**REGULAR WORKSHOP MEETING**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

**October 2, 2018**

The Regular Workshop 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 7:03PM.

Mayor Dunleavy led the **Salute to the Flag**.

**Roll Call:**

*In Attendance:* Mayor Jonathan Dunleavy

Councilman Anthony Costa

Councilman John D’Amato

Councilman Richard Dellaripa

Councilwoman Dawn Hudson

Councilman Michael Sondermeyer

Councilman Ray Yazdi

Municipal Clerk, Breeanna Calabro

Borough Attorney, Dawn Sullivan

**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 27, 2017.

**PRESENTATIONS:** N/A

**EARLY EXECUTIVE SESSION:** N/A

**NON-AGENDA ITEMS:**

* **Introduction of Ordinance 26-2018:** Amend Ch. 19 (Solid Waste)
* Authorizing and approving an agreement with Realauction.com for an electronic tax sale

**EARLY PUBLIC COMMENT:**

Motion was made by COSTA to open to meeting for public comment; seconded by D’AMATO and carried per voice vote all voting AYE

Since there was no one who wished to speak, SONDERMEYER made a motion to close early public comment; seconded by COSTA and carried per voice vote all voting AYE

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

***Dawn Hudson, Councilwoman****:*Passaic County Board of Chosen Freeholders has made the decision to support local community gardens. Bloomingdale Community Garden received $500 known as the ‘Dig In’ grant. There has been great success with ‘community gardens’ in Passaic County. One garden has donated 10,000 pounds of vegetables to different organizations in that town.

***Jonathan Dunleavy, Mayor:***

* Borough Health insurance premium for 2019 remains flat; the Boro is receiving $78,285 dividend which will offset our bottom-line
* In reference to pending Ordinance No. 21-2018: The police department has requested of both Passaic and Morris County to consider addressing a turn coming out of Butler Main Street by AJ’s Pizza onto Hamburg Turnpike. The goal is to limit the left hand turn during rush hour. The Passaic County Engineer came back with comments suggesting specific times not be set, and the turn be banned at all times. The Mayor feels banning the turn completely is not necessary. The council discussed how to handle this if the County Engineer doesn’t support the pending Ordinance. There was discussion (no formal action) of ‘doing nothing’ and rescinding the pending ordinance leaving the turn as is OR introduce a new ordinance banning the turn completely. The Mayor has requested of the Passaic County Engineer to reconsider and will keep the council informed.

**RESOLUTION NO. 2018-10.1 CONSENT AGENDA**

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

**RESOLUTION NO. 2018-10.1**

**OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

***Accepting, Approving and/or Adopting the Consent Agenda of the***

***October 2, 2018 Workshop Council Meeting***

**WHEREAS**, the Mayor and Council of the Borough of Bloomingdale has determined that to increase efficiency, the Consent Agenda shall be adopted with one resolution,

**THEREFORE BE IT RESOLVED**, that the following resolutions, placed on this agenda by consent, require no discussion and the same having been previously reviewed by each Governing Body member, be and are hereby adopted in their entirety by the Mayor and Council of the Borough of Bloomingdale.

* 1. **Approval of Minutes:**
* **Regular Workshop Meeting – September 4, 2018**
* **Regular Council Meeting – September 18, 2018**
  1. **Resolution No. 2018-10.2: Authorizing Purchase of iPads**
  2. **Resolution No. 2018-10.3: Extending Unpaid Sick Leave**
  3. **Resolution No. 2018-10.4: Transfer of Liquor License***Person-to-Person/Place-to-Place Transfer  
     1 Elite 1, LLC, 42 Hamburg Tpke to Café Chameleon 60/60A Main Street*
  4. **Resolution No. 2018-10.5: Authorizing Electronic Tax Sale**
  5. **Resolution No. 2018-10.6: Authorizing Electronic Tax Sale Fees**

The motion was seconded by D’AMATO and carried per the following roll call vote: COSTA, D’AMATO, DELLARIPA, HUDSON, SONDERMEYER\*, YAZDI (all YES)

*\*Councilman Sondermeyer abstained from the Regular Council Meeting Minutes of*

*September 18, 2018 because he was not present.*

**Consent Agenda Resolutions:**

**RESOLUTION NO. 2018-10.2  
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 THE PURCHASE OF (7) IPADS & (7) APPLE PENCILS FOR THE GOVERNING BODY**

**WHEREAS**, the Borough of Bloomingdale desires to purchase ipads & styluses for the members of the governing body as part of the 2018 Capital plan;

**WHEREAS,** the Borough of Bloomingdale awards the contract toApple, Inc.; and

**WHEREAS,** the Full-time Mayor recommends the utilization of this contract on the grounds as the best means available for obtaining the iPads; and

**WHEREAS**, the contract shall not exceed the amount of $6,076.00; and

**WHEREAS**, funding for this resolution is available as evidenced by the Certification of Funds, by the Chief Financial Officer, from account C-04-55-879-18B-200; and

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

1. The Borough of Bloomingdale does hereby authorize the purchase of (7) seven Apple iPad Pros 12.9” & (7) seven Apple Pencils from Apple, Inc.;

2. The total fee authorized for this contract shall not exceed $6,076.00 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 Apple, Inc. for their information and guidance.

This Resolution shall take effect immediately.

**RESOLUTION NO. 2018-10.3**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Granting/Extending Unpaid Sick Leave to Borough Employee***

**WHEREAS*,*** the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that Craig Smith (“Employee”) is an employee of the Borough of Bloomingdale’s Construction Department; and

**WHEREAS*,*** the Governing Body further finds and declares that the Employee will be out of work on unpaid sick leave as of August 20, 2018; and

**WHEREAS**, unpaid sick leave was granted during the period of August 20, 2018 until October 1, 2018 by official Resolution No. 2018-8.8 of the Governing Body; and

**WHEREAS**, the unpaid sick leave will be extended through December 31, 2018; and

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby extend unpaid sick leave to Borough Employee, Craig Smith, until no later than December 31, 2018; and

**BE IT FURTHER RESOLVED** that the Municipal Clerk be and is hereby directed to formally notify the New Jersey Division of Pension & Benefits of said status and to cause the same to be included in the records maintained for said employee.

**RESOLUTION NO. 2018-10.4  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION AUTHORIZING THE PERSON-TO-PERSON & PLACE-TO-PLACE LIQUOR LICENSE TRANSFER OF LICENSE NO. 1601-33-007-011 FROM 1 ELITE 1, LLC (42-44 HAMBURG TPKE) TO CAFÉ CHAMELEON, LLC (60/60A MAIN ST)**

**WHEREAS**, an application has been filed for a person-to-person and place-to-place transfer of Plenary Retail Consumption License No. 1601-33-007-011, heretofore issued to 1 Elite 1, LLC for premises located at 42-44 Hamburg Turnpike, Bloomingdale NJ; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the applicant has disclosed and the issuing authority and Borough Attorney have reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby approve, effective October 2, 2018, the transfer of the Plenary Retail Consumption License No. 1601-33-007-011 to Café Chameleon, LLC for premises located at 60/60A Main Street, and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows:  "This license, subject to all its terms and conditions, is hereby transferred to Café Chameleon, LLC effective October 2, 2018."

**RESOLUTION NO. 2018-10.5**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Authorizing Electronic Tax Sale***

**WHEREAS**, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

**WHEREAS**, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales, and

**WHEREAS**, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

**WHEREAS**, the Borough of Bloomingdale wishes to participate in an electronic tax sale.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Bloomingdale, New Jersey, that the Tax Collector is hereby authorized to complete an application to participate in the electronic tax sale program and submit same to the Director of the Division of Local Government Services.

**RESOLUTION NO. 2018-10.6**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Authorizing Electronic Tax Sale Fees***

**WHEREAS**, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services, and

**WHEREAS**, the rules and regulations require a municipality to send two (2) notices of tax sale to all properties included in said sale; and

**WHEREAS**, the rules and regulations allow said municipality to charge a fee of $25.00 per notice for the creation, printing and mailing of said notice; and

**WHEREAS**, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Borough of Bloomingdale wishes to charge $25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base.

**BE IT RESOLVED** by the Council of the Borough of Bloomingdale that a fee of $25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in conjunction with the 2018 electronic tax sale.

**PENDING ITEMS: N/A**

**NEW BUSINESS:**

1. **Discussion – Sick Leave Act:** *On the next agenda the mayor will be requesting we amend the Borough’s Policy Manual (Employee Handbook) to reflect the new NJ law entitling all employees to paid sick time off, including part time employees. Full time employees currently have existing policies regarding sick leave but guidelines need to be established for part timers. The law states an employee will accrue one hour of sick leave for every 30 hours worked. Potential handbook changes for part time employees include: the hours will lapse at the end of the year, the employee will not be entitled to be paid upon separation, time will be capped at 40 hours per year. The law was discussed amongst the governing body.*
2. **Introduction of Ordinance No.** **25-2018**: Amend Credit Card Fees

A motion was made by DELLARIPA to introduce the Ordinance by title; second and final reading/ public hearing will be on October 16, 2018 at 7PM; the motion was seconded by COSTA and carried by voice vote, all in favor.

Brief Discussion by the Mayor:

*Butler handles our water/sewer billing – they are implementing an updated system for the users. With the use of the new software, we need to switch banks (from Citibank to TD bank) and the user will be responsible for the fee associated with paying online using a credit card.*

The Municipal Clerk read by Title:

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, amending chapter 2 “Administration”, ARTICLE VIII “POLICIES AND PROCEDURES”, SECTION 2-80 “FEES CHARGED FOR MUNICIPAL SERVICES” & SECTION 2-84 “CREDIT CARD FEES” of the Code of the Borough of Bloomingdale**

**NON AGENDA ITEMS:**

1. **Adoption of Resolution No. 2018-10.7**: Authorizing Tax Sale Agreement with Realauction.com. At this time Councilman SONDERMEYER offered the following resolution and moved for its adoption:

**RESOLUTION NO. 2018-10.7**

**OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY approving and AUTHORIZING aN AGREEMENT BETWEEN THE BOROUGH AND RealAuction.com LLC TO CONDUCT ELECTRONIC TAX SALES**

**WHEREAS,** N.J.S.A. 54:5-19.1 authorizes the Borough of Bloomingdale to conduct electronic tax sales pursuant to rules and regulations to be promulgated by the Division of Local Government Services; and

**WHEREAS,** the Division of Local Government Services, Department of Community Affairs of the State of New Jersey (hereinafter “DCA”), pursuant to N.J.S.A. 54:5-19.1(c) had established an electronic tax sale pilot program (hereinafter “Pilot Program”); and

**WHEREAS,** DCA previously approved and qualified (i) RealAuction.com LLC’s (hereinafter “Contractor”) electronic tax sale program platform under the Pilot Program, and (ii) ROK Industries, Inc. d/b/a/ NJtaxlieninvestor.com (hereinafter “ROK”) to market and conduct internet-based auctions of Tax Certificates under the Pilot Program, and Contractor and ROK have successfully conducted electronic sales of Tax Certificates together in New Jersey since 2012; and

**WHEREAS,** the Borough participated in the Pilot Program utilizing the services of Contractor to conduct electronic tax sales in 2017; and

**WHEREAS**, the Borough of Bloomingdale wishes to enter into a contract with the said approved vendor without public bid since NJTaxlieninvestor.com/Realauction.com is the only approved vendor at this time; at a total amount not to exceed $1,000; and

**WHEREAS**, funds are available for this purpose.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute the Agreement between the Borough of Bloomingdale and Realauction.com LLC.
2. A copy of this resolution shall be provided to the Borough Finance Department and Realauction.com, LLC, for their information and guidance.

This Resolution shall take effect immediately.

**Discussion**: This agreement is subject to an amendment in regards to the confidentiality portion. Borough Attorney stated we need to add language under section 6 Confidentiality; Proprietary Information: “including but not limited to, the Open Public Records Act”.

The motion was seconded by DELLARIPA and carried per the following roll call: D’AMATO, DELLARIPA, HUDSON, SONDERMEYER, YAZDI and COSTA (all YES)

**2. Introduction of Ordinance No. 26-2018: Amend Ch. 19** (Solid Waste Management)

A motion was made by HUDSON to introduce the Ordinance by title; second and final reading/ public hearing will be on October 16, 2018 at 7PM; the motion was seconded by SONDMEYER and carried by voice vote, all in favor.

Discussion by the Mayor:

*DPW has been experiencing some issues and certain items in our code need to be addressed for the safety of the employees. All were recently trained on ‘blood borne pathogen’ and learned they should not be reaching into cans to collect garbage. However, residents present complaints when trash is left in the can. The ordinance will require cans to be lined. The ordinance also increases the weight limit of a garbage container to maximum of 60 pounds.*

The Municipal Clerk read by Title:

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 19 “SOLID WASTE MANAGEMENT” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE**

**LATE PUBLIC COMMENT:**

SONDERMEYER opened the meeting to late public comment; seconded by DELLARIPA and carried on voice vote.

Since there was no one who wished to speak, COSTA moved that it be closed; seconded by YAZDI and carried on voice vote.

**GOVERNING BODY SCHEDULE:**

1. Regular Meeting – October 16, 2018 7PM
2. Late Night Voter Registration – October 16, 2018
3. Workshop Meeting – November 1, 2018 (8AM)

**ADJOURNMENT:**

Since there was no further business to be conducted, HUDSON moved to adjourn at 7:27PM; seconded by SONDERMEYER and carried on voice vote with all Council Members present voting AYE.

Breeanna Calabro, RMC

Municipal Clerk