**July 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 7:05 p.m.

## SALUTE TO THE AMERICAN FLAG

Mayor Dunleavy led the Salute to the Flag followed by a moment of silence for the recent victims in the tragedies by the terrorists.

## ROLL CALL

*In Attendance:* Mayor: Jonathan Dunleavy

Council President: Michael Sondermeyer

Council Members: Anthony Costa

John D’Amato

Richard Dellaripa

Dawn Hudson

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 and amended March 1, 2016.

**NON-AGENDA ITEMS**

Mayor Dunleavy noted that there are no no-agenda items.

**EARLY PUBLIC COMMENT**

Councilman D’Amato moved that the meeting be open to Early Public Comment; seconded by Councilwoman Hudson and carried on voice vote.

Charles Carabello, 75 Vreeland Avenue, spoke in regard to the resolution for PCTI which is on agenda this evening and asked if the wording be modified to “fund” the initiative rather than support. Mayor stated that this will be addressed later in the meeting and we can change the wording.

Elaine Dunn, 28 South Road, asked for support for the proposed ordinance that is on the agenda this evening to ban the bear hunts.

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

**REPORTS OF PROFESSIONALS, DEPARTMENT HEADS, ETC.**

**Fire Department**

Councilwoman Hudson noted that the Ziti dinner which was scheduled for July 20 has been canceled; the ziti dinner will resume next month.

**Road Improvements**

Mayor stated that work has begun on Star Lake and Ryerson; due to the Governor’s executive order in regard to the Transportation Trust Fund monies on hold, Reeve cannot start until it is lifted.

**CONSENT AENDA**

Councilwoman Hudson moved to approve the following Consent Agenda:

1. Approval of Minutes: Work Session June 14, 2016; Regular Meeting June 28, 2016
2. Approval for membership in Bloomingdale Fire Department; John Litterini and Tammy L. DeHaan
3. Approval of Block Party; 121 Red Twig Trail; 8/13/16 from 2 to 8 p.m.
4. Approval of Block Party; 47 Fichter Street; 8/20 from 1 to 6 p.m.
5. Resolution congratulating Porta’s Academy for their 50th anniversary

Councilman Dellaripa seconded the motion and it carried on voice vote.

**PENDING BUSINESS**

***Second and final reading and Public Hearing of Ordinance No. 17-2016: Improvements at Kampfe Lake***

**BOND ORDINANCE PROVIDING FOR ROAD IMPROVEMENTS AT KAMPFE LAKE IN AND BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY; APPROPRIATING $90,705 THEREFOR AND AUTHORIZING THE ISSUANCE OF $86,300 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

Was given second and final reading and consideration for adoption at this time.

Municipal Clerk read the Public Notice Statement.

Councilman Yazdi moved that the ordinance be read by title; seconded by Councilman Dellaripa and carried on voice vote.

The Municipal Clerk read he ordinance by title:

**ORDINANCE NO. 17-2016**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

**BOND ORDINANCE PROVIDING FOR ROAD IMPROVEMENTS AT KAMPFE LAKE IN AND BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY; APPROPRIATING $90,705 THEREFOR AND AUTHORIZING THE ISSUANCE OF $86,300 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART 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 members thereof affirmatively concurring) AS FOLLOWS:

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Bloomingdale, in the County of Passaic, State of New Jersey (the “Borough”). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of $90,705, and pursuant to N.J.S.A. 40A:2-11(b)(2), $4,405 has been received and is available as a down payment from a contribution made by the Kampfe Lake Association.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said $90,705 appropriation not provided by said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of $86,300 pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (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 $86,300 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**SECTION 3.** The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are for the milling, paving, surfacing and resurfacing all or a portion of East Shore Road and West Shore Road located at Kampfe Lake in the Borough. Such road resurfacing shall consist of milling, paving and/or repaving of asphalt, curb and sidewalk replacements, if necessary, as directed by the Borough Engineer, and all work, materials, equipment, field surveying, design, mapping, preparation of bid documents, construction management, inspections and appurtenances necessary therefor and incidental thereto.

(a) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is $86,300.

(b) The estimated cost of said improvements or purposes is $90,705 and the down payment in the amount of $4,405.

**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 from the United States of America, the State of New Jersey, and/or the County of Union. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Passaic 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. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

**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 or otherwise authorized by the Local Bond Law. 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 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 or temporary 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 or temporary capital budget and capital programs 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 7.** The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

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

(c) 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, New Jersey Department of Community Affairs, 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 $86,300 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding $3,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements and purposes hereinbefore described.

**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 bonds or notes authorized by this bond ordinance. The bonds or notes 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 bonds or notes and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The total cost of the improvement will be paid to the Borough by the Kampfe Lake Property Owner Association (the “Association”) in accordance with an Agreement entered into between the Borough and the Association.

**SECTION 10.** This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

Councilman D’Amato moved to open the meeting to a Public Hearing on this ordinance; seconded by Councilwoman Hudson and carried on voice vote.

Since there was no one who wished to speak under the Public Hearing, Councilman Yazdi moved that it be closed; seconded by Councilman Dellaripa and carried on voice vote

Councilman Yazdi moved for the adoption of this ordinance; seconded by Councilman Costa and carried as per the following roll call: Council Members: Costa; D’Amato; Dellaripa; Hudson; Sondermeyer and Yazdi all YES.

***Adoption of Resolution No. 2016-7.1: Authorizing Agreement between the Borough of Bloomingdale and Kampfe Lake Association***

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

RESOLVED that the agreement which is on file in the Municipal Clerk’s office between the Borough of Bloomingdale and Kampfe Lake Association for improvements to various roads in Kampfe Lake with the Association reimbursing the Borough be approved.

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

***Second and final reading and Public Hearing of Ordinance No. 16-2016: Handicapped Parking***

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, amending chapter 7, “traffic,” part V, “HANDICAPPED PARKING,” section 7-49.2, “HANDICAPPED PARKING IN MUNICIPAL PARKING LOTS AND ON BOARD OF EDUCATION PROPERTY” of the Code of the Borough of Bloomingdale**

was given second and final reading and Public Hearing at this time.

The Municipal Clerk read the public notice statement.

Councilman Yazdi moved that the ordinance be read by title; seconded by Councilwoman Hudson and carried on voice vote.

The Municipal Clerk read the ordinance by title:

**ORDINANCE 16-2016**

**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 7, “traffic,” part V, “HANDICAPPED PARKING,” section 7-49.2, “HANDICAPPED PARKING IN MUNICIPAL PARKING LOTS AND ON BOARD OF EDUCATION PROPERTY” of the Code of the Borough of Bloomingdale**

**WHEREAS**, the Borough of Bloomingdale regulates handicapped parking on the streets and on Municipal and Board of Education property within the Borough; and

**WHEREAS**, the Chief of Police has recommended, pursuant to Memorandum dated June 3, 2016, certain revisions to the Borough’s handicapped parking regulations; and

**WHEREAS**, the Borough Council has reviewed the Police Chief’s recommendations and desire to memorialize same.

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

**SECTION 1.** Chapter 7, “Traffic,” Part V, “Handicapped Parking,” Section 7-49.2, “Handicapped Parking in Municipal Parking Lots and on Board of Education Property,” of the Code of the Borough of Bloomingdale is hereby amended to add two (2) additional spaces for handicapped parking to the Municipal Building parking lot, making the total number of handicapped parking spaces within the Municipal Building parking lot three (3):

|  |  |  |
| --- | --- | --- |
| *Street* | *Number of Spaces* | *Location* |
| Municipal Building | 3 | Rear of building |

All other portions of this section of the Code 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.

Councilwoman Hudson moved that the meeting be open to a Public Hearing on this ordinance; seconded by Councilman Dellaripa and carried on vice vote.

Since there was no one who wished to speak under the Public Hearing, Councilman Yazdi moved that it be closed; seconded by Councilman Dellaripa and carried on voice vote.

Councilman Yazdi moved for the adoption of the ordinance; seconded by Councilman Dellaripa and carried on voice vote.

***Adoption of Resolution No. 2016-7.2: Authorization to retain services of Bob Buono as Laborer/Foreman for Walter T. Bergen project***

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

RESOLUTION #2016-7.2

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Official Employment Status for seasonal DPW Laborer/Foreman***

***WHEREAS,*** the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) has been advised by Borough Engineer that the DPW is in need of additional seasonal help for the year 2016 and the employee is seasonal help to help with the Walter T. Bergen Drainage project

***WHEREAS,*** the Governing Body finds and declares that DPW Seasonal Help assistance is a “valuable asset” to the Borough and has recommended “Seasonal Employees” and that Full-time Mayor Jonathan Dunleavy has submitted this recommendation to the Borough Council for its confirmation;

***NOW, THEREFORE, BE IT RESOLVED*** that the Governing Body of the Borough of Bloomingdale does hereby authorize the use of Seasonal Help, (official employment status “Seasonal”) for the DPW and;

***BE IT FURTHER RESOLVED Robert Buono*** is effectively approved as Seasonal DPW Laborer/Foreman under these terms at a stipend of $30,000.

Councilman Dellaripa seconded the motion.

Councilman Sondermeyer asked if we knew about this beforehand. Mayor Dunleavy stated that the Borough Engineer estimated $350,000 for the project and asked to sit with Mr. Buono to do it under a cooperative effort all within the grant of $100,00 and project budget is $160,000.

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

***Flood Hazard Permit and Wetlands General Permit Authorization – VMC Property***

Mayor stated that this is in regard to the permits applied for on the Sloan Park project; permits were received months ago but VMC has objected to the permit and we are awaiting the decision.

**INTRODUCTION OF NEW BUSINESS**

***Adoption of Resolution No. 2016-7.3: Payment of Bills***

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

**RESOLUTION - #2016 –7.3**

**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 1,641,805.60 CURRENT 965,811.69

UTILITY 96,968.00 UTILITY 40,102.25

CAPITAL 28,249.64 OPEN SPACE 0,000.00

UTILITY CAPITAL 37,816.80 TRUST ACCOUNT 32,377.17

TRUST 8,078.09 RECYCLING 454.88 DOG 7,146.11 DOG TRUST 534.55

RECREATION 1,728.00 UNEMPLOY 189.90

ROSE FUND 3,778.64 CAPITAL 39,846.75

RECYCLING 0,000.00 WATER CAPITAL 000.00

UNEMPLOYMENT 000.00 RECREATION 30.00

SEWER ASSESSMENT 00.00

TOTAL 1,825,570.88 TOTAL 1,079,346.19

Councilman Yazdi seconded the motion and it carried as per the following roll call: Hudson, YES; Sondermeyer, YES; Yazdi, YES with absenteeism on P. O. 16-1008; Costa, YES; D’Amato, YES and Dellaripa, YES.

***Adoption of Resolution No. 2016-7.4: Acknowledging receipt of 2015 Audit Report and Adopting Corrective Action Plan***

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

**RESOLUTION #2016-7.4**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***Acknowledging Receipt and Review of FY2015 Audit Report***

***and Adopting Corrective Action Plan***

**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, 2015 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 FY2015, 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 said 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.*

and

**WHEREAS,** the Governing Body further finds and declares that the Chief Financial Officer has prepared a Corrective Action Plan, which is incorporated herein by reference, for the purpose of acting upon and/or implementing the foregoing sections entitled “General Comments” and “Recommendations,” as set forth in the Borough’s Annual Report of Audit for FY2014; and

**WHEREAS,** all members of the Governing Body have received, reviewed and approved the Corrective Action Plan for purposes of its implementation; and

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough 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 copy of this resolution and the required affidavit to said Board to show evidence of said compliance; and

**BE IT FURTHER RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby adopt the Corrective Action Plan for the FY2015 Audit Report, as prepared and recommended by the Chief Financial Officer, and direct the appropriate municipal officials to undertake its immediate implementation.

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

***Adoption of Resolution 2016-7.5: Authorization for Chapter 159: Construction Services for School District of Livingston***

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

**RESOLUTION #2016-7.5**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing the Insertion into the FY2015 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***

***Interlocal Service Agreement Livingston School District Construction 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 FY2016 Municipal Budget of an item of revenue based upon an Interlocal Agreement 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 FY2016 Municipal Budget of an item of revenue in the sum of $15,331.00, which item is now available as revenue in the form of a State of New Jersey Current Fund – Interlocal Services Agreement Livingston School District Construction Services; and

**BE IT FURTHER RESOLVED** that a like sum of $15,331.00 be and the same is hereby appropriated under the caption:

*Interlocal Municipal Service Agreements*

*Livingstonl District Construction Services*

**AND BE IT FURTHER RESOLVED** that three (3) certified copies of this Resolution be forwarded to the Office of the Director of Local Government Services, within the State of New Jersey Department of Community Affairs, for this purpose.

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

***Adoption of Resolution No. 2016-7.6: Opposing increase in County tax levy to support the Passaic County Technical Institute***

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

**RESOLUTION #2016-7.6**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***Opposing increase in County Tax Levy to fund the Passaic County Technical Institute***

WHEREAS, various Boards of Education in Passaic County have adopted resolutions proposing that the County tax levy be used to support the Passaic County Technical Institute annual budget, which in theory would reduce the tuitions charged to the local districts and reflect a tax savings; and

WHEREAS, an analysis done by the Passaic County Executive Superintendent of Schools’ office shows that while the Borough of Bloomingdale’s Board of Education’s cost would be reduced by $58,936; the Passaic County tax levy would be increased by $283,114 thereby adding an additional $224,178 tax burden to our residents; and

WHEREAS, ten other municipalities in Passaic County would see an increase in property taxes under this proposal;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Bloomingdale do hereby strongly oppose the proposal to have the Passaic County tax levy bear more of the cost to operate the Passaic County Technical Institute; and

BE IT FURTHER RESOLVED that a copy of this Resolution be mailed to the Passaic County Executive Superintendent, all Boards of Education in the County of Passaic, all Passaic County municipalities and the Board of Chosen Freeholders of Passaic County.

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

***Adoption of Resolution No. 2016-7.7: Supporting Senate Bill S2440 exempting provision form the Highlands Water Protection Act for construction, expansion or renovation of Building or structure owned and used by municipality or volunteer Fire Department***

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

**RESOLUTION NO. 2016-7.7**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC, STATE OF NEW JERSEY SUPPORTING SENATE BILL S2440 THAT EXEMPTS CONSTRUCTION, EXPANSION, OR RENOVATION OF BUILDING OR STRUCTURE OWNED AND USED BY MUNICIPALITY OR VOLUNTEER FIRE DEPARTMENT FROM “HIGHLANDS WATER PROTECTION AND PLANNING ACT”***

**WHEREAS**, Senator Joseph Pennacchio, has introduced legislation in the New Jersey State Senate on June 27, 2016 that would amend Section 30 of P.L.2004,c.120 (C.13:20-28); and

**WHEREAS**, Senate Bill No. S2440 would exempt construction, expansion or renovation of building or structure owned and used by municipality or volunteer fire department from “Highlands Water Protection and Planning Act”; and

**WHEREAS**, specifically, Senate Bill No. S2440 amends the “Highlands Water Protection and Planning Act” to add a new exemption for the construction, expansion or renovation of a building or structure owned by a municipality and used for the purposes of municipal government or a building or structure used for the purposes of a volunteer fire department; and.

**WHEREAS**, these activities would be exempt from the provisions of the “Highlands Water Protection and Planning Act,” the regional master plan, any rules or regulations adopted by the Department of Environmental Protection pursuant thereto or any amendments to a master plan, development regulations or other regulations adopted by a local government unit to specifically conform them with the regional master plan; and

**WHEREAS**, Borough of Bloomingdale is located in excess of 60% in the Highlands Preservation Zone; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Bloomingdale, in the County of Passaic, hereby support the New Jersey State Senate Bill No. S2440; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be forwarded to the Borough’s Legislative Representatives and the municipalities located in the Highlands Region.

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

***Adoption of Resolution No. 2016-7.8: Award of contract to Beyer of Morristown for 2016 RAM 3500 Regular Tradesman 4XL***

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

**RESOLUTION #2016-7.8**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***Resolution of the Borough of Bloomingdale, County of Passaic, State of New Jersey, awarding a contract for the purchase of one 2017 Dodge Ram 3500 Reg. Tradesman 4x4***

WHEREAS, the Governing Body of the Borough of Bloomingdale has received a tabulation of the bid received for the following:

Subject of Bid: One (1) new 2016 Dodge Ram 3500 Reg. Tradesman 4x4 or Equivalent

Bid Date Received: July 1, 2016

WHEREAS, one bid was received as follows:

Beyer of Morristown one 2017 Dodge Ram Heavy Reg. $34,884

200 Ridgedale Avenue Tradesman or Equivalent

Morristown, NJ 07960

WHEREAS, the bid has been reviewed by the Full-time Mayor and Borough Attorney; and

WHEREAS, the Borough Treasurer has certified as to the availability of funds for this expenditure said funds to be encumbered from account number C-04-55-873-16A-600;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale that a contract is hereby awarded to Beyer of Morristown in accordance with specifications and bid received and on file with the Municipal Clerk

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

***Adoption of Resolution No. 2016-7.9: Award of contract to Beyer of Morristown for 2016 RAM 3500 Regular SLT Mega Cab***

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

**RESOLUTION #2016-7.9**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***Resolution of the Borough of Bloomingdale, County of Passaic, State of New Jersey, awarding a contract for the purchase of one 2016 Dodge Ram 3500 SLT Mega Cab 4x4***

WHEREAS, the Governing Body of the Borough of Bloomingdale has received a tabulation of the bid received for the following:

Subject of Bid: One (1) new 2016 Dodge Ram 3500 SLT Mega Cab 4x4 or Equivalent

Bid Date Received: July 1, 2016

WHEREAS, one bid was received as follows:

Beyer of Morristown one 2016 Dodge Ram 3500 SLT Mega $55,497.00

200 Ridgedale Avenue Cab 4 x 4 or Equivalent

Morristown, NJ 07960

WHEREAS, the bid has been reviewed by the Full-time Mayor and Borough Attorney; and

WHEREAS, the Borough Treasurer has certified as to the availability of funds for this expenditure said funds to be encumbered from account number C-06-56-573-16A-100;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale that a contract is hereby awarded to Beyer of Morristown in accordance with specifications and bid received and on file with the Municipal Clerk

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

***Adoption of Ordinance No. 19-2016: Banning the Black Bear Hunt***

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF**

**PASSAIC AND STATE OF NEW JERSEY AMENDING CHAPTER VIII, PARKS AND RECREATION AREAS, SECTION 8-1, PROHIBITED ACTS, OF THE BOROUGH CODE TO BAN HUNTING ON MUNICIPAL OWNED RECREATION LAND.**

was introduced by title by Councilwoman Hudson who moved that second and final reading and Public Hearing be held on August 16, 2016 at 7 p.m.; seconded by Councilman Yazdi and carried as per the following roll call: Council Members: Sondermeyer; Yazdi; Costa; D’Amato; Dellaripa and Hudson all YES.

***Adoption of Resolution No. 2016-7.10 Staffing in police Department***

Councilwoman Hudson offered the following Resolution and moved for its adoption

***RESOLVED, that the Police Chief be authorized to give a promise of employment for a new officer after December 2016.***

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

***DOT Transportation Trust Fund***

Mayor noted that he reported earlier on this and we are awaiting release of the funds from the State; this is holding up the Reeve Avenue project which has to wait until the funds have been released.

***Second and final reading and public hearing of Ordinance no. 19-2016: AH-1 overlay zone***

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF**

**PASSAIC AND STATE OF NEW JERSEY ESTABLISHING SECTION 92-61.1**

**OF THE BOROUGH CODE KNOWN AS THE “AH-1 (AFFORDABLE HOUSING)**

**OVERLAY ZONE”**

was given second and final reading and consideration for adoption at this time.

The Municipal Clerk read the public notice statement.

Councilman Yazdi moved that the ordinance be ready by title; seconded by Councilman Dellaripa and carried on voice vote.

The Municipal Clerk read the ordinance by title:

**ORDINANCE NO. 18-2016**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF**

**PASSAIC AND STATE OF NEW JERSEY ESTABLISHING SECTION 92-61.1**

**OF THE BOROUGH CODE KNOWN AS THE “AH-1 (AFFORDABLE HOUSING)**

**OVERLAY ZONE”**

**WHEREAS,** the Borough of Bloomingdale recognizes the importance of complying with its Affordable Housing obligation; and

**WHEREAS**, the Borough presently has an “AH” (Affordable Housing) Zone which was implemented with the purpose to effectuate a Superior Court Order in the matter of DR Horton Venture v. Borough of Bloomindale and Planning Board of the Borough of Bloomingdale, pursuant to §92-61 of the Borough Code, which pertains to the development of 32 acres of land to be utilized for the construction of an inclusionary development site; and

**WHEREAS**, the Borough seeks to comply with the Court Order and provide Affordable Housing consistent with same, however it is also important that the Borough establish a realistic opportunity for the development of this site which has a contour that necessitates significant site preparation in order to achieve an economically feasible and realistic development; and

**WHEREAS**, the Borough also seeks to achieve the goals and objectives of its Master Plan and the Borough Reexamination Report; and

**WHEREAS**, the Mayor and Council also seek to continue to encourage economic growth and development in the Borough in a manner that is consistent with these plans and the overall goals and objectives of these planning documents; and

**WHEREAS,** the Borough recognizes that quarrying on Federal Hill has existed since the early 1900s; and

**WHEREAS,** with appropriate land use controls, the Borough is considering the expansion of such quarry operations, as long as it is in conjunction with the goal of achieving the Borough’s Affordable Housing obligation and complying with existing Court Orders to obtain such compliance. In order to achieve this goal, the Borough seeks to provide an incentive to adjacent, adjoining or the existing property owner of the Affordable Housing site if they were to provide site preparation in order to achieve a realistic development opportunity for inclusionary Affordable Housing in the Borough.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Bloomingdale that the Borough Code is hereby amended to establish an “AH-1 (Affordable Housing) Overlay Zone” as follows:

**SECTION ONE.** The Code of the Borough of Bloomingdale is hereby amended to establish the following Section:

**Section 92-61.1.**

1. **Background:** It is the purpose and intent of this section to provide for necessary Court ordered Affordable Housing by providing zoning incentives to establish a realistic opportunity to develop such housing.
2. **Purpose of AH-1 Overlay Zone.** The AH-1 Overlay Zone shall provide, after meeting the requirements of such Overlay Zone, for quarry and mining operations due to the presence of resources suitable for mining, but at the same time also recognizes the necessity for appropriate regulation of the excavation of these resources. Accordingly, the permitted uses for property located in the AH-1 Overlay Zone shall be those set forth in §92-58 entitled M-1-Q Light Industrial and Quarry Zone, subject to the property owner first obtaining site plan approval to insure that such properties shall be operated in a manner that properly and adequately addresses issues of erosion, drainage, and possible dangers associated with steep mining faces, while facilitating the reclamation of the site for ultimate development in a manner consistent with the underlying zoning, upon completion of the quarrying and mining operations**.**
3. **Requirements of AH-1 Overlay Zone.** The AH-1 Overlay Zone provides for an incentive for the development of the property known as Block 5105 Lot 14 (formerly Block 105; Lot 14), commonly referred to as the “Meer Tract” as such incentives benefit the adjacent tract which is Block 5105 Lot 84 commonly referred to as the “Bloomingdale Quarry Tract”.
4. Block 5105, Lot 14 (formerly Block 105; Lot 14), commonly known as the “Meer Tract”, consists of 180 acres of vacant land of which 35 acres have been Court Ordered and approved for a multi-family inclusionary development containing 360 residential units. Accordingly, approximately 145 acres of land remains on the Meer Tract. Due to the significant site development cost, and the inability to develop this site for the past ten years, this AH-1 Overlay Zone provides for contiguous property owners, or the owners of the tract, to the 35 acres of inclusionary development to engage in the use of mining and quarrying, providing that, as a prerequisite, the use includes extensive site preparation of the 35 acres in an expedited manner for the Affordable Housing development of the Meer Tract. Such site preparation, which is defined as extraction and grading, must be in accordance with a commitment to develop the Affordable Housing as to the Meer Tract and the corresponding site preparation must be completed in order to qualify for this AH-1 Overlay Zone.
5. The aforesaid site preparation work shall be the equivalent to the extent of rock extraction and levelling that would have otherwise been required as part of the site preparation work contemplated by the preliminary and final site plan approval granted to D.R. Horton, Inc. – New Jersey and Bloomingdale Joint Venture by the Bloomingdale Planning Board pursuant to its Resolution #618 memorialized on June 19, 2008.

**(iii)** So long as the owner of the Bloomingdale Quarry Tract, provides site preparation to the 35 acres of the Meer Tract property as set forth above, to the satisfaction of the Borough Engineer, the remaining portion of this Zone as it pertains to Block 5105, Lot 14 (formerly Block 105; Lot 14) shall qualify for this “Affordable Housing OverlayZone**”** and the zoning district and development standards, except as noted in this Section, §92-58 entitled M-1-Q, Light Industrial and Quarry Zone, shall apply.

1. The AH-1 Overlay District is established as an overlay zone to the AH Affordable Housing Zone. The AH-1 Overlay District is shown on the Zoning Map attached hereto as Exhibit A and made a part of this Chapter which is Block 5105, Lot 14 (formerly Block 105; Lot 14). Any development standards not expressly provided in the AH-1 Overlay District shall be governed by the standards in the M-1-Q District. Where there is a conflict between the development standards provided for in the AH-1 Overlay District and the development standards provided for in the underlying zoning district, then the development standards of the AH-1 Overlay District shall apply.
2. **Development Standards.**

When a land owner complies with the requirements of this AH-1 Overlay Zone, the provisions of the M-1-Q, Light industrial and Quarry Zone, Borough Code §92-58 and the provisions contained therein shall apply to land located within this zone subject to the following restrictions or limitations

1. The existing quarry operations provides for shipping and transportation of materials and products to and from the quarry. Such existing hours of operation would remain the same and not eligible for extension until such time that a new access road onto Union Avenue from Wanaque is established whereby vehicles would utilize Union Ave for a short distance before intersecting with entrance ramps for interstate 287.

1. The existing quarry and material processing are buffered by quarry walls to the North, West and South, and to the East Route 287. The AH-1 Overlay requires that the primary material processing operation must be maintained on property that is located in the M-1-Q zone and adjacent to the AH-1 Overlay in order to minimize disturbance and benefit from the present location of the process operations and the existing buffers of a quarry wall on Route 287. This overlay zone shall provide that the property owner may only conduct quarrying and mining operations, along with ancillary and support functions, which does not generate noise which would be perceptible outside of the quarry. In accordance with a phasing of the project that is marked on the map referenced as Exhibit B with Phase I, Phase II and Phase 3. Quarrying and mining operations may not proceed to a succeeding phase until the quarrying and mining in the preceding phase has been completed. All quarrying and mining is subject to Federal and State laws and regulations, including but not limited to New Jersey Department of Environmental Protection’s rules and regulations and notwithstanding anything else referenced in this Ordinance or the Borough’s Code, all activity on the site in the AH-1 Overlay Zone is subject to site plan approval from the Borough Planning Board. The principal structures utilized in the crushing and processing operations shall be located within the Bloomingdale Quarry Tract and may not be located on the Meer Tract.
2. With respect to access as to the AH-1 Overlay Zone, there shall be no access provided with respect to the AH-1 Overlay Zone except from the adjoining quarrying operation and site. Any other access to the Overlay Zone will only be for the purposes of emergencies and permission of the Borough.
3. **Additional Requirements and Regulations.**
4. All quarrying operations shall be subject to the requirements of §92-25**,** as amended, with the exception that hours of operation shall be governed by the AH-1 Overlay District restrictions only.
5. All quarrying operations shall be subject to the requirements of §32-2, as amended, with the exception that (i) hours of operation and (ii) backfill and quarrying operations shall be governed by the AH-1 Overlay District restrictions only,.
6. Where a proposed use abuts a residential zone boundary line, the set-back for quarrying activity shall be 150 feet which shall be a planted buffer with sufficient height to provide reasonable screening will be required where vegetative screening does not exist.
7. **Setbacks and Restrictions**:
8. This Zone provides that where the boundaries of the properties adjoin or abut a residential zone, reasonable screening will be required where vegetative screening does not exist. An overall 150 foot undisturbed buffer and conservation easement shall be provided for additional screening from adjoining residential districts.
9. All quarrying operations must comply with all Federal, State and Local guidelines.
10. The access to the property shall be permitted from an adjoining property so long as the contiguous owner consents to such access and which is approved by the Planning Board in the form of a Site Plan Approval. There shall be no other ingress or egress access to the property except for emergency uses.
11. As long as the access to the site is from Union Avenue, Wanaque, the hours of operation of this site shall permit shipping and transportation at all hours. Material processing and ancillary and support functions may operate at all hours, as long as the activity is in compliance with applicable standards pursuant to the Noise Control Act of 1971, N.J.S.A. 13:1G-1 et. seq. There shall be no drilling or blasting between the hours of 6:00 p.m. and 6:00 a.m.
12. An escrow of $5,000 shall be established on an annual basis to provide for the Borough conducting appropriate and necessary inspections of the operation of the site to confirm compliance and areas of disturbance are in accordance with approvals.

**SECTION 2.**All ordinances of the Borough of Bloomingdale, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 3.**If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

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

Councilwoman Hudson moved that the meeting be open to a Public Hearing on this ordinance; seconded by Councilman Costa and carried on voice vote.

Borough Attorney noted that the ordinance was sent to the Planning Board who had some recommendations which will be attached to the minutes. They submitted a letter to the Mayor and Council and find it to be consistent with the Master Plan.

Borough Attorney stated that they wanted a setback of 300’; screening be approved by the Borough Engineer and that a review process be done as to the actual screening. Recommendation that the ordinance reference the reports and studies done by the Borough Engineer and the Otteau and Reading groups.

Discussion followed in regard to amendments, i.e. hours changed 6 p.m. to 8 a.m.; then no drilling.

Councilman Yazdi moved to accept the amendments as discussed; seconded by Councilman Dellaripa and carried as per the following roll call: Council Members: Costa; D’Amato; Dellaripa; Hudson; Sondermeyer all yes

Councilman Sondermeyer stated why we are not accepting the Planning Board recommendations as stated in their July 15, 2016 letter.

Councilman Yazdi amended his motion to accept the recommendations of the Planning Board in their July 15, 2016; seconded by Councilman Dellaripa and carried as per the following roll call: Council Members: Costa; D’Amato; Dellaripa; Hudson; Sondermeyer all yes.

At this time, the Borough Attorney discussed the fair share housing and the Borough’s obligation and fact that the Borough was orders to prepare a revised plan in which the Borough did; fair share housing intervened and a Special Master was appointed and reviewed the plan. Noted that we have no infrastructure available and more open space due to the highlands. Fair Share Housing withdrew their objections to the plan as long as the Planning Board and Municipality recognized that there are restrictions as to future development based on lack of infrastructure and open space. Such as sewer and water but with respect to future development which includes The Meer Tract and the other affordable housing units that the Borough complied with, Judge Brogan effectuated a decision that provides for substantive certification order for the next ten years.

The Borough is now one of the first municipalities to have resolved this matter and we have substantive certification for the next 10 years. The proposed AH-1 overlay ordinance will provide an ability for the Meer tract to be developed. It is a vehicle that basically executes the affordable housing plan approved by Judge Brogran yesterday. The court accepted the plan because there was a realistic probability that it will be developed. Of the close to 600 units that Fair Share Housing said was our obligation, the Court ordered 457 units are no longer an obligation. The Borough has durational development.

Mayor stated that this has been four years in the making; everyone will have an opportunity to speak this evening and ask that you try to keep it within five minutes, concise and to the point.

The Special Master called the Affordable Housing zone was an innovative way to address the affordable housing; did not object to it and it was accepted by the Board. Currently we have 72 units on Meer; 9 on Avalon Bay; 5 for the Center for Humanistic Change; 5 on Mountain Top; Avalon Bay funds 10 rehabilitation units; we need an additional 24 units.

Ellen Gerber, Member of the Environmental Commission, and private citizen spoke about the Nelson addendum and felt there were errors in it and it should have been brought before the Council.

Mrs. Berger stated that the during the master plan amendment hearing, the letter from the Environmental Commission as to their comments were not distributed to the members of the Planning Board. At this time, Mrs. Gerber read the July 27, 2015 from the Highlands letter into the record. She stated that the BEC wrote a letter also which was never addressed and felt it was never distributed to the Planning Board.

Mrs. Berger stated that she attended a recent meeting of the Planning Board and discussed the Nelson report and read off some of the statements which Mr. Nelson was not aware of. She stated that she brought her concerns to the Planning Board and was not told she should address them with the Mayor and Council as she assumed the Planning Board would.

Mayor stated that Mrs. Gerber sent a letter to the Judge and she read the letter at the final hearing before the Judge; the Commission did not make a recommendation to speak at the hearing.

Mrs. Berger stated that she attended a recent meeting of the Planning Board and discussed the Nelson report and read off some of the statements which Mr. Nelson was not aware of. She stated that she brought her concerns to the Planning Board and was not told she should address them with the Mayor and Council as she assumed the Planning Board would.

Mayor stated that the BEC Chairman did submit the letter dated July 27, 2015 and he recalls it being put on an agenda as an informational item to the Mayor and Council.

Mrs. Berger stated that the Bloomingdale Environmental Commission produced a recommendation in 2015 and it was not entered into the Public record. She stated that the Planning Board had no memory of the recommendations.

Elliot Ruga, Policy Director of the NJ Highlands Commission, stated that he felt the points that the Environmental Commission brought up should be addressed one by one; the public was not listened to. Mr. Ruga spoke in regard to a “donation of property” which was to allow a change of zoning for expansion of the property being approved. This was a done deal before the public had an opportunity to speak. Despite doubts and concerns and problems and issues brought forth during the public hearings, nothing has been changed.

Mr. Ruga stated that There are other ways to achieve substantive certification for fair share housing, i.e. destruction of wildlife, not addressing the Environmental Commission recommendations, flooding, housing devaluation and the Highlands Conformance study, destruction of wildlife habitat and wetlands and other public trust; inconsistency with documented sentiment and planning vision of the town as in the Master Plan denial of recommendation to the Bloomingdale Environmental Commission; restraints of the water quality; loss of $100,000 to complete the Performance Study.

Ross Kushner, Pequannock River Coalition, noted we now have an ordinance before us that is changed mostly with the Planning Board recommendations.

In response to Mr. Kushner about the amendments, Borough Attorney stated that none of them are substantial just to supplement the original intent of the ordinance.

Mr. Kushner brought up the following points:

* Paragraph F – Noise beyond the quarry
* Felt the amendment this evening are substantial
* Spoke about the buffers – everyone should have an opportunity to review it
* Surprise BEC comments were not acknowledge;
* they have exclusive control over open space and you need to put it in there
* What is does it mean “move in an expedited fashion”
* Exhibits need to be fixed; exhibit B is not full scale – does not accurately describe these phases

Linda Huntley, 86 Van Dam Avenue, showed the Mayor and Council recent pictures that show the property in question has already broken down the site. Mayor stated he was told it was for fencing being installed which is part of the existing boundaries.

Borough Attorney stated that this ordinance executes affordable housing plan and the Special Master stated that it did; it was not ratified by the Judge.

Ms. Huntley stated that the present ordinance does not conform per the Engineer report; the site is no suitable for development because of its contour, costs are prohibitive.

Mrs. Huntley read a statement as to her opposition of the ordinance. She spoke in regard to the conservation easement which the property is subject to.

Borough Attorney stated that the conservation easement was not in the planning board approval documents; did not look at it as a permanent document as it was never executed by the municipality.

Ms. Huntley stated that this will be legally challenged and asked that the Borough not be permitted to accept any gift of land because it’s a contract zoning scheme.

Borough Attorney stated that affordable housing relates to affordable housing doing the site work to enable the construction of an affordable housing site; we went to the Judge and stated the facts.

Ms. Huntley stated that it was never discussed in court that the land would be given to Bloomingdale.

Borough Attorney stated that the concept was discussed to provide a realistic opportunity that the affordable housing can be developed. No deal for expansion of anything more than an incentive for this developer and prepare the site for development. Municipalities should provide incentives for construction of affordable housing to a developer.

In response to Ms. Huntley, Borough Attorney stated that there was a 2013 draft ordinance which is very different from the one this evening and K&L Gates may have had some input into that one.

Ms. Huntley felt the amendments discussed this evening should be reassessed and voted on at a future meeting.

Wilma Frey, NJ Conservation Foundation, noted the following points:

* Urged the Mayor and Council not to approve the ordinance this evening
* Spoke of dust, traffic, blasting, noise, screening, buffers, removal of vegetation
* Combining quarry and housing is exactly the situation that land use zone was created for
* Environmental values of the Meer tract are numerous
* Groundwater on the site is extremely important

Linda Shortman, Kampfe Lake, asked why ae we doing this to our town; it is not affordable house.

Mayor stated that there is no deal on the table with Tilcon; Tilcon is doing the site work to enable construction of affordable housing. We went to the Superior Court Judge as to whether Tilcon could do the work because the owner couldn’t do the work. The concept was discussed. Our courts have said that we have to provide a realistic probability that affordable housing can be developed; the Meer tract is critical for the overall housing of the Borough. There is no deal for anything more than incentive for this developer to go in and prepare he side for development.

Ms. Shortman stated that the Mr. Nelson said there is no obligation for any additional development on that property and asked the Borough attorney if in the ordinance he had input from K&L Gates.

Rene Margotta noted the experts spoke had suggestions and are you going to consider what they suggested. Councilman Sondermeyer stated he will.

Frank O’Reilly, 21 Pearl Street, asked if this was written for the Bi-Coastal property and stated that this would enable Tilcon to put a road in by the Burger King. If we negotiated the Bi-Coastal property, it would have to be negotiated with Green acres.

Mayor stated that it is 60 acres from what is wetlands. Finbar owns the site and we would be giving incentive to Tilcon to mine the additional acres; phases are quantified in the Borough Engineer’s flood study. Noted that the most the DEP will allow is to take off the map one acre of wetlands; there is not a valid executed conservation easement on that property. We have not approached the DEP about this. There is no access on Van Dam; they would need a site plan approval. If we gave up 5-10 acres, we could preserve most if not all of the 40 acres on Meer.

Concern expressed I regard to trucks on the property; noted that the current ordinances regarding sizes of trucks on Van Dam, allows zero access to the quarry.

Councilman Yazdi stated that this is nothing new and we do care what the residents say.

Councilman D’Amato stated that we were voted in to listen to all the people and I have talked to many who are in favor of the concept; we represent the whole town.

Ms. Sanchevitz, Highland Road, asked that this be put on a referendum. Mayor stated that he does not support a referendum and if he had to break a tie, he would vote no.

George Brewster, 235 Union Avenue, spoke of Tilcon never having anything on this track; they would be deeding it over.

Mayor explained the Judge’s decision and fact that it is critical that we meet our affordable housing obligation and the Meer tract is our only option.

Mr. Brewster asked if the quarry could do a structural inspection on each of the properties and their foundations; Mayor stated we could explore that in the MQ-1. Felt that a bench warrant is a significant step.

Mr. Brewster spoke of property values and Mayor noted report that Mr. Kushner gave him as to how they handled it in Wisconsin. It guaranteed their property value but the problem was that they waived the right to sue.

Dee Maharg, Union Avenue, noted that this goes beyond quarrying; it will disrupt the wildlife; noted there are 30 specimens of bids there.

**RECESS**

At this time, the Mayor and Council took a ten minute recess.

**RECONVENED**

Mayor Dunleavy reconvened the meeting at 9:55 p.m.

Mayor stated that the exhibits will be modified; this is an overlay fix; a MQ-1 ordinance will be introduced at next meeting.

John Capozucca, 12 Raffman Road, spoke of his involvement in past with Environmental Commission; Advisory Board of Anjac and Passaic River Coalition and he read a letter into the record opposing the overlay zone.

Dan Hawkins, 6 Pearl Street, spoke in regard to environmental issues on the property, failure of their recommendations discussed by the Planning Board and felt it should be reconsidered. Discussion followed as to new owner, Finbar of the Meer property and the number of affordable housing units.

Mayor stated that if the units were not built, we would need to show the court that there is a realistic development in place. Mr. Hawkins felt this plan does that accomplish what we want and there are environmental issues to be considered.

In response to Mr. Hawkins as to the plan for closing the quarry, Mayor stated that they would have a reclamation plan defined in the M1Q zone and a restoration type bond.

Suzzane Osborne, 26 Maple Avenue, discussed fact that we need a Plan B to help us find other way to fulfill our affordable housing obligation.

Mayor stated that Finbar bought the land out of a court order; they do not need an overlay for them to proceed; they need an approved site plan first. The Borough spent a lot of money to find that alternative plan with Special COAH consultant Jeff Surenian and we still lost our certification. The judge’s order is on the record; the draft which was circulated has the number of units; out of the 72, 36 are modified affordable housing units; 26 homes are low income units.

Lori Weinbrock, 45 Highland Road, spoke in regard to the hours for crushing stone from 8-5. Mayor stated that this will be address in the M1Q zone ordinance. Also discussion in regard to a road only being able to utilize their existing facility and nowhere else.

Ross Kushner, Pequannock River Coalition, felt that the Reading, Otteau and Borough Engineer’s report should be part of the ordinance exhibits. Mr. Kushner felt the Mayor and council should tighten up the ordinance.

Mr. Kushner referred to a non-bind referendum and asked how the Mayor and Council may vote. There was an exchange between Mr. Kushner and Councilwoman Hudson who stated she didn’t appreciate his comments towards her and noted that she has done her homework on this issue and will make an educated decision when it comes time to voting.

Linda Shortman, Kampfe Lake, stated that this is a passionate decision and how can you vote on this this evening with all the changes that have been suggested.

Mayor stated that the Borough Attorney will make a determination as to whether we will need to reintroduce the ordinance with the proposed amendments in a few minutes, he will advise the Mayor and Council as to how to proceed.

Linda Huntley, 86 Van Dam Avenue, stated that an incentive was given to the builders of increased density of the 360 units. You did not need the quarry overlay for substantive certification. She discussed the conservation easement.

Dan Hawkins, 6 Pearl Street, spoke in regard to the Exhibits attached to the ordinance.

John Capozucca, 12 Raffman Road, noted he is very upset with what is going on and asked why you can’t take a moment and dignify the whole process and put off voting on this. Voting on it will look insensitive and spiteful.

Since there was no one else who wished to speak, Councilman Yazdi moved to close the Public Hearing; seconded by Councilman D’Amato and carried on voice vote.

**RECESS**

Mayor and Council recessed at this time, 11:55 p.m.

**RECONVENED**

Mayor stated that we need to take a vote on the existing ordinance and if it is defeated, we will reintroduce another ordinances with the amendments discussed this evening.

Councilwoman Hudson moved to adopted Ordinance No. 18-2016; seconded by Councilman Cosa and it was DEFEATED as per the following roll call: Council Members: D’Amato, NO; Dellaripa; NO; Hudson; NO; Sondermeyer; NO; Yazdi; NO and Costa; NO.

**Introduction of Ordinance No. 20-2016:**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF**

**PASSAIC AND STATE OF NEW JERSEY ESTABLISHING SECTION 92-61.1**

**OF THE BOROUGH CODE KNOWN AS THE “AH-1 (AFFORDABLE HOUSING)**

**OVERLAY ZONE”**

was introduced by title by Councilman Yazdi who moved that second and final reading and Public Hearing be held on August 9, 2016 at 7:00 p.m; seconded by Councilman Dellaripa and carried as per the following roll call: Council Members: Dellaripa;, YES; Hudson, ES; Sondermeyer, NO; Yazdi, YES; Costa, YES and D’Amato, YES.

***Authorization for Special Meeting August 9, 2016***

Councilman Costa moved for a Special meeting August 9 2016 at 7 p.m. for the following purposed:

* Second and final reading and Public Hearing of Ordinance #20-2016: AH1 Overlay Zone
* Introduction of Ordinance amending MQ-1 Zone
* Introduction of Ordinance for Quarry License Fee

Councilman Dellaripa seconded the motion and it carried on roll call with all Council membrs voting YES.

**ADJOURNMENT**

Since there was no further business to be conducted, Councilman D’Amato moved to ADJOURN at 12:05 p.m.; seconded by Councilman Dellaripa and carried on voice vote.

Jane McCarthy, RMC

Municipal Clerk

Municipal Clerk