**April 19, 2016**

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 7:03 p.m.

## SALUTE TO THE AMERICAN FLAG

Mayor Dunleavy led the Salute to the Flag with a moment of silence for former Councilman and Mayor Peter Shultis.

## ROLL CALL

*In Attendance:* Mayor: Jonathan Dunleavy

Council Members: Anthony Costa

John D’Amato

Richard Dellaripa

Dawn Hudson

Michael Sondermeyer

Ray Yazdi

Professionals Municipal Clerk: Jane McCarthy, RMC

*Present:* Borough Attorney: Fred Semrau, Esq.

**PUBLIC NOTICE STATEMENT**

Mayor Dunleavy stated that adequate notice of this meeting was posted in the Bloomingdale Municipal Building and provided to The Suburban Trends; The North Jersey Herald & News; and all other local news media on November 28, 2015.

**NON-AGENDA ITEM**

**EARLY PUBLIC COMMENT**

Councilwoman Hudson opened the meeting to Early Public Comment; seconded by Councilman Sondermeyer and carried on voice vote.

Linda Huntley 86 Van Dam Avenue, had various questions as to items on the bills list; i.e. First Environment bill; Advanced Plumbing; Team Sponsors; Sweeper repairs; Barrett construction. Mayor answered her questions and noted that he will get back to her with those that he has to get answers for.

Ms. Huntley asked about the resolution on this evening to withdraw from the Highlands and why does the Mayor and Council feel it is beneficial to do so.

Mayor Dunleavy spoke of fact that the Borough is 53% opens space and 83% in the preservation area; the balance is in the planning area. Spoke of lack of revenue and high taxes.

Ms. Huntley stated that the Highlands Planning area will not stifle growth; it will require any zoning change to be review to make sure it is in conformance with the Highlands Master Plan. She felt the spending is the problem, not lack of revenue.

Councilman Dellaripa stated that when Ms. Huntley was on the Council why they didn’t cut spending.

In response to Ms. Huntley, Mayor stated that our budget should be introduced the next meeting; we are going up $20 to $40.

Richard Migler, 7 Birch Road, noted that he would like to see Federal Hill turn into something like the parks, et c. they have in Kinnelon.

Mayor explained that more than ½ of our land is state forest and does not generate state dollars; Federal hill is 440 acres, of which 240 acres is already an active quarry. There will be a master plan amendment and zoning ordinance presented if zone is changed.

Meer is private property; they have a court order on 32 acres of the 180 to build affordable housing; Finbar purchased the land.

Suzzane Osborne, 26 Maple Avenue, expressed her concern of withdrawing as it will open up floodgates on zoning issues; the B1A zone is already there.

Helena Guide, 12 Tice Street, spoke in regard to the people who are speaking out about this and fact she does not feel her voice is being heard. Noted that the quarry hasn’t helped our tax issues.

Councilwoman Hudson stated in response to Ms. Guide, she lives in the area of Tilcon quarry and has done her research and will not make up her mind lightly; she has researched all the facts.

Mayor stated that if an ordinance is brought before to change the zoning, everyone will have an opportunity to be heard.

Linda Shortman, 2 West Shore Road, asked why the COAH component being lumped into the quarry zone. Spoke about Avalon Bay and asked what Norvin Green costs us.

Mayor stated that Norvin Green does not cost us anything; only 50% of our land generates taxes Discussion in regard to surrounding towns’ taxes.

Bjorn xxxxx, , asked if an ordinance is introduced is it going to stabilize our taxes. Noted that he would like to see the alternatives going forward; Mayor stated that if we do, we will have all the information to make a decision.

Ellen Gerber, 3 E. Shore Road, spoke in regard to granting Tilcon a proposed mining overlay and fact that they will deed us acreage for affordable housing.

Mayor stated that Federal Hill is not preserved in perpetuity; when the 32 acres is build, the balance will be built; his goal is 15 to 20 acre expansion and preserve the rest.

Jen Altfield, 17 Cedar Street, noted that according to the court order the land is restricted; 32 acres must be developed.

Hack Miller, 91 Morse Lakes Road, discussed fact that Meer cannot building on that property because the slopes, etc.; you are making it possible for them to build; don’t give them the tools to build.

Julia Somers, Executive Director of the Highlands, read a letter into the record objecting to the town withdrawing from the Highlands.

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

**REPORTS OF COMMITTEES**

***Townwide Garage Sale***

Noted that the townwide garage sale is this weekend 4/22 through 4/25; maps are on facebook and in the municipal building.

***Library Board of Trustees***

Councilman Sondermeyer noted that the Library Literacy Foundation Dinner Dance will be May 14, 2016 at the Glenwild Lake clubhouse.

***Little League***

Mayor stated that the Little League Parade and Opening Day was very successful.

***Senior Center Open House***

Noted that this will be held on April 30, 2016 at 10 a.m.

***Shredding Day***

This will be held on Saturday, April 23, at 9 a.m. behind the senior center.

***Butler Museum***

Mayor noted that the attend the recent Butler Museum re-dedication and encouraged everyone to visit it.

**APPROVAL OF CONSENT AGENDA**

Councilman Yazdi offered the following Consent agenda be approved:

1. Authorization for Memorial Day Parade and closure of roads
2. Acceptance of resignation of Richard Mizzone as a Member of the Recreation Commission
3. Appointment of Joann Crawford as a member of the Library Board of Trustees to fill the vacancy due to resignation of Greg Tuck
4. Notice from Highlands Gran Fondo of 4th Annual Gran Fondo on June 5, 2016; at 7:30 a.m.

Councilman Sondermeyer seconded the motion and it carried on voice vote with all Council Members voting YES.

**PENDING ITEMS**

***Second and final reading and Public Hearing Ordinance 11-2016: Amendment to fee ordinance***

Noted that due to publication problems, this ordinance must be reintroduced.

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, amending Chapter II, “Administration,” and chapter XI, “building and housing,” of the code of the borough of bloomingdale to update certain municipal fees*** was introduced by title by Councilman Yazdi who moved that second and final reading and public hearing be held on May 3, 2016 at 7 p.m.; seconded by Councilwoman Hudson and carried on voice vote.

**INTRODUCTION OF NEW BUSIENSS**

***Adoption of Resolution No. 2016-4.7: Payment of bills***

Councilman D’Amato offered the following Resolution and moved for its adoption:

**RESOLUTION - #2016 –4.7**

**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 3,272,881.49 CURRENT 1,172,604.88

UTILITY 61,671.69 UTILITY 60,546.32

CAPITAL 21,375.10 OPEN SPACE 1,846.14

UTILITY CAPITAL 45,131.14 TRUST ACCOUNT 4,582.50

TRUST 24,123.65 RECYCLING 644.32 DOG 2,008.02 DOG TRUST 000.00

RECREATION 1,726.55 UNEMPLOY 433.60 ROSE FUND 3,751.00 CAPITAL 00,000.00

RECYCLING 2,789.76 WATER CAPITAL 000.00

UNEMPLOYMENT 202.00 RECREATION 62.90

SEWER ASSESSMENT 00.00

TOTAL 3,435,660.40 TOTAL 1,240,720.66

Councilman Dellaripa seconded the motion and it carried as per the following roll call: Council Members: Costa, YES; D’Amato, YES; Dellaripa YES with recusing from P.O. 16-00427; Hudson, YES with recusing from P.O. 16-00589; Sondermeyer, YES and Yazdi, YES.

*Adoption of Tax Office Resolutions No. 2016-4.8 and 4.8*

Councilman Yazdi offered the following Resolutions and moved for their adoption:

**RESOLUTION #2016 –4.8**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Overpayments in Tax Office***

**WHEREAS,** the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that Corelogic, and Surety Title Company, LLC duplicated payment on 203 Union Avenue , Bloomingdale, NJ for the 4th quarter of 2015 property taxes on Block 5053 Lot 121;

A refund of overpayment in the amount of $1,806.24 is being returned to Corelogic

**NOW, THEREFORE, BE IT RESOLVED,** that the Treasurer be authorized to issue refundcheck to the following:

Corelogic

Address: Att: Tax Refunds

1 Corelogic Way

DFW 1-3

West Lake, TX 76262

Refund Amount: $1,806.24

**RESOLUTION #2016 –4.9**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Overpayments in Tax Office***

**WHEREAS,** the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that Corelogic, and Wells Fargo duplicated payment on 203 Union Avenue , Bloomingdale, NJ for the 1st quarter of 2016 property taxes on Block 5073 Lot 85;

A refund of overpayment in the amount of $2,170.92 is being returned to Corelogic

**NOW, THEREFORE, BE IT RESOLVED,** that the Treasurer be authorized to issue refundcheck to the following:

Corelogic

Address: Att: Tax Refunds

1 Corelogic Way

DFW 1-3

West Lake, TX 76262

Refund Amount: $2,170.92

Councilman D’Amato seconded the motion and it carried as per the following roll all: Council Members: D’Amato; Dellaripa; Hudson; Sondermeyer; Yazdi and Costa all YES.

***Adoption of Resolution No. 2016-4.10: Cease to Exist Wahab Liquor License***

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

# **RESOLUTION #2016-4.10**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***Resolution to Cease and Desist Liquor License #1601-33-003-004***

WHEREAS, that Liquor License #1601-33-003-004, Wahab Enterprises, 17 Orchard street, Pompton Lakes, NJ ceased activity on July 1, 2006 and has been inactive since that time;

WHEREAS, the licensee did not renew the license for the 2014-15 and 2015-2016

license terms; and

WHEREAS, the Municipal Clerk has made several attempts to contact the license holder in regard to this license and fact that it will cease to exist and sent

certified letters as has the State Alcoholic Beverage Commission as to

renewal;

NOW, THEREFORE, BE IT RESOLVED that Liquor License #1601-33-002-004

therefore ***ceases to exist***.

Councilman Sondermeyer seconded the motion and it carried asper the following roll call: Council Members Dellaripa; Hudson; Sondermeyer; Yazdi; Costa and D’amato all YES.

***Adoption of resolution No. 2016-4.11: Award of Start Lake Road Improvements Contract***

Councilman D’Amato offered the following Resolution and moved for its adoption:

PUT IN FITZPATRICK RESOLUTION

Councilman Dellaripa seconded the motion and it carried as per the following roll call: Council members: Hudson; Sondermeyer; Yazdi; Costa; D’Amato and Dellaripa all YES.

***Update on COAH***

Mayor noted that the Court looked favorably on our plan so far; they requested some more information and will will keep you posted.

***Adoption of Resolution No. 2016-4.12: Withdraw from the Highlands***

Council ma n Yazdi offered the following resolution and moved for its adoption:

**RESOLUTION #2016-4.12**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

**AUTHORIZING THE BOROUGH OF BLOOMINGDALE TO WITHDRAW ITS**

**SUBMISSION FOR PLAN CONFORMANCE TO THE HIGHLANDS**

**WATER PROTECTION AND PLANNING COUNCIL FOR LAND**

**LOCATED IN THE PLANNING AREA**

**WHEREAS**, the Highlands Water Protection and Planning Act (hereinafter known as “Highlands”) states that if a portion of the municipality located within the “Planning Area”, the municipality may, by Ordinance, petition the Highlands Council of its intention to revise its Master Plan, Development Regulations and other regulations as applicable, to the development and use of land in the Planning Area, to conform them with the goals, requirements and provisions of the Regional Master Plan; and

**WHEREAS**, the Borough of Bloomingdale, in 2009, adopted a Resolution authorizing the submission for preplan conformance to the Highlands Council; and

**WHEREAS**, although the Borough of Bloomingdale recognizes that Resolution #2009-12.1, which the Borough of Bloomingdale submitted a petition for plan conformance to the Highlands Council with regard to the Planning Area of the municipality, such action was not in the form requested by the Highlands Council nor is an effective policy decision beyond December 31, 2009; and

**WHEREAS**, the governing body has reviewed this action and finds that the petition with respect to the Planning Area of the Borough of Bloomingdale is one that is not necessarily consistent with the goals and objectives of the Borough of Bloomingdale in view of the fact the municipality already has extensive areas of land already located within the Highlands Preservation Area, extensive land already owned by the State of New Jersey for preservation purposes, and the Planning Area in itself provides for protection of the watershed and the governing body and the Borough of Bloomingdale has not taken any affirmative action in the past seven years in order to conform with the Highlands Act with respect to its Planning Area.

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

1. Bloomingdale Borough Resolution #2009-12.1, which authorized the plan conformance process with regard to the Planning Area is not legally recognized as a binding determination or policy decision of the Borough of Bloomingdale.
2. Notwithstanding Resolution #2009-12.1, the Borough of Bloomingdale has not taken any steps to comply with plan conformance with respect to the Planning Area of the Highlands Act.
3. The Borough of Bloomingdale has a significant amount of open space, preserved land, lands located in the Highlands Preservation Area, which is the most restrictive form of watershed protection and accordingly, the Borough hereby clarifies its previous action in 2009 as it is not a legally recognized or binding resolution. For the further purpose of clarification, the Borough of Bloomingdale hereby withdraws any act or constructive actions relating to “opting-in” or plan conformance in connection with lands designated to be in a less restrictive area of the Highlands which is known as the “Highlands Planning Area.”

**BE IT FURTHER RESOLVED**, that the Mayor and Council of the Borough of Bloomingdale also recognize that at any time subsequent to this action, the law provides that the Borough may visit this issue and evaluate the existing land uses and environmental conditions of the Borough and reconsider plan conformance with respect to the Planning Area of the Highlands located in the Borough of Bloomindale.

Councilman Costa seconded the motion and it carried as per the following roll call: Council Members: Sondermeyer, NO; Yazdi, YES; Costa, YES; D’Amato, YES; Dellaripa, ES and Hudson, YES.

**LATE PUBLIC COMMENT**

Councilwoman Hudson moved that the meeting be open to Late Public Comment; seconded by Councilman Costa and carried on voice vote.

Richard Boud, 16 Tice Street, stated that the Mayor and Council are doing a good job.

Linda Hundley, 86 Van Dam, disputed Councilman Dellaripa’s figures on the budgets in 2011 and 2010.

Ellen Gerber, 3 E. Shore Road, noted that the Mayor stated that only 16 municipalities have complied with the Highlands; she noted that many more have applied but have not finished the process.

Since there was no one else who wished to speak, councilman Costa moved that it be closed; seconded by Councilman D’Amato and carried don voice vote.

Councilman Dellaripa stated that he is trying to be like a Judge and review all the facts on the zoning.

**ADJOURNMENT**

Since there was no further business to be conducted, Councilwoman Hudson moved to ADJOURN at this time; seconded by Councilman Sondermeyer and carried on voice vote.

Jane McCarthy, RMC

Municipal Clerk