

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

**November 26, 2019**

The Regular Meeting of the Governing Body of the Borough of Bloomingdale was held on the above date in the Council Chambers of the Municipal Building, 101 Hamburg Turnpike, Bloomingdale, NJ. Mayor Dunleavy called the meeting to order at 7:00 PM.

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

**Roll Call:**

*In Attendance:* Mayor Jonathan Dunleavy  
Councilman Anthony Costa  
Councilman John D'Amato  
Councilman Richard Dellaripa  
Councilwoman Dawn Hudson  
Councilman Michael Sondermeyer  
Councilman Ray Yazdi  
Municipal Clerk, Breeanna Calabro  
Borough Attorney, Fred Semrau, Esq.

**PUBLIC NOTICE STATEMENT**

Municipal Clerk, Breeanna Calabro, stated that adequate notice of this meeting was advertised in the Herald News on December 23, 2018; copies were provided to the local news media and posted continuously in the Municipal Building. A copy of this notice is available to the public and is on file in the office of the Municipal Clerk.

**EARLY EXECUTIVE SESSION:** N/A

**NON-AGENDA ITEMS:**

- **Resolution No. 2019-11.27:** 2019 Transfer of Appropriations
- **Resolution No. 2019-11.28:** Adding Recreation Program (Holiday Bus Trip)
- **Resolution No. 2019-11.29:** Appointing Barbara Conley to Senior Advisory Board
- **Resolution No. 2019-11.30:** Paid Sick Leave (D. Terpstra)
- **Resolution No. 2019-11.31:** Discharge of Mortgage (10 Wallace Ave)

**EARLY PUBLIC COMMENT:**

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

**Drew Juhlin – 12 Sophia Street**

- *Inquired about the fire hydrants on Sophia Street.  
Councilman D'Amato responded there isn't enough pressure to those hydrants so the Fire Department uses ones on Vreeland.*

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

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

- **Municipal Clerk, Breeanna Calabro:** *Election results – Drew Juhlin & Dawn Hudson were elected for 2020-2022 term*
- **Borough Attorney, Fred Semrau:** *Reported on a JIF program for elected officials. Each official that attends the Borough receives \$250.00 off premium for 2020. He offered to go through this with members prior to a meeting (without a quorum)*

- **Councilwoman Hudson:** *First Veteran's Christmas Day was decorated this evening in front of Sloan Park*
- **Mayor Dunleavy:**
  - *Santa by helicopter – December 8<sup>th</sup>*
  - *Junior football team parade Saturday the 7<sup>th</sup> who won the Superbowl – Mayor would like to present certificates but no one is available. They will be given to the organization to give to the kids*

**RESOLUTION NO. 2019-11.12 CONSENT AGENDA**

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

**RESOLUTION NO. 2019-11.12**  
**OF THE GOVERNING BODY OF**  
**THE BOROUGH OF BLOOMINGDALE**

*Accepting, Approving and/or Adopting the Consent Agenda of the  
November 26, 2019 Regular Meeting*

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

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

**A. Motion to Approve Minutes:**

- A. **September 3, 2019 Workshop Meeting**
- B. **October 8, 2019 Workshop Meeting**
- B. **Resolution No. 2019-11.13:** 2% Salary Increase (Department Heads and Non-Contractual Employees for 2019)
- C. **Resolution No. 2019-11.14:** Authorizing Shared Service Agreement with Pompton Lakes for Vegetative Waste
- D. **Resolution No. 2019-11.15:** Approval of Contract for Payroll Services (Action Data)
- E. **Resolution No. 2019-11.16:** Authorizing Various 'Window Contracts' for 2019
- F. **Resolution No. 2019-11.17:** Bloomingdale Home Improvement- Final Payment – 38 Sunset
- G. **Resolution No. 2019-11.18:** Support Closing Schools on Election Day
- H. **Resolution No. 2019-11.19:** Donation of Borough Property (Backboards)
- I. **Resolution No. 2019-11.20:** Approval & Execution of Key Policy (Foreclosure Registry Program)
- J. **Resolution No. 2019-11.21:** Resolution Supporting Increase in Pay to Poll Workers
- ~~K. **Resolution No. 2019-11.22:** Annual Christmas Tree Sale/Waive Fee (Fire Dept)~~
- L. **Resolution No. 2019-11.23:** Approval & Execution of Lease Agreement (Recreation Department)
- M. **Resolution No. 2019-11.24:** Ch. 159 Municipal Alliance Grant

**Discussion:** Remove item 'K' Fire Department will not be selling Christmas trees.

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

**Consent Agenda Resolutions:**

**RESOLUTION NO. 2019-11.13**  
**OF THE GOVERNING BODY OF**  
**THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION AUTHORIZING TWO PERCENT (2%) SALARY INCREASE FOR ALL DEPARTMENT HEADS & NON-CONTRACTUAL EMPLOYEES FOR 2019**

**WHEREAS**, based on past practice the Council has provided the Department Heads and Non-contractual employees with similar increases; and

**WHEREAS**, the Borough Council hereby concurs that a two percent (2%) increase for 2019 to the salaries for the Department Heads and non-contractual employees is justifiable under the circumstances.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Bloomingdale, in the County of Passaic and State of New Jersey, that the salaries for Department Heads and non-contractual employees shall be increased by two percent (2%) for 2019.

**BE IT FURTHER RESOLVED**, that this is not conditioned on any other promises, contracts or obligations of the Mayor and Council of the Borough of Bloomingdale.

**RESOLUTION NO. 2019-11.14  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**A RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF POMPTON LAKES FOR THE PROVISION OF VEGETATIVE WASTE RECYCLING SERVICES**

**WHEREAS**, the Borough of Bloomingdale has agreed to provide Vegetative Waste Recycling Services to the Borough of Pompton Lakes by way of a Shared Services Agreement as permitted by N.J.S.A. 40A:65-1 et seq.

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

- The Mayor and Municipal Clerk are hereby authorized and directed to execute a Shared Services Agreement with the Borough of Pompton Lakes for the provision of Vegetative Waste Recycling Services for the term beginning January 1, 2020 through December 31, 2024 on the terms and provision set forth in the agreement
- A copy of the agreement shall be filed with the Municipal Clerk and shall be open for public inspection at the Municipal Building upon adoption of this resolution.
- The agreement shall take effect upon the lawful adoption of the requisite resolutions by all parties thereto
- A copy of the Agreement shall be sent to the State of New Jersey, Division of Local Government Services in the Department of Community Affairs
- This resolution shall take effect immediately upon adoption according to law.

**RESOLUTION NO. 2019-11.15  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

***Resolution of the Borough of Bloomingdale, County of Passaic and State of New Jersey, Authorizing the Award of a Non-Fair and Open Professional Service Contract for Payroll Accounting Services***

**WHEREAS**, the Borough of Bloomingdale has a need for Payroll and Accounting Services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 as appropriate; and

**WHEREAS**, the Local Public Contracts law (N.J.S.A. 40A:11-1, et. seq) requires that the Resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be awarded for public inspection; and

**WHEREAS**, the term of this contract is a two-year contract with a one year extension clause; the commencement date will be from January 1, 2020 through December 31, 2021;

**WHEREAS**, if either party does not terminate this contract in writing ninety days prior to the termination date, then this contract will renew for an additional one (1) year term, ending on **December 31, 2022**;

**WHEREAS**, Action Data Services will provide payroll accounting services as sought by the Borough of Bloomingdale at the annual compensation not to exceed their proposal dated October 18, 2019 on file in the Clerk's Office; and

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

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds pursuant to N.J.A.C. 5:30-5.4;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Bloomingdale, County of Passaic, State of New Jersey authorizes the Mayor and Municipal Clerk to enter into a contract with Action Data Services as described herein to the satisfaction of the Mayor and Council; and

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

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

**RESOLUTION NO. 2019-11.16  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION AUTHORIZING VARIOUS 'WINDOW CONTRACTS' THAT EXCEED \$17,500 FOR CY2019**

**WHEREAS**, pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq., when the cost of goods and/or services are under the Borough's bid threshold of \$40,000 but exceed \$17,500, a resolution to approve the contract is compliant with the New Jersey Local Unit Pay To Play Laws; and

**WHEREAS**, quotes have been received and it is recommended the following vendors are used:

- ADVANCED PLUMBING & DRAIN
- BARRETT CONSTRUCTION
- COOPER POWER SYSTEMS
- ELITE ELECTRICAL
- FOXXY STONESCAPES
- FREEDOM FENCE
- GL GROUP, INC
- GOMM'S TIRES
- JORDAN TRANSPORTATION
- KULPEKSA LAND IMPRV
- MAGA FENCE
- RICHARD BRIGLIADORO, ESQ.
- THE AUTO PARTS SOURCE

- VOLLARO CARTING INC.
- W.E. TIMMERMAN CO INC.
- WATER WORKS SUPPLY CO
- WHITE STAR TOURS, INC

**WHEREAS**, the above named business or businesses have completed and submitted a Business Entity Disclosure Certification which certifies the business entity has not made any reportable contributions to a political or candidate committee in the Borough of Bloomingdale in the previous one year, and that the contract will prohibit the above named vendors from making any reportable contributions through the term of the contract.

**NOW THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale authorizes the Finance Department to issue and execute a Purchase Order(s) for the foregoing, with funds certified available by the Chief Financial Officer.

**RESOLUTION NO. 2019-11.17  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**AUTHORIZATION FOR FINAL PAYMENT TO A-PLUS CONSTRUCTION, INC.  
FOR CASE #BLDL-1806, 38 SUNSET ROAD**

*COMMUNITY GRANTS, PLANNING & HOUSING  
BLOOMINGDALE HOME IMPROVEMENT PROGRAM*

**WHEREAS**, Mary Alice Goss, Case Manager of Community Grants, Planning and Housing has informed the Borough of a request from the contractor, A-Plus Construction, Inc., for a final payment for Case # BLDL-1806, 38 Sunset Road in the amount of \$4,000.00; and

**WHEREAS**, the Chief Financial Officer has certified the availability of these funds from account T-22-56-851-001-801

**NOW, THEREFORE, BE IT RESOLVED**, the Mayor and Council of the Bloomingdale Borough, does hereby approve a final payment in the amount of \$4,000.00 be made to A-Plus Construction, Inc. of 18 Station Road, Lincoln Park, NJ 07035. The Full-time Mayor, Borough Clerk and/or such other officials as is necessary and proper, are hereby authorized to execute documents necessary to implement this Resolution.

**RESOLUTION NO. 2019-11.18  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**IN SUPPORT OF SENATE BILL S-3846 AND ASSEMBLY BILL A-5716 URGING  
ENACTMENT BY BOTH HOUSES THAT WOULD REQUIRE PUBLIC SCHOOLS BE  
CLOSED ON THE DAYS OF PRIMARY AND REGULAR ELECTIONS**

**WHEREAS**, the right to vote is among the most treasured rights in our society and therefore imposes upon government an obligation to ensure that the electorate is provided a safe, readily accessible, barrier free and appropriate environment for the exercise of this right; and

**WHEREAS**, public buildings, rather than private, are given preference as polling places, with voting historically taking place in public school buildings as they often represent the place that best meets the needs of the electorate and the public officials charged with overseeing the election process; and

**WHEREAS**, school security has increasingly become a societal concern, creating a tension between the right of the public to unfettered access to the polling place and the need to protect the students and staff in the school from unauthorized individuals in the school building; and

**WHEREAS**, Senator Kristin Corrado and Assemblypersons Valerie Vainieri-Huttle and Christopher P. DePhillips have introduced bi-partisan legislation, through Senate Bill S-3846 and Assembly Bill A-5716, which would require that public schools be closed on the days of primary and regular elections; and

**WHEREAS**, the Mayor and Council of the Borough of Bloomingdale wish to memorialize their support for this legislation which ensures the rights of the electorate and at the same time protects our youth;

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Bloomingdale, that it does support Senate Bill S-3846 and Assembly Bill A-5716 and urges enactment by both houses and signing into law by Governor Murphy; and

**BE IT FURTHER RESOLVED** that a true copy of this resolution be forwarded to the Office of the Governor, our State Legislators, and the New Jersey League of Municipalities.

**RESOLUTION NO. 2019-11.19  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**AUTHORIZING THE DONATION OF BOROUGH PROPERTY**

**WHEREAS**, the Borough of Bloomingdale, Department of Public Works has the following items:

- (6) Backboards

**WHEREAS**, the items listed have no useful life based upon its condition and the repairs needed and are no longer needed for public use; and

**WHEREAS**, the Borough wishes to dispose of the equipment and donate it to the Township of Mansfield, a government entity; and

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Bloomingdale, in the County of Passaic and State of New Jersey, that Superintendent of the Department of Public Works is hereby authorized to donate the above listed equipment to the Township of Mansfield.

**RESOLUTION NO. 2019-11.20  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF  
PASSAIC AND STATE OF NEW JERSEY APPROVING AND AUTHORIZING  
THE EXECUTION OF THE KEY POLICY REQUIREMENTS ASSOCIATED  
WITH THE IMPLEMENTATION AND MANAGEMENT OF THE BOROUGH'S  
FORECLOSURE MORTGAGES AND VACANT PROPERTY PROGRAM BY  
PROPERTY REGISTRATION CHAMPIONS, LLC**

**WHEREAS**, in recognition of the present mortgage foreclosure problem and the serious negative implications for the Borough in efforts to manage the consequences of property vacancies and abandonments, the Borough has entered into a shared services agreement with the Passaic County Improvement Authority for the implementation and management of the Foreclosure Mortgages and Vacant Property Program; and

**WHEREAS**, in order to facilitate the implementation of the program, the Borough of Bloomingdale has been presented with the Key Policy Requirements as issued by third party administrator, Property Registration Champions, LLC; and

**WHEREAS**, the Borough Attorney has reviewed the policy and determined same to be acceptable.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey that the Mayor and Borough Clerk are hereby authorized to execute the Key Policy Requirements agreement for

implementation and management of the foreclosure mortgages and vacant property program by Property Registration Champions, LLC.

This Resolution shall take effect immediately.

**RESOLUTION NO. 2019-11.21  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**IN SUPPORT OF ASSEMBLY BILL A-5726 TO INCREASE THE WAGES OF POLL WORKERS TO BE PAID BY THE STATE OF NEW JERSEY AND BY THE COUNTY IN WHICH THE ELECTION IS BEING HELD**

**WHEREAS**, the proper conduct of elections is a critical obligation of elected and appointed officials throughout the State of New Jersey with poll workers required to be working from 5:15 a.m. to after 8:00 p.m. on the days of primary, regular and special elections, working over 15 hours per day in most elections; and

**WHEREAS**, State law provides that poll workers are to receive \$200 per day making it increasingly difficult to find poll workers willing to spend the long hours involved in this important role; and

**WHEREAS**, Assemblyman Kevin T. Rooney is the primary sponsor of Assembly Bill A-5726 which would increase the wage paid to poll workers from \$200 to \$300, with \$225 to be paid by the State of New Jersey and \$75 to be paid by the County in which the election is being held; and

**WHEREAS**, the Mayor and Council of the Borough of Bloomingdale wish to memorialize their support for this legislation which is necessary to help attract persons to serve as poll workers;

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Bloomingdale, that it does support Assembly Bill A-5726 and urges enactment by both houses and signing into law by Governor Murphy; and

**BE IT FURTHER RESOLVED** that a true copy of this resolution be forwarded to the Office of the Governor, our State Legislators, our County Election Officials, Danielle Imhoff-Ireland, Shona Mack and Ken Hirmann, and the New Jersey League of Municipalities.

**RESOLUTION NO. 2019-11.23  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROVING AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE BOROUGH AND BLOOMINGDALE PLAZA ASSOCIATES, LLC FOR THE LEASE OF A PORTION OF THE PROPERTY LOCATED AT 47 MAIN STREET, BLOOMINGDALE**

**WHEREAS**, Bloomingdale Plaza Associates, LLC is the owner of a certain shopping center located in the Borough of Bloomingdale and identified as 47 Main Street; and

**WHEREAS**, the Borough is in need of a space for the relocation of the recreation center offices and facilities; and

**WHEREAS**, Bloomingdale Plaza Associates, LLC has offered to lease a certain portion of these premises, specifically Units 8 and 9, to the Borough for the relocation of the recreation center; and

**WHEREAS**, the term of the lease agreement shall be for a period of thirty-six (36) months and shall run retroactively beginning on November 1, 2019 and shall terminate on September 30, 2022; and

**WHEREAS**, the total monthly rent for the first year of the agreement shall be \$2,600, \$2,730 per month for the second year of the agreement and \$2,866 per month for the third year of the agreement; and

**WHEREAS**, the Mayor and Borough Attorney have reviewed the attached lease agreement and terms with Bloomingdale Plaza Associates, LLC for the lease of the aforementioned premises and hereby recommend that the Council authorize the execution of same; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this purpose.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Bloomingdale, County of Passaic, State of New Jersey that the Mayor and Borough Clerk are hereby authorized to enter into a lease agreement with Bloomingdale Plaza Associates, LLC for the utilization of the leased premises as the Borough's recreation subject to the terms and conditions of said lease agreement; and

**BE IT FURTHER RESOLVED** that the Agreement referenced herein is attached hereto and incorporated as part of this Resolution; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Full-time Mayor of the Borough of Bloomingdale is hereby authorized to execute the aforementioned Agreement; and a copy of this Resolution shall be provided to the Borough Finance Department and Bloomingdale Plaza Associates, LLC, for their information and guidance.

This Resolution shall take effect immediately.

**RESOLUTION NO. 2019-11.24  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby request that the Director of the Division of Local Government Services, within the State of New Jersey Department of Community Affairs, approve the insertion into the Borough's FY2019 Municipal Budget of an item of revenue in the sum of **\$16,792.00**, which item is now available as revenue in the form of a County of Passaic – Municipal Alliance Grant; and

**BE IT FURTHER RESOLVED** that a like sum of **\$16,792.00** be and the same is hereby appropriated under the caption:

*Public and Private Revenues Offset with Appropriations  
**Municipal Alliance Grant**  
In-Kind Match \$12,594.00*



*Cash Match \$4,198.00*

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

**PENDING ITEMS:**

**A. Second/Final Reading & Public Hearing:**  
*Ordinance No. 27-2019: Amend Ch 92 Zoning*

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. 27-2019  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 92 “ZONING”, ARTICLE II “ZONE BOUNDARIES”, SECTION 92-5 “ZONING MAP” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE**

**WHEREAS**, the Borough Code currently sets forth certain zoning designations and boundaries for areas throughout the Borough; and

**WHEREAS**, several years ago, an area of the Borough was zoned as B-1-A; and

WHEREAS, several properties were zoned B-1-A at that time, but should have been zoned as R-10 being integral parts of R-10 neighborhoods and contiguous with other R-10 zoned properties;

**WHEREAS**, the properties at issue comprise two (2) groups of three (3) contiguous properties; and

**WHEREAS**, the Borough Ordinance Review Committee has reviewed the Code and recommended certain changes be made in order to ensure these rezoned to ensure that the areas are contiguous and cohesive sections 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 92 “Zoning”, Article II “Zone Boundaries”, Section 92-5 “Zoning Map” shall be amended as follows:

**B. Zoning Map Amendments.**

- (1) Ord. No. 32-2013: The Zoning Map is amended to include the following lots and blocks in the R10 Zone: Block 104, Lots 11, 12, 13, 14, 15 (formerly Zone B-1-A, Block 64, Lots 18, 19, 20, 21, 22).
- (2) Ord. No. 3-2015: The Zoning Map is amended to delete the R-M-O Zone and redesignate the zone as the B-1-A Zone.
- (3) The Zoning Map is amended to include the following lots and blocks in the R40 Zone: Block 2004, Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18. Block 2004, Lot 3 to remain zoned as Public.
- (4) The Zoning Map is amended to rezone the following lots and blocks from B-1-A to R-10: Block 5089, Lots 6, 7 and 8 and Block 5088, Lots 8, 9 and 10.

All other portions of this Chapter remain unchanged.

**SECTION 2.** All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

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

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

**Public Hearing:**

At this time HUDSON made a motion to open the Public Hearing for comment; seconded by SONDERMEYER and carried on a voice vote all voting AYE. Since there was no one who wished to comment YAZDI made a motion to close the Public Hearing; seconded by SONDERMEYER and carried on a voice vote all members present voting AYE.

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

**NEW BUSINESS:**

A. Councilman HUDSON offered the followed resolution and moved for its adoption:

**RESOLUTION NO. 2019-11.25  
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;

<u>BILLS LIST</u>		<u>PREPAID LIST</u>	
CURRENT	1,817,060.62	CURRENT	873,685.93
UTILITY	63,249.88	UTILITY	70,312.77
CAPITAL	155,287.26	OPEN SPACE	00.00
UTILITY CAPITAL	2,750.00	TRUST ACCOUNT	28,496.25
TRUST	13,935.18	RECYCLING	00.00
DOG	2,808.31	DOG TRUST	00.00
RECREATION	29,266.92	UNEMPLOY	4,252.47 ROSE
FUND	645.62	CAPITAL	2,750.00
RECYCLING	00.00	WATER CAPITAL	60,500.00
UNEMPLOYMENT	00.00	RECREATION	660.00
AFFORDABLE HOUSING	4,126.24	CAPITAL ASSESSMENT	00.00
<b>TOTAL</b>	<b>2,089,130.03</b>	<b>TOTAL</b>	<b>1,040,657.42</b>

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

\*Councilman D'Amato recused from all items listed from vendor #01463 (Darmofalski Engineering)

B. At this time YAZDI offered the following resolution and moved for its adoption:

**RESOLUTION NO. 2019-11.26  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF  
PASSAIC AND STATE OF NEW JERSEY APPROVING AND  
AUTHORIZING A DEVELOPER'S AGREEMENT BETWEEN THE  
BOROUGH OF BLOOMINGDALE AND WATERVIEW 161, LLC**

**WHEREAS**, Waterview 161, LLC ("W") obtained conditional approval of design waivers, variances, and site plans for property known as 161 Hamburg Turnpike, Block 3012, Lot 1, which approvals were memorialized by Resolution of the Borough of Bloomingdale Planning Board and incorporated into the Developer's Agreement by reference; and

**WHEREAS**, Waterview is proceeding with such approvals in accordance with the applicable ordinances, rules and regulations of the Borough and its agencies; and

**WHEREAS**, Waterview and the Borough desire to enter into an agreement setting forth the rights, duties and obligations of the parties in connection with the approvals received; and

**WHEREAS**, the Borough and Waterview have negotiated an acceptable Developer's Agreement.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute the attached Developer's Agreement between the Borough of Bloomingdale and Waterview.
2. A copy of this resolution shall be provided to the Borough Planning Department and Waterview, for their information and guidance.
3. A copy of the Developer's Agreement shall remain on file in the Borough Clerk's office and available for public inspection.

This Resolution shall take effect immediately.

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

C. **Introduction of Ordinance No. 33-2019:** Authorizing the Acquisition by way of a Donation of the Real Property Known As Block: 5501 Lot: 14.01

A motion was made by HUDSON to introduce the Ordinance by title; second and final reading/ public hearing will be on December 17, 2019 at 7PM; the motion was seconded by YAZDI and carried per on voice vote all members voting AYE.

The Municipal Clerk read by Title:

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY  
OF PASSAIC AND STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION  
BY WAY OF DONATION OF THE REAL PROPERTY KNOWN AS BLOCK 5501,  
LOT 14.01 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF  
BLOOMINGDALE**

**NON-AGENDA:**

1. **Motion for adoption made by D’AMATO for Resolution No. 2019-11.27: 2019 Transfer of Appropriations:**

**RESOLUTION NO. 2019-11.27  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**Authorizing the Transfer of 2019 Appropriations**

**WHEREAS**, Title 40A:4-58 provides that should it become necessary during the last two months of the fiscal year to expend for any of the purposes specified in the budget an amount in excess of any respective sums appropriated therefore and there shall be an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation, the Governing Body may by resolution setting forth the facts adopted by not less than 2/3 vote of the full membership thereof, transfer the amount of such excess of those appropriations deemed to be insufficient; and

**WHEREAS**, the Governing Body further finds and declares that the Treasurer has determined that the following transfers are both necessary and appropriate; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Bloomingdale that the Borough Treasurer is hereby authorized to make the following transfers in the FY2019 Budget.

<b>To:</b>			
Building & Grounds	9-01-26-310-001-024	\$	4,000.00
Engineering	9-01-20-165-001-028	\$	10,000.00
<b>TOTAL</b>		<b>\$</b>	<b>14,000.00</b>
<b>From:</b>			
Insurance	9-01-23-220-001-100	\$	14,000.00
<b>TOTAL</b>		<b>\$</b>	<b>14,000.00</b>

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

2. **Motion for adoption made by YAZDI for Resolution No. 2019-11.28: Adding Recreation Program (Holiday Bus Trip)**

**RESOLUTION NO. 2019-11.28  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION ESTABLISHING FEES FOR NEW RECREATION PROGRAMS NOT CURRENTLY LISTED IN THE BOROUGH CODE**

**WHEREAS**, the Borough Code currently sets forth certain fees for programs sponsored and/or run by the Borough Recreation Department under Chapter II Administration, Section 2-64.11 Fees for Recreational Program; and

**WHEREAS**, the Borough Code allows for the addition of any new programs and fees not listed in this section by the Board/Commission, which are not in excess of two hundred fifty (\$250.00) dollars,

**WEHREAS**, the addition of any new recreation program shall be made by resolution of the Governing Body of the Borough; and

**WHEREAS**, the Recreation Director, Rachel Bodor, has informed the Mayor the Recreation Commission will be offering the following program(s):

- Holiday Bus Trip - \$20.00/per person

**NOW THEREFORE BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby approve the programs listed above, and gives authorization to Recreation Director to run this program.

Motion was seconded by DELLARIPA and carried on voice vote – all in favor voting AYE

3. Motion for adoption made by YAZDI for Resolution No. 2019-11.29: Appointing Barbara Conley to Senior Citizen Advisory Board:

**RESOLUTION NO. 2019-11.29  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

*Appointment to the Senior Citizen Advisory Board*

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Bloomingdale, that they do provide, advice and consent to the Mayor's appointment of the following to the Senior Citizen Advisory Board:

Senior Citizens Advisory Board	3 years unexpired (expiring 12/31/21)	Barbara Conley
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Motion was seconded by D'AMATO and carried on voice vote – all in favor voting AYE

4. Motion for adoption made by D'AMATO for Resolution No. 2019-11.30: Sick Leave for Borough Employee:

**RESOLUTION NO. 2019-11.30  
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 David Terpstra ("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 November 26, 2019 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 grant paid sick leave to Borough Employee, David Terpstra, during the period of November 26, 2019 through March 31, 2020; and

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

Motion was seconded by SONDEREMYER and carried on voice vote – all in favor voting AYE

5. HUDSON made a motion for adoption for Resolution No. 2019-11.31: Discharge of Mortgage (10 Wallace Ave) – subject to attorney review

**RESOLUTION NO. 2019-11.31**

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

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF MORTGAGE ON PROPERTY LOCATED AT 10 WALLACE AVE, BLOCK 5089, LOT 2**

**WHEREAS**, the Borough of Bloomingdale held a mortgage on property located at Block 5089, Lot 2, also known as 10 Wallace Ave, in the amount of \$12,695.00 as part of the Borough's rehabilitation program; and

**WHEREAS**, the rehabilitation mortgage was recorded on September 15, 1998 in Book C-193, Page 290; and

**NOW THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Bloomingdale, in the County of Passaic and State of New Jersey that the Mortgage is cancelled and Dawn M. Sullivan, Borough Attorney, is hereby directed to file this cancellation of the rehabilitation mortgage recorded in Book C-193, Page 290 for the property located at 10 Wallace Ave, with the County of Passaic.

This Resolution shall take effect upon attorney review.

Motion was seconded by DELLARIPA and carried on voice vote – all in favor voting AYE

**LATE PUBLIC COMMENT:**

D'AMATO opened the meeting to late public comment; seconded by DELLARIPA and carried on voice vote.

Linda Huntley – 86 Van Dam Ave.

- Inquired about the location of the property to be donated

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

**Executive Session:**

Mayor noted on the record the personnel matter listed on Executive Session will be held, the council will only discuss one topic.

Motion made by D'AMATO, seconded by DELLARIPA and carried on voice vote, all in favor voting AYE.

**RESOLUTION NO. 2019-11.32  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Mayor & Council of the Borough of Bloomingdale on the 26th day of November, 2019 that:

- ❖ Prior to the conclusion of this Regular Meeting, the Governing Body shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
  - ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.

- ( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
- ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
- ( ) b. (4) A collective bargaining agreement including negotiations.
- ( ) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
- ( ) b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
- (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
  - **Negotiations – Tilcon**
- (X) b. (8) Personnel matters.
  - **Mayor’s Salary**
- ( ) b. (9) Deliberations after a public hearing that may result in penalties.

❖ The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

7:13PM – Entered into EXECUTIVE SESSION

Entered in Open Session 7:41PM

**GOVERNING BODY SCHEDULE:**

A. Regular Meeting – December 17, 2019 7PM

**ADJOURNMENT:**

Since there was no further business to be conducted, YAZDI moved to adjourn at 7:42PM; seconded by SONDERMEYER and carried on voice vote with all Council Members present voting AYE.

Breeanna Calabro, RMC  
Municipal Clerk