

**WORKSHOP MEETING
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

February 4, 2020

The 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 7:03 PM.

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

Roll Call:

In Attendance: Mayor Jonathan Dunleavy
Councilman John D'Amato
Councilman Richard Dellaripa
Councilwoman Dawn Hudson
Councilman Drew Juhlin
Councilman Michael Sondermeyer
Councilman Ray Yazdi
Municipal Clerk, Breeanna Calabro
Borough Attorney, Fred Semrau

PUBLIC NOTICE STATEMENT

Mayor Dunleavy stated that adequate notice of this meeting was advertised in the Herald News on December 23, 2019 and January 8, 2020; copies were provided to the local news media and posted continuously in the Municipal Building. A copy of this notice is available to the public and is on file in the office of the Municipal Clerk.

PRESENTATIONS: N/A

EARLY EXECUTIVE SESSION: N/A

NON-AGENDA ITEMS:

1. RESOLUTION 2020-2.7: Appointment of Marco Iglesia to Board of Health
2. Motion to Accept Resignation from Ian Hogan (DPW) effective February 13, 2020 /Authorize new(replacement) hire

EARLY PUBLIC COMMENT:

Motion was made by HUDSON to open to meeting for public comment; seconded by SONDERMYER and carried per voice vote all voting AYE. Since there was no one who wished to speak, JUHLIN made a motion to close early public comment; seconded by D'AMATO and carried per voice vote all voting AYE

**REPORTS OF PROFESSIONALS, DEPARTMENT HEADS, COMMITTEES,
LIAISONS & MAYOR'S REPORT:** N/A

- **Borough Attorney:** *Provided an update on a public land sale to Salahudin (5066/8,9,10&24) a time of the essence letter has been issued and the closing is scheduled for February 5, 2020 at 10AM.*
- **Borough Clerk:** *Reminder to council to watch stormwater videos for the Borough's MS4 permit*
- **Councilwoman Hudson:** *(Board of Health) pleased to have a new member. The BOH is offering a healthy eating class on February 8th*
- **Councilman D'Amato:** *Sloan Park committee is organizing a 'Grand Opening'*
- **Mayor Dunleavy:**
 - *100% participation by the employees in the Borough's Wellness program in 2019*
 - *Developing Capital Plans to propose to the Council*
 - *Leary Ave sidewalks have failed – the Borough Attorney will provide guidance on the use of performance bond for repairs.*
- **Councilman Juhlin:** *batting cages at WTB, he is working on gathering pricing information. ROSE meeting on February 13*

RESOLUTION NO. 2020-2.1 CONSENT AGENDA

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

RESOLUTION NO. 2020-2.1 OF THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE

*Accepting, Approving and/or Adopting the Consent Agenda of the
February 4, 2020 Workshop 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.

- A. Motion authorizing the Municipal Clerk to sign Planning Board approved plans for 161 Hamburg Turnpike
- B. Motion to Approve Bloomingdale Fire Department Member Application:
 - A. Marcus A. Lozano
- C. **Resolution No. 2020-2.2:** Approval of Shared Service Agreement with the Borough of Ringwood (Snake Den Road)
- D. **Resolution No. 2020-2.3:** Appointment to Ordinance Review Committee (Sondermeyer)
- E. **Resolution No. 2020-2.4:** Annual Recycling Flyer
- F. **Resolution No. 2020-2.5:** Authorizing Amended Contract (Dorsey & Semrau)
- G. **Resolution No. 2020-2.6:** Appointment to Planning Board (Hammaker)

Discussion on Item E:

Discussion in regard to the annual recycling flier/calendar. Any information not listed in the Borough Code may be listed on the recycling calendar. This is to help enforce the updated restrictions on garbage/recycling collection. The council discussed safety issues and reasonings for updated precautions the Borough is taking. The council discussed outsourcing sanitation collection options, how claims affect the JIF, ways to inform residents etc.

Discussion on Item F:

Council discussed the amended contract, moving 'OPRA matters' to litigation. The contract is still capped – there is no increase.

The motion was seconded by D'Amato and carried per the following roll call vote: D'AMATO, DELLARIPA, HUDSON, JUHLIN, SONDERMYER, YAZDI (all voting YES)

Consent Agenda Resolutions:

**RESOLUTION NO. 2020-2.2
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

A RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF RINGWOOD FOR THE PROVISION OF POLICE PROTECTION, FIRE SERVICES, AMBULANCE SERVICES, GARBABGE/RECYCLING COLLECTION & SNOW PLOWING FOR SNAKE DEN ROAD BLOOMINGDALE RESIDENTS

WHEREAS, the Borough of Ringwood has agreed to provide Police Protection, Fire Services, Ambulance Services, Garbage/Recycling Collection & Snow Plowing For Snake Den Road Bloomingdale Residents to the Borough of Bloomingdale way of a Shared Services Agreement as permitted by N.J.S.A. 40A:65-1 et seq.

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

- The Mayor and Municipal Clerk are hereby authorized and directed to execute a Shared Services Agreement with the Borough of Ringwood for the provision of Snake Den Road

Services, listed herein, for the term beginning January 1, 2020 through December 31, 2024 on the terms and provision set forth in the agreement

- A copy of the agreement shall be filed with the Municipal Clerk and shall be open for public inspection at the Municipal Building upon adoption of this resolution.
- The agreement shall take effect upon the lawful adoption of the requisite resolutions by all parties thereto
- A copy of the Agreement shall be sent to the State of New Jersey, Division of Local Government Services in the Department of Community Affairs
- This resolution shall take effect immediately upon adoption according to law.

**RESOLUTION NO. 2020-2.3
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Appointments of Governing Body Committees/Citizen Committee

BE IT RESOLVED by the Mayor and Council of the Borough of Bloomingdale, that they do provide, advice and consent to the Mayor's appointment of the following Governing Body Committees and Citizen Committees:

2020 STANDING COMMITTEES

<u>Committee</u>	<u>Member(s)</u>
Ordinance Review Committee/ Ordinance Review Comm. Res. Mbrs	Mike Sondermeyer

**RESOLUTION NO. 2020-2.4
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

RESOLUTION AUTHORIZING THE 2020 RECYCLING CALENDAR

WHEREAS, under the code of the Borough of Bloomingdale in Chapter XIX SOLID WASTE MANAGEMENT, section 19-1.3 Rules and Regulations states: *'The Mayor and Council shall establish and promulgate such rules and regulations, as to manner, days and times of collection, handling, bundling, location and placement of materials for collection and otherwise, as may be necessary for the effective operation of the Borough's recycling program. Such rules and regulations and amendments thereof shall be adopted by the Mayor and Council by resolution and thereafter made available for public review in the office of the Borough Clerk';and*

WHEREAS, the Department of Public Works annually creates and distributes a Recycling Calendar with current rules and regulations in regards to recycling and refuse collection; and

WHEREAS, the annual Recycling Calendar constitutes any and all items and/or rules of which are not listed in the Borough Code; and

WHEREAS, the Recycling Calendar supersedes any conflicting rules and regulations; and

WHEREAS, the Recycling Calendar is mailed to all residents; and

WHEREAS, the Recycling Calendar is made available for public review in the office of the Borough Clerk and is posted on the official webpage of the Borough; and

NOW THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of Bloomingdale does hereby recommend enforcing any and all regulations listed in the Borough's annually distributed Recycling Calendar.

**RESOLUTION NO. 2020-2.5
OF THE GOVENING BODY OF
THE BOROUGH OF BLOOMINGDALE**

RESOLUTION APPROVING THE AMENDED PROFESSIONAL SERVICE CONTRACT FOR BOROUGH ATTORNEY SERVICES WITH DORSEY & SEMRAU, LLC

WHEREAS, the Governing Body of the Borough of Bloomingdale awarded a Non-Fair and Open Professional Service Contract for Borough Attorney services & appointment for Same to Fred Semrau, Esq. of Dorsey & Semrau, LLC; 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, an amended contract has been submitted by Dorsey & Semrau, LLC; and

WHEREAS, under the amended contract, OPRA has been removed from 'General Services' as described in the contract and will listed under 'Litigation Matters'; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Bloomingdale, County of Passaic, State of New Jersey authorizes the Mayor and Municipal Clerk to execute the amended contract with Dorsey & Semrau, LLC as described herein to the satisfaction of the Mayor and Council; and

BE IT FURTHER RESOLVED that the contract, resolution and other pertinent documents shall remain on file in the office of the Municipal Clerk.

**RESOLUTION NO. 2020-2.6
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Appointments to the Planning Board

BE IT RESOLVED by the Mayor and Council of the Borough of Bloomingdale, that they do provide, advice and consent to the Mayor's appointment of the following to the Planning Board:

Planning Board (Alt III) 2 years unexp (expiring 12/31/20) Wayne Hammaker

PENDING BUSINESS:

A. Motion to repeal the introduction of Ordinance 5-2020: Per recommendation of the Ordinance Review Committee, this ordinance should not be adopted. The existing code limits to one (1) commercial vehicle less than 12,000 lbs. GVWR not garaged. SONDERMEYER made the motion to repeal the introduction of this ordinance, seconded by D'Amato; motion carried on voice vote, all in favor voting AYE. *No further action will be taken on this ordinance.*

B. Councilman D'Amato moved for the adoption of the following resolution:

**RESOLUTION NO. 2020-1.6
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Resolution Authorizing the Contract and Appointment of Richard Kunze as Qualified Purchasing Agent

WHEREAS, there is a need to appoint a Qualified Purchasing Agent ('QPA'); and

WHEREAS, Richard Kunze has agreed to accept such appointment as the QPA for the Borough of Bloomingdale; and

WHEREAS, Richard Kunze meets the statutory qualifications to hold the position; and

WHEREAS, the appointment as Qualified Purchasing Agent shall be at an annual rate of \$3,500 for a term January 1, 2020 through December 31, 2020; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Bloomingdale, in the County of Passaic and State of New Jersey, that the Agreement with Richard Kunze to serve as the Qualified Purchasing Agent of the Borough as described hereinabove be and is hereby authorized.

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

Certification of Funds:

Pending Budget adoption, I certify the availability of funds, in an amount not to exceed **\$3,500** from **0-01-20-130-001-028**.

Donna M. Mollineaux, CFO

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

*******THE VOTE WAS LATER AMENDED – RAY YAZDI RECUSED FROM RESO 2020-1.6*******

C. Resolution No. 2020-1.-65: Increasing Bid Threshold to \$40,000

Councilman D'Amato moved for the adoption of the following resolution:

**RESOLUTION NO. 2020-1.65
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**A RESOLUTION OF THE BOROUGH OF LOOMINGDALE, COUNTY OF
PASSAIC AND STATE OF NEW JERSEY INCREASING THE BID
THRESHOLD FOR CONTRACTS SUBJECT TO PUBLIC BIDDING UNDER
THE LOCAL PUBLIC CONTRACTS LAW TO \$40,000**

WHEREAS, the Borough has created the position of Qualified Purchasing Agent (“QPA”) and appointed Richard Kunze to serve as the Borough QPA pursuant to N.J.S.A. 40A:11-9 to 9.1 and the regulations promulgated pursuant thereto at N.J.A.C. 5:34-5.1 to 5.5; and

WHEREAS, N.J.A.C. 5:34-5.4 provides that a government unit which employs a Qualified Purchasing Agent can take advantage of the higher bid threshold of \$40,000.00 pursuant to N.J.S.A. 40A: 11-3(a) and grants the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, the Borough of Bloomingdale desires to take advantage of the increased bid threshold.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey that the Borough of Bloomingdale hereby increases the bid threshold for award of public contracts by the Borough from \$17,500 to \$40,000.

The motion was seconded by DELLARIPA and carried on voice vote, all members voting in favor (AYE).

Following voice vote Councilman Yazdi requested to ‘re-vote’ & recuse himself from 2020-1.6 & 2020-1.65; a roll call was taken for item **C. Reso 2020-1.65: Increasing the Bid Threshold**. Roll call: Hudson (YES), JUHLIN (YES), SONDERMEYER (YES), YAZDI (ABSTAIN), D'AMATO (YES), DELLARIPA (YES)

D. Second/Final Reading & Public Hearing:

Ordinance No. 2-2020: Amending Ch. 11 (Rental Dwelling Units)

The Municipal Clerk, Breeanna Calabro, read the Public Notice statement.

Councilman DELLARIPA moved that the Ordinance be read by title; seconded by SONDERMEYER and carried on voice vote – all members present voting AYE

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO. 2-2020
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 11 “BUILDING AND HOUSING”, SECTION 11-6 “RENTAL DWELLING UNITS” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Borough Code currently sets forth the inspection fee for rental units; and

WHEREAS, the Borough Property Maintenance Official and Borough Council have reviewed the Code and recommended certain changes be made.

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

SECTION 1. Chapter 11 “Building and Housing”, Section 11-6 “Rental Dwelling Units”, Subsection 11-6.4 “Filing of Registration Form” shall be amended as follows:

11-6.4 Filing of Registration Form

a. Apart from any zoning or other regulatory issues, the filing of the registration form in accordance with the requirements of subsection 11-6.3 and payment of a registration fee of one hundred and fifty (\$150.00) dollars per housing space or rental dwelling shall constitute a legally registered housing space with the Borough of Bloomingdale and for purposes of legal proceedings in connection therewith.

b. Upon change of ownership, occupancy or inception of a new tenancy, a new landlord-tenant registration form shall be filed together with a registration fee of one hundred (\$100.00) dollars to continue the legally registered housing space.

c. Each housing space or rental dwelling in the Borough of Bloomingdale shall be subject to an annual registration fee of one hundred and fifty (\$150.00) dollars shall be paid by the landlord. The registration shall take place twelve (12) months after the initial landlord-tenant registration form is completed.

d. Each owner and/or its agent shall file a landlord certificate of registration with the Borough Clerk as required by State law (N.J.S.A. 46:8-27 *et seq.*).

All other portions of this Chapter remain unchanged.

SECTION 2. All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

SECTION 4. This law shall take effect immediately upon final passage, approval and publication as required by law.

Public Hearing:

At this time D'AMATO made a motion to open the Public Hearing for comment; seconded by HUDSON and carried on a voice vote all voting AYE. Since there was no one who wished to speak HUDSON made a motion to close the public hearing; motion was seconded by YAZDI and carried on voice vote all members voting AYE.

Adoption:

YAZDI made motion for adoption; the motion was seconded by HUDSON.

Discussion: *Mayor spoke in regards to the increased fee, and the property maintenance official will be begin enforcing Landlord Registration.*

The motion for adoption carried per the following roll call vote: JUHLIN (YES), SONDERMEYER (YES), YAZDI (YES), D'AMATO (YES), DELLARIPA (YES), HUDSON (YES)

E. Second/Final Reading & Public Hearing:

Ordinance No. 3-2020: Amending Ch. 5 (Farm Animals)

The Municipal Clerk, Breeanna Calabro, read the Public Notice statement.

Councilman SONDERMEYER moved that the Ordinance be read by title; seconded by SONDERMEYER and carried on voice vote – all members present voting AYE

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO. 3-2020
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 5 “ANIMAL CONTROL” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Borough Code currently sets forth the animal control regulations, licensing requirements, fees, and restrictions and limitations with regard to the keeping of certain animals in the Borough; and

WHEREAS, the Borough Ordinance Review Committee and Animal Control Officer have reviewed the Code and recommended certain changes be made to update the Code and for consistency and clarification purposes; and

WHEREAS, the Borough Council has reviewed the recommendations of the Ordinance Review Committee and Animal Control Officer and agreed with the recommended changes.

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

SECTION 1. Chapter 5 “Animal Control”, Section 5-6 “Farm Animals, Fowl, Pigeons, Poisonous Snakes and Reptiles” shall be amended as follows:

§5-6.2 Fowl.

a. As used in this subsection, the following terms shall have the meanings indicated.

1. Fowl shall mean and include chickens, ducks, turkeys, peacocks, ostriches, game birds or any other fowl.

b. No person shall harbor or keep any fowl within the limits of the Borough except in conformance with this subsection and in accordance with the applicable provisions of the Borough's zoning (§92-21B) or other ordinances.

1. There shall be no more than ten (10) fowl per acre maintained by any property owner.

2. Maximum number of fowl shall not exceed twenty (20) regardless of property size.

3. There shall be no more than one (1) rooster, or cock bird, and nineteen (19) birds on the property.

4. All fowl shall be kept in fenced or penned areas, or in coops, at least seventy-five (75) feet from the principal building on the property.

5. No fowl shall be allowed to fly around at large, but shall be confined in a suitable house or coop, and with an enclosed runway or fenced area.

6. Nothing in this section shall be deemed to apply to poultry kept in live poultry markets as well as farmland assessed properties.

All other portions of this Section remain unchanged.

SECTION 2. Chapter 5 "Animal Control", Section 5-3 "Dog and Cat Licenses" shall be amended as follows:

§5-3.3 Fees Required; Renewal, Expiration Date of License; Exceptions.

a. The person applying for a license and registration tag shall pay a fee for each dog or cat as provided for in Section 5-14.

b. The person applying for a license and registration tag shall pay the fee fixed as authorized. The fee for renewal of license and registration tag shall be the same as for the original, and the license, registration tag and renewal thereof shall expire on December 31 of the licensing year. Only one (1) license and registration tag shall be required in any licensing year for any dog or cat owned in the Borough, and such license and registration tag issued by any municipality in the State of New Jersey shall be accepted as evidence of compliance of this section.

c. Any dog or cat owner or person harboring a dog or cat found to have an unlicensed dog or cat by the Animal Control Officer or any other municipal official on or after February 1 shall be required to pay an additional delinquent fee as established in Section 5-14, plus the required license fee as provided in this section for his license, together with any other fines due to summons issued that may be imposed on him or provided in this section for failure to obtain a license by January 31. The aforementioned fee shall not apply to dogs or cats which have been acquired by the owner after January 1, provided that the license is obtained within ten (10) days after acquisition and sufficient proof is presented to establish the date the dog or cat is acquired.

d. Dogs used as guides for blind persons and commonly known as "seeing eye dogs," dogs used to assist disabled persons and commonly known as "service dogs" or dogs used to assist deaf persons and commonly known as "hearing ear dogs" shall be licensed and

registered as other animals herein above provided for, except that the owner or keeper of such dog shall not be required to pay any fee.

e. The owner or keeper of any newly acquired dog or cat of licensing age shall make application for such license and registration tag for such dog or cat within ten (10) days after such acquisition or age attainment.

f. Any owner or keeper of a licensed dog or cat whose current license tag has been lost may obtain a replacement tag by applying to the Health Department immediately. A charge as established in Section 5-14 is made for replacement of this tag.

g. No person shall make use of or have in his possession or under his control a stolen, counterfeit or forged dog or cat license receipt, license registration tag or rabies vaccination certification or other forms issued in accordance with the provisions of this chapter.

h. Any person applying for a dog license for a neutered dog or cat must present to the licensing agent a veterinarian's certification that the dog or cat of reproductive age has had its reproductive capacity permanently altered through sterilization.

All other portions of this Section remain unchanged.

SECTION 3. Chapter 5 "Animal Control", Section 5-9 "Defiling or Damaging Property; Nuisances; Running At Large" shall be amended as follows:

§5-9 Defiling or Damaging Property; Nuisances; Running at Large; Injury to Persons.

a. No person shall suffer, permit or allow any animal to injure, damage, soil or defile any lawn, shrubbery, flowers or grounds or any property, either public or private, or any person other than that of its owner to the extent that such action causes a nuisance.

b. No person owning or in charge of any dog shall suffer, permit or allow such dog to be upon any private or public property other than the premises of the owner without the consent of the owner or tenant of the private or public property or permit the dog to run unleashed off the premises of the owner.

c. No person owning or in charge of any dog shall cause or allow such dog to soil, defile or defecate upon any private property without the permission of the owner. Any person owning or in charge of such dog which soils, defiles or defecates shall immediately remove all feces deposited by such dog in a sanitary manner.

d. No person owning or in charge of any dog shall cause or allow such dog to soil, defile or defecate on any place where people walk or congregate, or upon public property. Any person owning or in charge of such a dog which soils, defiles or defecates shall immediately remove all feces deposit by such dog in a sanitary manner.

e. No person owning, keeping or harboring a dog shall permit or suffer the dog to cause any injury or damage to any person or persons. The Animal Control Officer shall have the discretion to determine if an injury to a person implicates the provisions of Section 5-10 governing vicious dogs based upon the circumstances and facts of each such case.

f. Any person who violates this section shall upon conviction be subject to the penalties provided in Section 5-16.

g. This section shall be enforced by the Animal Control Officer, the members of the Police Department, the Code Enforcement Officer and the members of the Health Department.

All other portions of this Section remain unchanged.

SECTION 4. Chapter 5 “Animal Control”, Section 5-11 “Howling or Barking Dogs” shall be amended as follows:

§5-11 Howling or Barking Dogs.

No person shall keep within the Borough any dog causing a nuisance and disturbing the peace and quiet of the neighborhood in which it shall be kept by chronically howling, barking or making and causing other sounds or noises, particularly between the hours of 10:00 p.m. and 7:00 a.m.

It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which unreasonably disturbs or interferes with the peace, comfort and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Police Officer or Animal Control Officer. Prima facie evidence of a violation of this section shall include, but not be limited to:

- (1) Vocalizing (howling, yelping, barking, squawking, etc.) for five (5) minutes without interruption, defined as an average of four (4) or more vocalizations per minute in that period; or
- (2) Vocalizing for twenty (20) minutes intermittently, defined as an average of two (2) vocalizations or more per minute in that period.

It is an affirmative defense under this section that the dog or other animal was intentionally provoked to bark or make any other noise.

All other portions of this Section remain unchanged.

SECTION 5. Chapter 5 “Animal Control”, Section 5-14 “Fees” shall be amended as follows:

§5-14 Fees.

The following fees shall be paid to the Borough in compliance with this chapter:

- a. License and Registration Tag, Annual.
 1. Dogs.
 - (a) Neutered: twelve (\$12.00) dollars.
 - (b) Unneutered: twenty (\$20.00) dollars.
 2. Cats.
 - (a) Eight (\$8.00) dollars.
 3. Late charge for dog or cat license and registration tag, effective February 1: increasing fine of five (\$5.00) dollars per month past February 1.
 4. Replacement dog or cat license and registration tag: five (\$5.00) dollars.
- b. Surrender Fees: fifty (\$50.00) dollars per animal.
- c. Kennel License, Annual:

1. Ten (10) or fewer dogs: ten (\$10.00) dollars.
 2. Greater than ten (10) dogs: twenty-five (\$25.00) dollars.
- d. Pet Shop, Annual: ten (\$10.00) dollars.
- e. Potentially Dangerous Dog License and Registration Tag, Annually: five hundred (\$500.00) dollars.
- f. Quarantines and Impounded Bite Cases: twenty-five (\$25.00) dollars a day.
- g. Reclaim Fee:
1. First offense: thirty (\$30.00) dollars for the first day plus an additional five (\$5.00) dollars per day for every day thereafter.
 2. Second offense: fifty (\$50) dollars for the first day plus an additional five (\$5.00) dollars per day for every day thereafter.
 3. Third offense or greater: seventy-five (\$75) dollars for the first day plus an additional five (\$5.00) dollars per day for every day thereafter.
- h. Adoption Fees. Vary based on the individual animal and will range from twenty-five (\$25.00) dollars to two hundred fifty (\$250.00) dollars.
- i. Disposal of Dead Domesticated Animals:
1. Less than thirty (30) lbs.: fifty (\$50.00) dollars.
 2. Between thirty (30) lbs. and fifty (50) lbs.: seventy-five (\$75.00) dollars.
 3. Over fifty (50) lbs.: one hundred (\$100.00) dollars.
- j. Removal of Dead Animals and Release of Nuisance Wildlife Contained by Resident on Private Property: twenty-five (\$25.00) dollars.
- k. Euthanasia of Quarantined Pets and, in Special Circumstances Owner Released Pets:
1. Pets weighing forty-nine (49) pounds and under; disposal fees plus thirty-five (\$35.00) dollars.
 2. Pets weighing over forty-nine (49) pounds; disposal fees plus fifty (\$50.00) dollars.

All other portions of this Section remain unchanged.

SECTION 6. Chapter 5 “Animal Control”, Section 5-17A “Feeding of Unconfined Wildlife” shall be amended as follows:

§5-17A.4 Enforcement.

a. This section shall be enforced by the Police Department of the Borough of Bloomingdale and/or the Animal Control Officer.

b. Any person found to be in violation of this section shall be ordered to cease the feeding immediately

All other portions of this Section remain unchanged.

SECTION 7. Chapter 5 “Animal Control”, Section 5-18 “Animal Care” shall be amended as follows:

§5-18.1 Shelter and Care of Animals.

The shelter and care of animals in the Borough of Bloomingdale shall be governed by the provisions of N.J.S.A. 4:22-17 through 4:22-25.5 governing the prevention of cruelty to animals.

§5-18.2 Duties of Citizens.

a. It shall be the duty of every person within the Borough to forthwith report any instances of animal cruelty to the Humane Law Enforcement Officer or the Animal Control Officer.

b. Any person who, as the operator of a motor vehicle, accidentally strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner or local police department.

All other portions of this Section remain unchanged.

SECTION 8. Chapter 5 "Animal Control", Section 5-19 "Pet Waste" shall be amended as follows:

§5-19.5 Enforcement.

The provisions of this section shall be enforced by the Police Department, the Board of Health of the Borough of Bloomingdale and/or the Animal Control Officer.

All other portions of this Section remain unchanged.

SECTION 9. All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 10. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

SECTION 11. This law shall take effect immediately upon final passage, approval and publication as required by law.

Public Hearing:

At this time HUDSON made a motion to open the Public Hearing for comment; seconded by DELLARIPA and carried on a voice vote all voting AYE. Since there was no one who wished to speak DELLARIPA made a motion to close the public hearing; motion was seconded by SONDERMEYER and carried on voice vote all members voting AYE.

Adoption:

YAZDI made motion for adoption; the motion was seconded by HUDSON.

The motion for adoption carried per the following roll call vote: SONDERMEYER (YES), YAZDI (YES), D'AMATO (YES), DELLARIPA (YES), HUDSON (YES), JUHLIN (YES)

F. Second/Final Reading & Public Hearing:

Ordinance No. 4-2020: Amending Ch. 15 (Property Maintenance - Requirements)

The Municipal Clerk, Breeanna Calabro, read the Public Notice statement.

Councilman YAZDI moved that the Ordinance be read by title; seconded by DELLARIPA and carried on voice vote – all members present voting AYE

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO 4-2020
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 15 “PROPERTY MAINTENANCE”, SECTION 15-3 “REGULATIONS AND REQUIREMENTS” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Borough Code currently sets forth restrictions and limitations with regard to the keeping and parking of commercial vehicles in the Borough; and

WHEREAS, the Borough Ordinance Review Committee has reviewed these restrictions and limitations and recommended certain changes be made for consistency and clarification purposes; and

WHEREAS, the Borough Council has reviewed the recommendations of the Ordinance Review Committee and agreed with the recommended changes in order to ensure consistency and clarification.

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

SECTION 1. Chapter 15 “Property Maintenance”, Section 15-3 “Regulations and Requirements”, Subsection 15-3.5 “Maintenance” shall be amended as follows:

§15-3.5 Maintenance.

a. It shall be the duty of the owner, operator and/or occupant to keep the exterior of the premises free of nuisances, which include but are not limited to the following:

1. Garbage and/or refuse.
2. Natural Growth.
 - (a) Natural growth, such as dead and dying or storm-damaged trees and limbs or other growth which, by reason of its condition or nature, constitutes a hazard to persons lawfully in the vicinity. Trees shall be kept pruned and trimmed to prevent such conditions. Owners of vacant premises must keep them free of nuisances.
 - (b) In case any tree, shrub or other vegetation, or any part thereof, which is not part of an approved site plan, in or along a public right-of-way shall encroach upon/or become dangerous to public safety or property, the owner of the property on which such tree, shrub or other vegetation is located shall

remove same, or required part thereof, forthwith on service of written notice to that effect from the Property Maintenance Officer.

3. Overhanging objects and accumulations of ice and/or snow which, by reason of their location above ground level, constitute a danger of falling on persons lawfully in the vicinity.

4. Ground surface hazards, such as holes, excavations, breaks and projections, broken or defective curbs or sidewalks on residential premises within five (5) feet of an unfenced property line or on any part of a nonresidential premises to which the public has lawful access.

5. Sources of infestation, including all environments and conditions conducive to the increase or spread of vermin.

b. It shall be the duty of the owner, operator and/or occupant to keep and maintain the exterior of the premises and structures so that the appearance of the same shall not constitute a blighting factor, including but not limited to the following:

1. Storage of commercial and industrial material. There shall not be stored or used, at a location exposed to public view, equipment and materials relating to commercial or industrial uses, unless permitted under the zoning ordinance.

2. Landscaping. Premises along the public right-of-way shall be kept in a maintained state, free of refuse. Vegetation along the public right-of-way shall be kept from becoming a hazard to pedestrians and motorists.

3. General maintenance. The exterior of every structure shall be maintained in good repair for purposes of preservation and appearance and free of conditions reflective of deterioration or inadequate maintenance, including but not limited to broken glass, excessively peeling or deteriorated paint, loose shingles and crumbling stone or brick.

4. Front yard parking; commercial vehicle parking; registered school vehicle parking.

(a) No person shall park any motor vehicle or boat in any front yard area except on driveways constructed and installed in compliance with Borough ordinances, and no driveway shall be wider than fifty (50%) percent of the front yard width of any property. No such motor vehicle shall be in conflict with Borough Ordinance 92-22F.

(b) In any residential zone, except as provided herein, no person shall use the property for the parking of commercial vehicles or registered school vehicles, except as permitted by Borough Ordinance 92-22F

All other portions of this Section remain unchanged.

SECTION 2. All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

SECTION 4. This law shall take effect immediately upon final passage, approval and publication as required by law.

Public Hearing:

At this time HUDSON made a motion to open the Public Hearing for comment; seconded by DELLARIPA and carried on a voice vote all voting AYE. Since there was no one who wished to speak DELLARIPA made a motion to close the public hearing; motion was seconded by HUDSON and carried on voice vote all members voting AYE.

Adoption:

D'AMATO made motion for adoption; the motion was seconded by HUDSON.

Discussion:

There was a brief discussion on a particular car in the Borough. Property Maintenance, Construction Code Official and the Police Department are currently handling this issue. It was noted that pre-existing conditions (before zoning/ordinance regulations) become more difficult in regard to enforcement/regulation on the Borough's end.

The motion for adoption carried per the following roll call vote: YAZDI (YES), D'AMATO (YES), DELLARIPA (YES), HUDSON (YES), JUHLIN (YES), SONDERMEYER (YES)

G. Second/Final Reading & Public Hearing:

Ordinance No. 6-2020: Ch. 30 (Flood Damage Prevention)

The Municipal Clerk, Breeanna Calabro, read the Public Notice statement.

Councilwoman HUDSON moved that the Ordinance be read by title; seconded by DELLARIPA and carried on voice vote – all members present voting AYE

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO 6-2020
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGALE**

THE FLOOD DAMAGE PREVENTION ORDINANCE

SECTION 1.0

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

1.1 STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Mayor and Council of the Borough of Bloomingdale, Passaic County, New Jersey does ordain as follows:

1.2 FINDINGS OF FACT

- a) The flood hazard areas of the Borough of Bloomingdale are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures

for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

- b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a) Protect human life and health;
- b) Minimize expenditure of public money for costly flood control projects;
- c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d) Minimize prolonged business interruptions;
- e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- f) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b) Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

AH Zone- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone

AO Zone- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

Appeal — A request for a review of the Construction Official's interpretation of any provision of this ordinance or a request for a variance.

Area of Shallow Flooding — A designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard — Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

Base Flood — A flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) – The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Basement — Any area of the building having its floor subgrade (below ground level) on all sides.

Best Available Flood Hazard Data — The most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM.

Best Available Flood Hazard Data Elevation — The most recent available preliminary flood elevation guidance FEMA has provided. The Best Available Flood Hazard Data Elevation may be depicted on an Advisory Flood Hazard Area Map, Work Map or Preliminary FIS and FIRM.

Breakaway Wall — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Cumulative Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds 50 percent of the market value of the structure at the time of the improvement or repair when counted cumulatively for 10 years.

Development — Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

Elevated Building — A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to

the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Elevation Certificate – An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a required for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

Erosion — The process of gradual wearing away of land masses.

Existing Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

FEMA Publication – Any publication authored or referenced by FEMA related to building science, building safety, or floodplain management related to the National Flood Insurance Program. Publications shall include but are not limited to technical bulletins, desk references, and American Society of Civil Engineers Standards documents.

Flood Design Class – An American Society of Civil Engineers (ASCE) classification of buildings and other structures for determination of flood loads and conditions and determination of minimum elevation requirements on the basis of risk associated with unacceptable performance.

Flood or Flooding — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters and/or
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

Floodplain Management Regulations — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodproofing Certificate – Certification by an engineer or architect to certify a floodproofing design for a non-residential building.

Floodway — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

Freeboard — A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Highest Adjacent Grade — The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

Historic Structure — Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved State program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in States without approved programs.

Lowest Floor — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

Manufactured Home — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Manufactured Home Subdivision — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New Construction — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

Preliminary Flood Insurance Rate Map— The draft version of the FIRM released for public comment before finalization and adoption.

Recreational Vehicle — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction — (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348)) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure — A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

Substantial Damage — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Substantial Damage also means flood-related damages sustained by a structure on two or more separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure during a 10-year period the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. Substantial improvement also means "cumulative substantial improvement." This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed or "repetitive loss". The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance — A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

Violation — The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation — the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

SECTION 3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Bloomingdale, Passaic County, New Jersey.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Borough of Bloomingdale, Community No. 345284, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Passaic County, New Jersey (All Jurisdictions)" dated April 17, 2020.
- b) "Flood Insurance Rate Map for Passaic County, New Jersey (All Jurisdictions)" as shown on Index and panels: 34031C0129G, 34031C0136F, 34031C0137F, 34031C0138G, 34031C0139G, 34031C0143G, and 34031C0181G, whose effective date is April 17, 2020.
- c) Letter of Map Revision, Case Number 16-02-0098P, issued April 5, 2016, effective August 23, 2016, revising panel number 0139.
- d) Best Available Flood Hazard Data. These documents shall take precedence over effective panels and FIS in construction and development regulations only. Where the effective mapping or Base Flood Elevation conflict or overlap with the Best Available Flood Hazard Data, whichever imposes the more stringent requirement shall prevail.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at the Borough of Bloomingdale Municipal Building, located at 101 Paterson Hamburg Turnpike, Bloomingdale, New Jersey.

3.3 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than two-thousand dollars (\$2,000.00) or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Borough of Bloomingdale from taking such other lawful action as is necessary to prevent or remedy any violation.

3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- a) Considered as minimum requirements;
- b) Liberally construed in favor of the Mayor and Council; and,
- c) Deemed neither to limit nor repeal any other powers granted under State statutes.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Borough of Bloomingdale, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 4.0 ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

The Borough of Bloomingdale shall establish and maintain a local development permitting system to determine whether such proposed construction or other development is reasonably safe from flooding. A local Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special

flood hazard established in section 3.2. Application for a Development Permit shall be made on forms furnished by the Construction Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; a description of the flood design class, and the location of the foregoing. Specifically, the following information is required:

- a) Elevation in relation to 0 foot elevation NAVD 88 datum, of the lowest floor (including basement) of all structures;
- b) Elevation in relation to 0 foot elevation NAVD 88 datum to which any structure has been floodproofed.
- c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 5.2-2; and,
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- e) Any forms, plans, or information required pursuant to any applicable FEMA publication.

4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Construction Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Construction Official shall include, but not be limited to:

4.3-1 PERMIT REVIEW

- a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of 5.3 a) are met.
- d) Review all permit applications to determine whether proposed building sites are reasonably safe from flooding;
- e) Review all permit applications to determine whether development complies with all applicable FEMA Publications;
- f) Review all permit applications to determine whether development complies with all applicable New Jersey Land Use requirements;

4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Construction Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

- a) Obtain and record on a current Elevation Certificate the actual elevation (in relation to 0 foot elevation NAVD 88 datum) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b) For all new or substantially improved floodproofed structures:
 - i. verify and record on a Floodproofing Certificate the actual elevation (in relation to 0 foot elevation NAVD 88 datum);
 - ii. maintain the floodproofing certifications required in section 4.1 c).
- c) Record the study date of the Best Available Flood Hazard Data (and other documents) used to determine the actual elevation of the lowest floor (including basement) of all new or substantially improved structures; and
- d) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 ALTERATION OF WATERCOURSES

- a) Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Engineering and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

4.3-5 SUBSTANTIAL DAMAGE REVIEW

- a) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
- b) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Engineering.
- c) Ensure substantial improvements meet the requirements of sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION and 5.2-3, SPECIFIC STANDARDS, MANUFACTURED HOMES.

4.3-6 INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 4.4.

4.3-7 REPORT CHANGES IN FLOODING CONDITIONS

Obtain and record changes in flooding conditions and report the technical or scientific data to the Federal Insurance Administrator on a six (6) month basis or sooner in accordance with Volume 44 Code of Federal Regulations Section 65.3.

4.4 VARIANCE PROCEDURE

4.4-1 APPEAL BOARD

- a) The Bloomingdale Planning Board, as established by Mayor and Council, shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b) The Bloomingdale Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Construction Official in the enforcement or administration of this ordinance.
- c) Those aggrieved by the decision of the Bloomingdale Planning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided in NJSA 40:55D-17h and 18.
- d) In passing upon such applications, the Bloomingdale Planning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - i. the danger that materials may be swept onto other lands to the injury of others;
 - ii. the danger to life and property due to flooding or erosion damage;
 - iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. the importance of the services provided by the proposed facility to the community;
 - v. the necessity to the facility of a waterfront location, where applicable;
 - vi. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - vii. the compatibility of the proposed use with existing and anticipated development;
 - viii. the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - xi. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- e) Upon consideration of the factors of section 4.4-1 d) and the purposes of this ordinance, the Bloomingdale Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- f) The Construction Official shall maintain the records of all appeal actions, including technical information, the justification for their issuance, and report any variances to the Federal Insurance Administration upon request.

4.4-2 CONDITIONS FOR VARIANCES

- a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items i.-xi. in section 4.4-1 d) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

- d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e) Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section 4.4- 1 d), or conflict with existing local laws or ordinances.
- f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

5.1-1 ANCHORING

- a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b) All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

- a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 UTILITIES

- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- d) For all new construction and substantial improvements, the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall

be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-4 SUBDIVISION PROPOSALS

- a) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- b) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,
- d) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

5.1-5 ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two (2) exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in section 4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

5.2-1 RESIDENTIAL CONSTRUCTION

New construction and substantial improvement of any residential structure located in an A, AE, AO or AH zone shall have the lowest floor, including basement together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated at or above the more restrictive of the following:

- a) For A or AE zones:
 - i. base flood elevation (published FIS/FIRM) plus two (2) feet;
 - ii. the best available flood hazard data elevation plus two (2) feet;
 - iii. as required by ASCE/SEI 24-14, Table 2-1, or
 - iv. as required by N.J.A.C. 7:13-3.

- b) For AO or AH zones on the municipality's FIRM to elevate above the depth number specified in feet plus two (2) feet, above the highest adjacent grade (at least three (3)

- feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- c) Record the method and elevation used above and, the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit.

5.2-2 NONRESIDENTIAL CONSTRUCTION

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A, AE, AO or AH zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment:

Either:

- a) Elevated at or above the more restrictive of the following:
 - i. For A or AE zones:
 - a. base flood elevation (published FIS/FIRM) plus two (2) feet,
 - b. the best available flood hazard data elevation plus two (2) feet,
 - c. as required by ASCE/SEI 24-14, Table 2-1, or
 - d. as required by N.J.A.C 7:13-3.
 - ii. For AO or AH zones on the municipality's FIRM to elevate above the depth number specified in feet plus two (2) feet, above the highest adjacent grade (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;
 - iii. Record the method and elevation used above and, the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit.

or

- b) Be floodproofed so that below the more restrictive of the following:
 - i. For A or AE zones:
 - a. base flood elevation (published FIS/FIRM) plus two (2) feet,
 - b. the best available flood hazard data elevation plus two (2) feet,
 - c. as required by ASCE/SEI 24-14, Table 6-1, or
 - d. as required by N.J.A.C 7:13-3.
 - e. AO or AH zone elevation based upon the highest adjacent grade, plus the depth number specified in feet, plus two (2) feet (at least three (3) feet if no depth number is specified) . And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures,
 - ii. The structure is watertight with walls substantially impermeable to the passage of water;
 - iii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - iv. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 4.3-3 b) ii.
 - v. Record the method and elevation used above and, the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit.

5.2-3 MANUFACTURED HOMES

- a) Manufactured homes shall be anchored in accordance with section 5.1-1 b).
- b) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
 - i. Be consistent with the need to minimize flood damage,
 - ii. Be constructed to minimize flood damage,
 - iii. Have adequate drainage provided to reduce exposure to flood damage,
 - iv. Be elevated on a permanent foundation such that the top of the lowest floor is at or above the more restrictive of the following:
 - a. base flood elevation (published FIS/FIRM) plus two (2) feet;
 - b. the best available flood hazard data elevation plus two (2) feet;
 - c. as required by ASCE/SEI 24-14, Table 2-1,
 - d. as required by N.J.A.C 7:13-3.
 - e. AO or AH zone elevation based upon the highest adjacent grade, plus the depth number specified in feet, plus one (1) foot (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures,
 - v. Record the method and elevation used above and, the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit.
- c) All recreational vehicles located within an area of special flood hazard shall either:
 - i. Be on site for fewer than 180 consecutive days,
 - ii. Be fully licensed and ready for highway use, or
 - iii. Meet the requirements of sections 4.1 and 5.2-3 a) and b) above.

5.3 FLOODWAYS

Located within areas of special flood hazard established in section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- b) If section 5.3 a) is satisfied, all new construction and substantial improvements must comply with section 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.
- c) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, no new construction, substantial improvements, fill, or other development shall be permitted, unless it is demonstrated that the accumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

SECTION 6.0 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

**SECTION 7.0
ENACTMEN**

7.01 ADOPTION

This Ordinance shall be effective on February 7, 2020 and shall remain in force until modified, amended or rescinded by Borough of Bloomingdale, Passaic County, New Jersey.

ENACTED AND ADOPTED by the Borough Council this 4th day of February, 2020.

Public Hearing:

At this time SONDERMEYER made a motion to open the Public Hearing for comment; seconded by DELLARIPA and carried on a voice vote all voting AYE. Since there was no one who wished to speak HUDSON made a motion to close the public hearing; motion was seconded by DELLARIPA and carried on voice vote all members voting AYE.

Adoption:

DELLARIPA made motion for adoption; the motion was seconded by YAZDI.

Discussion:

Unfunded mandate required by FEMA – strengthening the current ordinances. This ordinance replaces the entire Chapter 30 of the current code.

The motion for adoption carried per the following roll call vote: D'AMATO (YES), DELLARIPA (YES), HUDSON (YES), JUHLIN (YES), SONDERMEYER (YES), YAZDI (YES)

H. Second/Final Reading & Public Hearing:

Ordinance No. 8-2020: Capital Surplus (Purchase of 3 Vehicles)

The Municipal Clerk, Breeanna Calabro, read the Public Notice statement.

Councilwoman HUDSON moved that the Ordinance be read by title; seconded by DELLARIPA and carried on voice vote – all members present voting AYE

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO 8-2020
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

ORDINANCE APPROPRIATING \$90,000.00 AVAILABLE FROM THE GENERAL CAPITAL SURPLUS FUND TO PROVIDE FOR VEHICLE PURCHASES FOR THE CONSTRUCTION DEPARTMENT AND ANIMAL CONTROL OFFICER DESCRIBED HEREIN IN AND BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY AS FOLLOWS:

Section 1. \$90,000.00 is available from the Capital Surplus Fund to provide for the following purposes:

<u>Description of Purpose</u>	<u>Amount</u>
Vehicles for Construction Department and Animal Control Officer	\$ 90,000.00
TOTAL:	\$ 90,000.00

Section 2. The capital budget of the Borough of Bloomingdale is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith.

Section 3. This ordinance shall take effect ten days after final publication hereof as provided by N.J.S.A. 40:49-9.

Public Hearing:

At this time DELLARIPA made a motion to open the Public Hearing for comment; seconded by D'AMATO and carried on a voice vote all voting AYE. Since there was no one who wished to speak DELLARIPA made a motion to close the public hearing; motion was seconded by D'AMATO and carried on voice vote all members voting AYE.

Adoption:

DELLARIPA made motion for adoption; the motion was seconded by D'AMATO. The motion for adoption carried per the following roll call vote: DELLARIPA (YES), HUDSON (YES), JUHLIN (YES), SONDERMEYER (YES), YAZDI (YES), D'AMATO (YES)

NEW BUSINESS:

A. Introduction of Ordinance No. 9-2020: Policy Procedures

(amending section to include non-contractual employees erroneously not listed)

A motion was made by DELLARIPA to introduce the Ordinance by title; second and final reading/ public hearing will be on February 18, 2020 at 7PM; the motion was seconded by YAZDI and carried on voice vote all members voting AYE.

The Municipal Clerk read by Title:

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER IX PERSONNEL POLICIES SECTION 1.6 HEALTH INSURANCE BENEFITS, SICK TIME AND VACATION TIME FOR CERTAIN APPOINTED POSITIONS

B. Introduction of Bond Ordinance No. 10-2020: Amending Bond Ord 11-2019

(funding for Ballston Street Improvements)

Discussion: *Discussion in regard to using surplus rather than authorizing more debt.*

A motion was made by DELLARIPA to introduce the Ordinance by title; second and final reading/ public hearing will be on February 18, 2020 at 7PM; the motion was seconded by YAZDI and carried on voice vote all members voting AYE.

The Municipal Clerk read by Title:

BOND ORDINANCE AMENDING AND SUPPLEMENTING SECTION 3(a)(i) OF BOND ORDINANCE NUMBER 11-2019 FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY ON MAY 7, 2019 TO INCREASE THE TOTAL APPROPRIATION REFERRED TO IN SECTION 3(a)(i) FROM \$541,500 TO \$661,500 AND TO INCREASE THE TOTAL DEBT AUTHORIZATION REFERRED TO IN SECTION 3(a)(i) FROM \$541,500 TO \$661,500, AND TO AMEND AND SUPPLEMENT OTHER PROVISIONS THEREIN

C. Introduction of Ordinance No. 11-2020: Capital – Main Street Booster Station

(appropriating the amount of funding that Butler has agreed to per the 5/1/2018 agreement for the Booster Station project)

Mayor Discussion: He cited the 5/1/2018 agreement which describes the Borough is responsible to bid the project and is responsible for up to \$250,000 and the Borough of Butler would pay up to \$100,000 after that. Any cost over \$350,000 was agreed to be split amongst both Borough's. The lowest bid was \$319,069. The borough's portion was a part of last years capital plan. This ordinance is a mechanism to receive funds from Butler.

A motion was made by DELLARIPA to introduce the Ordinance by title; second and final reading/ public hearing will be on February 18, 2020 at 7PM; the motion was seconded by SONDERMEYER and carried on voice vote all members voting AYE.

The Municipal Clerk read by Title:

ORDINANCE APPROPRIATING \$100,000.00 AVAILABLE FROM THE BOROUGH OF BUTLER AS A CONTRIBUTION IN AID OF CONSTRUCTION FOR THE MAIN STREET BOOSTER PROJECT DESCRIBED HEREIN IN AND BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY

D. Introduction of Ordinance No. 12-2020: Amending Ch. 92 Zoning- (Lakefront Properties)

A motion was made by YAZDI to introduce the Ordinance by title; second and final reading/ public hearing will be on April 7, 2020 at 7PM after Planning Board's review; the motion was seconded by SONDERMEYER and carried on voice vote all members voting AYE.

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 92 "ZONING", ARTICLE IV "SUPPLEMENTARY LOT, HEIGHT AND YARD REGULATIONS", SECTION 92-14 "YARDS" AND CHAPTER 92 "ZONING", ARTICLE XI "DEFINITIONS" OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

NON-AGENDA

1. **RESOLUTION NO. 2020-2.7:** Appointment of Marco Iglesia to Board of Health Motion for adoption made by HUDSON, second by DELLARIPA and carried on voice vote all members voting AYE in favor.

**RESOLUTION NO. 2020-2.7
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Appointments to the Board of Health

BE IT RESOLVED by the Mayor and Council of the Borough of Bloomingdale, that they do provide, advice and consent to the Mayor's appointment of the following to the Board of Health:

Alternate Member, I 3 years (expiring 12/31/22) Marco Iglesia

2. Motion to Accept Resignation from Ian Hogan (DPW) effective February 13, 2020 /Authorize new(replacement) hire: Motion made by YAZDI and second by D'AMATO and carried on voice vote all members voting AYE in favor.

LATE PUBLIC COMMENT

HUDSON opened the meeting to late public comment; seconded by D'AMATO and carried on voice vote. Since there was no one who wished to speak, SONDERMEYER moved that it be closed; seconded by DELLARIPA and carried on voice vote all members voting (AYE)

LATE EXECUTIVE SESSION: (7:55PM)

SONDERMEYER made a motion for adoption of the following resolution:

RESOLUTION NO. 2020-2.8

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

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Mayor & Council of the Borough of Bloomingdale on the 4 day of February, 2020 that:

- ❖ Prior to the conclusion of this Regular 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):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.
 - () b. (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.
 - () b. (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) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - **Negotiations – Developer**
 - (X) b. (8) Personnel matters. (**Personnel Discussion - Mayor**)
 - () b. (9) Deliberations after a public hearing that may result in penalties.

- ❖ 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).

The motion was second by D'AMATO and carried on vote voice all members voting AYE in favor.

GOVERNING BODY SCHEDULE:

- A. Regular Meeting – February 18, 2020 7PM
- B. Workshop Meeting – March 3, 2020 7PM
- C. Workshop Meeting – March 17, 2020 7PM

ADJOURNMENT:

Since there was no further business to be conducted, HUDSON moved to adjourn at 9:52PM; seconded by SONDERMEYER and carried on voice vote with all Council Members present voting AYE.

Breeanna Calabro, RMC
Municipal Clerk