**REGULAR MEETING**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

**June 11, 2019**

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 7:02 PM.

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

**Roll Call:**

*In Attendance:* Mayor Jonathan Dunleavy

Councilman Anthony Costa

Councilman John D’Amato

Councilman Richard Dellaripa

Councilwoman Dawn Hudson

Councilman Michael Sondermeyer

Councilman Ray Yazdi (Entered 7:25PM)

Municipal Clerk, Breeanna Calabro

Borough Attorney, Dawn Sullivan

**PUBLIC NOTICE STATEMENT**

Mayor Dunleavy stated that adequate notice of this meeting was advertised in the Herald News on December 23, 2018; 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:**

1. **Library Family Literacy Program Recognition** - **Amtul Basit**

*Bloomingdale’s first student to pass her US Citizenship exam upon the first attempt.*

*Mayor & Council gave recognition to our library staff, tutors, and Ms. Basit for her achievements.*

1. **Honorary Street Dedication to our Veterans**

*Families were invited to view the streets signs which will be placed throughout the Borough in honor of their loved ones. Tom Reilly spoke in honor of the veterans and shared some of hometown history:*

**PFC NORMAN L SANDERS AVE  
WWII ARMY VETERAN**

**LT ALBERT H VREELAND AVE  
WWII ARMY VETERAN**

**YN2 KEVIN KING AVE**

**VIETNAM NAVY VETERAN**

**PFC ROY DENIKE JR AVE**

**KOREAN WAR USMC VETERAN**

**PVT HENRY G WORMAN AVE**

**KOREN WAR ARMY VETERAN**

**SP/4 ROBERT DECKER AVE**

**VIETNAM ARMY VETERAN**

**PVT ARNOLD OUTER AVE**

**WWII ARMY VETERAN**

**CPL FRANK E DECKER JR AVE**

**KOREAN WAR ARMY VETERAN**

**SSG LAWRENCE C VAN ORDEN  
WWII ARMY VETERAN**

**SGT EDWARD T BODE AVE  
VIETNAM ARMY VETERAN  
  
PVT RICHARD MOSEMAN AVE  
VIETNAM ARMY VETERAN  
  
SP/4 DANIEL ZACK AVE  
VIETNAM ARMY VETERAN**

**SSG ALFRED A GREEN JR AVE  
WWII ARMY VETERAN  
  
SSG THOMAS P BEIRNE  
PERSIAN GULF ARMY VETERAN**

**PFC WILLIAN SKEENS AVE**

**WWII USMC VETERAN**

**RECESS**: 7:33PM

**RECONVENED**: 7:47PM

**EARLY EXECUTIVE SESSION:** N/A

**Red Twig Trail – Improvement Project**

Mayor welcomed Borough Engineer, Tom Boorady, who was present to answer questions residents may have with regard to the Red Twig Trail sidewalk improvement project. Preliminary assessments were available to the public. The Boro has received (approximately) $300,000 grant from NJDOT, bids have come in around $811,000 for the entire project. The boro is funding part of the project, and there will be a special assessment for the remainder sidewalk portion. The agenda items will be discussed and the public will have an opportunity to comment.

**NON-AGENDA ITEMS:**

* Resolution No. 2019-6.13: Declaring An Emergency – For Purposes Of Awarding A Contract For Emergency Water Main Repairs On Hamilton Street
* Discussion: Utility Rate; Introduction of Ordinance No. 21-2019

**EARLY PUBLIC COMMENT:**

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

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

**Councilwoman Hudson:**

* Eagle Scout project – Flag Retirement on 2nd St. by Anthony Cavolano
* Community Garden is full for the season

**Councilman D’Amato:**

* 6/22 Fireworks Event

**Jon Dunleavy, Mayor:**

* Sloan Park – remaining landscape and concrete work, new bridge work is too be completed. The design and purpose was for flood mitigation and it is effective & successful.

**RESOLUTION NO. 2019-6.1 CONSENT AGENDA**

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

**RESOLUTION NO. 2019-6.1**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

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

***June 11, 2019 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,

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

* 1. **Approval of Minutes**: May 7, 2019 Workshop Meeting
  2. Motion to approve permit application (Cablevision) – scope of work: Install Remote Optical Line Terminal Cabinet (ROLT Cabinet)
  3. **Resolution No. 2019-6.2:** Boro Vehicle for Auction
  4. **Resolution No. 2019-6.3:** Ch. 159 – 2019 Clean Communities Grant
  5. **Resolution No. 2019-6.4:** Ch. 159 – Alcohol Ed, Rehabilitation & Enforcement Fun
  6. **Resolution No. 2019-6.5:** Authorization for Summer Help (Recreation Department)
  7. **Resolution No. 2019-6.6:** Board of Education-Landscaping Agreement
  8. **Resolution No. 2019-6.7:** Estimated Tax Bills
  9. **Resolution No. 2019-6.8**: Amend Resolution 2019-5.21 DPW Summer Help
  10. **Resolution No.** **2019-6.9**: DPW Summer Help
  11. **Resolution No. 2019-6.10**: Certification of Service & Final Salary (Smith)
  12. **Resolution No. 2019-6.11**: Authorizing Contract with Atlantic Environmental

**Discussion:**

* Clean Communities Grant award $15,000 which funds clean up days & educational programs
* Atlantic Environmental- this is for well monitoring the DPW site from when gas tanks were removed in the 70s-80s

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

**Consent Agenda Resolutions:**

**RESOLUTION NO. 2019-6.2**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***authorizing sale BY ONLINE AUCTION of borough vehicle***

**WHEREAS**, the Borough of Bloomingdale has title to the following vehicles:

* 2008 Dodge Durango, Miles 67,294 VIN#1D8HB38N98F156367

**WHEREAS**, the vehicles are of no useful life based upon their condition and the repairs needed and are no longer needed for public use; and

**WHEREAS**, the Borough wishes to dispose of the vehicles, which is municipal public property; and

**Whereas**, the Borough of Bloomindale desires to list the vehicles for sale at on an online auction hosted by GovDeals.com which sale is going to be conducted pursuant to Local Finance Notice 2008-9; and

**WHEREAS**, the terms and conditions of the agreement that will be entered into with the vendor are available on the vendor’s website and available in the Borough Clerk’s office.

**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 to sell the above listed vehicle described above in an online auction hosted by GovDeals.com.

**RESOLUTION NO. 2019-6.3  
OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

**Authorizing the Insertion into the FY2019 Municipal Budget Pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) of a Special Item of Revenue in the Form of a State of New Jersey   
*2019 Clean Communities Grant***

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services (“Director”), within the State of New Jersey Department of Community Affairs, may approve the insertion of any special item of revenue in the budget of any county or municipality; and

**WHEREAS**, the Governing Body further finds and declares that N.J.S.A. 40A:4-87 provides that the Director may also approve the insertion of any item of appropriation for an equal amount; and

**WHEREAS**, the Governing Body further finds and declares that it is in the best interests of the citizens of the Borough to request approval of the insertion into the Borough’s FY2019 Municipal Budget of an item of revenue based upon a grant secured by the Borough from the State of New Jersey;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby request that the Director of the Division of Local Government Services, within the State of New Jersey Department of Community Affairs, approve the insertion into the Borough’s FY2019 Municipal Budget of an item of revenue in the sum of $15,656.14, which item is now available as revenue in the form of a State of New Jersey Current Fund – 2019 Clean Communities Grant; and

**BE IT FURTHER RESOLVED** that a like sum of $15,656.14 be and the same is hereby appropriated under the caption:

*Public and Private Revenues Offset with Appropriations   
2019 Clean Communities Grant*

**AND BE IT FURTHER RESOLVED** that the Chief Financial Officer will electronically file with the State of NJ in accordance with LFN 2014-11.

**RESOLUTION NO. 2019-6.4  
OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

**Authorizing the Insertion into the FY2019 Municipal Budget Pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) of a Special Item of Revenue in the Form of a State of New Jersey   
*Alcohol Education, Rehabilitation and Enforcement Fund Grant***

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services (“Director”), within the State of New Jersey Department of Community Affairs, may approve the insertion of any special item of revenue in the budget of any county or municipality; and

**WHEREAS**, the Governing Body further finds and declares that N.J.S.A. 40A:4-87 provides that the Director may also approve the insertion of any item of appropriation for an equal amount; and

**WHEREAS**, the Governing Body further finds and declares that it is in the best interests of the citizens of the Borough to request approval of the insertion into the Borough’s FY2019 Municipal Budget of an item of revenue based upon a grant secured by the Borough from the State of New Jersey;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby request that the Director of the Division of Local Government Services, within the State of New Jersey Department of Community Affairs, approve the insertion into the Borough’s FY2019 Municipal Budget of an item of revenue in the sum of $643.00, which item is now available as revenue in the form of a State of New Jersey Current Fund – Alcohol Education, Rehabilitation and Enforcement Fund Grant; and

**BE IT FURTHER RESOLVED** that a like sum of $643.00 be and the same is hereby appropriated under the caption:

*Public and Private Revenues Offset with Appropriations   
Alcohol Education, Rehabilitation and Enforcement Fund Grant*

**AND BE IT FURTHER RESOLVED** that the Chief Financial Officer will electronically file with the State of NJ in accordance with LFN 2014-11.

**RESOLUTION NO. 2019-6.5**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Authorization for Summer Help for Recreation Department***

**WHEREAS**, there exists a need for temporary seasonal help within the Recreation Department during the summer months for day camp; and

**WHEREAS**, the Full-time Mayor recommends that the authorization be given to hire the following for part-time Summer Day Camp help as per the Salary Ordinance as follows:

Rachel Bodor - Director $600/week & per season (June-Sept)

Michelle Manella – Program Director $450/week & per season (June-Sept)

Gail Galbraith - Staff Director $450/week & per season (June-Sept)

Caitlin Monahan – Senior Staff $360/week & per season (June-Sept)

Cyndy Hopper – Registrar $8,000 Per season (Jan-Oct 2019)

**Counselors**

Hunter Beveridge

Aiden Brenkert

Nicholas Bruno

Gavin Burns

Kyra Clarke

Moses Clarke

Allora DeVries

Sean Dunleavy

Christopher Durant

Hannacy Gurbisz

Matthew Hagin

Nicholas Halkias

Charles Hopper

Alejandro Medina

Patrick Monahan

Colleen Monahan

Ariela Nunez

Alyssa Polito

Christian Rodrigues

Hayley Scott

Molly Scott

Justice Struble

Derek Timpanaro

Emily Weinbrock

Rebecca Wistuk

Thomas Yazdi

All counselors will be paid $8.85 per hour (NJ minimum wage)

**NOW, THEREFORE, BE IT RESOLVED** that the persons named herein be hired as part-time Summer Recreation Camp as outlined in the Salary Ordinance.

**RESOLUTION NO. 2019-6.6**

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

RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY **approving and AUTHORIZING THE SHARED SERVICES agreement between the BOROUGH OF BLOOMINGDALE and BLOOMINGDALE BOARD OF EDUCATION FOR LANDSCAPING SERVICES**

**WHEREAS**, the Bloomingdale Board of Education and the Borough of Bloomingdale have agreed that the citizens of Bloomingdale can be better served by the joint provision of certain services; and

**WHEREAS**, the Bloomingdale Board of Education and the Borough of Bloomingdale have agreed that the Borough is able to provide landscaping services to the Bloomingdale Board of Education; and

**WHEREAS**, the Borough of Bloomingdale will receive compensation per the following schedule:

|  |  |  |  |
| --- | --- | --- | --- |
| **From** | **To** | **Per Month** | **Not to exceed** |
| 7/1/2019 | 6/30/2020 | 1,326.50 | $10,612.00 |
| 7/1/2020 | 6/30/2021 | 1,353.00 | $10,824.00 |
| 7/1/2021 | 6/30/2022 | 1,380.00 | $11,040.00 |
| 7/1/2022 | 6/30/2023 | 1,407.50 | $11,260.00 |
| 7/1/2023 | 6/30/2024 | 1,435.75 | $11,486.00 |

These monthly payments shall be made based on the eight (8) months of service per year, for performance under the Interlocal Shared Services Agreement; and

**WHEREAS**, in enacting the “Uniform Shared Services and Consolidation Act,” N.J.S.A. §40A:65-1 *et seq.*, the New Jersey Legislature has permitted municipalities to enter into agreements to provide or receive services to/from one another as a means to reduce municipal expenses; and

**WHEREAS**, accordingly, the Borough of Bloomingdale and the Bloomingdale Board of Education desire to enter into this Interlocal Shared Services Agreement (“Agreement”) through which the Borough of Bloomingdale shall provide landscaping services for the Bloomingdale Board of Education.

**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 Mayor and Borough Clerk are hereby authorized to execute an Interlocal Shared Services Agreement with the Bloomingdale Board of Education for landscaping services; and

**BE IT FURTHER RESOLVED** that the Interlocal Shared Services Agreement shall take effect upon the adoption of appropriate resolutions by all the parties thereto, and execution of agreements authorized thereunder as set forth in the agreement.

This Resolution shall take effect immediately.

**RESOLUTION NO. 2019-6.7**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Authorizing Issuance of Estimated Property Tax Bills***

***WHEREAS,*** the Governing Body has introduced and adopted a municipal budget for 2019 but said budget may not be approved by the State in advance of billing the third quarter taxes that are due on August 1, 2019 within the statutory guidelines; and

***WHEREAS,*** the Governing Body further finds and declares that Borough financial officials have determined that there could be insufficient cash flow to support operations in July and August 2019 unless third quarter revenue is received on time; and

***WHEREAS,*** the Governing Body further finds and declares that Tax Collector Barbara D. Neinstedt, Tax Collector and Chief Financial Officer Donna M. Mollineaux have reviewed and computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3 and are recommending authorization to issue property tax bills based upon this estimated tax levy;

***NOW, THEREFORE, BE IT RESOLVED*** by the Governing Body of the Borough of Bloomingdale as follows:

1. That Bloomingdale Tax Collector Barbara D. Neinstedt be and is hereby authorized and directed to prepare and issue estimated tax bills for the Borough of Bloomingdale for the third quarter of 2019, in accordance with the provisions of N.J.S.A. 54:4-66.2, *et seq.*;

2. That the entire estimated tax levy for FY2019 be and is hereby set at $32,078,510.60; and

3. That Bloomingdale Tax Collector Barbara Neinstedt be and is hereby authorized to undertake any and all additional steps deemed necessary and appropriate to immediately implement the substance of this Resolution.

**RESOLUTION NO. 2019-6.8**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

**Amending Resolution 2019-5.21:**

***Authorization for Summer Help at the DPW***

**WHEREAS**, there exists a need for temporary seasonal help within the Department of Public Works from May 28, 2019 through August 2, 2019; and

**WHEREAS**, the Superintendent of the Department of Public Works recommends that authorization be given to hire the following individual(s) to work Monday through Friday effective May 28, 2019 at a rate of $15.00 per hour:

Matt Johnson

**NOW, THEREFORE BE IT RESOLVED,** by the Governing Body of the Borough of Bloomingdale does hereby authorize the hiring of Matt Johnson for temporary seasonal help within the Department of Public Works.

**RESOLUTION NO. 2019-6.9**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Authorization for Summer Help at the DPW***

**WHEREAS**, there exists a need for temporary seasonal help within the Department of Public Works from June 3, 2019 through August 9, 2019; and

**WHEREAS**, the Superintendent of the Department of Public Works recommends that authorization be given to hire the following individual(s) to work Monday through Friday effective June 3, 2019 at a rate of $15.00 per hour:

Richard Hofmann

**NOW, THEREFORE BE IT RESOLVED,** by the Governing Body of the Borough of Bloomingdale does hereby authorize the hiring of Richard Hofmann for temporary seasonal help within the Department of Public Works.

**RESOLUTION NO. 2019-6.10  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**WHEREAS**, the Borough Treasurer, Sherry Gallagher, has received notification via email on June 5, 2019 from the New Jersey Division of Pensions and Benefits, that Borough Employee, Craig Smith, has submitted an application for Retirement Allowance.

**WHEREAS,** the Borough Treasurer shall submit the Certification of Service and Final Salary of Craig Smith to the Division of Pensions and Benefits.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough of Bloomingdale accepts this as notice of resignation/retirement of Craig Smith effective July 1, 2019 and extends gratitude to him for his dedicated service to the Borough of Bloomingdale.

**RESOLUTION NO. 2019-6.11**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Resolution of the Borough of Bloomingdale, County of Passaic and State of New Jersey, Authorizing the Award of a Non-Fair and Open Professional Service Contract for the CEA and Groundwater Monitoring at Bloomingdale Public Works***

**WHEREAS**, the Borough of Bloomingdale has a need to appoint a Professional Services Contract as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; 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**, Atlantic Environmental Solutions, Inc. will provide well monitoring services for the Department of Public Works as sought by the Borough of Bloomingdale for $7,860.00 as outline in their May 17, 2019 proposal; and

**WHEREAS**, Atlantic Environmental Solutions, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Borough of Bloomingdale with the elected officials in the previous one year, and that the contract will prohibit the firm of Atlantic Environmental Solutions, Inc. from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Bloomingdale, County of Passaic, State of new Jersey authorizes the Mayor and Municipal Clerk to enter into a contract with Atlantic Environmental Solutions, Inc., 5 Marine View Plaza Suite 401, Hoboken, NJ 07030; and

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

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

**PENDING BUSINESS:**

*(Mayor started with item B listed on the Agenda)*

1. **Second/Final Reading & Public Hearing:**   
   *Bond Ordinance No. 17-2019: Sidewalk Improvements Red Twig Trail*

**BOND ORDINANCE PROVIDING FOR SIDEWALK IMPROVEMENTS ALONG RED TWIG TRAIL, IN AND BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY; APPROPRIATING $160,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $152,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF AND THE SPECIAL ASSESSMENT OF THE COST THEREOF** was given second and final reading and considered for adoption.

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:

**BOROUGH OF BLOOMINGDALE**

**BOND ORDINANCE NO. 17-2019**

**BOND ORDINANCE PROVIDING FOR SIDEWALK IMPROVEMENTS ALONG RED TWIG TRAIL, IN AND BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY; APPROPRIATING $160,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $152,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF AND THE SPECIAL ASSESSMENT OF THE COST THEREOF**

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

SECTION 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as a local improvements to be undertaken by the Borough of Bloomingdale, in the County of Passaic, State of New Jersey (the "Borough"), pursuant to N.J.S.A. 40:56-1 et seq. and N.J.S.A. 40:65-1 et seq., and the costs of said improvements shall be assessed on those properties benefitted thereby. For the improvements or purposes stated in Section 3, there is hereby appropriated the sum of $160,000, including the sum of $8,000 as the down payment for the improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes and to meet the part of the $160,000 appropriation not provided for by application hereunder of the down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of $152,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding $152,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued is the sidewalk improvements along Red Twig Trail from Star Lake Road to the cul-de-sac, and, including but not limited to, the construction, reconstruction and/or repair of sidewalks, curbs, driveway aprons and other similar construction along various real properties identified and described in **Schedule A** attached hereto and by this reference hereby incorporated herein, which properties are owned by private persons, such improvements and purposes to also include, but not be limited to, excavation, tree and root removal, site restoration, grass seeding, tree planting and other landscaping improvements, incidental roadway repaving and patching, all engineering and design work, preparation of plans and specifications, permits, bid documents, contract administration, work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes herein is $152,000.

(c) The estimated total cost of said improvements or purposes is equal to $160,000, the amount of the appropriation herein made therefor.

(d) The properties to be specifically benefited by these improvements are the properties identified in **Schedule A** attached hereto and by this reference hereby incorporated herein (collectively, the "Assessed Properties"), which Assessed Properties are also on file in the office of the Borough Clerk and are hereby incorporated in this bond ordinance as if more fully set forth herein.

(e) The estimated total cost of the improvements or purposes to be assessed against the Assessed Properties is $160,000.

(f) The estimated total cost of the improvements or purposes to be contributed and borne by the Borough is $0.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Passaic make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received. In the event, however, that any amount so contributed or granted shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer or the Treasurer of the Borough, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer or the Treasurer. The Chief Financial Officer or the Treasurer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer or the Treasurer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer or the Treasurer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer or the Treasurer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs (the "Director of the Division of Local Government Services") will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements and purposes described in Section 3 of this bond ordinance shall be undertaken as local improvements and are not current expenses and are improvements which the Borough may lawfully undertake as local improvements, the costs of which have been or shall be specially assessed on the Assessed Properties, which Assessed Properties shall be specially benefited thereby. An accurate account of the cost of the construction, reconstruction or repair of the sidewalks, curbs, driveway aprons and other similar construction shall be undertaken by the Borough, and such cost shall be assessed upon the several properties fronting the improvements in proportion to their respective frontage thereon pursuant to and in accordance with N.J.S.A. 40:65-1 et seq.

(b) The Borough will contribute $0 to the cost of the improvements or purposes described in Section 3 hereof, and the Assessed Properties will contribute $160,000 to the cost of the improvements or purposes described in Section 3 hereof.

(c) The number of annual installments in which the special assessments may be paid is ten (10) years.

(d) The estimated maximum amount of special assessments shall be $160,000.

(e) At least ten (10) days prior to such time fixed for public hearing and further consideration for final passage of this bond ordinance, a copy of this bond ordinance, together with a notice of the pendency of this bond ordinance given in accordance with N.J.S.A. 40:65-6, and notice of the time and place, when and where this bond ordinance will be further considered for final passage may be served, in accordance with the provisions of N.J.S.A. 40:65-2 to N.J.S.A. 40:65-6, upon every person whose lands may be affected by this bond ordinance or any assessments which may be made in pursuance thereof. If the above-described notice of the pendency of this bond ordinance is not given in accordance with N.J.S.A. 40:65-6 to the owners of property affected thereby and a hearing given to all persons interested in the improvements at the time and place stated in the notice, the Borough Clerk shall cause a notice of the proposed sidewalk, curb, driveway apron and other similar construction improvements to be given to the owner or owners of real estate affected thereby prior to the making of the sidewalk improvement described in Section 3 hereof or the awarding of any contract for such improvements. The Notice shall contain a description of the property affected sufficient to identify it, a description of the improvements, and a statement of the percentage of the cost to be borne by the owner or owners of such real estate, if the cost thereof is to be borne in part by such owners, or a statement that unless the owner or owners complete the improvements within thirty (30) days after service thereof, the Borough will make the improvements at the expense of the owner or owners, if the cost of the improvements is to be borne wholly by the owner or owners of the real estate. Such Notice shall be served in accordance with the provisions of N.J.S.A. 40:65-2 to N.J.S.A. 40:65-6, and the proof of service shall be filed with the officer of the Borough in charge of the records of tax liens of the Borough within ten (10) days after service thereof.

(f) The period of usefulness of the improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is ten (10) years.

(g) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by $152,000 and the obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(h) An aggregate amount not exceeding $10,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements described herein.

(i) If the amount of the assessments on the Assessed Properties is less than $160,000, then the Borough will contribute the difference between such reduced assessment and the cost of the improvements.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the Borough, or any member of the same "Controlled Group" as the Borough, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under section 148 of the Internal Revenue Code of 1986, as amended and supplemented (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-(1)(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds, "replacement proceeds" within the meaning of Treasury Regulation Section 1.148‑1 of the bonds, or any other bond issue, or (iii) to reimburse the Borough for any expenditure or payment that was originally paid with the proceeds of any obligation of the Borough (other than borrowing by the Borough from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed $152,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

SECTION 10. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**Public Hearing:**

At this time COSTA made a motion to open the Public Hearing for comment; seconded by SONDERMEYER and carried on a voice vote all voting AYE.

*Mayor briefly explained the special assessment and process for repayment. This can be paid annually over 10 years, or can be paid in one payment. The assessment has to be satisfied by the owner in full prior to the sale of a house. Residents were advised to email the Borough Engineer with specific concerns in regards to the replacement of sidewalks and inspections.*

**Mary Hill – 126 Red Twig Trail**

*Apron & curb has already been replaced, will this be considered.   
Advised to reach out to Boro Engineer*

**Aaron Jasper – 125 Red Twig Trail**

*Shared research that suggests sidewalks belong to the homeowners; aprons belong to the town. Advised to reach out to Boro Engineer. Questioned cost of bond verses preliminary cost listed in spreadsheet. 2 Year contractor guarantee on the sidewalks. Brief discussion with Mayor & Engineer.*

**Jim Harding – 102 Red Twig Trail**

*Inquired about drainage, inlets, leaders & drains with respect to the project.*

**John Sullivan - 121 Red Twig Trail**

*Inquired about damage to sod. Engineer confirmed yes but they will try to work with the residents.*

**Bob Schafer- 142 Red Twig Trail**

*Inquired about placement of roof drains, possibility of keeping existing sidewalks.*

**Rudolph Dolce – 56 Red Twig Trail**

*Inquired about a survey & tax maps for his property. Possibility of sidewalk placement in ROW being Boro responsibility rather than the owner.*

**Patrick Wilson - 149 Red Twig Trail**

*Inquired about the timeline of the project.*

**Aaron Jasper – 125 Red Twig Trail**

Inquired about the impact on property tax assessments & increase in value.

Since there was no one else who wished to comment COSTA made a motion to close the Public Hearing; seconded by YAZDI and carried on a voice vote all members present voting AYE.

Councilwoman HUDSON moved for the adoption of this Ordinance; seconded by YAZDI and carried per the following roll call vote: D’AMATO (YES), DELLARIPA (YES), HUDSON (YES), SONDERMEYER (YES), YAZDI (YES), COSTA (YES)

**RECESS: 8:22PM**

**RECONVENED: 8:23PM**

**A. Second/Final Reading & Public Hearing:**   
*Bond Ordinance No. 16-2019: Amend Ord No. 13-2018*

**BOND ORDINANCE AMENDING AND SUPPLEMENTING SECTION 3(a)(i) OF BOND ORDINANCE NUMBER 13-2018 FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY ON MAY 1, 2018 TO INCREASE THE TOTAL APPROPRIATION REFERRED TO IN SECTION 3(a)(i) FROM $939,000 TO $1,239,000 AND TO INCREASE THE TOTAL DEBT AUTHORIZATION REFERRED TO IN SECTION 3(a)(i) FROM $939,000 TO $1,239,000, AND TO AMEND AND SUPPLEMENT OTHER PROVISIONS THEREIN** was given second and final reading and considered for adoption.

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

Councilman D’AMATO 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:

**BOROUGH OF BLOOMINGDALE**

**BOND ORDINANCE NO. 16-2019**

**BOND ORDINANCE AMENDING AND SUPPLEMENTING SECTION 3(a)(i) OF BOND ORDINANCE NUMBER 13-2018 FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY ON MAY 1, 2018 TO INCREASE THE TOTAL APPROPRIATION REFERRED TO IN SECTION 3(a)(i) FROM $939,000 TO $1,239,000 AND TO INCREASE THE TOTAL DEBT AUTHORIZATION REFERRED TO IN SECTION 3(a)(i) FROM $939,000 TO $1,239,000, AND TO AMEND AND SUPPLEMENT OTHER PROVISIONS THEREIN**

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

**SECTION 1:** Section 3(a)(i) of bond ordinance of the Borough of Bloomingdale, in the County of Bloomingdale, State of New Jersey (the "Borough"), heretofore finally adopted by the Borough Council on May 1, 2018, numbered 13-2018 and entitled, “BOND ORDINANCE PROVIDING FOR 2018 CAPITAL ACQUISITIONS AND IMPROVEMENTS, BY AND IN THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY; APPROPRIATING $1,367,600 THEREFOR AND AUTHORIZING THE ISSUANCE OF $1,346,900 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF” (the "Original Ordinance"), is hereby amended and supplemented to the extent and with the effect as set forth below:

(a) The total appropriation referred to in Section 3(a)(i) in the Original Ordinance is hereby increased by $300,000, from $939,000 to $1,239,000.

(b) The total bonds/notes debt authorization referred to in Section 3(a)(i) in the Original Ordinance is hereby increased by $300,000, from $939,000 to $1,239,000.

(c) No down payment is required as the improvement or purpose set forth in Section 3(a)(i) in the Original Ordinance is being funded by a State of New Jersey Department of Transportation Grant.

(d) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this amendatory and supplemental bond ordinance by $300,000 and the said obligations authorized herein will be within all debt limitations prescribed by law.

**SECTION 2:** The Capital Budget of the Borough is hereby amended, as necessary, to conform with the provisions of this bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, will be on file in the office of the Clerk and will be available for public inspection.

**SECTION 3**: The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code the interest on all bonds and notes issued under the Original Ordinance, as amended and supplemented hereby.

**SECTION 4:** Except as expressly amended and supplemented hereby, the Original Ordinance shall remain in full force and effect.

**SECTION 5:** This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

At this time COSTA 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 comment COSTA made a motion to close the Public Hearing; seconded by DELLARIPA and carried on a voice vote all voting AYE.

Councilman DELLARIPA moved for the adoption of this Ordinance; seconded by YAZDI and carried per the following roll call vote: DELLARIPA (YES), HUDSON (YES), SONDERMEYER (YES), YAZDI (YES), COSTA (YES), D’AMATO (YES)

1. **Second/Final Reading & Public Hearing:**   
   *Ordinance No. 18-2019: Capital Surplus (HVAC System)*

**ORDINANCE APPROPRIATING $40,000.00 AVAILABLE FROM THE**

**GENERAL CAPITAL SURPLUS FUND TO PROVIDE FOR HVAC SYSTEM IMPROVEMENTS DESCRIBED HEREIN IN AND BY THE BOROUGH OF**

**BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY** was given second and final reading and considered for adoption.

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

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

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO. 18-2019**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

**ORDINANCE APPROPRIATING $40,000.00 AVAILABLE FROM THE**

**GENERAL CAPITAL SURPLUS FUND TO PROVIDE FOR HVAC SYSTEM IMPROVEMENTS DESCRIBED HEREIN IN AND BY THE BOROUGH OF**

**BLOOMINGDALE, IN THE COUNTY OF PASSAIC, 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. $40,000.00 is available from the Capital Surplus Fund to provide

for the following purposes:

Description of Purpose Amount

HVAC System Improvements $ 40,000.00

**TOTAL: $40,000.00**

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.

At this time D’AMATO made a motion to open the Public Hearing for comment; seconded by SONDERMEYER and carried on a voice vote all voting AYE.

Since there was no one who wished to comment COSTA made a motion to close the Public Hearing; seconded by SONDERMYER and carried on a voice vote all voting AYE.

Councilwoman HUDSON moved for the adoption of this Ordinance; seconded by DELLARIPA and carried per the following roll call vote: HUDSON (YES), SONDERMEYER (YES), YAZDI (YES), COSTA (YES), D’AMATO (YES), DELLARIPA (YES)

**Discussion:**

Dellaripa asked about the time frame, this repair is to be done immediately. Yazdi requested the balance of the capital surplus; will follow up with finance department.

**NEW BUSINESS:**

1. At this time SONDERMYER offered the following resolution and moved for its adoption:

**RESOLUTION NO. 2019-6.12  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEYauthorizing the award of A CONTRACT TO THE LOWEST BIDDER FOR THE BOROUGH OF BLOOMINGDALE RED TWIG TRAIL ROAD IMPROVEMENTS PROJECT

**WHEREAS**, pursuant to authorization by the Mayor and Borough Council of the Borough of Bloomingdale (“Borough”), the Borough received bid proposals on Thursday, May 30, 2019 for the Red Twig Trail Road Improvements Project; and

**WHEREAS**, the Mayor and Borough Council find and declare that six (6) bid proposals were received, opened and read on May 30, 2019; and

**WHEREAS,** the lowest bid was received from Reggio Construction Inc. in the amount of $811,591.83; and

**WHEREAS**, Reggio Construction Inc.’s bid was found to be compliant with the bid specifications in all relevant respects pursuant to a technical review by the Borough Engineer and a legal review by the Borough Attorney; and

**WHEREAS**, the Mayor and Borough Council have determined that an award of the contract to the lowest bidder, Reggio Construction Inc., is in the best interests of the Borough; and

**WHEREAS**, the Chief Financial Officer of the Borough of Bloomingdale has certified that sufficient funds are available for this purpose pending effectiveness of Bond Ordinance 16-2019 and 17-2019.

**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, as follows:

1. The contract for the Red Twig Trail Road Improvements Project is hereby awarded to the lowest bidder, Reggio Construction Inc.

2. The Borough Clerk and Mayor of the Borough of Bloomingdale are hereby authorized and directed to execute a contract for the aforesaid Red Twig Trail Road Improvements Project with Reggio Construction Inc. in the total amount of $811,591.83.

This Resolution shall take effect immediately.

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

1. **Introduction of Ordinance No. 19-2019**: Non-Solicitation (Amend)

A motion was made by SONDERMEYER to introduce the Ordinance by title; second and final reading/ public hearing will be on June 25, 2019 at 7PM; the motion was seconded by YAZDI and carried per on voice vote all members voting AYE.

Discussion by the Mayor:

*This is to remove language that requires to the borough to notify ALL residents of this list. The borough has the form available on website & facebook but will not be mailing to each resident.*

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 IV ENTITLED “GENERAL LICENSING” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE TO AMEND AND SUPPLEMENT OTHER PROVISIONS THEREIN**

1. **Introduction of Ordinance No. 20 -2019**: Zoning Amend Ch. 92 (Anna Rose)

A motion was made by D’AMATO to introduce the Ordinance by title; second and final reading/ public hearing will be on August 20, 2019 at 7PM allowing enough time for planning board review; the motion was seconded by DELLARIPA and carried on voice vote all members voting AYE.

**Discussion:**  
This came as a recommendation from the ordinance review committee – Bill Graf:   
*“By multiple actions of the Zoning Board of Adjustment some years ago the 14 lots comprising the Anna Rose Court sub-division were developed using R-40 standards. They were not re-zoned to R-40. Today the 14 lots remain zoned as R-130 creating, in our opinion, an undue hardship on property owners wishing to modify site plans and having to adhere to R-130 standards. The 14 Anna Rose Court lots along with 3 additional lots (2 of which are similar in size to the Anna Rose Court sub-division lots) in the immediate vicinity create a contiguous, cohesive and self-contained section. Ordinance Review recommends these 17 lots be re-zoned to R-40 from R-130. In this section, in addition to the 17 lots which are the subjects of the recommendation, there is one lot zoned as Public (2004/3). It should remain as Public. We believe the recommended re-zoning will not impair the borough's zone plan and zoning ordinances.”*

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 II “ZONE BOUNDARIES”, SECTION 92-5 “ZONING MAP” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE**

**NON AGENDA**

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

**RESOLUTION NO. 2019-6.13  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**DECLARING AN EMERGENCY – FOR PURPOSES OF AWARDING A CONTRACT FOR EMERGENCY WATER MAIN REPAIRS ON HAMILTON STREET**

**WHEREAS,** the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares an emergency situation has developed with water main repairs on Hamilton Street;

**WHEREAS**, the Governing Body further finds and declares that this poses an imminent threat to the public health, safety and welfare of an emergent nature that warrants immediate remedial action; and

**WHEREAS**, the Governing Body further finds and declares that **N.J.S.A. 40A:11-6** authorizes a municipality to negotiate and/or award a contract without public advertisement when an emergency affecting the public health, safety or welfare requires the immediate performance of services; and

**WHEREAS**, the Governing Body further finds and declares that the Utility Department, acting in the reasonable belief that an emergency affecting the public health, safety and welfare requires immediate remedial action without public advertisement for services;

**WHEREAS**, the Governing Body further finds and declares that the Utility Department, has correctly recommended that the aforementioned water main repairs be remedied through the award to the following:

**Barrett Construction**

**WHEREAS**, the emergency costs are to be funded through 2019 Utility budget account number 9-09-55-501-001-028 in an amount not to exceed $2,000.00 and the CFO has certified the availability of funds;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby declare the existence of a public emergency warranting the completion of the water main repairs as soon as possible and does hereby award said project to the entities mentioned above.

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

* **Water/Sewer Rate Increase**

6-10%, Borough auditors have recommended a 12% increase. It is necessary to have an increase. Discussion with delays in converting to Butler water system, lack of surplus, leak studies, drought management plan, NJDEP, differential in what the Boros pay for water vs. what is billed out is down to 9% from 38%. The mayor recommends a 10% increase to generate approximately $387,000 in revenue beginning with July 2019 billing cycle. Discussion followed about mild annual increases rather than 12%. Mayor asked for a motion for introduction of an ordinance to increase rates by 10%. **Introduction of Ordinance No. 21 -2019**:

A motion was made by YAZDI to introduce the Ordinance by title; second and final reading/ public hearing will be on June 25, 2019 at 7PM; the motion was seconded by DELLARIPA and carried per the following roll call vote: COSTA (NO), D’AMATO (YES), DELLARIPA (YES), HUDSON (NO), SONDERMEYER (NO), YAZDI (YES) being there was a tie vote, Mayor voted (YES).

The Municipal Clerk read by Title:

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE TO AMEND AND SUPPLEMENT CHAPTER XVII (17), ENTITLED “WATER” AND CHAPTER XVIII (18), ENTITLED “SEWER”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BLOOMINGDALE, INCLUDING A SCHEDULE OF RATES AND CHARGES FOR SERVICES RENDERED TO THE USERS OF THE WATER SUPPLY SYSTEM AND SANITARY SEWER SYSTEM**

**LATE PUBLIC COMMENT:**

D’AMATO opened the meeting to late public comment; seconded by DELLARIPA and carried on voice vote. Since there was no one who wished to speak, DELLARIPA moved that it be closed; seconded by SONDERMEYER and carried on voice vote.

**LATE EXECUTIVE SESSION:**

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

**RESOLUTION NO. 2019-6.14**

**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 11th day of June, 2019 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.

Ballot Question – Marijuana

Recreational/Medicinal Marijuana – Retail Stores

Shared Service Agreement – Pompton Lakes

( ) b. (8) Personnel matters.

( ) 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).

Motion was seconded by DELLARIPA and carried on voice vote all in favor.

**ENTER INTO CLOSED SESSION: 8:41PM**

**RETURN TO OPEN SESSION: 9:18PM**

**GOVERNING BODY SCHEDULE:**

1. Regular Meeting – June 25, 2019 7PM
2. Regular Meeting – July 23, 2019 7PM

**ADJOURNMENT:**

Since there was no further business to be conducted, COSTA moved to adjourn at 9:19PM; seconded by SONDERMEYER and carried on voice vote with all Council Members present voting AYE.

Breeanna Calabro, RMC

Municipal Clerk