

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

March 17, 2020

The Regular Meeting of the Governing Body of the Borough of Bloomingdale was held on the above date in the Council Chambers of the Municipal Building, 101 Hamburg Turnpike, Bloomingdale, NJ. Mayor Dunleavy called the meeting to order at 7:03PM.

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

Excused: Borough Attorney, Fred Semrau, Esq.

PUBLIC NOTICE STATEMENT

Mayor Jonathan 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.

PUBLIC HEARING:

A. Red Twig Trail Sidewalk Improvement Assessment

For public health and safety reasons due to COVID-19 the hearing was postponed.

EARLY EXECUTIVE SESSION: N/A

NON-AGENDA ITEMS:

1. Press Release – March 16, 2020 State of Local Emergency
2. Motion to waive fees for Tastefully British Peddler License
3. Motion Approving: Proclamation of State of Emergency
4. **Resolution No. 2020-3.22:** Authorizing the Payment of Vouchers in the Event a Meeting is Cancelled
5. **Resolution No. 2020-3.23:** Authorization to hold Utility Bills on 15 Sally Street (Fire)
6. Motion for the authorization for the Mayor to hire DPW summer help 'early' as a response to COVID-19 if the need for additional personnel arises

EARLY PUBLIC COMMENT:

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

Bernie Vroom – 183 Reeve Ave, Bloomingdale

Spoke regarding the duties of the volunteer CERT team. There was discussion regarding his appointment to the Town Center Designation Committee.

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

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

- **Mayor Dunleavy:** *Provided a brief update of the developing Coronavirus and how the Borough will proceed. The Chief of Police, OEM, Board of Health and Mayor are all handling the evolving situation. The Borough buildings & parks will be closed, and all public events are cancelled until further notice. Each department will adjust accordingly. Updates are being provided on the Borough webpage & Facebook*

RESOLUTION NO. 2020-3.8 CONSENT AGENDA

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

**RESOLUTION NO. 2020-3.8
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

*Accepting, Approving and/or Adopting the Consent Agenda of the
March 17, 2020 Regular 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, and

NOW 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 to approve Fire Department Member Application:
 - A. Christopher C. Szabo
- B. Motion to approve Minutes:
 - A. Workshop Meeting – February 4, 2020
- C. **Resolution No. 2020-3.9:** Amending Reso 2020-3.5 (*Appointment of Town Center Advisory Committee*)
- D. **Resolution No. 2020-3.10:** Mileage Reimbursement Policy
- E. **Resolution No. 2020-3.11:** Appointment to the Recreation Commission (R. Alvarado)
- F. **Resolution No. 2020-3.12:** TTL Redemption (4077/10)
- G. **Resolution No. 2020-3.13:** Municipal Lien Redemption (1002/18)
- H. **Resolution No. 2020-3.14:** Overpayment (5064/11)

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

Consent Agenda Resolutions:

**RESOLUTION NO. 2020-3.9
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

*Resolution Appointing Members to the Town Center Advisory Committee
(amending RESO 2020-3.5)*

WHEREAS, the Borough of Bloomingdale is petitioning for a renewal of its ‘Town Center’ endorsement/designation; and

WHEREAS, there are submission requirements the petitioner must meet in order to achieve plan endorsement and qualify for associated benefits; and

WHEREAS, the petitioner shall appoint an advisory committee to guide the plan endorsement process, serve as liaison with the State, county, regional agencies and local officials throughout the process and increase public awareness of and participation in the plan endorsement process; and

WHEREAS, the advisory committee shall consist of between five and ten people including at least one representative of the governing body, of which the mayor is considered a member, for this purpose, at least one Class IV member of

the planning board, at least one member of another local board, commission or committee; and at least two representatives of the public who reside within the jurisdiction of the petitioner and are not elected or appointed to any public position within said jurisdiction.

NOW THEREFORE BE IT RESOLVED, the Governing Body of the Borough of Bloomingdale does hereby appoint the following members to the Town Center Advisory Committee for a one year term expiring December 31, 2020:

- | | |
|---|-------------------------|
| 1. Governing Body Representative | Mayor Jonathan Dunleavy |
| 2. Class IV Planning Board Member | Bill Graf |
| 3. Economic Development Commission Member | John Graziano |
| 4. Public Representative | Robert Weingarten |
| 5. Public Representative | Harold J. Miller |
| 6. Member | Bernie Vroom |
| 7. Member | Mark Redfield |

**RESOLUTION NO. 2020-3.10
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

MILEAGE REIMBURSEMENT POLICY

WHEREAS, the Borough of Bloomingdale has a policy of reimbursing mileage to all officials and employees while on official Borough business, from the starting point of travel and/or the Municipal Complex to the job/educational/meeting location and back to the starting point of or travel and/or the Municipal Complex, for those who do not receive a monthly car allowance; and

WHEREAS, such officials and employees shall maintain at least the minimum amount of auto coverage required by New Jersey Law; and

WHEREAS, the mileage reimbursement rate will be equivalent to the standard business rate as permitted by the Internal Revenue Service, effective January 1, 2020;

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey, that authorization is hereby given for all officials and employees a mileage reimbursement rate equivalent to the standard business rate as permitted by the Internal Revenue Service, effective January 1, 2020, with said mileage being calculated from the either the starting point of travel or the Municipal Complex to the job/educational/meeting location, and return to the starting point of travel or the Municipal Complex for approved trips.

Borough of Bloomingdale Mileage Reimbursement Policy:

The Borough of Bloomingdale allows reimbursement of mileage to all officials and employees while on official Borough business, with such mileage calculated from either the starting point of travel or the Municipal Complex to the job/educational/meeting location, and again back to either the starting point or the Municipal Complex, for those who do not receive a monthly car allowance.

The Mileage reimbursement rate will be equivalent to the standard business rate as permitted by the Internal Revenue Service ("IRS") effective January 1, 2020.

Employees seeking reimbursement shall certify by signature and date all such requests within thirty (30) days of travel. Each submission must be signed by the applicant, and signed by the Chief Financial Officer or other authorized official. A mileage form and/or a tracking application which computes mileage (for example via a cell phone) is acceptable. All officials and employees must maintain at least the minimum amount of auto coverage required by New Jersey law. Any errors or omissions in an official or employee's reimbursement request shall be identified by the Chief Financial Officer within thirty (30) days of such filing. Any error resulting in overpayment or underpayment shall be resolved against the next reimbursement request, or if necessary, by separate notice and transaction from the CFO to the official or employee no more than thirty (30) days after discovery of such error.

If there are any questions regarding the reimbursement of mileage for any official or employee, speak with your supervisor and/or with the Office of the Chief Financial Officer.

**RESOLUTION NO. 2020-3.11
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Appointments to the Recreation Commission

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 Recreation Commission:

Recreation Member 1 year (expiring 12/31/20) Roberto Alvarado

**RESOLUTION NO. 2020-3.12
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Authorizing Redemption and Cancellation of Tax Title Lien Certificate #18-00004

WHEREAS, the Governing Body ("Governing Body") of the Borough of Bloomingdale ("Borough") finds and declares that, at the Borough Tax Sale held on December 17, 2019 a lien was sold on, 44 Highland Road, Bloomingdale, for delinquent year 2018 Water, and

WHEREAS, the Governing Body further finds and declares that the foregoing property is also known as Block 4077, Lot 10, owned by Patrick & Sally Elliot; and

WHEREAS, the Governing Body further finds and declares that the foregoing lien which was sold to EONE GROUP LLC for a premium of \$200.00 and

WHEREAS, the Governing Body further finds and declares that for 44 Highland Road, the title agency, PTCS TITLE AGENCY LLC has requested redemption of TTL #18-00004, and

WHEREAS, the Governing Body further finds and declares that, PTCS TITLE AGENCY LLC has paid all monies, to the Borough of Bloomingdale;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale that the Borough Treasurer be and is hereby authorized to issue checks in the amount of \$241.52 for the lien redemption and \$200.00 for the premium, be made payable to EONE GROUP LLC, 150 Airport Road Suite 1200, Lakewood, NJ 08701 for the redemption and cancellation of Tax Title Lien Certificate #18-00004

1099 = 0

**RESOLUTION NO. 2020-3.13
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Authorizing Redemption and Cancellation of Tax Title Lien Certificate #17-00001

WHEREAS, the Governing Body ("Governing Body") of the Borough of Bloomingdale ("Borough") finds and declares that, at the Borough Tax Sale held on November 29, 2018 a municipal lien was put on, 163 Winfield Road, Bloomingdale, for delinquent year 2017 Tax, and

WHEREAS, the Governing Body further finds and declares that the foregoing property is also known as Block 1002, Lot 18, owned by Kelly Bragg & Kathleen Brunner; and

WHEREAS, the Governing Body further finds and declares that the foregoing municipal lien which is held by the Borough of Bloomingdale and

WHEREAS, the Governing Body further finds and declares that for 163 Winfield Road, the mortgage company, PEMCO LIMITED has requested redemption of TTL #17-00001, and

WHEREAS, the Governing Body further finds and declares that, PEMCO LIMITED has paid all monies, to the Borough of Bloomingdale;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale that the Borough Treasurer be and is hereby authorized to issue checks in the

amount of \$804.04 for the lien redemption, be made payable to Borough of Bloomingdale for the redemption and cancellation of Tax Title Lien Certificate #17-00001

1099 = 0

**RESOLUTION NO 2020-3.14
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Authorizing Overpayments in Tax Office

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that Corelogic and property owner, Matthew & Jennifer Unger, duplicated payment on 20 Ryerson Avenue , Bloomingdale, NJ for the 4th quarter of 2019 and the 1st quarter of 2020 on Block 5064 Lot 11;
A refund of overpayment in the amount of \$4,666.40 is being returned to Matthew & Jennifer Unger.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue refund check to the following:

Matthew & Jennifer Unger
Address: 20 Ryerson Avenue
Bloomingdale, NJ 07403
Refund Amount: \$4,666.40

PENDING BUSINESS:

A. Second/Final Reading & Public Hearing:
Ordinance No. 7-2020: Amending Ch. 92 Zoning

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

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

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO. 7-2020
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 92 “ZONING”, ARTICLE V “REGULATIONS GOVERNING CERTAIN USES”, SECTION 92-21 “RESIDENTIAL AND AGRICULTURAL USES; HOTELS AND MOTELS” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Borough Code currently sets forth restrictions and limitations with regard to the keeping of certain animals 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 92 “Zoning”, Article V “Regulations Governing Certain Uses”, Section 92-21 “Residential and agricultural uses; hotels and motels” shall be amended as follows:

§92-21. Residential and agricultural uses; hotels and motels.

A. Hotels, motels and similar uses.

- (1) Such uses shall have a minimum area for each unit of occupancy of one hundred fifty (150) square feet and shall include a minimum of one (1) bedroom and a shower or bathroom with toilet.
- (2) Such uses may include retail sales for guests only.
- (3) Illuminated signs and other lights shall be directed away from or shielded from adjoining residential properties in such a way as not to disturb the occupants thereof.

B. Agricultural uses. The keeping of livestock shall be permitted in any residence zone, provided that:

- (1) No such activity shall be conducted on a lot of less than three (3) acres, except as permitted in §92-21B(6) Chickens.
- (2) Any structures for the shelter of said livestock, or the storage of food or materials pertaining thereto, shall be no less than one hundred (100) feet from the nearest property line.
- (3) Any accessory building or structure related to the keeping of said livestock shall be no less than seventy-five (75) feet from any dwelling.
- (4) Any storage of livestock food or other related materials shall be in accordance with the regulations in § 92-26C.
- (5) No slaughtering of livestock shall be permitted, except poultry.
- (6) Chickens.

(a) License required. No person shall keep or maintain any live chickens for any purpose, without first having obtained an annual license from the Board of Health.

(b) Coops and runs.

[1] All live chickens shall be confined in coops or runs.

[2] All coops and runs shall be located outside of and completely apart from any building used wholly or in part for dwelling purposes.

[3] All coops or runs shall be constructed only in rear yards at least ten (10) feet from property lines and at least ten (10) feet from any dwelling unit.

[4] A sufficient number of roosts to provide roosting space for each individual chicken kept in the coop and a sufficient number of properly placed drop boards beneath each roost, to catch all droppings excreted by the chicken while on the roost, shall be provided.

[5] All coops and runs and the entire surroundings of all such places shall be kept clean at all times and shall be subject to periodic inspection by the Health Officer of the Borough.

[6] Coops and runs shall be disinfected or otherwise treated, when so directed by the Board of Health.

[7] The floors of all coops shall be kept clean and dry.

[8] At least once a week, all of the droppings shall be removed from each coop and removed from the premises or otherwise disposed of in a manner approved by the Board of Health.

[9] All food for immediate consumption shall be placed in suitable feeding troughs or similar containers, and all other food shall be stored in animal-proof containers at all times.

[10] Coops shall not exceed twenty (20) square feet in area and a maximum height of six (6) feet (except that in the R-130 Zone coops shall not exceed one hundred (100) square feet in area and a maximum height of six (6) feet), measured from grade to ridge, and not less than four (4) square feet per chicken. Runs shall not exceed ten (10) square feet per chicken.

[11] No chicken food shall be scattered about any premises.

(c) Noise. No person shall keep any screeching, screaming or chattering chicken, or chicken which emits frequent or long-continuous

loud and raucous noises so as to disturb the comfort or repose of any person in the vicinity.

(d) Flying or running at large. No person shall allow any chicken to fly or run at large. Such action is declared to be a nuisance and dangerous to the public health and safety.

(e) Prohibited uses.

[1] No person shall engage in the business of selling, preparing for sale or the slaughtering of chickens.

[2] No roosters will be kept on premises, except in the R-130 Zone in which one (1) rooster will be permitted.

[3] Number of permitted chickens in residential zones. Chickens are not permitted in zones other than as designated in this section. See table below:

Zone	Number of chickens
R-10	4
R-20	4
R-40	4
R-130	20

[4] Keeping of chickens in any other zone than above is prohibited.

(f) Enforcement. All provisions of this paragraph (6) shall be enforced by the Board of Health. Fees pursuant to this section shall be regulated by the Governing Body of the Borough of Bloomingdale.

C. Uniformity of exterior design and appearance of one-family dwellings.

(1) The Mayor and Council hereby finds that uniformity in the exterior design and appearance of dwellings erected in the same neighborhood tends to adversely affect the desirability of the immediate and neighboring areas for residential purposes; tends to impair the value of both improved and unimproved real property in such areas with attendant deterioration of conditions affecting the health, safety and morals of the inhabitants thereof and the general welfare of the community at large; and tends to destroy a proper balance between the taxable value of real property in such areas and the cost of providing municipal services. Except as provided below, no single-family dwelling shall be erected if it is like or substantially like, in more than six (6) of the following respects, any neighboring building then in existence or for which a building permit has been issued:

(a) Height of the main roof ridge or, in the case of a building with a flat roof, the highest point of the roof beams, above elevation of the first floor.

(b) Height of the main roof ridge above the top of the plate. All flat roofs shall be deemed identical in this dimension.

(c) Length of the main roof ridge or, in the case of a building with a flat roof, length of the main roof.

(d) Width between outside walls at the ends of the building measured under the main roof at right angles to the length thereof.

(e) Relative location of windows in the front elevation or in each of both side elevations with respect to any door, chimney, porch or attached garage in the same elevation.

(f) In the front elevation, both the relative location with respect to each other of the garage, if attached, or porch, if any, and the remainder of the building; and either the height of any portion of the building located outside the limits of the main roof, measured from the elevation of the first floor to the roof ridge or, in the case of a flat roof, the highest point of the roof beams, or the width of said portion of the building if it has a gable in the front elevation, otherwise the length of said roof ridge or said flat roof in the front elevation.

(2) Buildings shall be deemed to be like each other in any dimension with respect to which the difference between them is not more than three (3)

feet. Buildings between which the difference in relative location of elements is an end-to-end or side-to-side reversal of elements shall be deemed to be like each other in relative location of such elements. For the purpose of this section, a building shall be deemed to be a neighboring building if the distance between such building and the subject building, including attached accessory buildings on both, if any, is not more than two hundred twenty-five (225) feet and if both buildings front on the same street.

- D. Garages in residential districts. Every single-family dwelling erected or for which a building permit is issued as of the adoption date of this chapter shall have a private parking garage as an attached or detached accessory use on the same zone lot as the principal building.

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 YAZDI made a motion to close the public hearing; motion was seconded by DELLARIPA and carried on voice vote all members voting AYE.

Adoption:

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

NEW BUSINESS:

- A. Councilman YAZDI offered the following resolutions and moved for its adoption:

**RESOLUTION NO. 2020-3.15
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Authorizing Payment of Municipal Obligations

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

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

<u>BILLS LIST</u>		<u>PREPAID LIST</u>	
CURRENT	1,795,972.65	CURRENT	1,030,184.95
UTILITY	474,392.13	UTILITY	250,552.05
CAPITAL	172,251.26	OPEN SPACE	00.00
UTILITY CAPITAL	42,972.00	TRUST ACCOUNT	21,185.00
TRUST	10,558.21	RECYCLING	867.68
DOG	3,278.67	DOG TRUST	00.00

RECREATION	10,943.57	UNEMPLOY	683.71 ROSE
FUND	10,970.71	CAPITAL	00.00
RECYCLING	00.00	WATER CAPITAL	00.00
UNEMPLOYMENT	00.00	RECREATION	00.00
AFFORDABLE HOUSING	00.00	CAPITAL ASSESSMENT	00.00
TOTAL	2,521,339.20	TOTAL	1,303,473.39

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

***Recusals:**

HUDSON: PO # 20-00348

D'AMATO: All items for vendor #01463 (DARMOFALSKI ENGINEERING INC)

B. Councilwoman HUDSON offered the following resolution and moved for its adoption:

**RESOLUTION NO. 2020-3.16
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF
PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF
A CONTRACT FOR THE BALLSTON STREET WATER, SEWER AND ROAD
IMPROVEMENTS TO REGAL UTILITY SERVICES, INC.**

WHEREAS, the Borough of Bloomingdale received sealed competitive bids on January 30, 2020 for performance of the Ballston Street Water, Sewer and Road Improvements; and

WHEREAS, eight (8) sealed bids were received and opened on January 30, 2020, in accordance with the bid specifications:

1) Regal Utility Services, Inc.	\$823,805.85
2) Pacific Construction	\$870,496.51
3) ADG Contracting Corp. d/b/a Crossroads Paving	\$919,570.00
4) Mike Fitzpatrick & Son Inc.	\$954,871.00
5) Black Rock Enterprises, LLC	\$1,099,655.92
6) Reggio Construction	\$1,201,510.00
7) MSP Construction Corp.	\$1,261,710.00
8) Hutton Construction, LLC	\$1,537,245.00

; and

WHEREAS, said bids have been duly reviewed and analyzed by the Borough Engineer and the Borough of Bloomingdale Attorney; and

WHEREAS, the Local Public Contracts Law requires that competitive bidding contracts be awarded to the lowest, responsible, responsive bidder; and

WHEREAS, the bid received from Regal Utility Services, Inc. in the total amount of \$823,805.85 has been found to be in proper form and in compliance with the provisions of N.J.S.A. §40A:11-23.5 and the specifications as written; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for this purchase.

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 Borough Council hereby awards a contract to Regal Utility Services, Inc., 731 Warwick Turnpike, Hewitt, New Jersey 07421 for the Ballston Street Water, Sewer and Road Improvements in accordance with the bid specifications in the total amount of \$823,805.85.

2. The Mayor and Borough Clerk are hereby authorized and directed to execute a contract with Regal Utility Services, Inc. in accordance with its bid for the Ballston Street Water, Sewer and Road Improvements.

3. The Borough's Chief Financial Officer has certified the availability of funds for this contract.

4. This resolution and contract shall be available for public inspection in the office of the Borough Clerk.

Councilman DELLARIPA second the motion; motion carried per the following roll call vote: HUDSON (YES), JUHLIN (YES), SONDERMEYER (YES), YAZDI (YES), D'AMATO (YES), DELLARIPA (YES)

C. Councilman YAZDI offered the following resolution and moved for its adoption:

**RESOLUTION NO. 2020-3.17
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Authorizing the hiring of Part Time Dispatcher for the Police Department

WHEREAS, there exists a vacancy in the Police Department as a Dispatcher and;

WHEREAS, the Chief Joseph Borell, has recommended the hire of Randy J. McMaster of Bloomingdale; and

WHEREAS, Randy J. McMaster meets the criteria to fill the allotment of hours currently vacant; and

NOW THEREFORE BE IT RESOLVED the Governing Body of the Borough of Bloomingdale does hereby authorize the hire of Randy J. McMaster as a Part Time Dispatcher for the Bloomingdale Police Department at the hourly rate per the Borough of Bloomingdale and Communications workers of America Local 1032 White Collar Contract; effective March 18, 2020.

Councilman D'AMATO second the motion; motion carried on voice vote all members voting AYE; none were opposed.

D. Councilman DELLARIPA offered the following resolution and moved for its adoption:

**RESOLUTION NO. 2020-3.18
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF
PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PROVISION
OF MILEAGE REIMBURSEMENT FOR CERTAIN EMPLOYEES**

WHEREAS, the Borough of Bloomingdale has two (2) Construction Department employees, Robert Westdyk & Mark Redfield, who utilize their personal vehicles in the performance of their duties for the Borough; and

WHEREAS, the situation has been reviewed and it was determined that it would be appropriate to reimburse Robert Westdyk & Mark Redfield for mileage incurred in the performance of their Borough responsibilities in the amount of \$40.00 per month; and

WHEREAS, said reimbursement shall be paid to the two (2) employees on a quarterly basis, \$120.00 per quarter; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for this purchase.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey hereby authorizes the mileage reimbursement to two (2) Construction Department employees as detailed above.

This Resolution shall take effect immediately.

Councilman D'AMATO second the motion; motion carried per the following roll call vote: JUHLIN (YES), SONDERMEYER (YES), YAZDI (YES), D'AMATO (YES), DELLARIPA (YES), HUDSON (YES).

- E. Councilman SONDERMEYER offered the following resolution and moved for its adoption:

**RESOLUTION NO. 2020-3.19
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**AUTHORIZING THE EXECUTION OF THE AGREEMENT
BY AND BETWEEN THE BOROUGH OF BLOOMINGDALE
AND COMMUNICATIONS WORKERS OF AMERICA
AFLCIO, LOCAL 1032, BLUE COLLAR UNIT, JANUARY 1,
2020 THROUGH DECEMBER 31, 2024**

WHEREAS, the Blue Collar Unit employees of the Borough of Bloomingdale are represented by the Communications Workers of America, AFLCIO, Local 1032; and

WHEREAS, the Borough and the Blue Collar Unit had in place a Collective Bargaining Agreement for the period, January 1, 2016 through December 31, 2019; and

WHEREAS, upon expiration of that Agreement, the Borough and the Union entered into negotiations for a new Collective Bargaining Agreement; and

WHEREAS, due to the efforts by the representatives of the Borough and the Union, the parties were able to come to an agreement for a new contract with terms agreeable to both parties; and

WHEREAS, the new Collective Bargaining Agreement is for the period, January 1, 2020 through December 31, 2024; and

WHEREAS, the Agreement has been presented to, reviewed and was ratified by the members of the Blue Collar Unit on March 16, 2020; and

WHEREAS, the Borough desires to execute the Agreement with the Union.

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 Mayor and Borough Clerk are hereby authorized and directed to execute the Agreement by and between the

Borough of Bloomingdale and Communications Workers of America, AFLCIO, Local 1032, Blue Collar Unit, January 1, 2020 through December 31, 2024.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be posted at the Borough of Bloomingdale, and a copy thereof delivered to each Borough employee that is a member of the Blue Collar Unit within five (5) days of this Resolution.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

Discussion:

Mayor thanked John D'Amato & Rich Dellaripa for their efforts in negotiating a contract. The average annual increase in the contract was about \$51,000 based on steps, prior raises etc. This contract is an average of \$36,000 increase to the Borough which includes 2% raises, and the inclusion of steps. Mayor stated the prior contract removed steps completely which has really deterred retention of employees. There is a change in the insurance co-pay (\$15 vs \$10), and health insurance tier.

Councilwoman HUDSON second the motion; motion carried per the following roll call vote: SONDERMEYER (YES), YAZDI (YES), D'AMATO (YES), DELLARIPA (YES), HUDSON (YES), JUHLIN (YES)

F. Councilwoman HUDSON offered the following resolution and moved for its adoption:

**RESOLUTION NO. 2020-3.20
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**AUTHORIZING THE EXECUTION OF A LAND DONATION AGREEMENT
BETWEEN FINBAR EQUITY INVESTMENTS AND THE BOROUGH OF
BLOOMINGDALE FOR THE PROPERTY IDENTIFIED ON THE TAX MAP OF THE
BOROUGH AS BLOCK 5501, LOT 14.01 CONSISTING OF 33.81 ACRES AND
COMMONLY KNOWN AS THE "MEER TRACT"**

WHEREAS, the property known as Block 5501, Lot 14.01, more commonly known as the "affordable housing tract" or formerly known as the "Meer Tract," has been included in the Borough's Housing and Fair Share plan as ordered by the honorable Burl I. Humphries, J.S.C. on February 18, 2007 in certain litigation seeking an affordable housing remedy against the Borough of Bloomingdale; and

WHEREAS, in accordance with the Order of the Court in 2008, the Borough of Bloomingdale appropriately rezoned the Meer Tract for affordable housing and Finbar's predecessor in title obtained site plan approval from the Planning Board for a 360 unit residential development on the approximately 33.81 acres of land; and

WHEREAS, the site plan was never acted upon because of prohibitive development costs due to the topography of the tract and therefore, the Planning Board approval to develop the site lapsed; however, the obligation to develop the site for affordable housing still remains; and

WHEREAS, the Mayor and Council of the Borough of Bloomingdale searched for ways to provide incentive zoning by adopting Ordinance No. 2020-16, which established the AH-1 affordable housing overlay which permits the development of contiguous land to the Meer Tract providing that the affordable housing project would have sufficient pre-development incentives in order to obtain a developer for the affordable housing tract; and

WHEREAS, Finbar has proposed to donate, at no cost to the Borough of Bloomingdale, the 33.81 acres of significant, valuable land identified as the "affordable housing tract" to the

Borough of Bloomingdale in an effort to support the development of the affordable housing tract;
and

WHEREAS, the seller, Finbar, will also make available at no charge, 100,000 tons of clean material consisting of ¾ stone screenings and dense graded aggregate for the development of the affordable housing tract; and

WHEREAS, the Borough will make every effort to enter into an agreement with a developer for the site preparation of the affordable housing tract and the construction of a minimum of 72 affordable units.

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

The Mayor is hereby authorized to execute a land donation agreement with Finbar Equity Investments, LLC, for the donation of 33.81 acres of land identified on the tax map of the Borough of Bloomingdale as Block 5501, Lot 14.01.

BE IT FURTHER RESOLVED that this donation is made without any cost to be paid by the Borough of Bloomingdale notwithstanding the value of the property.

BE IT FURTHER RESOLVED that this agreement may be executed providing that the Borough Council enters into an agreement for the sale and construction of a minimum of 72 affordable housing units for the premises.

Councilman DELLARIPA second the motion; motion carried per the following roll call vote: YAZDI (YES), D'AMATO (YES), DELLARIPA (YES), HUDSON (YES), JUHLIN (YES), SONDERMEYER (YES)

G. Councilman YAZDI offered the following resolution and moved for its adoption:

**RESOLUTION NO. 2020-3.21
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**AUTHORIZING AN EASEMENT EXTENSION AGREEMENT BETWEEN FINBAR
EQUITY INVESTMENTS, LLC AND THE BOROUGH OF BLOOMINGDALE**

WHEREAS, the Borough of Bloomingdale will have or has a property interest in the land known as Block 5501, Lot 14.01, more commonly known as the “affordable housing tract” or formerly known as the “Meer Tract,” by way of a donation agreement between Finbar and the Borough of Bloomingdale; and

WHEREAS, it has also been determined that Tilcon has requested an access easement for ten (10) years on what is known as a temporary Haul Road between the Tilcon Quarry and the affordable housing tract; and

WHEREAS, the Borough of Bloomingdale has agreed to provide for a ten (10) year easement so long as payment for the easement is made in a lump sum amount of \$2.4 million, and such payment will be made at the time of closing of conveyance of the affordable housing tract by Finbar to the Borough of Boomingdale.

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

The Mayor is hereby authorized to enter into an easement extension agreement with Tilcon NY for an easement extension agreement for a period of ten (10) years and the sum of \$2.4 million to be paid at the time that the Borough receives the donation of the property known as Block 5501, Lot 14.01.

Discussion:

Council discussed the easement.

Councilman DELLARIPA second the motion; motion carried per the following roll call vote: D'AMATO (YES), DELLARIPA (YES), HUDSON (YES), JUHLIN (YES), SONDERMEYER (YES), YAZDI (YES)

H. Discussion: Digital Sign – Sloan Park

Mayor and council discussed placing a digital sign at Sloan Park. Some members felt this would be a traffic distraction, that it could not be seen clearly & may take away from the aesthetics of the park. The approximate cost of the sign depending on the design would be \$19,000-\$23,000. Council decided to temporarily place the Police Department's digital sign board at Sloan Park to see if a permanent one would be feasible. Members suggested different locations for the sign however, the funding for this sign is specific to the funding for Sloan Park.

NON-AGENDA

1. (ITEMS #1 & #3 were moved together)

PRESS RELEASE – March 16, 2020 State of Local Emergency

RELEASE DATE:

March 16, 2020

State of Local Emergency

Out of an abundance of caution and to help curtail the possibility of community spread Novel Coronavirus (COVID-19), today, the Office of the Mayor and the Office of Emergency Management has declared a “State of Local Emergency” in the Borough of Bloomingdale.

The declaration will ensure the continuous delivery of essential public services during the rapidly evolving outbreak of COVID-19 and allow for government operations to stay flexible to address staffing capabilities and essential operational needs. The issuance of the emergency declaration gives the OEM Coordinator authority to implement and carry out emergency management operations that may be necessary to protect the health, safety and resources of our community. The declaration also authorizes the use of special orders or emergency protective measures that can be taken. The following emergency protective measures will be implemented on Monday, March 16, 2020 for the next thirty (30) days, at which point the protocol will be reevaluated and extended if necessary. Other special orders may be forthcoming.

- Residents shall utilize online payment options, U.S. Mail, or drop box services at Town Hall for taxes, utility payments, licenses, permits and other local government business.
- Residents shall utilize phone, email, and if necessary, social media to make routine inquires and/or report information to the municipality.
- Administrative offices may close to the public and only allow Borough employees, employees of other local, county, state and federal offices and representatives of private entities having direct business with the Borough needed to carry out essential government services.
- Please do not come to Borough Hall unless you have urgent business to conduct.

- Residents who enter the building and show visible signs of flu like symptoms may be asked to leave the building.
- Borough inspectors will be using discretion when entering dwellings and interacting with the public. Non-emergent inspections may be re-scheduled.
- Telephone screening for symptoms of COVID-19 prior to all inspections will be occurring.
- All Boards and Commission meetings are cancelled for the next thirty (30) days.
- The Borough Council meetings will be held as scheduled, however, may be held by other means of communication equipment, pursuant to N.J.S.A. 10:4-8(b), if necessary. More information on this, including how the public will be permitted to participate in the meeting, may be forthcoming as conditions change.
- Borough employees may be enabled to work from home as needed.
- Work schedules may be altered and personnel re-assigned as needed.
- In-state conferences and seminars are prohibited for Borough Officials for the next thirty (30) days.
- All rental activities and group programs at Town Hall, the Senior Center and the Library are canceled for the next thirty (30) days.
- No new activities or rentals in Borough facilities will be scheduled until further notice.
- All Recreation events are canceled for the next thirty (30) days.

All information is subject to change as this pandemic evolves. Residents are advised to monitor the Borough's website and online social media accounts for updates.

PROCLAMATION OF STATE OF EMERGENCY
TO ALL CITIZENS AND PERSONS WITHIN THE BOROUGH OF
BLOOMINGDALE AND TO ALL DEPARTMENTS, DIVISIONS AND BUREAUS OF
THE MUNICIPAL GOVERNMENT OF THE BOROUGH OF BLOOMINGDALE:

WHEREAS, pursuant to the powers vested in me by (Chapter 251 of the laws of 1942, as amended and supplemented, **N.J.S.A. App. A:9-30 et. seq.**; **N.J.S.A. 40:48-1 (6)**, and ordinances enacted pursuant thereto; **N.J.S.A. 2C:33-1 et. seq.**, **Executive Order 103** and by ordinances adopted by the Borough of Bloomingdale I have declared that a **STATE OF EMERGENCY exists** within the Borough of Bloomingdale; and

WHEREAS, the aforesaid laws authorize the promulgation of such orders, rules, and regulations as are necessary to meet the various problems which have or may be presented by such an emergency; and

WHEREAS, by reason of the rapidly evolving outbreak of the novel coronavirus, COVID-19, the need for government operations to address staffing capabilities to ensure essential operational needs are met in order to mitigate factors which may further adversely affect the health, safety, and welfare of the people of the Borough of Bloomingdale and exacerbate and worsen existing conditions; and

WHEREAS, pursuant to N.J.S.A App. A:9-33.1, entitled "Emergency Powers of Government," a disaster is defined as an unusual incident resulting from natural or unnatural causes which endangers the health or safety of residents; and

WHEREAS, it has been determined that in the event these areas of the Borough of Bloomingdale should be declared disaster areas, and further that certain measures must be taken to ensure that the authorities will be unhampered in their efforts to maintain law and order as well as an orderly flow of traffic and further in order to protect the persons and property of the residents affected by the conditions and finally that governmental operations including but not limited to the

conduct of public meetings shall be substantially altered; and

WHEREAS, all lands within the boundaries of the Borough of Bloomingdale, as a result of the outbreak of the novel coronavirus, are hereby designated as disaster areas, in accordance with the “Emergency Powers of Government.”

NOW, THEREFORE, IN ACCORDANCE WITH the aforesaid laws, we do hereby promulgate and declare the following regulations shall be in addition to all other laws of the State of New Jersey and the Borough of Bloomingdale

Mike Hudson, OEM Coordinator
Borough of Bloomingdale

Date

Jonathan Dunleavy, Mayor
Borough of Bloomingdale

Date

Motion for adoption was made by YAZDI; second by D’AMATO and carried on voice vote, all members voting AYE in favor; none were opposed.

2. Councilman YAZDI made a motion to waive fees for Tastefully British Peddler License, to help our residents with food options during the pandemic. The motion was second by HUDSON and carried on voice vote, all members voting AYE in favor; none were opposed.
3. (see #1)
4. Councilman YAZDI offered the following resolution and moved for its adoption:

**RESOLUTION NO. 2020-3.22
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

A RESOLUTION BY THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO AUTHORIZE THE PAYMENT OF RE-OCCURRING EXPENDITURES BY THE BOROUGH BUSINESS ADMINISTRATOR IN THE EVENT OF THE CANCELLATION OF A REGULARLY SCHEDULED MEETING IN 2020

WHEREAS, Governor Murphy, on March 9, 2020, issued Executive Order No. 103, declaring a State of Emergency pursuant to N.J.S.A. App.A.:9-33 et seq. and a Public Health Emergency as contemplated by N.J.S.A. 26:13-1 et seq., within the State of New Jersey, effective immediately until further notice by the Governor that an emergency no longer exists; and

WHEREAS, the Borough of Bloomingdale is undertaking the necessary steps to insure the continued functioning of government and the allocation of resources on an emergent basis; and

WHEREAS, in the event the regularly scheduled meetings of the governing body are canceled, government must be prepared to continue to proceed with necessary services and payment of certain expenditures; and

WHEREAS, the Borough’s Full-Time Mayor is the highest ranking full-time official of the Borough and Chief Operating Officer of the municipality.

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

1. The Council hereby authorizes Jonathan Dunleavy, Full-Time Mayor to disburse and/or authorize payment, subject to the availability of funds, for re-occurring necessary expenses in the event that the Council cancels a regularly scheduled meeting of the governing body.

2. In the absence of Mayor Jonathan Dunleavy, the Borough's Chief Financial Officer, Donna Mollineaux is hereby authorized for same.
3. Those disbursements that are made by Mr. Dunleavy will be placed on a subsequent meeting bill list for full disclosure to the public and the Council of the expenditures authorized by Mr. Dunleavy under such circumstances.

This Resolution shall take effect immediately.

Councilman JUHLIN second the motion; motion carried on voice vote, all members voting AYE in favor; none were opposed.

5. Councilman YAZDI offered the following resolution and moved for its adoption:

**RESOLUTION NO. 2020-3.23
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF
PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUSPENSION
OF ALL UTILITY FEES FOR 15 SALLY STREET UNTIL THE STRUCTURE
IS REBUILT AND RECONNECTED TO THE BOROUGH'S SYSTEMS**

WHEREAS, the Borough Council has learned of a devastating fire which destroyed the structure located at 15 Sally Street on March 12, 2020; and

WHEREAS, the structure will need to be rebuilt and, as a result, is currently not utilizing any water or sewer services; and

WHEREAS, the Mayor and Council have determined that all utility fees and charges should be suspended until such time as the structure is rebuilt and reconnected to the water and sewer lines.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey that the Borough Council hereby authorizes the suspension of all utility charges for 15 Sally Street until such time as the structure is reconnected to the Borough's systems.

This Resolution shall take effect immediately.

Councilman SONDERMEYER second the motion; motion carried on voice vote, all members voting AYE in favor; none were opposed.

6. Authorization for Mayor to hire 'summer' help earlier than normal (April) should the need arise during shortfalls in DPW staff due to Covid-19. Councilman YAZDI made the motion, second by HUDSON and carried on voice vote, all members voting AYE in favor; none were opposed.

Additional Mayoral Comments:

Employees under civil service agreements, who become ill with Coronavirus, or who take time off to care for a family member or for their child who may be out of school – the time off does not go against their vacation or sick time. Bloomingdale is not civil service and the current contracts do not address crisis such as Covid-19. There is pending legislation, but the governing body may need to act locally on how to handle this. Many Borough employees are essential & it is important to act smart and responsibly and keep employees safe.

There was additional discussion on Crossing Guards filing for unemployment. An option is to provide these part time employees with 'other' work such as cleaning, sanitizing etc.

LATE PUBLIC COMMENT

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

Jennifer Altfield- 17 Cedar Street

*Inquired on status of property owned by 'Tastefully British' (Union Ave.
Additionally, disagrees with the placement of a digital sign at Sloan Park.*

Since there was no one else who wished to speak, SONDERMEYER moved that it be closed; seconded by HUDSON and carried on voice vote all members voting (AYE)

LATE EXECUTIVE SESSION:

The council did not enter executive session.

GOVERNING BODY SCHEDULE:

- A. Workshop Meeting – April 7, 2020 7PM & FY2020 Budget Introduction
- B. Regular Meeting – April 21, 2020 7PM

Closing remarks:

Council discussed options for remote meetings. As the Coronavirus pandemic evolves the council may need to change how public meetings will be held. The Municipal Clerk will consult with the Borough Attorney.

ADJOURNMENT:

Since there was no further business to be conducted, SONDERMEYER moved to adjourn at 7:50PM; seconded by DELLARIPA and carried on voice vote with all Council Members present voting AYE.

Breeanna Calabro, RMC
Municipal Clerk