

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

October 5, 2021

The Workshop Meeting of the Governing Body of the Borough of Bloomingdale was held in the Council Chambers of the Municipal Building (101 Hamburg Tpke) on the above date. Council President, John D'Amato called the meeting to order at 7:00PM.

Council President led the **Salute to the Flag**.

Official Roll Call: (taken by the Borough Clerk)

In Attendance: Councilman John D'Amato
Councilman Richard Dellaripa
Councilman John Graziano
Councilwoman Dawn Hudson
Councilman Drew Juhlin
Councilman Ray Yazdi

Municipal Clerk, Breeanna Smith
Business Administrator, Michael Sondermeyer
Borough Attorney, Dawn Sullivan
Borough Engineer, Thomas Boorady
Chief of Police, Joseph Borell
Lieutenant Ron Frost

PUBLIC NOTICE STATEMENT

Councilman D'Amato stated: *This Meeting is called pursuant to the provisions of the Open Public Meetings Law. Adequate notice of this meeting was advertised in the Herald News on April 1, 2021; 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.*

Per State Fire Code, I am required to acknowledge that there are two emergency exits in this Council Chambers. The main entrance which you entered through and a secondary exit to the left of where I am seated. If there is an emergency, walk orderly to the exits, exit through the door, down the stairs and out the building. If there are any questions, please raise your hand now.

NON-AGENDA ITEMS:

1. Motion to acknowledge receipt of Bloomingdale's annual status/progress report of the Borough's Floodplain Management Plan under Community Rating System (report prepared by Borough Engineer & submitted to NJDEP) [emailed to Governing Body members on October 4, 2021]

EARLY PUBLIC COMMENT:

Motion was made by HUDSON to open the meeting for public comment; seconded by YAZDI and carried on voice vote all voting AYE. Since there was no one who wished to speak, YAZDI made a motion to close public comment, second by HUDSON & carried on voice vote all members voting AYE, none were opposed.

Second/Final Reading & Public Hearing:

Bond Ordinance No. 22-2021: Andrew Place – Sidewalk Assessment

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

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

The Municipal Clerk read the following Ordinance by title:

**BOROUGH OF BLOOMINGDALE
BOND ORDINANCE NO. 22-2021**

BOND ORDINANCE PROVIDING FOR SIDEWALK IMPROVEMENTS ALONG THE ENTIRE LENGTH OF ANDREW PLACE, IN AND BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY; APPROPRIATING \$160,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$152,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF AND THE SPECIAL ASSESSMENT OF THE COST THEREOF

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

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

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

issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$152,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

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

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

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

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

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

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

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

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

SECTION 6. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by

the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs (the "Director of the Division of Local Government Services") will be on file in the office of the Clerk and will be available for public inspection.

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

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

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

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

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

(e) At least ten (10) days prior to such time fixed for public hearing and further consideration for final passage of this bond ordinance, a copy of this bond ordinance, together with a notice of the pendency of this bond ordinance given in accordance with N.J.S.A. 40:65-6, and notice of the time and place, when and where this bond ordinance will be further considered for final passage may be served, in accordance with the provisions of N.J.S.A. 40:65-2 to N.J.S.A. 40:65-6, upon every person whose lands may be affected by this bond ordinance or any assessments which may be made in pursuance thereof. If the

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

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

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

(h) An aggregate amount not exceeding \$15,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements described herein.

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

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

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the Borough, or any member of the same "Controlled Group" as the Borough, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under section 148 of the Internal Revenue Code of 1986, as amended and supplemented (the "Code"). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$152,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the

Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

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

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

SCHEDULE A

Block	Lot	Property Location	Owner's Name
5050	1	341 ANDREW PLACE	SEDLAR PAMELA C
5050	2	329 ANDREW PLACE	PERROTTA, KENNETH & LYNDA
5050	3	317 ANDREW PLACE	VALDES CAMELIA M
5050	4	305 ANDREW PLACE	WINTER DONNA
5050	5	293 ANDREW PLACE	BAIRES ANA PRISCILA & CHRISTIAN O
5050	6	287 ANDREW PLACE	SLACK, DAVID W & MICHELLE
5050	7	279 ANDREW PLACE	DE MARTINO, THOMAS & JOYCE
5050	8	273 ANDREW PLACE	PIAGET, BONNIE A
5050	9	265 ANDREW PLACE	LASENICK, PETER & ROSEMARIE
5050	10	259 ANDREW PLACE	CATOGGIO, SERGIO & JEANNETTE
5050	11	249 ANDREW PLACE	HALLIWELL MATTHEW & LAURA
5050	12	243 ANDREW PLACE	WOLF ALAN & YOLANDA
5050	13	237 ANDREW PLACE	MCKENZIE FAMILY TRUST
5067	21	220 REEVE AVENUE	MICHALEWSKI, EDWARD & CYNTHIA
5067	22	113 RAFKIND ROAD	BEIRNE, THOMAS & ELEANORA
5067	23	111 RAFKIND ROAD	DI LEO, PAUL & KIM
5067	24	107 RAFKIND ROAD	DEER JASON A & LORI
5070	15	258 ANDREW PLACE	CORONEL, MARINA & CORONEL BLADDYMIR
5070	16	272 ANDREW PLACE	HUGHES, WILLIAM & LINDA
5070	17	278 ANDREW PLACE	MILLER, WALTER & CELESTE
5070	18	284 ANDREW PLACE	KELLOGG LAURIE
5070	19	292 ANDREW PLACE	OLLENSCHLEGER, CRAIG & CHRISTINE
5070	20	302 ANDREW PLACE	DALALLO THOMAS & MARIANNE
5070	21	312 ANDREW PLACE	PICCOLO, STEVEN & KRISTEN
5070	22	322 ANDREW PLACE	MEYER PFLUG, ERNESTO & HELA
5070	23	332 ANDREW PLACE	VAN CRAEYNST, STEVEN
5070	24	342 ANDREW PLACE	SCHAFFER WILLIAM F & ANNA M

Public Hearing:

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

*At this time Acting Mayor informed the public that questions may be directed to the Borough Engineer for comment. The Borough Engineer added that all residents with concerns can call Darmofalski Engineering and make an appointment to have their sidewalks inspected before the project begins. It was noted this project (Andrew Place & Vale Road Improvement) is estimated to be a million-dollar project. The Borough has received \$510,000 in grant money to put toward this project. The sidewalk assessment & additional Borough funding will make up the difference in funding needed for this improvement. The sidewalks numbers at this point are estimated – the project has yet to go to bid. The project will be awarded before the end of November. It was noted multiple times - **Any sidewalks that do not meet NJDOT standards need to be replaced.***

1. Steven Van Craeynest – 332 Andrew Place

Provided comment: *recently re-did driveway & apron 7-8 years ago, does not see a reason for this project, concerns with easement/drainage*

Borough Engineer: *to inspect 332 Andrew Place*

2. Ken Perrotta – 329 Andrew Place

Provided comment: *concerns with drainage*

Borough Engineer: *provided comment on this section of the project; no additional inspection is needed*

3. Pam Sedlar – 341 Andrew Place

Provided comment: *concerns with water draining properly (catch basins & inlet, water coming down Vale); would also like to request a wider apron*

Borough Engineer: *provided comment on this section of the project & how to issues will be remediated; wider aprons can be done*

4. Anna Schafer – 342 Andrew Place

Provided comment: *concerns with water from Vale Road, requested an inlet from Vale & would like her sidewalks inspected before replaced. These sidewalks are original*

Borough Engineer: *noted this was a second request for additional inlet on Vale Road & will inspect 342 Andrew Place*

Since there was no one else who wished to speak YAZDI made a motion to close the public hearing; motion was seconded by HUDSON and carried on voice vote all members voting AYE; none were opposed.

Adoption:

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

NATALIE COURT DISCUSSION

(EMERGENCY ENTRANCE TO MORSE LAKES & LAKE ISOCO)

Acting Mayor D'Amato provided an update: D'Amato, Mike Sondermeyer, Mike Hudson (OEM), Lt. Frost & Lt. Ressler attended a meeting of the Morse Lakes Property Owners Association to discuss the intent of the emergency entrance from Natalie Court into Morse Lakes community. The Borough will take time to research & survey the area and determine the best option to implement this emergency entrance with the least interruption. The topic is listed on the agenda to discuss with the remainder of the council, and members of the community.

**Tom Marinaro – 112 Natalie Court, Bloomingdale
Inquired on the following:**

- Confirmed tonight was discussion only (*no formal action will be taken on this matter*)
- if there were other areas in the Borough the council could consider as an emergency entrance (Example Board of Education property ‘Martha B Day School’)
- Noted ‘22’ areas of the Borough that could use an emergency entrance – why Morse Lakes? (*Chief Borell responded with 3 recent occasions where Morse Lakes main entrance has been blocked / first responders have had no way to get into the community*)
- Expressed the emergency entrance would encroach on his property, will be seeking legal representation and follow up with OPRA request for records
- Recommended public notice be given

Mark Toedtman – 66 Overlook Road, Bloomingdale

Inquired on the following:

- Requested it be put in writing that the use of the entrance is for ‘emergency only’
- Suggest engineer study be done on the roads / potential for sink holes on private Morse Lakes roadways & the need for repair
- Plans for drainage on Natalie Court
- Potentially dangerous tree issues along Morse Lakes Road

Bob Sherreik – 4 South Road (Lake Iosco, President), Bloomingdale

Bill Kiupers - 22 Sheepfarm Road (Lake Iosco, Director), Bloomingdale

Inquired on the following:

- 12 homes in Lake Iosco that are only accessible through Morse Lakes Road
- Concur an emergency entrance is critical (needed) to allow emergency services access to the homes in Lake Iosco, applauds the efforts of the council/police
- Commended DPW services

Brian Combs – 1 Maple Lake Road, Bloomingdale (Morse Lakes POA, President)

Inquired on the following:

- Requested written confirmation the entrance from Natalie Court into Morse Lakes can/will only be used for emergencies
- Requested conversation for what constitutes an emergency ‘use’ for the proposed entrance (ex: 911 call)
- Impact of parking on private streets

Anthony Celini – 37 Highland Road, Bloomingdale

Inquired on the following:

- Concerned if this entrance is the proper solution & whether proper studies have been conducted (Ex: Engineer / Road /Utility)
- Encouraged a balance approach to come up with an ‘answer’ based on independent data
- Compromise of privacy in Morse Lakes

Mark Yeck – 30 Sunset Road, Bloomingdale

Inquired on the following:

- Safety is a priority
- Concern with this emergency entrance being a ‘reaction’ rather than a thought-out plan
- Tax money can be spent in other areas of safety throughout the Borough (police/fire)
- Speeding in Morse Lakes

Jason Reynolds – 15 Sycamore Road, Bloomingdale

Inquired on the following:

- Has previously made a request for this emergency entrance

- Aesthetically might not be pleasing but it does address safety concerns. Encouraged this be done tastefully to not interrupt anyone's property
- First responder who has experienced being blocked in the community – unable to provide first responder services in a fair amount of time

Israel Baeza – 27 Sunset Road, Bloomingdale

Inquired on the following:

- Comprehensive search for data including Morse Lakes, Lake Iosco (including Wanaque/Haskell)

Motion was made by HUDSON to close the discussion; second by YAZDI carried on voice vote all members voting AYE.

REPORTS (PROFESSIONALS, DEPT HEADS, COMMITTEES, LIAISONS, MAYOR):

Councilwoman Hudson (BOH Liaison/Public Events Coordinator):

- *October 16th – Townwide paper shredding*
- *Halloween Dance at SRD school is cancelled*
- *Passaic County still offering Covid testing & vaccines/boosters*

Councilman Graziano (EDC Liaison/Commissioner/ CRC Commissioner):

- *'Taste of Bloomingdale' 2nd drawing has been conducted, last drawing will be in December – encouraged residents to participate (chance to win \$100 gift card donated by local business)*

Councilman Juhlin (Recreation & Tri Boro Little League Liaison):

- *Ski program for 2021*
- *The committee is working on a scuba certification course for the Spring*
- *Basketball - working with schools for gymnasium access*

Business Administrator, Michael Sondermeyer:

- *Union Ave project – near completion*
- *Hamilton Street project – utilities are complete, concrete work has begun near Van Dam*
- *Andrews/Vale Road project – bid opening is scheduled for October 14th 10AM*
- *WTB Tennis Courts – this project still needs to go out for bid, will be in contact with Borough Engineer*
- *The Borough has many employees retiring this year, the council will need to consider filling the vacancies by December 31st*

Acting Mayor, John D'Amato:

- *Thanked all employees for their dedicated service to the Borough & wished them well in their retirements*
- *The Borough now has an option on the website for residents to submit 'Optimum Service Request' the request notifies the Municipal Clerk who then notifies Optimum who will have a technician directly respond to the request /resident*

CONSENT AGENDA

(Adoption of Resolutions No. 2021-10.1 – 2021-10.15)

Motion: Dawn Hudson

Second: Ray Yazdi

Roll Call Vote: DELLARIPA (YES), GRAZIANO (YES), HUDSON (YES), JUHLIN (YES), YAZDI (YES), D'AMATO (YES)

**RESOLUTION NO. 2021-10.1
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

***Accepting, Approving and/or Adopting the Consent Agenda of the
October 5, 2021 Workshop Meeting***

WHEREAS, the Borough Council of the Borough of Bloomingdale has determined that to increase efficiency, the Consent Agenda shall be adopted with one resolution, and

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

- A. **Approval of Minutes:**
 - September 7, 2021 – Executive Session
 - September 21, 2021 - Regular Meeting
 - September 21, 2021 – Executive Session
- B. **Motion accepting resignation:**
 - Meg Gray – Recreation Commissioner
 - Jessica Valente – Board of Health member
 - Chris Walthour – Ordinance Review Committee
- C. **Resolution No. 2021-10.2:** Cancel Grant Receivables
- D. **Resolution No. 2021-10.3:** Authorizing Member Participation in the Passaic County Cooperative Pricing System
- E. **Resolution No. 2021-10.4:** Authorizing Membership Renewal (MCCPC)
- F. **Resolution No. 2021-10.5:** Accept Notice of Retirement (P. Muter)
- G. **Resolution No. 2021-10.6:** Accept Notice of Retirement (M. DePascale)
- H. **Resolution No. 2021-10.7:** Accept Notice of Retirement & Authorize Exit Agreement (S. Borie)
- I. **Resolution No. 2021-10.8:** Accept Notice of Retirement & Authorize Exit Agreement (M. Boffa)
- J. **Resolution No. 2021-10.9:** Accept Notice of Retirement & Authorize Exit Agreement (R. Figaro)
- K. **Resolution No. 2021-10.10:** Official Employment Status (R. Centinaro)
- L. **Resolution No. 2021-10.11:** Granting Paid Sick Leave (C. Lime)
- M. **Resolution No. 2021-10.12:** Acknowledging Receipt of FY2020 Audit
- N. **Resolution No. 2021-10.13:** Administrative Fee Waiver (69 Hamburg Tpke)
- O. **Resolution No. 2021-10.14:** Extend Sick Leave (Mara)
- P. **Resolution No. 2021-10.15:** Refund of Tax Overpayment (5099/22)

Consent Agenda Resolutions:

**RESOLUTION NO. 2021-10.2
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

AUTHORIZING CANCELLATION OF RECEIVABLE BALANCES

WHEREAS, receivable balances exist for public and private grants which are required to be cancelled by resolution; and

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale that the following grant receivable balances be cancelled:

<u>Title</u>	<u>Grant Receivable</u>
Sloan Park Bridge Project	\$ 231,000.00

RESOLUTION NO. 2021-10.3

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

**A RESOLUTION AUTHORIZING THE BOROUGH OF BLOOMINGDALE
TO ENTER INTO A COOPERATIVE PRICING AGREEMENT**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the County Educational Services Commission, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on October 5, 2021 the Governing Body of the Borough of Bloomingdale, County of Passaic, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Bloomingdale

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Acting Mayor, John D'Amato, is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

CERTIFICATION

BY:

**RESOLUTION NO. 2021-10.4
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY
COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR
THE
PERIOD OF OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2026**

WHEREAS, the Morris County Cooperative Pricing Council ("MCCPC") was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of education, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, the Borough of Bloomingdale desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency, to **renew** its membership in the MCCPC for the period of October 1, 2021 through September 30, 2026.

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

1. John D'Amato, Acting Mayor of the Borough of Bloomingdale hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2021, pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for **renewal** of membership in the MCCPC for a five (5) year period from October 1, 2021, through September 30, 2026.
2. The Borough of Bloomingdale Municipal Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Borough of Bloomingdale officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

**RESOLUTION NO. 2021-10.5
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION ACCEPTING NOTIFICATION OF RETIREMENT –
PHYLLIS MUTER, CERTIFIED MUNICIPAL COURT ADMINSTRATOR**

WHEREAS, the Borough Administrator has received formal notification on July 12, 2021 from Phyllis Muter that she plans to submit an application for Retirement Allowance to the New Jersey Division of Pensions and Benefits on or before December 31, 2021; and

WHEREAS, upon submission of the retirement application, the Borough Treasurer is hereby authorized to submit the Certification of Service and Final Salary of Phyllis Muter to the Division of Pensions and Benefits; and

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Bloomingdale does here accept this as notice of resignation/retirement of Phyllis Muter effective December 31, 2021 and extends gratitude to her for her dedicated service to the Borough of Bloomingdale.

**RESOLUTION NO. 2021-10.6
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION ACCEPTING NOTIFICATION OF RETIREMENT –
MAUREEN DE PASCALE, CERTIFIED TECHINAL ASSISTANT TO THE
CONTRUCTION OFFICIAL**

WHEREAS, the Borough Administrator has received formal notification on September 30, 2021 from Maureen De Pascale that she plans to submit an application for Retirement Allowance to the New Jersey Division of Pensions and Benefits on or before December 31, 2021; and

WHEREAS, upon submission of the retirement application, the Borough Treasurer is hereby authorized to submit the Certification of Service and Final Salary of Maureen De Pascale to the Division of Pensions and Benefits; and

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Bloomingdale does here accept this as notice of resignation/retirement of Maureen De Pascale effective December 31, 2021 and extends gratitude to her for her dedicated service to the Borough of Bloomingdale.

**RESOLUTION NO. 2021-10.7
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

RESOLUTION FORMALLY ACCEPTING NOTIFICATION OF RETIREMENT FROM STEVE BORIE, DRIVER FOR THE BLOOMINGDALE DEPARTMENT OF PUBLIC WORKS & AUTHORIZING EXIT AGREEMENT ('AGREEMENT & RELEASE') FOR SAME

WHEREAS, Steve Borie is employed by the Borough of Bloomingdale as a driver for the Department of Public Works; and

WHEREAS the Borough Administrator have received formal notification on September 20, 2021 from Steve Borie of his intent to retire effective December 31, 2021; and

WHEREAS Steve Borie will submit an application for Retirement Allowance to the New Jersey Division of Pensions and Benefits; and

WHEREAS, upon submission of the retirement application, the Borough Treasurer is hereby authorized to submit the Certification of Service and Final Salary of Steve Borie to the Division of Pensions and Benefits; and

WHEREAS, accordingly, the Borough of Bloomingdale and Steve Borie desire to enter into an 'Agreement and Release' through which all terms and conditions of Steve Borie's retirement shall be addressed; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey formally accepts notice of resignation/retirement of Steve Borie effective December 31, 2021; and authorizes the Acting Mayor to execute the 'Agreement & Release' between the Borough of Bloomingdale and Steve Borie; and

BE IT FURTHER RESOLVED the Acting Mayor and Borough Council extends gratitude to Steve Borie for his dedicated service to the Borough of Bloomingdale's Department of Public Works.

**RESOLUTION NO. 2021-10.8
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

RESOLUTION FORMALLY ACCEPTING NOTIFICATION OF RETIREMENT FROM SERGEANT MICHAEL BOFFA OF THE BLOOMINGDALE POLICE DEPARTMENT & AUTHORIZING EXIT AGREEMENT ('AGREEMENT & RELEASE') FOR SAME

WHEREAS, Sergeant Michael Boffa is employed by the Borough of Bloomingdale Police Department; and

WHEREAS the Chief of Police, Joseph Borell, Public Safety Committee, and Borough Administrator have received formal notification from Sergeant Michael Boffa of his intent to retire effective November 30, 2021; and

WHEREAS Michael Boffa has submitted an application for Retirement Allowance to the New Jersey Division of Pensions and Benefits; and

WHEREAS, upon submission of the retirement application, the Borough Treasurer is hereby authorized to submit the Certification of Service and Final Salary of Michael Boffa to the Division of Pensions and Benefits; and

WHEREAS, accordingly, the Borough of Bloomingdale and Michael Boffa desire to enter into an 'Agreement and Release' through which all terms and conditions of Michael Boffa's retirement shall be addressed; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey formally accepts notice of resignation/retirement of Michael Boffa effective November 30, 2021; and authorizes the Acting Mayor to execute the 'Agreement & Release' between the Borough of Bloomingdale and Michael Boffa; and

BE IT FURTHER RESOLVED the Acting Mayor and Borough Council extends gratitude to Sergeant Michael Boffa for his dedicated service to the Borough of Bloomingdale's Police Department.

**RESOLUTION NO. 2021-10.9
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

RESOLUTION FORMALLY ACCEPTING NOTIFICATION OF RETIREMENT FROM ROY FIGARO, EQUIPMENT OPERATOR FOR THE BLOOMINGDALE DEPARTMENT OF PUBLIC WORKS & AUTHORIZING EXIT AGREEMENT ('AGREEMENT & RELEASE') FOR SAME

WHEREAS, Roy Figaro is employed by the Borough of Bloomingdale as an equipment operator for the Department of Public Works; and

WHEREAS the Borough Administrator have received formal notification on September 30, 2021 from Roy Figaro of his intent to retire effective December 31, 2021; and

WHEREAS Roy Figaro will submit an application for Retirement Allowance to the New Jersey Division of Pensions and Benefits; and

WHEREAS, upon submission of the retirement application, the Borough Treasurer is hereby authorized to submit the Certification of Service and Final Salary of Roy Figaro to the Division of Pensions and Benefits; and

WHEREAS, accordingly, the Borough of Bloomingdale and Roy Figaro desire to enter into an 'Agreement and Release' through which all terms and conditions of Roy Figaro's retirement shall be addressed; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey formally accepts notice of

resignation/retirement of Roy Figaro effective December 31, 2021; and authorizes the Acting Mayor to execute the 'Agreement & Release' between the Borough of Bloomingdale and Roy Figaro; and

BE IT FURTHER RESOLVED the Acting Mayor and Borough Council extends gratitude to Roy Figaro for his dedicated service to the Borough of Bloomingdale's Department of Public Works.

**RESOLUTION NO. 2021-10.10
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Authorizing Official Employment Status for DPW Laborer Robert Centinaro

WHEREAS, the Governing Body ("Governing Body") of the Borough of Bloomingdale ("Borough") has been advised by Borough Department of Public Works Superintendent Al Gallagher ("Superintendent") that DPW Laborer Robert Centinaro has completed his probationary period; and

WHEREAS, the Governing Body finds and declares that the Superintendent and Assistant Superintendent, Frank Neuberger, has determined that DPW Laborer Robert Centinaro is a "valuable asset" to the Borough and has recommended his full-time, official employment status, and that the Borough Administrator has submitted this recommendation to the Mayor and Borough Council for its confirmation; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize full-time, official employment status for DPW Laborer Robert Centinaro on Oct 5, 2021.

**RESOLUTION NO. 2021-10.11
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Granting Paid Sick Leave to Borough Employee

WHEREAS, the Governing Body ("Governing Body") of the Borough of Bloomingdale ("Borough") finds and declares that Cathy Lime ("Employee") is an employee of the Borough of Bloomingdale; and

WHEREAS, the Governing Body further finds and declares that the Employee will be out of work on paid sick leave as of October 15, 2021; and

WHEREAS, the Governing Body further finds and declares that the Employee has sick leave days accrued that could be used for salary compensation during the duration of the paid sick leave;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize paid sick leave to Borough Employee, Cathy Lime, during the period of October 15, 2021 through December 5, 2021; and

BE IT FURTHER RESOLVED that the Municipal Clerk be and is hereby directed to formally notify the Public Employee Retirement System of said status and to cause the same to be included in the records maintained for said employee.

**RESOLUTION NO. 2021-10.12
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Governing Body Certification, Receipt and Review of FY2020 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, 2020 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 of Bloomingdale; 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 FY2020, 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 R.S. 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 or refuses 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.







[insert PDF Group Affidavit]

**CERTIFICATION OF GOVERNING BODY OF THE ANNUAL AUDIT
GROUP AFFIDAVIT FORM
NO PHOTOCOPIES OF SIGNATURES**

STATE OF NEW JERSEY
COUNTY OF PASSAIC


We, members of the governing body of the *Borough of Bloomingdale*, in the County of Passaic, being duly sworn according to law, upon our oath depose and say:


1. We are duly elected (or appointed) members of the Borough Council of the *Borough of Bloomingdale* in the County of Passaic;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the fiscal year ended December 31, 2020;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

(L.S.)  _____ (L.S.)  _____ (L.S.)  _____ (L.S.) _____ _____ (L.S.) _____	(L.S.)  _____ (L.S.)  _____ (L.S.)  _____ (L.S.) _____ _____ (L.S.) _____
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Sworn to and subscribed before me this
5th day of OCTOBER, 2021
Notary Public of New Jersey

BREEANNA CALABRO
NOTARY PUBLIC OF NEW JERSEY
Comm. # 2455850
My Commission Expires 11/28/2021



Breanna Smith, Municipal Clerk 

The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be sent to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625.

**RESOLUTION NO. 2021-10.13
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION WAIVING THE ADMINISTRATIVE FEES FOR POLICE TRAFFIC
DUTY AT 69 HAMBURG TURNPIKE FOR THE INSTALLATION OF SEWER LINES**

WHEREAS, Chapter 2, Section 80 FEES CHARGED FOR MUNICIPAL SERVICES includes extra duty rates outside of the Police Department for nonmunicipal/private contracts at a rate of \$80.00 per hour plus an administration fee of 25%; and

WHEREAS, Frank Parisi, of 69 Hamburg Turnpike, and Pequannock River Basin Regional Sewerage Authority will be installing a sewer line and have requested traffic control from the Bloomingdale Police Department during the installation; and

WHEREAS, the parties have requested a waiver of the 25% administration fee for outside work to be performed requiring traffic control; and

WHEREAS, the Borough Administrator does hereby recommend the Council waive the 25% administration fee listed in Borough Code Chapter 2 Section 80 due to the emergent need for immediate remedial action of the matter; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale that the 25% administration fee is hereby waived for traffic control during the sewer connection project at 69 Hamburg Turnpike.

**RESOLUTION NO. 2021-10.14
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Extend Paid Sick Leave to Borough Employee

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that James Mara (“Employee”) is an employee of the Borough of Bloomingdale; and

WHEREAS, the Governing Body further finds and declares that the Employee has been out of work on paid sick leave as of July 27, 2021; and

WHEREAS, the Governing Body further finds and declares that the Employee has sick leave days accrued that could be used for salary compensation during the duration of his paid sick leave;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby extend paid sick leave to Borough Employee, James Mara, during the period of December 1, 2021 through December 31, 2021; and

BE IT FURTHER RESOLVED that the Municipal Clerk be and is hereby directed to formally notify the Public Employee Retirement System of said status and to cause the same to be included in the records maintained for said employee.

**RESOLUTION NO. 2021-10.15
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 Ralph Cortese, duplicated payment on 26 Short Road, Bloomingdale, NJ for the 3rd quarter of 2021 on Block 5099 Lot 22;

WHEREAS; an overpayment in the amount of \$1,953.62 is due to Ralph Cortese; and

NOW, THEREFORE, BE IT RESOLVED, that Governing Body does hereby authorize the Borough Treasurer to issue refund check for a tax overpayment to the following:

	Ralph Cortese
Address:	10 Chestnut Street
	Bloomingdale, NJ 07403
Refund Amount:	\$,1953.62

PENDING ITEMS:

B. Second/Final Reading & Public Hearing:

Bond Ordinance No. 21-2021: Amending Bond Ord. 19-2020

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

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

The Municipal Clerk read the following Ordinance by title:

**BOROUGH OF BLOOMINGDALE
ORDINANCE NO. 21-2021**

**BOND ORDINANCE AMENDING BOND ORDINANCE
NUMBER 19-2020 FINALLY ADOPTED ON JULY 21, 2020,
BY THE BOROUGH COUNCIL OF THE BOROUGH OF
BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE
OF NEW JERSEY, TO INCREASE COSTS PROVIDED IN
N.J.S.A. 40A:2-20 BY \$60,315.92 FROM \$115,000 TO
\$175,315.92**

**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: Bond Ordinance Number 19-2020 of the Borough of Bloomingdale, in the County of Passaic, State of New Jersey (the "Borough"), heretofore finally adopted by the Borough Council of the Borough on July 21, 2020 and entitled, “BOND ORDINANCE PROVIDING FOR VARIOUS 2020 CAPITAL ACQUISITIONS AND IMPROVEMENTS, BY AND IN THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC, STATE OF NEW JERSEY; APPROPRIATING \$1,374,000 THEREFOR AND

AUTHORIZING THE ISSUANCE OF \$1,342,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF” (the "Prior Ordinance"), is hereby amended to the extent and with the effect as set forth below:

(a) The permitted costs under Section 40A:2-20 of the Local Bond Law of the State of New Jersey, N.J.S.A. 40A:2-1 et seq. (the “Local Bond Law”) as set forth in Section 7(d) of the Prior Ordinance is increased by \$60,315.92, from \$115,000 to \$175,315.92.

SECTION 2: Except as expressly amended hereby, the Prior Ordinance shall remain in full force and effect.

SECTION 3: This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Public Hearing:

At this time HUDSON made a motion to open the Public Hearing for comment; seconded by DELLARIPA and carried on a voice vote all voting AYE. Since there was no one who wished to speak DELLARIPA made a motion to close the public hearing; motion was seconded by YAZDI and carried on voice vote all members voting AYE; none were opposed.

Discussion:

Councilman Juhlin asked if the Borough was anticipating receiving any grants

Adoption:

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

C. Second/Final Reading & Public Hearing:

Ordinance No. 23-2021: Amend Ch. 3 Police Regulations (noise)

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

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

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO. 23-2021
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 3 “POLICE REGULATIONS” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Borough Code currently sets forth requirements and standards relating to noise from certain construction activities throughout the Borough; and

WHEREAS, the Borough Ordinance Review Committee and Chief of Police have reviewed the Code and recommended certain changes be made in order to address any

noise complaints and situations where noise complaints may arise in order to ensure an acceptable quality of life for residents;

WHEREAS, the Borough Council has reviewed and accepted the recommended changes as being in the best interest of the Borough.

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

SECTION 1. Chapter 3 “Police Regulations”, Section 3-5.4 “Certain Noises Prohibited” shall be amended to read as follows:

§3-5.4 Certain Noises Prohibited

a. Noise from within any premises located in a business or industrial zone shall not exceed 80 dba. The noise level shall be measured at the boundary of the lot.

b. The noise from premises in any other zone between the hours of 7:00 a.m. and 10:00 p.m. shall not exceed 65 dba. Between the hours of 10:00 p.m. and 7:00 a.m. the noise levels shall not exceed 55 dba. The noise levels shall be measured at the boundary of the lot.

c. Noise from any motor vehicle less than 8,000 pounds, including motorcycles, shall not exceed 86 dba. The noise level shall be measured at a point 50 feet from the source of the noise.

d. Noise from power equipment in residential areas for repeated use, such as, but not limited to, lawn mowers, small lawn and garden tools, and snow removal equipment shall not exceed 74 dba. The noise level shall be measured at a point 50 feet from the source of the noise.

e. Any noise from construction, demolition and the use of power tools and power equipment shall be prohibited during the following times:

Sunday 8:00 p.m. through Monday 7:00 a.m.
Monday 8:00 p.m. through Tuesday 7:00 a.m.
Tuesday 8:00 p.m. through Wednesday 7:00 a.m.
Wednesday 8:00 p.m. through Thursday 7:00 a.m.
Thursday 8:00 p.m. through Friday 7:00 a.m.
Friday 8:00 p.m. through Saturday 9:00 a.m.
Saturday 8:00 p.m. through Sunday 9:00 a.m.

The provisions of this subsection shall not apply to the following: Emergency services, snow removal, or any circumstances deemed an emergency by State or local officials.

All other portions of this Section remain unchanged.

SECTION 2. Chapter 3 “Police Regulations”, Section 3-13.2 “Disturbing the Peace” shall be amended to read as follows:

§3-13.2 Disturbing the Peace

a. Noise and Sound. It shall be unlawful for any person to make, cause or permit to be made, upon any premises owned, occupied or controlled by him/her or upon any public street within the Borough of Bloomingdale, any unnecessary noises or sounds, by means of (including, but not limited to) the human voice, self-

contained and/or portable music or sound production devices, which is plainly audible and excessive across a real property line and unreasonably disturbs or interferes with the peace, comfort and repose of any resident. Sound production devices, as defined in this section, shall not be operated in a manner that disturbs the lives, comfort and peace of the residents. This shall include any other noise or sounds that are plainly audible and excessively loud, harsh or unusual in time and occurrence. Unusual time shall include, but not necessarily be limited to the hours between 10:00 p.m. and 7:00 a.m. on weekdays and between 11:00 p.m. and 9:00 a.m. on weekends.

b. Power Equipment Use. In all residential zones, or in any other zone within 250 feet of a residential property line, contractor exterior use of power tools, power equipment, motorized construction machinery, landscaping, tree and yard maintenance power equipment shall be permitted Monday thru Friday 7:00 a.m. to 6:00 p.m. and Saturday 9:00 a.m. to 6:00 p.m. Such use shall be prohibited Sunday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and New Year's Day. Emergency activities affecting public safety, the safety, viability and habitability of a principal dwelling structure and power equipment and motorized machinery used for ice and snow removal shall be permitted at any time.

All other portions of this Section remain unchanged.

SECTION 3. All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 4. 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 5. This law shall take effect immediately upon final passage, approval and publication as required by law.

Public Hearing:

At this time YAZDI made a motion to open the Public Hearing for comment; seconded by HUDSON and carried on a voice vote all voting AYE. Since there was no one who wished to speak YAZDI made a motion to close the public hearing; motion was seconded by JUHLIN and carried on voice vote all members voting AYE; none were opposed.

Discussion:

Councilman Juhlin noted the Borough is negotiating a rather large construction project/development – would this ordinance in any way impact a potential developer by not allowing them to work on Sundays.

Bill Graff from the Ordinance Review committee was present and commented this ordinance prohibits the use of power tools by contractors, on Sundays, in *residential* zones. If the potential development is not in a residential zone – this ordinance would not apply.

Reference was made to the AH-1 overlay zone; this zone is not residential. Also further noted this ordinance prohibits the use of power tools, as opposed to ‘all’ construction.

Adoption:

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

NEW BUSINESS:

A. Introduction of Ordinance No. 24-2021: Amending Ch. 2-80 (EDC Banners)

A motion was made by YAZDI to introduce the Ordinance by title; second and final reading/ public hearing will be on October 19, 2021 at 7PM; the motion was seconded by DELLARIPA and carried on the following voice vote: all members voting AYE, in favor; none were opposed.

The Municipal Clerk read by Title:

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 2 “ADMINISTRATION”, ARTICLE VIII “POLICIES AND PROCEDURES”, SECTION 2-80 “FEES CHARGED FOR MUNICIPAL SERVICES” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

B. Introduction of Ordinance No. 25-2021: Amend Ch. 92 (BCD Amend Subsection N)

Discussion:

The ordinance is to amend the BCD zone to define ‘permitted façade materials’. This ordinance will be submitted to the Planning Board for comment and recommendation.

A motion was made by YAZDI to introduce the Ordinance by title; second and final reading/ public hearing will be on November 23, 2021 at 7PM; the motion was seconded by DELLARIPA and carried on the following voice vote: all members voting AYE, in favor; none were opposed.

The Municipal Clerk read by Title:

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 92 “ZONING”, SECTION 92-55.2 “BLOOMINGDALE CENTER DISTRICT ZONE” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

C. Adoption of Resolution No. 2021-10.16

Motion: Rich Dellaripa

Second: Ray Yazdi

Roll Call Vote: JUHLIN (YES), YAZDI (YES), D’AMATO (YES), DELLARIPA (YES), GRAZIANO (YES), HUDSON (YES)

**RESOLUTION NO. 2021-10.16
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

A RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AUTHORIZING THE RELEASE OF PERFORMANCE BOND, ACCEPTANCE OF MAINTENANCE BOND AND AUTHORIZE FINAL PAYMENT FOR THE WORK PERFORMED IN CONNECTION WITH THE ‘BALLSTON STREET WATER MAIN, SANITARY SEWER AND ROAD IMPROVEMENTS’ PROJECT

WHEREAS, the contractor, Regal Utility Services Inc., has requested a release of the performance bond and final payment for the work performed in connection with the CDBG FY2018 Ballston Street Improvement project, in the Borough of Bloomingdale; and

WHEREAS, the Engineer, Thomas Boorady, has reviewed the request, confirmed the project has been completed to satisfaction and therefore recommends by email correspondence, on September 22, 2021 that the final payment, including the release of retainage, in the total amount of \$31,740.74 be made, and the maintenance bond be accepted once approved by the Borough Attorney; and

WHEREAS the Borough Attorney, Dawn Sullivan, has been deemed the Maintenance Bond to be satisfactory; and

NOW, THEREFORE, BE IT RESOLVED, by the Acting Mayor and Governing Body of the Borough of Bloomingdale, in the County of Passaic and State of New Jersey that it does hereby authorize that the performance bond and final payment, in the amount of \$31,740.74, be released to the contractor.

BE IT FURTHER RESOLVED, by the Acting Mayor and Governing Body does here by accept the Maintenance Bond in the amount of \$77,407.00.

D. Adoption of Resolution No. 2021-10.17

Motion: Dawn Hudson

Second: Ray Yazdi

Roll Call Vote: YAZDI (YES), D'AMATO (YES), DELLARIPA (YES), GRAZIANO (YES), HUDSON (YES), JUHLIN (YES)

**RESOLUTION NO. 2021-10.17
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Authorizing the Hiring of full-time DPW Laborer

WHEREAS, there exists a need for a full time Laborer within the Department of Public Works; and

WHEREAS, the Superintendent and the Assistant Superintendent of the Department of Public Works recommend the position be filled by Hunter Heimall; and

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Bloomingdale, that Hunter Heimall be hired on a one-year probationary period as a full-time DPW Laborer, effective October 11, 2021 as per the terms of the CWA Local 1032 DPW contract.

E. Adoption of Resolution No. 2021-10.18

Motion: Ray Yazdi

Second: Rich Dellaripa

Roll Call Vote: D'AMATO (YES), DELLARIPA (YES), GRAZIANO (YES), HUDSON (YES), JUHLIN (YES), YAZDI (YES)

DISCUSSION:

Michael Sondermeyer noted the 'two' laborers there are being hired were both 'summer help' that were initially hired part time to 'back fill' vacant position of Rocco DeGregorio (Asst Superintendent – retired June 2021). Mayor D'Amato applauded the efforts to bringing on staff part time to see if they are a good fit for full positions within the department of Public Works.

**RESOLUTION NO. 2021-10.18
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Authorizing the Hiring of full-time DPW Laborer

WHEREAS, there exists a need for a full time Laborer within the Department of Public Works; and

WHEREAS, the Superintendent and the Assistant Superintendent of the Department of Public Works recommend the position be filled by Izza Rodriguez; and

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of

Bloomingtondale, that Izza Rodriguez be hired on a one-year probationary period as a full-time DPW Laborer, effective October 6, 2021 as per the terms of the CWA Local 1032 DPW contract.

F. Adoption of Resolution No. 2021-10.19

Motion: Rich Dellaripa

Second: Dawn Hudson

Roll Call Vote: DELLARIPA (YES), GRAZIANO (YES), HUDSON (YES), JUHLIN (YES), YAZDI (YES), D'AMATO (YES)

DISCUSSION:

Michael Sondermeyer stated the Borough must comply with Affordable Housing and provide a 2021 Annual Status Report.

**RESOLUTION NO. 2021-10.19
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND
STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL
SERVICES AGREEMENT WITHOUT COMPETITIVE BIDDING TO CME ASSOCIATES
FOR AFFORDABLE HOUSING SERVICES – COURT COMPLIANCE – 2021 ANNUAL
REPORTING**

WHEREAS, the Borough's affordable housing Settlement Agreement with Fair Share Housing Center (FHSC) requires that reporting on the status of affordable housing projects and compliance mechanisms be provided annually through the end of the Third Round reporting period; and

WHEREAS, there exists a need for professional affordable housing planning services; and

WHEREAS the Borough wishes to retain CME Associates to prepare the 2021 Annual Report in accordance with Proposal No. 2021-240 dated September 24, 2021; and

WHEREAS, funds are available for this purpose as evidenced in the annexed certification of funds in an amount not to exceed \$3,350.00; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. §40A:11-1 *et seq.*, requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection.

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

Section 1. This contract with CME Associates is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. §40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.

Section 2. CME Associates shall provide affordable housing Planning Services as set forth in the proposal No. 2021-240 at a cost not to exceed \$3,350.00.

Section 3. A notice of this action shall be printed once in the legal newspaper of the Borough of Bloomingtondale as required by law.

Section 4. A copy of this Resolution shall be provided to Donna Mollineaux, Chief Financial Officer, and to CME Associates, One Market Street, Suite 1F, Camden, NJ 08102 for their information and guidance.

This Resolution shall take effect immediately.

NON-AGENDA:

1. Motion to acknowledge receipt of Bloomingdale’s annual status/progress report of the Borough’s Floodplain Management Plan under Community Rating System (report prepared by Borough Engineer & submitted to NJDEP) [emailed to Governing Body members on October 4, 2021]. Motion made by YAZDI; seconded by DELLARIPA & carried on voice vote, all members voting AYE – none were opposed.

LATE PUBLIC COMMENT

HUDSON opened the meeting to late public comment; seconded by YAZDI and carried on voice vote, all in favor voting AYE. Since there was no one who wished to speak HUDSON moved that it be closed; second by YAZDI and carried on voice vote all members voting (AYE), none were opposed.

GOVERNING BODY SCHEDULE:

- A. Regular Meeting – October 19, 2021 7PM
- B. Workshop Meeting – November 1, 2021 **8AM**
- C. Regular Meeting – November 23, 2021 7PM

ADJOURNMENT:

Since there was no further business to be conducted, HUDSON moved to adjourn at 8:39PM; seconded by DELLARIPA and carried on voice vote with all Council Members voting AYE.

Breeanna Calabro, RMC
Municipal Clerk