**REGULAR MEETING**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

**July 23, 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 7:01 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

Municipal Clerk, Breeanna Calabro

Borough Attorney, Fred Semrau, Esq.

*Excused:* Councilman Ray Yazdi

 **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:** N/A

**EARLY EXECUTIVE SESSION:** N/A

**NON-AGENDA ITEMS:**

**EARLY PUBLIC COMMENT:**

Motion was made by HUDSON to open the meeting for public comment; seconded by SONDERMEYER and carried per voice vote all members voting AYE.

* **Carl A. Rizzo** – Hackensack, NJ (representing VMC Realty)

*Spoke in objection to the ‘area in need of rehabilitation’ study with condemnation of Main Street for 5060/28*

* **Jennifer M. Knarish**- Woodcliff Lake, NJ (representing Wells Fargo 115 Main St)
*Spoke in objection to the ‘area in need of rehabilitation’ study with condemnation of Main Street for 5060/29*
* **Bob Gorun- 55 Charles St, Bloomingdale**

*Spoke in regards to dumping on wetlands behind his property – referenced letter received from property maintenance. Request to be on the agenda for environmental commission 8/7/19. Mayor added discussion in regards to drainage issues.*

* **Linda Huntley – 86 Van Dam, Bloomingdale**

*Spoke in objection to the ‘area in need of rehabilitation’ study with condemnation of Main Street. Inquired on water & sewer rate increases and timing of sidewalks.*

* **Fred Semrau, Borough Attorney** – *added to Public Comment that the “area in need of rehabilitation” designation study of Main St includes condemnation, as the law requires including the consideration of it.*

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

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

**Councilman Costa:** *River Clean Up August 17th at Sloan Park*

**Councilwoman Hudson:** *Ron Debrandt, Boomingdale resident – working with Board of Health to initiate a dementia program*  **Mayor Dunleavy: (gave updates on the follow projects)**

* Red Twig Trail project has begun
* General paving will begin throughout town
* Delazier Basketball Court &
* Bogue Basketball Court – engineer has final design, should go out to bid soon
* Ballston Street NJDOT grant for sewer & water lines

**RESOLUTION NO. 2019-7.1 CONSENT AGENDA**

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

**RESOLUTION NO. 2019-7.1**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

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

***July 23, 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**:
		1. June 25, 2019 Executive Session
		2. May 21, 2019 Regular Meeting
		3. June 11, 2019 Regular Meeting
		4. June 25, 2019 Regular Meeting
	2. Motion to accept resignation of the following Bloomingdale Fire Department members:
		1. Alison Mezerek (3/18/2019)
		2. Brian M. Hoeft (5/17/2019)
		3. Jeffrey Edelbach (3/9/2019)
		4. Vincent DeGeralamo (5/21/2019)
	3. Accepting resignation of Municipal Judge: Andrew M. Wubbenhorst, P.J.M.C.
	4. **Resolution No. 2019-7.2:** Appointment of Municipal Judge, Dana D’Angelo
	5. **Resolution No. 2019-7.3:** Appointment of Public Defender, David Amadeo
	6. **Resolution No. 2019-7.4:** Hiring of Summer Recreation Counselor
	7. **Resolution No. 2019-7.5:** Hiring of Part Time Animal Shelter Help
	8. **Resolution No. 2019-7.6**: Hiring of Part Time Animal Shelter Help
	9. **Resolution No. 2019-7.7**: Auction Borough Real Property
	10. **Resolution No. 2019-7.8**: Vehicles for Auction
	11. **Resolution No. 2019-7.9:** Authorizing Contract (NJ Future– Highlands EDC)
	12. **Resolution No. 2019-7.10:** Ch 159 Oakland- Electrical Services
	13. **Resolution No. 2019-7.11:** Ch 159 Pompton Lakes – Accounts Payable Services
	14. **Resolution No.** **2019-7.12**: Appointment to EDC
	15. **Resolution No. 2019-7.13**: Redemption TTL 17-00009 (3036/ 27)

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

***At this time Oath of Office was given to Stephen Tomaskovic.***

**Consent Agenda Resolutions:**

**RESOLUTION NO. 2019-7.2**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Appointing Municipal Court Judge***

 **BE IT RESOLVED**, by the Governing Body of the Borough of Bloomingdale, that

they do hereby provide advice and consent to the Mayor’s appointment of Dana D’Angelo to the position of Municipal Court Judge for an unexpired three-year term; appointment effective September 1, 2019 expiring December 31, 2021 in accordance with Borough Code Section 2-45.3.

**RESOLUTION NO. 2019-7.3**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Appointment of Public Defender***

**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 David A. Amadio, to the position of Public Defender in accordance with section 2-12 of the Borough Code; filling an unexpired one term effective September 1, 2019 through December 31, 2019.

**RESOLUTION NO. 2019-7.4**

**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:

 **Counselors**Mckayla Brady

All counselors will be paid $8.85 per hour.

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

**RESOLUTION NO. 2019-7.5**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Authorizing Hiring of Part-time Help Animal Shelter Staff***

**WHEREAS**, there is a need to hire part-time help for the Animal Shelter;

**NOW THEREFORE, BE IT RESOLVED** that Dejah Perry be hired as part-time Animal Shelter Staff at a salary of $10.00 per hour, for approximately 20 hours/week to begin on or about July 15 2019.

**RESOLUTION NO. 2019-7.6**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Authorizing Hiring of Part-time Help Animal Shelter Staff***

**WHEREAS**, there is a need to hire part-time help for the Animal Shelter;

**NOW THEREFORE, BE IT RESOLVED** that Amanda Page be hired as part-time Animal Shelter Staff at a salary of $10.00 per hour, for approximately 15 hours/week to begin on or about July 15 2019.

**RESOLUTION NO. 2019-7.7**

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

**A RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN LANDS AND PROPERTIES WHICH ARE NO LONGER NEEDED FOR PUBLIC USE BY THE BOROUGH**

**WHEREAS**, the Borough of Bloomingdale is the owner of certain lands and premises within the Borough of Bloomingdale identified as Block 5066, Lots 8, 9, 10 and 24 and depicted on Schedule A attached hereto; and

**WHEREAS**, the Mayor and Borough Council of Bloomingdale does hereby determine that the said lands and properties set forth in Schedule A are no longer needed for public use; and

**WHEREAS,** the Borough of Bloomingdale desires to make available for public sale lands, with the right of prior refusal to be afforded to adjacent property owners pursuant to N.J.S.A. 40A:12-13.2.

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

1. The Borough of Bloomingdale hereby declares that the lands and premises set forth in **Schedule A** are no longer needed for public use and should be sold in accordance with appropriate statutes of the State of New Jersey.
2. The governing body of the Borough of Bloomingdale hereby authorizes the Borough Clerk to offer for sale to the highest bidder by open public sale at auction the property set forth in **Schedule A** attached hereto and made a part hereof.
3. The public sale shall take place at the ­­­­­­­Borough Hall, 101 Hamburg Turnpike, Bloomingdale, NJ on September 17, 2019at 6:30 p.m. or as soon thereafter as the matter can be heard and publicly announced, provided the sale is not cancelled.
4. The public sale, if not cancelled, shall take place by open public sale at auction to the highest bidder.
5. The successful bidder at the time of the sale must present cash or a check or a money order, **payable to** **the Borough of Bloomingdale,** in an amount that equals ten percent (10%) of the sales price. This deposit shall be non-refundable. The balance of the purchase price shall be paid to the Borough no later than sixty (60) days following the acceptance by the Borough and the tender of marketable title to the purchaser and submitted to the Borough. The purchaser shall be entitled to possession immediately following the closing of title.
6. The Borough makes no representation as to the title or any other aspects of the land to be sold.
7. At closing of title, purchaser shall also pay to the Borough a buyer’s premium in the amount of ten percent (10%) of the bid amount.
8. The Borough reserves the right to accept or reject any and all bids at the public sale and not to award to the highest bidder. Such decision will be made by the Borough Council at a Public Meeting within 30 days from the date of such sale.
9. In the event the Borough is unable to convey clear and marketable title, insurable at regular rates by a title insurance company authorized to do business in the State of New Jersey, the Borough shall forthwith return to the purchaser the deposit and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the Borough shall extinguish any claims the said purchaser may have against Hardyston Borough in connection with the quality of title conveyed.
10. All conveyances by the Borough shall be made by way of a Quit Claim Deed, unless an adequate title binder prepared at the expense of the purchaser is forwarded to the Borough prior to the conveyance and discloses that the Borough holds marketable title in which case a Bargain and Sale Deed with Covenants Against Grantor’s Acts will be the form of conveyance. The Borough will include with its deed a metes and bounds description based upon a survey if a survey and metes and bounds description is obtained by the purchaser.
11. The governing body of the Borough of Bloomingdale reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bidder deemed to be in the best interests of the Borough.
12. In the case that the property being offered is an under-sized lot, adjoining property owners shall be given the first right to bid. If purchased by an adjoining property owner, the under-sized property shall merge into the purchaser’s current lot. Furthermore, the property shall not be further subdivided as the conveyance is being made to accommodate the adjoining property owner as to his/her current residence, not for subdivision purposes.
13. If no adjoining property owners bid, the bidding will be opened to the public. The Borough will not represent, warrant or guarantee the right to build on or improve any of the properties listed for sale. All properties will be subject to all Federal, State, Local Laws and Ordinances.
14. A public notice of sale shall be published in the Borough’s official newspaper at least once a week for two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the condition of this sale in accordance with N.J.S.A. 40A:12-13(a).
15. The minimum bid for this property shall start at $65,000.
16. The resolution shall take effect immediately.

**BE IT FURTHER RESOLVED,** that a copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.

**RESOLUTION NO. 2019-7.8**

**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 vehicle(s):

* 2004 Chrysler Sebring, Miles 161,807 VIN# 1C3EL46X84N375849

 **WHEREAS**, the vehicle(s) 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. 2019-7.9
OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION approving and AUTHORIZING aN AGREEMENT BETWEEN THE BOROUGH AND NEW JERSEY FUTURE TO COMPLETE THE ENVIRONMENTAL AND ECONOMIC SUSTAINABILITY GRANT APPLICATION**

 **WHEREAS,** New Jersey Future met with the Borough Council and has submitted a proposal to the Borough with regard to the ability to assist in completing and submitting an Environmental and Economic Sustainability Grant Application (“Grant Application”); and

 **WHEREAS,** New Jersey Future will submit the Grant Application seeking $50,000 in funding for the Borough in order to develop an economic development plan, identify issues of importance to the Borough and develop a strategic action plan; and

 **WHEREAS,** there is no cost to the Borough for the application process; and

 **WHEREAS,** if the Borough receives the $50,000 grant award, New Jersey Future will perform the scope of work set forth in the Grant Application; and

 **WHEREAS**, the cost of the contract with New Jersey Future, in the event he $50,000 Grant is awarded to the Borough, shall not exceed $70,000; $50,000 grant money and $20,000 from the Borough; and

 **WHEREAS**, if the Borough is not awarded the grant, there shall be no further obligation to New Jersey Future; and

 **WHEREAS**, the Mayor and Borough Council have reviewed the terms of the proposal and agree that it is in the best interests of the Borough to agree to the proposal; and

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

 **NOW, THEREFORE, BE IT RESOLVED**, that the Full-time Mayor of the Borough of Bloomingdale is hereby authorized to accept the proposal from New Jersey Future to proceed with the Grant Application and to take all steps necessary to further the purposes of this Resolution.

**RESOLUTION NO. 2019-7.10
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
*Borough of Oakland – Electrical Services***

**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 $10,500.00, which item is now available as revenue in the form of a State of New Jersey Current Fund – Borough of Oakland – Electrical Services; and

**BE IT FURTHER RESOLVED** that a like sum of $10,500.00 be and the same is hereby appropriated under the caption:

*Public and Private Revenues Offset with Appropriations
Borough of Oakland – Electrical Services*

**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. 2019-7.11
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
*Pompton Lakes – Accounts Payable Services***

**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 $10,000.00, which item is now available as revenue in the form of a State of New Jersey Current Fund – Pompton Lakes – Accounts Payable Services; and

**BE IT FURTHER RESOLVED** that a like sum of $10,000.00 be and the same is hereby appropriated under the caption:

*Public and Private Revenues Offset with Appropriations
Pompton Lakes – Accounts Payable Services*

**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. 2019-7.12**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Appointments to the Economic Development 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 Economic Development Commission member(s):

Economic Development Commission 2 years (unexpired) Stephen Tomaskovic

Alternate Member I 12/31/20

**RESOLUTION NO. 2019-7.13**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Authorizing Redemption and Cancellation of Tax Title Lien Certificate #17-00009***

**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 lien was sold on,

75 Red Twig Trail, Bloomingdale, for delinquent year 2017 Water/Sewer, and

**WHEREAS,** the Governing Body further finds and declares that the foregoing property is also known as Block 3036 Lot 27, owned by Prof 2013 Legal Title T II; and

**WHEREAS,** the Governing Body further finds and declares that the foregoing lien which was sold to ACTLIEN HOLDING INC for a premium of $1200.00 and

**WHEREAS,** the Governing Body further finds and declares that for 75 Red Twig Trail, the mortgage company, LERETA, has requested redemption of TTL #17-00009, and

**WHEREAS,** the Governing Body further finds and declares that LERETA, 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 $1639.88 for the lien redemption and $1200.00 for the premium, be made payable to ACTLIEN HOLDING INC, 50 South 16th Street, Suite 2050, Philadelphia, PA 19102 for the redemption and cancellation of Tax Title Lien Certificate #17-00009

1099 = $32.40

**PENDING BUSINESS:**

1. **Second/Final Reading & Public Hearing:**
*Ordinance No. 22-2019: Amend Salary Ordinance 8-2019 (Rec Staff & Asst to the CFO)* **AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING ORDINANCE 8-2019 “AN ORDINANCE ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY AND COMPENSATION FOR CATEGORIES AND TITLES OF OFFICERS, NON-CONTRACTUAL EMPLOYEES AND CONTRACTUAL EMPLOYEES OF THE BOROUGH OF BLOOMINGDALE” TO INCLUDE THE RECREATION STAFFING POSITIONS & ASSISTANT TO THE CFO** 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 D’AMATO and carried on voice vote – all members present voting AYE

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO. 22-2019**

**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 ORDINANCE 8-2019 “AN ORDINANCE ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY AND COMPENSATION FOR CATEGORIES AND TITLES OF OFFICERS, NON-CONTRACTUAL EMPLOYEES AND CONTRACTUAL EMPLOYEES OF THE BOROUGH OF BLOOMINGDALE” TO include the RECREATION STAFFING positions & Assistant TO THE CFO**

 **WHEREAS**, pursuant to State law, the Borough annually adopts an ordinance to establish a range of salaries for certain Borough positions; and

 **WHEREAS**, following review of Ordinance 8-2019, it is necessary to amend the Ordinance in order to add salary ranges for the positions listed below in the Recreation Department & Assistant CFO.

 **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.** Ordinance 8-2019, the Salary Ordinance of the Borough of Bloomingdale, shall be amended to add titles as follows:

 **Category/Title Minimum Maximum**

 **DEPARTMENT/DIVISION HEADS**  $ 1.00 $180,000.00

 Recreation Director

 Recreation Program Director

 Recreation Staff Director

 Recreation Senior Staff

 Recreation Registrar

 Assistant to the CFO

 All other portions of this Ordinance 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 D’AMATO and carried on a voice vote all voting AYE.

 Linda Huntley – 86 Van Dam Ave, Bloomingdale

 *Requested the assistant to the CFO’s salary; Mayor will email the information.*

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

Councilwoman HUDSON moved for the adoption of this Ordinance; seconded by SONDERMEYER and carried per the following roll call vote: D’AMATO (YES), DELLARIPA (YES), HUDSON (YES), SONDERMEYER (YES), COSTA (ABSTAIN FROM ‘Assistant to the CFO’/YES)

1. **Second/Final Reading & Public Hearing:**
*Ordinance No. 23-2019: Affordable Housing Income & Asset Income Limits*

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE IN THE COUNTY OF PASSAIC, AND STATE OF NEW JERSEY AMENDING CHAPTER XII SECTIONS 2.7, 2.12 AND 2.13 OF THE BOROUGH’S AFFORDABLE HOUSING ORDINANCES TO ESTABLISH REGIONAL INCOME AND ASSET LIMITS AND MAXIMUM RENTAL AND SALES PRICES FOR ALL AFFORDABLE UNITS IN THE BOROUGH** 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 COSTA and carried on voice vote – all members present voting AYE

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO. 23-2019**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE IN THE COUNTY OF PASSAIC, AND STATE OF NEW JERSEY AMENDING CHAPTER XII SECTIONS 2.7, 2.12 AND 2.13 OF THE BOROUGH’S AFFORDABLE HOUSING ORDINANCES TO ESTABLISH REGIONAL INCOME AND ASSET LIMITS AND MAXIMUM RENTAL AND SALES PRICES FOR ALL AFFORDABLE UNITS IN THE BOROUGH.**

**WHEREAS**, in response to the New Jersey Supreme Court’s decision of In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015)(“Mount Laurel IV”), on July 2, 2015, the Borough of Bloomingdale filed a declaratory judgment action in the Superior Court of New Jersey in the case of entitled In re Application of the Borough of Bloomingdale, Docket No.: PAS-L-2360-15 (hereinafter the “DJ Action”), seeking a Judgment of Compliance and Repose from the court declaring the Borough’s Housing Element, Fair Share Plan, and affordable housing ordinances to be in compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 53:27D-301, et seq.; and

**WHEREAS,** Fair Share Housing Center (“FSHC”) having participated as an interested party in the Borough’s DJ Action; and

**WHEREAS,** the Borough having received a Judgment of Compliance and Repose (“JOR”) from the Superior Court on July 18, 2016; and

 **WHEREAS**, prior to Mount Laurel IV, an important function historically performed by the Council on Affordable Housing (“COAH”) was establishing income limits for each of the COAH housing regions, which were in-turn used to determine household eligibility for affordable housing, and to set rent increases for existing affordable housing; and

 **WHEREAS**, COAH has not published income limits or rent increases since 2014; and

 **WHEREAS**, following the Borough’s grant of a JOR, courts throughout New Jersey found it necessary to establish regional income limits and rent increase levels to comply with the directives of the Fair Housing Act, and to more generally ensure the implementation of each municipalities’ constitutional obligations through the availability of existing affordable housing and new affordable housing constructed pursuant to Mount Laurel IV; and

 **WHEREAS**, since Mount Laurel IV, courts throughout New Jersey have deemed it appropriate to establish income limits and rent increases based on COAH’s methodology for setting such income limits and rent increases, and to empower municipalities to update such income limits and rent increases on an annual basis based on the process historically used by COAH; and

**NOW, THEREFORE, BE IT ORDAINED** bythe Mayor and Council of Borough of Bloomingdale, that Chapter XII Section 2.7 of the Borough Code, is hereby amended to read as follows:

**12-2.7 Establishment of Calculation of Reginal Income Limits, Regional Asset Limits, and Maximum Rental and Sales Prices for Affordable Units.**

Income limits for all affordable housing units located within the Borough of Bloomingdale, and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 et seq (“UHAC”), shall be updated by the Borough annually within 60 days of the publication of determinations of median income by the Department of Housing and Urban Development (“HUD”) as follows:

a. Regional income limits shall be established for the affordable housing region that the Borough is located within and based on the median income by household size, which shall be established by the regional weighted average of the uncapped Section 8 income limits most recently published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the County according to the most recent decennial Census. The resulting product for each County within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Borough’s affordable housing region. This quotient represents the regional weighted average of median income for a household of four.

1. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for COAH Region 1 for a family of four.
2. The income limit for a low-income unit for a household of four shall be 50 percent of the regional weighted average median income for COAH Region 1 for a family of four.
3. The income limit for a very low-income unit for a household of four shall be 30 percent of the regional weighted average median income for COAH Region 1 for a family of four.
4. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size.
5. In no event shall the income limits set forth above be less than the previous year.
6. The Regional Asset Limit used in determining an applicant’s eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)(3) of the UHAC shall be calculated by the Borough annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a)(1) thru -(4) above, as applicable, over the previous year’s income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.
7. In establishing sale prices and rents of affordable housing units, the Borough’s Administrative Agent shall follow the procedures set forth in the UHAC, utilizing the regional income limits established pursuant to the process defined above.
8. Resale prices of owner-occupied low-and moderate-income units may increase annually based on the percentage increase in the regional median income limit for COAH Region 1 determined pursuant to Paragraph (a) above. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.
9. The rent levels for very low, low-and moderate-income units may be increased once annually based on the percentage increase in the Housing Consumer Price Index for the Northeast Urban Area, upon its publication for the prior calendar year. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.
10. If COAH or the Department of Community Affairs (“DCA”) issues official updated affordable housing regional income limits at any time, the COAH or DCA limits will supersede the terms set forth herein, except that any such new income limits issued by COAH or the DCA will not become effective until January 1st of the following year.

**NOW, THEREFORE, BE IT FURTHER ORDAINED** bythe Mayor and Council of Borough of Bloomingdale, that Chapter XII Sections 2.12 thru 2.13 of the Borough Code are hereby deleted in their entirety with the exception of the applicable section numbers, which shall be reserved as appropriate placeholders for future additions to Chapter XII.

**Public Hearing:**

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

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

**NEW BUSINESS:**

1. **Passaic County Open Space Grant – Walter T Bergen Tennis Courts** received $99,000 Grant (spring/summer 2020 project)
2. At this time DELLARIPA offered the following resolution and moved for its adoption:

**RESOLUTION NO. 2019-7.14
OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Authorizing Payment of Municipal Obligations***

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

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

BILLS LIST PREPAID LIST

CURRENT 3,152,047.24 CURRENT 1,015,657.15

UTILITY 158,051.80 UTILITY 38,554.81

CAPITAL 48,071.68 OPEN SPACE 00.00

UTILITY CAPITAL 1,830.00 TRUST ACCOUNT 42,014.50

TRUST 6,474.04 RECYCLING 00.00 DOG 2,179.35 DOG TRUST 474.55

RECREATION 14,212.13 UNEMPLOY 111.04 ROSE FUND 14,765.78 CAPITAL 00.00

RECYCLING 00.00 WATER CAPITAL 00.00

UNEMPLOYMENT 1,023.00 RECREATION 18,610.43

AFFORDABLE HOUSING 00.00 CAPITAL ASSESSMENT 00.00

**TOTAL 3,398,655.02 TOTAL 1,115,422.48**

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

\*D’AMATO – yes, but abstain from items listed under vendor 01463

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

**RESOLUTION NO. 2019-7.15**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Acknowledging Receipt and Review of FY2018 Audit Report***

**WHEREAS,** N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS,** the Annual Report of Audit for the fiscal year ended December 31, 2018 has been filed by a Registered Municipal Account with the *Municipal Clerk* pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body of the Borough; and

**WHEREAS,** R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS,** the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board (“Board”) of the State of New Jersey that all members of said governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

**WHEREAS,** the members of the Governing Body of the Borough have personally reviewed as a minimum the Annual Report of Audit for FY2018, and specifically the sections of the Annual Audit entitled “Comments and Recommendations”, as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS,** such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS,** failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of said governing body to the following penalty provisions of N.J.S.A. 52:27BB-52:

*R.S. 52:27BB-52: A local officer or member of a local Governing Body who, after a date fixed for compliance, fails to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars ($1,000) or imprisoned for not more than one year, or both, in addition shall forfeit his office.*

**NOW, THEREFORE BE IT RESOLVED,** that the Borough Council of the Borough of Bloomingdale, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

 **LATE PUBLIC COMMENT:**

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

**Linda Huntley** – 86 Van Dam, Bloomingdale

 *Inquired about audits comments, copy will be provided. Seeking update on Sloan Park*

**Bob Gorun** – 55 Charles St

 *Inquired about town’s vacant property ordinances/registrations & maintenance of such*

*Councilman Sondermeyer thanked ‘everyone’ for all the condolences and support received by his family.*

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

**GOVERNING BODY SCHEDULE:**

1. Regular Meeting – August 20, 2019 7PM
2. Workshop Meeting – September 3, 2019 7PM
3. River Clean-up August 17, 2019 10AM – Sloan Park

**ADJOURNMENT:**

Since there was no further business to be conducted, SONDERMEYER moved to adjourn at 8:02PM; seconded by COSTA and carried on voice vote with all Council Members present voting AYE.

Breeanna Calabro, RMC

Municipal Clerk