To the extent required by law, the Borough hereby covenants and agrees that it will comply with and carry out all of the provisions of a Continuing Disclosure Certificate (the “Certificate”) which will set forth the obligation of the Borough to file budgetary, financial and operating data on an annual basis and notices of certain enumerated events deemed material in accordance with the provision of the Rule. The Chief Financial Officer is hereby authorized and directed to execute and deliver this Certificate evidencing the Borough’s undertaking with respect to the Rule. Notwithstanding the foregoing, failure of the Borough to comply with the Certificate shall not be considered a default on the Refunding Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance to cause the Borough to comply with its obligations hereunder.

 **SECTION 6.** The Mayor, Borough Clerk and Chief Financial Officer or any other appropriate officer or representative of the Borough, are hereby authorized and directed to execute and deliver any and all documents and to do and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by this resolution, the Certificate and the Escrow Deposit Agreement, and for the authorization, sale and issuance of the Refunding Bonds. The execution by such officials and officers of any such documents, with changes, insertions or omissions approved by the Chief Financial Officer, in consultation with Bond Counsel and the Municipal Advisor, as hereinabove provided, shall be conclusive and no further ratification or other action by the Borough shall be required with respect thereto.

 **SECTION 7.** In accordance with the provisions of N.J.A.C. 5:30-2.5, within ten (10) days of the date of the closing on the Refunding Bonds, the Chief Financial Officer shall file a report with the Local Finance Board within the Division of Local Government Services, New Jersey Department of Community Affairs setting forth (a) a comparison of the Refunding Bonds’ debt service and the Refunded Bonds’ debt service, which comparison shall set forth the present value savings achieved by the issuance of the Refunding Bonds; (b) a summary of the issuance of the Refunding Bonds; (c) an itemized accounting of all costs of issuance in connection with the issuance of the Refunding Bonds, and (d) a certification of the Chief Financial Officer that (i) all of the conditions of Section (b) of N.J.A.C. 5:30- 2.5 have been met, and (ii) this resolution authorizing the issuance of the Refunding Bonds, adopted pursuant to the Local Bond Law, was approved by a two-thirds vote of the full membership of the Borough.

 **SECTION 8.** The Borough hereby covenants to maintain the exclusion from gross income under Section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on the Refunding Bonds.

 **SECTION 9**. All other resolutions adopted in connection with the Refunding Bonds and inconsistent herewith are hereby rescinded to the extent of such inconsistency.

 **SECTION 10**. This resolution shall take effect immediately.

Councilman Yazdi seconded the motion and it carried as per the following roll call: Council Membrs: D’Amato; Dellaripa; Hudson; Sondermeyer; Yazdi and Costa all YES.

***Roll call for Resolution No. 2017-11.15 bill list:***

Noted that we should do a roll call on resolution no.

Council Members: Dellaripa; Hudson; Sondermeyer; Yazdi; Costa and D’Amato all YES.

***Executive session***

Councilman Dellaripa offered the following Resolution and moved for its adoption:

**RESOLUTION**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***MOTION FOR EXECUTIVE SESSION***

**BE IT RESOLVED** by the Township Council of the Borough of Bloomingdale on the 21st day of November 2017 that:

1. Prior to the conclusion of this **Official Meeting**, the Governing Body shall meet

in Executive Session, from which the public shall be excluded, to discuss matters

as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):

( ) (1) Confidential or excluded matters, by express provision of Federal law or

State statute or rule of court.

( ) (2) A matter in which the release of information would impair a right to receive

funds from the Government of the United States.

( ) (3) Material the disclosure of which constitutes an unwarranted invasion of

individual privacy.

( ) (4) A collective bargaining agreement including negotiations.

( ) (5) Purchase, lease or acquisition of real property, setting of banking rates or

investment of public funds, where it could adversely affect the public interest if disclosed.

( ) (6) Tactics and techniques utilized in protecting the safety and property of the

public, if disclosure could impair such protection. Investigation of

violations of the law.

( x) (7) Pending or anticipated litigation or contract negotiations other than in

subsection b. (4) herein or matters falling within the attorney-client privilege.

(x ) (8) Personnel matters.

( ) (9) Deliberations after a public hearing that may result in penalties.

2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Councilman D’Amato seconded the motion and it carried don voice vote.

(At this time, 8:42 p.m. the Governing Body went into executive session)

(Councilman Yazdi left the meeting at this time)

**RECONVENED**

Mayor Dunleavy reconvened the meeting at 9:22 p.m.

***Adoption of Resolution No. 2017-11.24: Hiring of Assistant CFO***

Councilman Dellaripa offered the following Resolution and moved for its adoption:

**RESOLUTION #2017-11.24**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Hiring of An Assistant to the Chief Financial Officer***

**WHEREAS**, there exists a need for an Assistant to the Chief Financial Officer;

**NOW, THEREFORE, BE IT RESOLVED**, that Michael Yazdi be hired to the full-time position as Assistant to the Chief Financial Officer at a salary of $55,000

Councilwoman Hudson seconded the motion and it carried as per the following roll call:

Council Members: Costa, ABSTAIN; D’Amato, YES; Dellaripa, YES; Hudson, YES and Sondermeyer, YES. ASENT Councilman Yazdi

***Introduction of Ordinance NO. 23-2017: Establish position of Assistant CFO***

***AN ORDINANCE ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY AND COMPENSATION FOR CATEGORIES AND TITLES OF OFFICERS, NON-CONTRACTUAL EMPLOYEES AND CONTRACTUAL EMPLOYEES OF THE BOROUGH OF BLOOMINGDALE*** was introduced by title by Councilman Dellaripa who moved that second and final reading and public hearing be held on December 19, 2017; seconded by Councilwoman Hudson and carried as per the following roll call: Council Members: Sondermeyer, YES; Costa, ABSTAIN; D’Amato, YES; Dellaripa, YES; Hudson, YES. ABSENT: Yazdi

**ADJOURNMENT**

SINCE THERE WAS no further business to be conducted, Councilman Dellaripa moved to adjourn; seconded by Councilwoman Hudson and carried on voice vote.

 Jane McCarthy, RMC

 Municipal Clerk