

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

November 8, 2019

The Workshop 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 8:00 AM.

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

Roll Call:

In Attendance:

Mayor Jonathan Dunleavy
~~Councilman Anthony Costa~~ (Excused)
Councilman John D'Amato
Councilman Richard Dellaripa
~~Councilwoman Dawn Hudson~~ (Excused)
Councilman Michael Sondermeyer
Councilman Ray Yazdi
Municipal Clerk, Breeanna Calabro
(*No attorney present*)

PUBLIC NOTICE STATEMENT

Municipal Clerk, Breeanna Calabro, stated that adequate notice of this meeting was advertised in the Herald News on October 22, 2019; copies were provided to the local news media and posted continuously in the Municipal Building. A copy of this notice is available to the public and is on file in the office of the Municipal Clerk.

PRESENTATIONS: N/A

EARLY EXECUTIVE SESSION: N/A

EARLY PUBLIC COMMENT:

Motion was made by DELLARIPA to open the meeting for public comment; seconded by YAZDI and carried per voice vote all members voting AYE. Since there was no one who wished to speak, DELLARIPA made a motion to close early public comment; seconded by YAZDI and carried per voice vote all voting AYE.

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

- Veteran's Day Ceremony at Sloan Park 11AM
- Elections results are not official at this time

RESOLUTION NO. 2019-11.1 CONSENT AGENDA

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

**RESOLUTION NO. 2019-11.1
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

*Accepting, Approving and/or Adopting the Consent Agenda of the
November 8 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. **Approval of Minutes: Executive Session October 22, 2019**
- B. Motion accepting resignation letter from Karen Black as of December 13, 2019 from the position of Violations Clerk/Deputy Court Administrator
- C. **Resolution No. 2019-11.2:** Authorizing Bidding of Solid Waste Contract
- D. **Resolution No. 2019-11.3:** Authorizing Seasonal DPW help
- E. **Resolution No. 2019-11.4:** Authorizing Agreement with Iatarelli
- F. **Resolution No. 2019-11.5:** Accepting Bid from Land Sale (Salahuddin)
- G. **Resolution No. 2019-11.6:** Accepting Bid from Land Sale (Perry)
- H. **Resolution No. 2019-11.7:** Commemorating the Borough of Bloomingdale's School Choice Week
- I. **Resolution No. 2019-11.8:** Calling for Study Commission to Review OPRA Law
- J. **Resolution No. 2019-11.9:** Town Wide Garage Sale (Waive Fees)

The motion was seconded by DELLARIPA and carried on voice vote – all members voting 'AYE'

Consent Agenda Resolutions:

**RESOLUTION NO. 2019-11.2
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**AUTHORIZING THE BOROUGH TO GO OUT FOR BID WITH THE BOROUGH OF
POMPTON LAKES FOR: DISPOSAL OF SOLID WASTE**

WHEREAS, the Borough of Bloomingdale has identified a need for a Disposal of Solid Waste agreement; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize the Full-time Mayor to move forward with the public bidding process as it relates to the Disposal of Solid Waste;

BE IT FURTHER RESOLVED that this Resolution will take effect immediately.

**RESOLUTION NO. 2019-11.3
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Authorization to Hire Seasonal Help at the DPW

WHEREAS, there exists a need for seasonal help within the Department of Public Works; and

WHEREAS, the Superintendent of the Department of Public Works, Al Gallagher, recommends that authorization be given to hire Richard Hofmann to work 25 hours per week effective December 9, 2019 through January 10, 2020 at a rate of \$15 per hour; and

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize the hiring of Richard Hofmann for seasonal help within the Department of Public Works.

**RESOLUTION NO. 2019-11.4
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF
PASSAIC AND STATE OF NEW JERSEY AUTHORIZING A LICENSE**

**AGREEMENT WITH FRANK IATTARELLI, THE OWNER OF PROPERTY
LOCATED AT 198 UNION AVENUE**

WHEREAS, Frank Iatterelli is the owner of property located at 198 Union Ave, Block 51.05, Lot 52; and

WHEREAS, the property has encroached on Borough land for an extended period of time, and

WHEREAS, in an effort to encourage a clean-up of the site, the Borough has agreed to provide for a temporary license for the use of approximately a 15-foot strip of land owned by the Borough of Bloomingdale.

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

The Mayor is hereby authorized to sign a license agreement for the temporary use of Borough land by Frank Iatterelli for a period not to exceed 120 days.

BE IT FURTHER RESOLVED that the license agreement shall protect the Borough from any liability regarding the use of said land.

This Resolution will take effect immediately.

**RESOLUTION NO. 2019-11.5
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**A RESOLUTION ACCEPTING BIDS FOR THE SALE OF CERTAIN MUNICIPAL
LAND AND PROPERTY FROM THE BOROUGH PUBLIC AUCTION HELD ON
SEPTEMBER 17, 2019**

WHEREAS, on September 17, 2019, the Borough of Bloomingdale conducted the sale of municipal properties known as Block 5066, Lots 8, 9, 10 and 24, which are no longer needed by the Borough in accordance with Resolution No. 2019-7.7; and

WHEREAS, the Mayor Jonathan Dunleavy and Borough Clerk, Breeanna Calabro, report that Syed Shah Salahuddin was the successful bidder on said properties respectively; and

WHEREAS, the Borough Attorney recommends that the Governing Body accepts said bid.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bloomingdale as follows:

1. The bid of Syed Shah Salahuddin for the properties known as Block 5066, Lot(s) 8, 9, 10 and 14 in the amount of \$65,000 is hereby accepted.

BE IT FURTHER RESOLVED that the terms of such acceptance are set forth in the Contracts of Sale.

**RESOLUTION NO. 2019-11.6
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

A RESOLUTION ACCEPTING BIDS FOR THE SALE OF CERTAIN MUNICIPAL LAND AND PROPERTY FROM THE BOROUGH PUBLIC AUCTION HELD ON OCTOBER 8, 2019

WHEREAS, on October 8, 2019, the Borough of Bloomingdale conducted the sale of municipal property known as Block 5105, Lot 16 (28A Van Dam), which is no longer needed by the Borough in accordance with Resolution No. 2019-9.6; and

WHEREAS, the Mayor Jonathan Dunleavy and Borough Clerk, Breeanna Calabro, report that Jeannine & Christopher Perry were the successful bidders on said property; and

WHEREAS, the Borough Attorney recommends that the Governing Body accepts said bid.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bloomingdale as follows:

1. The bid of Jeannine and Christopher Perry for the property known as Block 5105, Lot 16 in the amount of \$3,000 is hereby accepted.

BE IT FURTHER RESOLVED that the terms of such acceptance are set forth in the Contracts of Sale.

**RESOLUTION NO. 2019-11.7
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

A Proclamation Commemorating the Borough of Bloomingdale's School Choice Week

WHEREAS all children in *the Borough of Bloomingdale* should have access to the highest-quality education possible; and,

WHEREAS *the Borough of Bloomingdale* recognizes the important role that an effective education plays in preparing all students in *the Borough* to be successful adults; and,

WHEREAS quality education is critically important to the economic vitality of *the Borough of Bloomingdale*; and,

WHEREAS *the Borough of Bloomingdale* is home to a multitude of excellent education options from which parents can choose for their children; and,

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and,

WHEREAS our area has many high-quality teaching professionals who are committed to educating our children; and,

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options;

NOW, THEREFORE, the Governing Body of *the Borough of Bloomingdale* does hereby recognize January 26 – February 1, 2020 as **BLOOMINGDALE'S SCHOOL CHOICE WEEK**, and calls this observance to the attention of all of our citizens.

**RESOLUTION NO. 2019-11.8
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Resolution Calling for Study Commission to Review the Open Public Records Act

WHEREAS, the Borough of Bloomingdale strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

WHEREAS, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

WHEREAS, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

WHEREAS, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

WHEREAS, the Borough of Bloomingdale has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

WHEREAS, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

WHEREAS, the Borough of Bloomingdale received and responded to 134 OPRA requests in 2017, 189 OPRA requests in 2018, and to date has received and responded to 148 OPRA requests as of September 1, 2019; and

WHEREAS, the Borough of Bloomingdale municipal staff has spent approximately 40 hours responding to OPRA requests received in 2019 to date, and a yearly average of approximately 41 hours since 2017; and

WHEREAS, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever increasing cost to taxpayers; and

WHEREAS, as the current law approaches its twentieth (20th) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform;

NOW, THEREFORE BE IT RESOLVED that the governing body of the Borough of Bloomingdale appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission's findings to perform a comprehensive reform of OPRA; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Assemblyman Robert Auth, Assemblywoman Holly Schepisi, Senator Gerald Cardinale, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the State of New

Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

**RESOLUTION NO. 2019-11.9
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Resolution of the Borough of Bloomingdale, County of Passaic and State of New Jersey, Setting Dates for the Annual Town Wide Garage sale in Accordance with the Borough Code

WHEREAS, section 92-26.3 (Signs) and section 2-80 (Fees) of the Borough Code provides for garage sales within the Borough and regulations and fees; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby establish Saturday, April 25, 2020 (rain date Sunday 4/26/2020) as the date for the Town-wide Garage Sale; authorization to and waive the licensing and sign fees for these dates.

PENDING ITEMS:

A. Second/Final Reading & Public Hearing:

Ordinance No. 30-2019: Amending Chapter XI, Section 11-8 Entitled “Vacant & Abandoned Properties” was given second and final reading and considered for adoption.

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

Councilman D’AMATO 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. 30-2019
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 XI, SECTION 11-8 ENTITLED “VACANT AND ABANDONED PROPERTIES” AND BY ADDING A NEW CHAPTER XI, SECTION 11-9 TO BE ENTITLED “REGISTRATION OF FORECLOSING MORTGAGES AND VACANT PROPERTY”

WHEREAS, the Borough Council desires to protect the public health, safety, and welfare of the citizens of the incorporated area of the Borough of Bloomingdale and maintain a high quality of life for the citizens of the Borough through the maintenance of structures and properties in the Borough; and

WHEREAS, the Council recognizes properties subject to foreclosure action or foreclosed upon and vacant properties (hereinafter referred to as “Registrable Properties”) located throughout the Borough lead to a decline in community and property value; create nuisances; lead to a general decrease in neighborhood and community aesthetic; create conditions that invite criminal activity; and foster an unsafe and unhealthy environment; and

WHEREAS, the Council has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

WHEREAS, the Council recognizes in the best interest of the public health, safety, and welfare a more regulated method is needed to discourage Registrable Property Owners and Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

WHEREAS, the Council has a vested interest in protecting neighborhoods against decay caused by Registrable Property and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration requirements of Registrable Property

located within the Borough to discourage Registrable Property Owners and Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised.

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 XI, Section 11-8 "Vacant and Abandoned Properties" shall be amended to read as follows:

11-8 VACANT AND ABANDONED PROPERTIES.

11-8.1 Definitions.

As used in this section, the following terms shall have the meanings indicated:

Abandoned property shall mean as defined in accordance with the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall mean the following:

a. Except as provided in Section 6 of P.L. 2003, c. 210 (N.J.S.A. 55:19-83), any property that has not been legally occupied for a period of six (6) months, which is not a Registrable Property as defined in Section 11-9.2, and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the Construction Official that:

1. The property is in need of rehabilitation in the reasonable judgment of the Construction Official, and no rehabilitation has taken place during that six-month period;

2. Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six (6) months as of the date of a determination by the Construction Official pursuant to this section;

3. At least one (1) installment of property tax remains unpaid and delinquent on that property in accordance with Chapter 4 of Title 54 of the Revised Statutes (see N.J.S.A. 54:4-1 *et seq.*) as of the date of a determination by the Construction Official pursuant to this section; or

4. The property has been determined to be a nuisance by the Construction Official in accordance with Section 5 of P.L. 2003, c. 210 (N.J.S.A. 55:19-82).

b. A property which contains both residential and nonresidential space may be considered abandoned pursuant to P.L. 2003, c. 210 (N.J.S.A. 55:19-78 *et seq.*) so long as two-thirds (2/3) or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six (6) months at the time of the determination of abandonment by the Construction Official and the property meets the criteria of either paragraphs a, 1 or a, 4 of this subsection 11-8.1.

Evidence of vacancy shall mean:

a. Any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is or has been vacant for three (3) or more months. Such evidence would include, but is not limited to, evidence of the existence of two (2) or more of the following conditions at a property: overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; past-due utility notices or disconnected utilities; accumulation of trash, junk or debris; the absence of window coverings such as curtains, blinds or shutters; the absence of furnishings or personal items consistent with residential habitation; statements by neighbors, delivery agents, or government employees that the property is vacant or abandoned; infestation by insects, vermin, rats or other pests; windows or entrances that are boarded up or closed off; multiple window panes that are damaged, broken or unrepaired; doors that are smashed, broken, unhinged or continuously unlocked; or any uncorrected violation of a municipal building, housing or similar code during the preceding year.

b. Property determined to be "abandoned property" in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 *et seq.*, shall also be deemed to be vacant property for the purposes of this section.

Owner shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c. 127, § 17), or any other entity determined by the Borough of Bloomingdale to act with respect to the property. If the property is determined to be a Registrable Property, in accordance with Section 11-9.2, then the provisions of Section 11-9 shall apply to that property.

Vacant property shall mean any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased for a period of at least three (3) months, and any commercial property that has not been legally occupied or at which substantially all lawful construction operations have ceased for a period of at least three (3) months, and which exhibits evidence of vacancy such that a reasonable person would believe that the property is vacant. Any property that contains all building systems in working order, is being maintained on a regular basis, has not been cited by the Borough for any violation of municipal ordinance within such time and is being actively marketed by its owner for sale or rental shall not be deemed vacant.

11-8.2 General Requirements.

a. The owner of any vacant property as defined herein shall, within thirty (30) days after the building becomes vacant property or within thirty (30) days after assuming ownership of the vacant property, whichever is later, file a registration statement for each such vacant property with the Borough of Bloomingdale on forms provided by the Borough of Bloomingdale for such purposes. The registration shall remain valid until the end of the calendar year. The owner shall be required to renew the registration annually, no later than January 31, as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed in subsection 11-8.4 of this section for each vacant property registered. The initial and renewal fees shall be prorated and or credited accordingly upon legal occupancy.

b. Any owner of any building that meets the definition of "vacant property" prior to adoption date of this section (June 10, 2014), shall file a registration statement for that property on or before adoption date of this section (June 10, 2014) plus sixty (60) days. The registration statement shall include the information required under subsection 11-8.3 of this section, as well as any additional information that the Construction Official may reasonably require.

c. The owner shall notify the Borough of Bloomingdale within thirty (30) days of any change in the registration information by filing an amended registration statement on a form provided by the Borough of Bloomingdale for such purpose.

d. The registration statement shall be deemed prima facie proof of the statement therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough of Bloomingdale against the owner or owners of the building.

11-8.3 Registration Statement Requirements; Property Inspection.

a. After filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the Borough of Bloomingdale Construction Official if requested, following reasonable notice, during the period covered by the initial registration or any subsequent renewal. If an inspection is required of the interior of the property due to complaints or other cause, the fee for such inspection shall be the same as that for a Continued Certificate of Occupancy inspection as provided in the applicable provisions of the Code of the Borough of Bloomingdale.

b. The registration statement shall include the name, street address, and telephone number of a natural person twenty-one (21) years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of any applicable code. The designated agent must have a contact number that will be available twenty-four (24) hours per day on an emergency basis. The statement shall also include the name of the person responsible for maintaining and securing the property, if different from the designated agent.

c. An owner who is a natural person and who meets the requirements of this section as to availability of a contact number on a twenty-four-hour emergency basis may designate himself or herself as agent.

d. By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any Court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purpose of this section until the owner notifies the Borough of Bloomingdale of a change of the authorized agent or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from any requirement of this section.

11-8.4 Fee Schedule.

The initial registration fee for each building shall be \$250. The fee for the first renewal is \$500. The fee for any subsequent renewal is \$1,000. After five years, the registration fee shall be \$5,000. The initial fee shall be prorated according to the month of registration. There is no credit when a property becomes legally occupied during the renewal period. The term for each registration year shall run from January 1 to December 31 of each year, with all fees due by January 1 of that year.

| Vacant and Abandoned Property Registration Fee Schedule | |
|--|------------|
| Registration | Fee |
| Initial registration | \$250 |
| First renewal | \$500 |
| Any subsequent renewal up to five years | \$1,000 |
| After five years | \$5,000 |

11-8.5 Requirements for Owners of Vacant and Abandoned Property.

The owner of any building that has become vacant and abandoned property, and any person maintaining, operating or collecting rent for any such building that has become vacant, shall, immediately:

a. Post a sign affixed to the inside of the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to subsection 11-8.3 of this section), and the person responsible for the day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than fifteen (15) inches by seventeen (17) inches; and

b. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Code of the Borough of Bloomingdale and maintain the sign required in subsection 11-8.5a. above until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and

c. Make provision for the maintenance of the lawn and yard, including regular grass cutting as required by the applicable provisions of the Code of the Borough of Bloomingdale; and

d. Make provision for the cessation of the delivery of mail, newspapers and circulars to the property, including having the property listed on the exclusion list maintained by the Borough of Bloomingdale for the delivery of circulars and advertisements to the property; and

- e. Make provision for the winterizing of the property by the cessation of water service to the property and the draining of water lines; other than buildings with a fire sprinkler system; and
- f. Make provision for the cessation of electric or gas utility services to the property; other than buildings with a fire sprinkler system; and
- g. Make provision for the regular maintenance of the exterior of the property.

11-8.6 Administration.

The Borough of Bloomingdale Mayor and Council shall issue rules and regulations for the administration of the provisions of this section.

11-8.7 Violations and Penalties.

a. Any owner who is not in full compliance with this section or who otherwise violates any provision of this section or of the rules and regulations issued hereunder shall be subject to a fine of not less than \$500.00 and not more than \$1,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this section shall be recoverable from the owner and shall be a lien on the property.

b. For purposes of this section, failure to file a registration statement in time, failure to provide correct information on the registration statement, failure to comply with the provisions of subsection 11-8.5 of this section, or such other matters as may be established by the rules and regulations of the Borough of Bloomingdale shall be deemed to be a violation of this section.

11-8.8 Compliance with Other Provisions.

Nothing in this section is intended to nor shall be read to conflict or prevent the Borough of Bloomingdale from taking action against buildings found to be unfit for human habitation or unsafe structures as provided in applicable provisions of the Code of the Borough of Bloomingdale and/or the Uniform Construction Code. Further, any action taken under any such code provision other than the demolition of a structure shall not relieve an owner from its obligations under this section.

All other portions of this Section remain unchanged.

Section 2. New Chapter XI, Section 11-9 “Registration of Foreclosing Mortgages and Vacant Property” shall read as follows:

SECTION 11-9 REGISTRATION OF FORECLOSING MORTGAGES AND VACANT PROPERTY

§ 11-9.1 PURPOSE AND INTENT.

It is the purpose and intent of the Council to establish a process to address the deterioration, crime, and decline in value of Borough neighborhoods caused by property with foreclosing or foreclosed mortgages located within the Borough, and to identify, regulate, limit and reduce the number of these properties located within the Borough. It has been determined that Owner-occupied structures are generally better maintained when compared to vacant structures, even with a diligent off-site property Owner. Vacant structures or structures owned by individuals who are economically strained and unable to meet their mortgage obligations are often not properly or diligently maintained, which contribute to blight, declined property values, and have a negative impact on social perception of the residential areas where they are located. It is the Council’s further intent to establish a registration program as a mechanism to help protect neighborhoods from becoming blighted through the lack of adequate maintenance of properties that are in Foreclosure or Foreclosed, and to provide a mechanism to avert foreclosure actions through timely intervention, education, or counseling of property Owners.

§ 11-9.2 DEFINITIONS

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Default shall mean that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.

Enforcement Officer shall mean any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person authorized by the Borough to enforce the applicable code(s).

Evidence of Vacancy shall mean any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due Utility notices and/or disconnected Utilities; accumulation of trash junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable code.

Foreclosure or Foreclosure Action shall mean the legal process by which a Mortgagee, or other lien holder, terminates or attempts to terminate a property Owner's equitable right of redemption to obtain legal and equitable title to the Real Property pledged as security for a debt or the Real Property subject to the lien. The legal process is not concluded until the property obtained by the Mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

Mortgagee shall mean the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the Real Property, excluding governmental entities.

Owner shall mean every person, entity, or Mortgagee, who alone or severally with others, has legal or equitable title to any Real Property as defined by this Chapter; has legal care, charge, or control of any such property; is in possession or control of any such property; and/or is vested with possession or control of any such property. The Property Manager shall not be considered the Owner.

Property Manager shall mean any party designated by the Owner as responsible for inspecting, maintaining and securing the property as required in this Chapter.

Real Property shall mean any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the Borough limits.

Registrable Property shall mean:

- (a) Any Real Property located in the Borough, whether vacant or occupied, that is encumbered by a mortgage subject to an ongoing Foreclosure Action by the Mortgagee or Trustee, has been the subject of a Foreclosure Action by a Mortgagee or Trustee and a Judgement has been entered, or has been the subject of a Foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the Foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a "foreclosure" property as "registrable" shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm's length transaction or the Foreclosure Action has been dismissed; or
- (b) Any property that is vacant for more than thirty (30) days or any cancellation of Utility or Service, whichever occurs first.

Registry shall mean a web-based electronic database of searchable Real Property records, used by the Borough to allow Mortgagees and Owners the opportunity to register properties and pay applicable fees as required in this Chapter.

Semi-Annual Registration shall mean six (6) months from the date of the first action that requires registration, as determined by the Borough, or its designee, and every subsequent six (6) months. The date of the initial registration may be different than the date of the first action that required registration.

Utilities and Services shall mean any utility and/or service that is essential for a building to be habitable and/or perform a service necessary to comply with all Borough codes. This includes, but is not limited to, electrical, gas, water, sewer, lawn maintenance, pool maintenance, and snow removal.

Vacant shall mean any parcel of land in the Borough that contains any building or structure that is not lawfully occupied.

§ 11-9.3 APPLICABILITY AND JURISDICTION

This Chapter applies to Foreclosing, Foreclosed, and Vacant property within the Borough.

§ 11-9.4 ESTABLISHMENT OF A REGISTRY

Pursuant to the provisions of Section 11-8.2 the Borough, or its designee, shall establish a registry cataloging each Registrable Property within the Borough, containing the information required by this Chapter.

§ 11-9.5 INSPECTION AND REGISTRATION OF REAL PROPERTY UNDER FORECLOSURE

- (a) Any Mortgagee who holds a mortgage on Real Property located within the Borough shall perform an inspection of the property upon default by the mortgagor as evidenced by the filing of a Foreclosure Action.
- (b) Property inspected pursuant to subsection (a) above that remains in Foreclosure shall be inspected every thirty (30) days by the Mortgagee or Mortgagee's designee. If an inspection shows a change in the property's occupancy status the Mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.
- (c) Within ten (10) days of the date any Mortgagee files a Foreclosure Action, the Mortgagee shall register the Real Property with the Borough Registry, and, at the time of registration, indicate whether the property is Vacant, and if so shall designate in writing a Property Manager to inspect, maintain, and secure the Real Property subject to the mortgage under a Foreclosure Action. A separate registration is required for each property under a Foreclosure Action, regardless of whether it is occupied or vacant.
- (d) Initial registration pursuant to this section shall contain at a minimum the name of the Mortgagee, the mailing address of the Mortgagee, e-mail address, telephone number and name of the Property Manager and said person's address, e-mail address, and telephone number.
- (e) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of five hundred dollars (\$500.00) for each property. Subsequent non-refundable Semi-Annual renewal registrations of properties and fees in the amount of five hundred dollars (\$500.00) are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Defaulted properties, (3) post-closing counseling and Foreclosure intervention limited to Owner-occupied persons in Default, which may not include cash and mortgage modification assistance, and (4) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account in the Borough's Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of

this Chapter. None of the funds provided for in this section shall be utilized for the legal defense of Foreclosure Actions.

- (f) Each individual property on the Registry that has been registered for twelve (12) months or more prior to the Effective Date shall have thirty (30) days to renew the registration and pay the non-refundable five hundred dollars (\$500.00) Semi-Annual Registration fee. Properties registered less than twelve (12) months prior to the Effective Date shall renew the registration every six (6) months from the expiration of the original registration renewal date and shall pay the non-refundable five hundred dollars (\$500.00) Semi-Annual Registration Fee.
- (g) If the mortgage and/or servicing on a Registrable Property is sold or transferred, the new Mortgagee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Mortgagee shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.
- (h) If the Mortgagee sells or transfers the Registrable Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including, but not limited to, unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous Mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Foreclosed Property.
- (i) If the Foreclosing or Foreclosed Property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty-day period (30), or portion thereof, the property is not registered and shall be due and payable with the registration.
- (j) This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the Mortgagee as well as any properties transferred to the Mortgagee under a deed in lieu of foreclosure or by any other legal means.
- (k) Properties subject to this section shall remain subject to the Semi-Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property remains Registrable Property.
- (l) Failure of the Mortgagee and/or property Owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the Borough.
- (m) If any property is in violation of this Chapter the Borough may take the necessary action to ensure compliance with and/or place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.

§ 11-9.6 INSPECTION AND REGISTRATION OF REAL PROPERTY THAT IS NOT SUBJECT TO A MORTGAGE IN FORECLOSURE

- (a) Any Owner of Vacant property located within the Borough shall within ten (10) days after the property becomes Vacant, register the Real Property with the Borough Registry.
- (b) Initial registration pursuant to this section shall contain at a minimum the name of the Owner, the mailing address of the Owner, e-mail address, and telephone number of the Owner, and if applicable, the name and telephone number of the Property Manager and said person's address, e-mail address, and telephone number.

- (c) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of five hundred dollars (\$500.00) for each Vacant property. Subsequent non-refundable Semi-Annual renewal registrations of Vacant properties and fees in the amount of five hundred dollars (\$500.00) are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Vacant properties, and (3) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account in the Borough's Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Chapter.
- (d) Each individual property on the Registry that has been registered for twelve (12) months or more prior to the Effective Date shall have thirty (30) days to renew the registration and pay the non-refundable five hundred dollars (\$500.00) Semi-Annual Registration fee. Properties registered less than twelve (12) months prior to the Effective Date shall renew the registration every six (6) months from the expiration of the original registration renewal date and shall pay the five hundred dollars (\$500.00).
- (e) If the property is sold or transferred, the new Owner is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Owner shall register the Vacant property or update the existing registration. The previous Owner(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Owner's involvement with the Vacant property.
- (f) If the Vacant property is not registered, or either the registration fee or the Semi-Annual Registration fee is not paid within thirty (30) days of when the registration or Semi-Annual Registration is required pursuant to this section, a late fee shall be equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty (30) day-period, or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and registrations required by subsequent Owners of the Vacant property.
- (g) Properties subject to this section shall remain subject to the Semi-Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property is Vacant.
- (h) Failure of the Owner to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the Borough.
- (i) If any property is in violation of this Chapter the Borough may take the necessary action to ensure compliance with and place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.
- (j) Properties registered as a result of this section are not required to be registered again pursuant to the Foreclosure mortgage property section.

§ 11-9.7 MAINTENANCE REQUIREMENTS

- (a) Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items that give the appearance that the property is abandoned.
- (b) Registrable Property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- (c) Front, side, and rear yards, including landscaping, of Registrable Property shall be maintained in accordance with the applicable code(s) at the time registration is required.

- (d) Registrable yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- (e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- (f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- (g) Failure of the Mortgagee, Owner, and transferees to properly maintain the property as required by this Chapter may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable code of the Borough. Pursuant to a finding and determination by the Borough Sheriff, Magistrate or a court of competent jurisdiction, the Borough may take the necessary action to ensure compliance with this section.
- (h) In addition to the above, the property is required to be maintained in accordance with the applicable code(s) of the Borough.

§ 11-9.8 SECURITY REQUIREMENTS

- (a) Properties subject to these Sections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- (b) A “secure manner” shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by re-glazing of the window.
- (c) If a property is Registrable, and the property has become vacant or blighted, a Property Manager shall be designated by the Mortgagee and/or Owner to perform the work necessary to bring the property into compliance with the applicable code(s), and the Property Manager must perform regular inspections to verify compliance with the requirements of this Chapter, and any other applicable laws.
- (d) In addition to the above, the property is required to be secured in accordance with the applicable code(s) of the Borough.
- (e) When a property subject to this Chapter becomes Vacant, it shall be posted with the name and twenty-four (24) hour contact telephone number of the Property Manager. The Property Manager shall be available to be contacted by the Borough Monday through Friday between 9:00 a.m. and 5:00 p.m., legal holidays excepted. The sign shall be placed in a window facing the street and shall be visible from the street. The posting shall be no less than eighteen (18) inches by twenty-four (24) inches and shall be of a font that is legible from a distance of forty-five (45) feet. The posting shall contain the following language with supporting information:

THIS PROPERTY IS MANAGED BY _____.
AND IS INSPECTED ON A REGULAR BASIS. _____.
THE PROPERTY MANAGER CAN BE CONTACTED _____.
BY TELEPHONE AT _____.
OR BY EMAIL AT _____.

- (f) The posting required in subsection (e) above shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street or if no such area exists, on a stake of sufficient size to support the posting in a location that is at all times visible from the street to the front of the property

but not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials.

- (g) Failure of the Mortgagee and/or property Owner of record to properly inspect and secure a property subject to this Chapter, and post and maintain the signage noted in this section, is a violation and shall be subject to enforcement by any of the enforcement means available to the Borough. The Borough may take the necessary action to ensure compliance with this section, and recover costs and expenses in support thereof.

§ 11-9.9 PROVISIONS SUPPLEMENTAL

The provisions of this Chapter are cumulative with and in addition to other available remedies. Nothing contained in this Chapter shall prohibit the Borough from collecting on fees, fines, and penalties in any lawful manner; or enforcing its codes by any other means, including, but not limited to, injunction, abatement, or as otherwise provided by law or ordinance.

§ 11-9.10 PUBLIC NUISANCE

All Registrable Property is at risk of being a public nuisance and if vacant or blighted can constitute a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of the Borough.

§ 11-9.11 ADDITIONAL AUTHORITY

- (a) If the Enforcement Officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health, safety, and welfare, the code Enforcement Officer may temporarily secure the property at the expense of the Mortgagee or Owner, and may bring the violations before the code enforcement, Council or special magistrate as soon as possible to address the conditions of the property. Nothing herein shall limit the Borough from abating any nuisance or unsafe condition by any other legal means available to it.
- (b) The Sheriff, code enforcement, Council or special magistrate shall have the authority to require the Mortgagee or Owner affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- (c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety, and welfare, then the Sheriff, code enforcement, Council or special magistrate may direct the Borough to abate the violations and charge the Mortgagee or Owner with the cost of the abatement.
- (d) If the Mortgagee or Owner does not reimburse the Borough for the cost of temporarily securing the property, or of any abatement directed by the Sheriff, code enforcement officer, code enforcement, Council or special magistrate, within thirty (30) days of the Borough sending the Mortgagee or Owner the invoice then the Borough may lien the property with such cost, along with an administrative fee as determined in the Borough's fee ordinance to recover the administrative personnel services. In addition to filing a lien the Borough may pursue financial penalties against the Mortgagee or Owner.
- (e) The Borough may contract with an entity to implement this Chapter, and, if so, any reference to the Enforcement Officer herein shall include the entity the Borough contract with for that purpose.

§ 11-9.12 OPPOSING, OBSTRUCTING ENFORCEMENT OFFICER; PENALTY

Whoever opposes obstructs or resists any Enforcement Officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

§ 11-9.13 IMMUNITY OF ENFORCEMENT OFFICER

Any Enforcement Officer or any person authorized by the Borough to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon Real Property while in the discharge of duties imposed by this Chapter.

§ 11-9.14 PENALTIES

Unless otherwise provided for in this Chapter, a violation of this Chapter is declared unlawful.

§ 11-9.15 AMENDMENTS

Registration fees and penalties outlined in this Article may be modified by resolution, administrative order, or an amendment to this Article, passed and adopted by the Council.

SECTION 3. All ordinances of the Borough of Bloomingdale, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

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

SECTION 6. This Ordinance may be renumbered for codification purposes.

Public Hearing:

At this time D'AMATO 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 public present SONDERMEYER made a motion to close the Public Hearing; seconded by DELLARIPA 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), SONDERMEYER (YES), YAZDI (YES)

B. Second/Final Reading & Public Hearing:

Ordinance No. 31-2019: Amending Ch. 20 Streets & Sidewalks (Construction Official) was given second and final reading and considered for adoption.

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

Councilman D'AMATO 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. 31-2019 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 20 “STREETS AND SIDEWALKS” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Borough Code sets forth regulations, procedures and specifications for streets and sidewalks within the Borough; and

WHEREAS, currently, this Chapter is enforced by the Construction Official;

WHEREAS, it has been recommended by the Borough Engineer that the appropriate enforcement official is the Construction Official; and

WHEREAS, the Mayor and Borough Council have reviewed the recommendation and agree with same.

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 20 "Streets and Sidewalks" shall be amended as follows:

CHAPTER XX STREETS AND SIDEWALKS

Article I Sidewalks

20-1 SIDEWALK CONSTRUCTION.

20-1.1 Grade.

No person shall construct a sidewalk, curb or gutter on any street in the Borough without first having obtained from the Borough Engineer the grade at which the sidewalk, curb or gutter is to be laid.

20-1.2 Application.

Before starting the construction of any sidewalk, curb or gutter within the Borough, the owner of the property on which the sidewalk, curb or gutter is to be constructed shall apply to the Construction Official for a permit so to do. The owner shall include an escrow fee, see subsection 20-11.5a, 2 and d. The Construction Official shall request the Borough Engineer to establish a grade for the particular location in which the sidewalk, curb or gutter is to be laid, and the Borough Engineer shall establish a grade for the location.

20-1.3 Permit.

After the establishment of the grade by the Borough Engineer, the Construction Official shall issue a permit to the applicant, which permit shall allow the construction of the sidewalk, curb or gutter in conformity with the grade established by the Borough Engineer. The property owner applying for such permit shall, before the issuance thereof, pay to the Construction Official a fee, which shall be determined by dividing the number of linear feet of sidewalk, curb or gutter to be laid into the entire length of the grade established by the Borough Engineer and computing that fraction of the total cost of the establishment of the grade for the entire distance for which the grade has been established.

20-1.4 Violations and Penalties.

Any person violating any of the provisions of this section shall, upon conviction, be liable to the penalty stated in Chapter I, Section 1-5.

20-2 REMOVAL OF GRASS, WEEDS, SNOW AND ICE.

20-2.1 Snow, Ice, Grass and Weeds to Be Removed.

a. *Removal.* The owner or tenant of the lands abutting or bordering upon the flag or concrete sidewalks of the public streets of the Borough shall remove all snow and ice from the portion of such sidewalks whereon such lands abut or border within twelve (12) hours after the same shall be formed or fall and all grass, weeds and other impediments within three (3) days after notice to remove the same.

b. *Obstruction of Hydrants.* No person in any manner shall obstruct or prevent free access to any fire hydrant or place or store, temporarily or otherwise, with any object, material, snow, ice, grass, weeds, debris or structure of any kind

within a distance of two (2) feet of any fire hydrant. Any such obstructions, when discovered, shall be removed at once by the Department of Public Works at the expense of the person responsible for the obstruction. The owner or owners of any real property in the Borough upon which any fire hydrant is located shall maintain the area within a two (2) foot radius of any such fire hydrant free of snow and ice, exclusive of any adjoining roadway. The removal of snow and/or ice, shall be completed within twelve (12) hours of daylight after the snow has formed or fallen on or around any hydrant.

20-2.2 Noncompliance.

In case such owner or owners, tenant or tenants of lands abutting or bordering upon such sidewalks of the public streets of the Borough shall fail to remove such snow, ice, grass, weeds or other impediments from the sidewalks, as required by this section, it shall be the duty of the Property Maintenance Official or other officer having charge of the streets of the Borough to remove the snow, ice, grass, weeds and other impediments from the sidewalks of which the lands abut or border.

20-2.3 Cost.

The cost and expense incurred by the Property Maintenance Official or other officers for the removal of such snow and ice, grass, weeds or other impediments from any sidewalk shall be determined by the Construction Official and charged upon the books of the Borough against the lands abutting or bordering upon the walks, which, with interest thereon, shall forthwith become a lien on the lands and shall be added to and form a part of the taxes next to be assessed and levied upon such lands and shall be certified by the Municipal Clerk to the Collector of Taxes for the Borough and shall be collected in the same manner as other taxes.

20-2.4 Violations and Penalties.

The owner or owners, tenant or tenants of lands abutting or bordering upon any such sidewalk who shall fail or neglect to remove all ice and snow from the portion of such sidewalk whereon such lands abut or border and all grass and weeds and other impediments, as required by the first subsection of this section, shall, upon conviction, be liable for the penalty stated in Chapter I, Section 1-5.

20-2.5 Private Communities.

Private communities shall be required to remove all snow, ice, grass, weeds and other debris and shall be subject to all requirements, and violations and penalties as set forth herein this section 20-2.

20-2.6 Enforcement.

This subsection shall be enforced by the Property Maintenance Officer of the Borough of Bloomingdale.

20-3 DUMPING OF SNOW ON STREETS.

20-3.1 Dumping or Placing Snow on Streets or Roadways Prohibited.

It is hereby prohibited and unlawful for any residential homeowner or tenant; commercial property owner or tenant; or their respective employees, agents, contractors, subcontractors or employees thereof to dump, plow, shovel or otherwise place snow onto the streets, into the roadways or on or near fire hydrants located in the Borough of Bloomingdale.

20-3.2 Violation and Penalties.

For any violation of this section, the fine and/or penalties shall be as follows:

- a. First offense: a fifty (\$50.00) dollar fine;
- b. Second offense: a one hundred (\$100.00) dollar fine and ten (10) hours of community service;
- c. Third offense: a two hundred and fifty (\$250.00) dollar fine and forty (40) hours of community service; and
- d. Fourth and all subsequent offenses: a five hundred (\$500.00) dollar fine and sixty (60) hours of community service.

20-4-20-10 RESERVED

Article II Streets

20-11 STREET OPENINGS AND EXCAVATIONS.

20-11.1 Definitions.

As used in this section:

Board shall mean the Planning Board or Zoning Board of Adjustment, whichever Board has jurisdiction.

Newly paved shall mean resurfacing of the street or sidewalk that was applied within five (5) years of the date of any application for permission to make any opening on the street or sidewalk.

Opening shall mean removing, digging in, excavating or taking up any surface, pavement or soil of any street, highway, lane, alley, court, sidewalk or public place in the Borough recognized as a street, highway, lane, alley, court, sidewalk or driveway apron.

Street shall mean any land located within the right-of-way of any street, highway, lane, alley, court, sidewalk or public place in the Borough recognized as a street, highway, lane, alley, court, sidewalk or driveway apron.

20-11.2 Permit Required.

It shall be unlawful for any person to make any street opening in the Borough for any reason unless such person shall obtain a permit from the Construction Official as hereinafter provided. A separate permit shall be obtained for each opening.

No permit shall be issued to any person to make any opening on a newly paved street or sidewalk unless the Governing Body of the Borough of Bloomingdale first determines there is a public need for the proposed street or sidewalk opening. In the event the Governing Body of the Borough of Bloomingdale determines that such a public need exists, the general permitting requirements and guidelines set forth in this section shall thereafter be applied to any application for making any street or sidewalk opening.

20-11.3 Application.

Application for permission to make any opening shall be made to the Construction Official and signed by the person making such application or by a duly authorized agent, furnishing necessary names, addresses and telephone numbers, and shall contain the following information:

- a. A detailed plan describing location and nature of the work to be performed.
- b. The name of the person for whom the work is to be performed.
- c. The quantity, in square yards of measurement, of surface to be opened.
- d. The cubical content of surface and underground materials to be excavated.
- e. The type of road surface, curbing and sidewalk to be opened.
- f. The date of commencement and estimated date of completion.

20-11.4 Insurance Requirements.

Each applicant, prior to receipt of a permit, shall provide the Borough with an acceptable certificate of insurance, indicating that he is insured against claims for damages for personal injury as well as performance of work, whether such performance be by himself, his subcontractor or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards and underground work by equipment on the street and shall include protection against liability arising from completed operations. The amount of the insurance shall not be in an amount less than one hundred thousand (\$100,000.00) dollars for each person, three hundred thousand (\$300,000.00) dollars for each occurrence and, for property damages, an amount not less than fifty thousand (\$50,000.00) dollars with an aggregate of one hundred thousand (\$100,000.00) dollars for all occurrences, unless a higher amount shall be fixed by the Borough Engineer. Public utilities and authorities may be relieved of the obligation of submitting an individual certificate if they are insured in accordance with the requirements of this section.

20-11.5 Fees Required.

- a. The application for an excavation permit to perform excavation work under this section shall be accompanied by the following:
 1. An application fee of fifty (\$50.00) dollars for the permit.
 2. Deposits.
 - (a) A fee shall be made to the Borough and forwarded to the Borough Treasurer as follows:
 - (1) Six (\$6.00) dollars per square yard of surface for a roadway or street which has a bituminous-treated-surface road;
 - (2) Eight (\$8.00) dollars per square yard of surface for a roadway or street which has a bituminous-penetrated macadam or bituminous-concrete surface, type S.M.; or
 - (3) Six (\$6.00) dollars per square yard of surface for a roadway or street which has a dirt or gravel road surface.
 - (b) In no case under this subsection shall the fee be less than two hundred (\$200.00) dollars, which amount is hereby fixed as the minimum deposit to accompany the application.
- b. Utility companies regulated by the Board of Public Utilities of the State of New Jersey shall be exempted from the provisions of this subsection, except that they shall pay a fee of seventy (\$70.00) dollars for the permit and an inspection fee in the amount of one hundred thirty (\$130.00) dollars and shall file a bond with the Construction Official annually in the amount of two thousand (\$2,000.00) dollars as a deposit.

c. *Reserved.*

d. Applications for permits requiring municipal design services shall be accompanied by an escrow fee according to the following schedule:

1. Minimum fee.....\$250.00
2. One-side street frontage not exceeding 250 lineal feet.....\$350.00
3. One-side of street frontage for each 250 lineal feet, or part thereof.....\$400.00

20-11.6 - 20-11.8 Reserved.

20-11.9 Supervision.

The Construction Official and/or the Borough Engineer shall have full supervision over any opening to be made in any street under any permit granted hereunder, and the work on any such opening shall be commenced within ten (10) days of the date of the issuance of the permit, or the permit shall become void. Any deposit held by the Borough thereunder shall be returned to the applicant upon surrender of the permit. The application fee for the permit and the inspection fee shall remain the property of the Borough.

20-11.10 Revocation.

The Borough may at any time revoke or annul any permit for cause or for making any opening not in accordance with the permission granted or for failure or neglect to pursue the work diligently or by reason of any condition created by the applicant endangering persons or property or unduly interfering with public traffic, and every person receiving a permit shall accept the same subject to the foregoing provisions without any liability or responsibility attaching to the Borough for any loss or damage that might result by reason of such revocation.

20-11.11 Guarding and Lighting.

The excavation and all piles of excavated material or any material used in the work to be performed in the opening for which a permit is issued shall, at the discretion of the Police Department, be carefully guarded and lighted by the person to whom such permit has been issued, at his or her expense, and such person shall be liable for all loss and damage caused by the failure to properly guard or maintain the opening. Any opening left overnight shall be subsequently protected in accordance with the Manual on Uniform Traffic Control Devices or as directed by the Police Department.

20-11.12 Opening Made By Borough.

Nothing contained in this section shall be construed as requiring the issuance of a permit for any opening made by the Borough or under a contract with the Borough.

20-11.13 Improvements Made By Borough.

Whenever the Borough shall improve or pave any street, the Municipal Clerk shall give notice to all persons owning property abutting on the street about to be paved or improved and to all public utilities and authorities operating in the Borough, and all such persons, utilities and authorities shall make all connections, as well as any repairs, which would necessitate excavation of the street within thirty (30) days from the giving of such notice. The time shall be extended if permission is requested in writing and approved by the Borough Engineer.

20-11.14 Information Set Forth by Permit.

The following information shall be set forth by the permit:

- a. The name of the applicant.
- b. The number of square yards of street surface to be opened and the location thereof.
- c. The surface type of street to be opened.
- d. The type of surface to be restored.
- e. The date upon which the permit is to expire.
- f. The date the permit is issued.
- g. The time within which the work is to be completed.

20-11.15 Issuance of Permit.

Upon application being made in the manner hereinbefore set forth, the Construction Official shall issue a permit to each applicant, which permit shall set forth the requirement stated in subsection 20-11.16.

20-11.16 Restoration.

a. Any applicant obtaining a permit pursuant to the provisions of this section shall, within the time prescribed in the permit, restore the road, curb or sidewalk area affected by construction to the following specifications, except as otherwise specified in paragraph f. herein.

b. Where pavements are affected by the permitted activity, the edges of the affected area shall be cut on a straight, uniform line to the full depth of top course of paving, using mechanical-cutter methods, to produce a neat square edge and eliminate rough, jagged or cracked edges. The pavement area encompassed by the cut edges shall be excavated to a depth at least ten (10) inches. The area shall be backfilled with dense graded aggregate base course to a depth which is six (6) inches below finished grade. The material shall be compacted to ninety-five (95%) percent standard proctor density using approved methods.

c. For bituminous type pavements, the repair shall consist of the installation of four (4) inches (compacted thickness) of bituminous stabilized base course, Mix I-2 over the compacted base course. A two (2) inch (compacted thickness) finished surface course shall be constructed over the compacted base course using bituminous concrete surface course Mix I-5. The surface shall be properly graded and rolled to produce a smooth, uniform surface which is flush with the adjoining pavement and consistent with the existing grades.

d. For concrete pavements, the concrete mixture shall be Class B, having a thickness of not less than eight (8) inches, and for trench areas where concrete pavement is to be restored, the trenches having a greater width than four (4) feet, the pavement being replaced must have reinforcing rods of proper size, as directed by the Borough Engineer.

e. All sidewalks, curbs and driveway aprons to be replaced must be constructed to the following specifications:

1. Concrete Sidewalks and Driveways.
 - (a) Concrete shall be 4,000 p.s.i. at 28 day strength.
 - (b) Sidewalks (outside driveways) shall be four (4) inches thick concrete constructed over four (4) inches of clean crushed stone.
 - (c) Driveways, driveway aprons and sidewalks within driveways shall have concrete that is six (6) inches thick and have reinforcing wire (6x6 8/8 wwf) constructed over four (4) inches of cleaned crushed stone.
2. Concrete Curbs.
 - (a) Concrete shall be 4,000 p.s.i. at 28 day strength.
 - (b) Curb shall be 9" x 18". Depressed curb shall be 1 and 1/2" reveal unless otherwise directed.
3. Bituminous Concrete Driveways and Sidewalks (Asphalt).

(a) Driveways shall be repaired with two (2) inches of bituminous concrete surface course Mix I-5 over six (6) inches of dense graded aggregate.

(b) Sidewalks shall be repaired with two (2) inches of bituminous concrete surface course Mix I-5 over four (4) inches of dense graded aggregate.

f. Any road that has been paved in the last five (5) years shall be restored with infrared pavement restoration for areas up to fifty (50) square feet, as approved by the Borough Engineer. Areas over fifty (50) square feet shall be restored by milling and paving from curb-to-curb. The final scope and depth shall be determined by the Borough Engineer.

All materials shall conform to New Jersey Department of Transportation specifications.

20-11.17 Protection of Persons and Property.

The person to whom any permit is issued under this section shall be fully responsible for providing proper signs, guards or lights or other safety devices to protect persons or property against injury and damage until the surface of the street is fully restored to its former condition. (1966 Code § 74-38; Ord. No. 3-95)

20-11.18 Restrictions.

No person, utility, authority or other entity shall be issued a permit which would allow an excavation or opening in a paved or improved street surface less than five (5) years old or between November 15 and March 15 in any street unless the applicant can demonstrate to the Borough Engineer or his designee that an emergency affecting the public health or safety exists.

20-11.19 Appeals.

Any person aggrieved by an action of the Borough personnel in the enforcement of any provision of this section shall have a right of appeal to the Borough Council. The appeal must be taken within fourteen (14) days after the action complained of has occurred. Appeals shall be made to the Borough Council in writing, setting forth the reason for the appeal. The Borough Council thereupon shall set a date for a hearing to take place within thirty (30) days after receipt of the request for a hearing.

20-11.20 Violations and Penalties.

Any person who shall violate any of the provisions of this section shall, upon conviction, be liable to the penalty stated in Chapter I, Section 1-5.

20-12 CLEARVIEW AT INTERSECTIONS.

20-12.1 Brush, Hedges and Other Plant Life.

The owner or tenant of lands lying within the Borough shall keep all brush, hedges and other plant life growing within ten (10) feet of any roadway and within twenty-five (25) feet of the intersection of two (2) roadways, cut to height of not more than two and one-half (2 1/2) feet where necessary for the preservation of public safety.

20-12.2 Noncompliance.

In the event that the owner or tenant refuses or neglects to cut the brush, hedges or other plant life growing within ten (10) feet of any roadway and within twenty-five (25) feet of the intersection of two (2) roadways to a height of not more than two and one-half (2 1/2) feet, the brush, hedges or other plant life shall be cut under the direction of the Property Maintenance Officer.

20-12.3 Costs.

In all cases where brush, hedges and other plant life are cut from any lands as provided in this section by or under the direction of the Property Maintenance Officer, the cost of the cutting shall be charged to the property owner as provided in N.J.S.A. 40:48-2.27 and shall become a lien upon such lands, as provided in the Statute.

20-12.4 Enforcement.

The Code Enforcement Officer and the Property Maintenance Officer are hereby designated as the officers by or under whose direction this section shall be enforced.

20-12.5 Violations and Penalties.

In the event that the owner or tenant shall refuse or neglect to cut the same within ten (10) days after notice, he shall, upon conviction, be liable for the penalty stated in Chapter I, Section 1-5.

20-13 POPLAR TREES.

20-13.1 Planting Near Streets.

No person shall plant a poplar, linden, willow, catalpe, silver maple or swamp maple tree within the lines of any street or within twenty-five (25) feet of the lines of any street or highway in the Borough or within twenty-five (25) feet of any municipal utility easement.

20-13.2 Removal of Existing Trees.

All poplar, linden, willow, catalpe, silver maple or swamp maple trees now located within the lines of any street or within twenty-five (25) feet of the lines of any street or highway of the Borough shall be cut down and removed by its owner within ten (10) days after notice from the Property Maintenance Official to remove the same.

20-13.3 Interference with Pipes.

Any tree, whenever located, interfering with water pipes, drainpipes or sewer pipes or connections in any street or any street improvement, shall be cut down and removed by its owner within ten (10) days after notice from the Water Department Utility Foreman to remove the same.

20-13.4 Violations and Penalties.

Any person violating any of the provisions of this section or failing to cut down any trees after ten (10) days' notice by the Water Department Utility Foreman to remove the same, as hereinbefore provided, shall, upon conviction, be liable for the penalty stated in Chapter I, Section 1-5.

20-14 STREET ACCEPTANCE.

20-14.1 Requirements.

No street shall be accepted by the Mayor and Council unless the following requirements are observed or modified by the Residential Site Improvement Standards (N.J.A.C. 5:21):

- a. Total width of right-of-way: at least fifty (50) feet.
- b. Total width of portion reserved for vehicular travel: at least thirty-four (34) feet.
- c. Width of sidewalk areas on each side of street: at least eight (8) feet.
- d. Road to be graded for a width of at least fifty (50) feet according to grades approved by the Borough Engineer.

e. *Road Surface.*

1. Road surface to be paved, and all improvements including road, road surface, sidewalks, curbs and drainage system to be constructed in accordance with the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, Current Edition, as amended and supplemented as shown on Typical Sections below.* The pavement section may be modified with the consent of the Borough Council, provided that the relative strengths of the new section equals or exceeds a relative strength number of three and eight-hundredths (3.08), based on the following assigned relative strength numbers for paving components:

| Component | Relative Strength No. Per Inch Thickness |
|--|---|
| Bituminous concrete, Mix I-5 (stone mix) | 0.44 |
| Bituminous stabilized base, Mix I-2 (stone mix) | 0.44 |
| Bituminous concrete, Mix I-4 (stone mix) | 0.44 |
| Soil aggregate, Dense-Base aggregate base course (quarry-processed stone) | 0.14 |
| Stone base or subbase | 0.11 |
| Sand subbase | 0.07 |
| Poz-o-Pac | 0.30 |

2. In no case shall the total thickness of bituminous concrete and bituminous stabilized base be less than four (4) inches. The pavement shall be constructed on a compacted sub-grade complying with the requirements of ASTM #D #1557–90% dry density.

f. The completion, construction and installation of all underground utilities, and all appurtenances thereto, before construction of surface pavement. Where the Mayor and Council deems it impracticable to make connections with a water main or trunk sewer line, the necessity for installing water supply lines, fire hydrants and sanitary sewers may be waived.

g. The erection of street signs of prevailing design in the Borough at each street intersection shall conform to the Uniform Manual for Traffic Control Devices in both message and physical installation.

h. Delivery to the Mayor and Council of a duly executed deed effective conveying the right-of-way to the Borough in fee simple, free and clear of all encumbrances, together with a policy of title insurance or certificate of title to be approved by the Borough Attorney, in addition to three (3) plans, drawn to scale, delineating the street and indicating all necessary details, such as grades, location of monuments, location of underground utilities, dimensions, bearings, angles and all other details relating to the layout and construction to the Borough in fee simple,

free and clear of all encumbrances, together with a policy of title insurance or certificate of title to be approved by the Borough of the street; and there shall also be deposited with the Municipal Clerk such sum as the Mayor and Council may determine to secure the payment of all legal, engineering and other expenses incurred by the Borough in connection with the acceptance of the right-of-way and the construction of the improvements therein.

20-14.2 Supervision and Approval.

All construction work and the installation of all utilities shall be done under the supervision of and approved by the Borough Engineer, and before any street shall be accepted, the Borough Engineer shall certify that all improvements have been installed in accordance with this section and that all construction work has been performed in accordance with the specifications of the New Jersey State Department of Transportation and as shown in the Typical Sections unless the Mayor and Council waive this requirement.

20-14.3 Performance and Maintenance Bond.

No plat showing a proposed new street or streets shall be approved by the Board before the installation in such proposed new street or streets of all the improvements required by this section unless the owner or owners of the property through which the new streets or roads are proposed to be laid shall furnish to the Board a performance and maintenance bond conditioned upon the construction and installation by such owner or owners of all improvements in such proposed street or streets in accordance with the requirements of this section in a good and workmanlike manner within a period to be fixed by the Board, which period may be extended by resolution of the Board, and conditioned further upon the maintenance of the improvements by such owner or owners in a good, sound, safe and substantial condition for a period of one (1) year from the date that the proposed street or streets are accepted by the Mayor and Council. The amount of such performance and maintenance bond shall be determined by the Municipal Engineer (N.J.S.A. 40:55D-53d[1]) which shall in no event be less than the cost of making the improvements at prevailing rates and the estimated cost of maintaining the street or streets in a good, sound, safe and substantial manner for a period of one (1) year, which bond shall be issued by a bonding or surety company satisfactory to the Borough Attorney and in which bond the bonding or surety company shall be named as surety, and such bond shall contain a provision that in the event that the required improvements shall not have been installed with the time stated therein, or extension thereof, or in the event that the improvements shall not have been maintained in a good, safe, sound and substantial manner for a period of one (1) year from the date that the proposed street or streets are accepted by the Mayor and Council, the surety shall be liable to the Borough for all costs and expenses incurred or to be incurred for completing or maintaining the improvements. The form, sufficiency and execution of the bond shall be approved by the Borough Attorney.

20-14.4 Notification.

Before any improvements shall be made in any right-of-way proposed to be offered to the Borough as a public street, the person proposing to make such improvements shall notify the Borough Engineer at least forty-eight (48) hours prior to the time the work is to be commenced and under no condition shall a street be accepted by the Borough unless there has been a compliance with this provision or unless the Borough Engineer certifies to the Mayor and Council that the construction of the improvements in the right-of-way or easement is otherwise in conformity with the requirements of this section.

20-14.5 Compliance.

Where any new street is involved in any application to the Board for its approval of a subdivision of land, no such application shall be approved by the Board unless the applicant shall have complied, or shall give assurances, in the manner required by this section, that such applicant will comply with the provisions hereof.

20-14.6 Application of Section.

This section shall not apply to any section of a street that has been subgraded and the subbase constructed prior to the adoption of this section, nor shall this section apply to any proposed new right-of-way or street where the work to be done therein has been approved by the Mayor and Council prior to the adoption of this section; provided, however, that all such accepted streets shall be completed as required by the regulations in effect prior to the adoption of this section.

Article III Complete Streets Policy

20-15 PURPOSE.

The Borough of Bloomingdale Complete Streets Policy promotes a comprehensive, integrated, connected multimodal transportation network by providing connections to bicycling and walking trip generators such as employment, education, residential, recreational and public facilities, as well as retail and transit centers.

20-16 GOALS.

a. Create a comprehensive, integrated, connected multimodal transportation network by facilitating connection to bicycling and walking trip generators such as employment, education, residential, recreational, retail, transit, and public facilities.

b. Provide safe and accessible accommodations for existing and future pedestrian, bicycle, vehicle and transit facilities on all roadways in the Borough.

c. Develop procedures for Borough officials to evaluate transportation projects, major site plan reviews and redevelopment plans, and to ensure that adequate consideration of bicycle, pedestrian and transit needs are incorporated into the planning, design, constructions, and maintenance of projects.

d. Transportation facilities constructed for long-term use shall anticipate likely future demand for bicycling, and walking facilities and not preclude the provision of future improvements.

e. Designs shall address the need for bicyclist and pedestrians to cross corridors, as well as travel along them, in a safe accessible and convenient manner; therefore, the design of intersections, interchanges and bridges shall anticipate use by bicyclist and pedestrians.

f. Improvements shall also consider connections for trail crossings and areas or populations groups with limited transportation options.

g. Improvements shall comply with the Americans with Disabilities Act. (ADA)

20-17 EXEMPTIONS.

Exemptions in any zone in the Borough for the Complete Streets Policy shall be documented with supporting data indicating the reason(s) for the decision, and are limited to the following:

- a. Pedestrian and bicycle facilities shall not be required where they are prohibited by law.
- b. Where scarcity of population, travel and attractors, both existing and future, indicate an absence of need for these accommodations, they shall not be required.
- c. Where detrimental environmental, safety or social impacts outweigh the need for these accommodations, they shall not be required.
- d. Proposed bicycle lanes and sidewalks shall have connections to adjoining Borough and County roads. Bicycle lanes and sidewalks with no planned connections may not be considered.
- e. Where no present or future transit facilities exist, or are anticipated compliance is not required.

20-18 COMPLETE STREETS PRIORITY ACTION PLAN.

The Complete Streets Priority Action Plan is set forth to identify priority actions and improvement areas for decision-makers, and Borough professionals to focus their attention and propose complete street alternatives in adherence to the policy.

- a. Work with the Borough School Districts to encourage walking and bicycling in accordance with school policies for students.
- b. Encourage and facilitate complete streets improvements on roadways owned and maintained by the County of Passaic.
- c. Promote outdoor dining, where permitted by code, and to engender the community and encourage pedestrian activity.
- d. Require Public Works employees to consider complete streets policies during their maintenance activities. Employees shall be expected to:
 - 1. Complete street cleaning of the entire street surface, and
 - 2. Avoid snow plowing that pushes snow into crosswalks, blocking access. Blocked crosswalks shall be cleared as soon as possible.
- e. The Borough's Land Use Board shall promote bicycle and pedestrian improvements during their review of commercial, retail, office, and multifamily residential land uses.

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 SONDERMEYER made a motion to open the Public Hearing for comment; seconded by D'AMATO and carried on a voice vote all voting AYE. Since there was no public present, YAZDI made a motion to close the Public Hearing; seconded by DELLARIPA 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: DELLARIPA (YES), SONDERMEYER (YES), YAZDI (YES), D'AMATO (YES)

C. Second/Final Reading & Public Hearing:

Ordinance No. 32-2019: Various Improvements out of Capital Surplus \$55,000 was given second and final reading and considered for adoption.

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. 32-2019
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE
APPROPRIATING \$55,000 FROM THE CAPITAL FUND BALANCE***

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, AND THE STATE OF NEW JERSEY AS FOLLOWS:

Section 1. The sum of \$55,000.00 is available from the Capital Fund Balance to provide funding for the following purposes:

| <u>Description of Purpose</u> | <u>Amount</u> |
|---|--------------------|
| Purchase of Police Car Camera System | \$20,000.00 |
| Purchase/Installation of Borough Wide Computer System | \$30,000.00 |
| Improvements to Borough Facilities | \$ 5,000.00 |
| TOTAL: | \$55,000.00 |

Section 2. The Capital Budget of the Borough of Bloomingdale is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith.

Section 3. This Ordinance shall take effect ten days after final publication hereof as provided by N.J.S.A. 40:49-9.

EXPLANATORY STATEMENT

Ordinance No. 32-2019 appropriates the sum of \$55,000.00 from the Capital Fund Balance for the purchase of a Police Department Car Camera System, Purchase/Installation of Borough Wide Computer System and Improvements to Borough Facilities.

Public Hearing:

At this time YAZDI 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 public present, YAZDI made a motion to close the Public Hearing; seconded by DELLARIPA and carried on a voice vote all members present voting AYE.

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

NEW BUSINESS:

A. At this time DELLARIPA offered the following resolution and moved for its adoption:

**RESOLUTION NO. 2019-11.10
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.

| | | |
|----------------------|---------------------|---------------------|
| To: | | |
| Building & Grounds | 9-01-26-310-001-024 | \$ 14,000.00 |
| Planning Board | 9-01-21-180-001-028 | \$ 2,000.00 |
| Police | 9-01-25-250-001-017 | \$ 1,750.00 |
| Public Events | 9-01-30-420-001-100 | \$ 2,750.00 |
| Court | 9-01-43-490-001-094 | \$ 700.00 |
| Court | 9-01-43-490-001-096 | \$ 300.00 |
| Solid Waste | 9-01-32-465-001-100 | \$ 8,000.00 |
| Engineering | 9-01-20-165-001-028 | \$ 10,000.00 |
| Police | 9-01-25-240-001-043 | \$ 6,000.00 |
| TOTAL | | \$ 45,500.00 |
| | | |
| From: | | |
| ACO | 9-01-27-340-001-203 | \$ 2,500.00 |
| ACO | 9-01-27-340-001-093 | \$ 2,500.00 |
| Uniform Construction | 9-01-22-195-001-028 | \$ 5,000.00 |
| Surety Bond | 9-01-23-210-001-099 | \$ 500.00 |
| Legal | 9-01-20-155-001-028 | \$ 8,000.00 |
| Tax | 9-01-20-145-001-022 | \$ 2,000.00 |
| Court | 9-01-43-490-001-036 | \$ 700.00 |
| Court | 9-01-43-490-001-041 | \$ 300.00 |
| Insurance | 9-01-23-220-001-100 | \$ 24,000.00 |
| | | |
| TOTAL | | \$ 45,500.00 |

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

B. Resolution No. 2019-11.11: Declaring an Emergency – Catch Basins

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

**RESOLUTION NO. 2019-11.11
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**DECLARING AN EMERGENCY – FOR PURPOSES OF AWARDING A CONTRACT
FOR EQUIPMENT & MATERIALS REQUIRED FOR CATCH BASIN REBUILDS**

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares an emergency situation has developed with catch basins;

WHEREAS, the Governing Body further finds and declares that this poses an imminent threat to the public health, safety and welfare of an emergent nature that warrants immediate remedial action; and

WHEREAS, the Governing Body further finds and declares that **N.J.S.A. 40A:11-6** authorizes a municipality to negotiate and/or award a contract without public advertisement when an emergency affecting the public health, safety or welfare requires the immediate performance of services; and

WHEREAS, the Governing Body further finds and declares that the Engineer, acting in the reasonable belief that an emergency affecting the public health, safety and welfare requires immediate remedial action without public advertisement for services;

WHEREAS, the Governing Body further finds and declares that the Engineer, has correctly recommended that the aforementioned catch basin repairs be remedied through the award to the following:

KULPEKSA LAND IMPROVEMENT CORP

WHEREAS, the emergency costs are to be funded through Current budget account number 9-01-20-165-001-100 in an amount not to exceed \$26,012.00 and the CFO has certified the availability of funds;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby declare the existence of a public emergency warranting the completion of the water main repairs as soon as possible and does hereby award said project to the entities mentioned above.

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

C. Introduction of Ordinance No. 33-2019: Tilcon Land Donation

Discussion: *This ordinance had not yet been prepared by the Borough Attorney, the mayor will ask the council table this. The ordinance needs to be adopted to allow the acceptance of a land donation to the Borough from Tilcon/Finbar*

A motion was made by SONDERMEYER to *table* the introduction of this ordinance to November 26, 2019 at 7PM. The motion was seconded by D’AMATO and carried per on voice vote all members voting AYE.

LATE PUBLIC COMMENT:

D’AMATO opened the meeting to late public comment; seconded by DELLARIPA and carried on voice vote. Since there was no public present, SONDERMEYER moved that it be closed; seconded by YAZDI and carried on voice vote.

GOVERNING BODY SCHEDULE:

- A. Regular Meeting – November 26, 2019 7PM
- B. Regular Meeting - December 17, 2019 7PM

ADJOURNMENT:

Since there was no further business to be conducted, SONDERMEYER moved to adjourn at 8:13AM; seconded by YAZDI and carried on voice vote with all Council Members present voting AYE.

Breeanna Calabro, RMC
Municipal Clerk