

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

December 21, 2021

The Special Meeting of the Governing Body of the Borough of Bloomingdale was held in the Council Chambers of the Municipal Building (101 Hamburg Tpke) on the above date. Mayor, John D'Amato, called the meeting to order at 7:03PM.

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

Official Roll Call: (taken by the Borough Clerk)

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

Municipal Clerk, Breeanna Smith
Business Administrator, Michael Sondermeyer
Borough Attorney, Dawn Sullivan

SPECIAL MEETING NOTICE STATEMENT

Mayor D'Amato stated: *This Special Meeting was called pursuant to the provisions of the Open Public Meetings Law. Notice of this meeting was advertised in the Herald News on December 17, 2021. Notices were also transmitted to The Record & Star Ledger on December 14, 2021. In addition, copies of notices were posted on the bulletin board in the Municipal Building, displayed on the Borough webpage and filed in the office of the Municipal Clerk on the aforementioned date. Notices on the bulletin board have remained continuously posted. Proper notice having been given, the Municipal Clerk is hereby directed to include this statement in the minutes of the meeting. Minutes of this meeting should also reflect the purpose for which the meeting was called.*

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

EARLY PUBLIC COMMENT:

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

SPECIAL BUSINESS:

A. COUNCILPERSON VACANCY /APPOINTMENT FOR UNEXPIRED TERM

Pursuant to N.J.S.A. 40A:16-11 the Democratic Committee has submitted three names to the Municipal Clerk

The Municipal Clerk read aloud the names submitted by the Democratic committee via a letter dated December 8th & received December 9th to fill the

vacant council seat of former Councilman John D'Amato who was elected to serve the unexpired Mayor term in 2021 General Election:

1. Dominic Catalano
2. Bernard Vroom
3. Mark Crum

Motion for appointment of Councilperson

Mayor D'Amato asked for motion to appoint Dominic Catalano to fill the vacant council seat; motion to appoint Dominic Catalano was made by John Graziano, seconded by Dawn Hudson & carried per the following roll call vote: Dellaripa (YES), Graziano (YES), Hudson (YES), Juhlin (ABSTAIN), Yazdi (YES)

Before the Oath of Office was given to Dominic Catalano, Linda Huntley (86 Van Dam Ave, Bloomingdale) inquired as to when the unexpired term of Mayor begins, suggesting January 1st.

It was noted that per N.J.S.A. 40A:16-21 'time for taking office' all persons elected to serve for an unexpired term of an office shall take office immediately upon certification of the election results. In this case, Mayor D'Amato should be sworn in immediately, upon the certification [of the elections] of the County Clerk. (*Mayor was sworn into office by the Municipal Clerk on November 24, 2021*)

Oath of Office given to Dominic Catalano who was joined with his wife & daughter, by Mayor D'Amato. Followed by a 'welcoming' of Councilman Catalano. Councilman Catalano gave thanks, made brief remarks & joined the council on the dais.

Prior to continuing, Mayor noted the Council will not be entering executive session for the matter of Attorney Client/Privilege ('Meer Tract') as listed on the agenda; there is no update for the council at this point. Future discussion intended for December 28, 2021 Council Meeting.

Councilwoman Hudson added 'congratulations' to Mayor D'Amato & Councilman Catalano. Informed all who were present the County will be hosting a Covid-19 testing site at the Passaic County Community College in Wanaque from 10AM-4PM on December 22, 23, 29, 30th. Booster vaccines also available at local businesses.

B. Resolution No. 2021-12.1: Authorizing the Transfer of 2021 Appropriations

Motion: Ray Yazdi

Second: Rich Dellaripa

Roll Call: Graziano (YES), Hudson (YES), Juhlin (YES), Yazdi (YES), Catalano (YES), Dellaripa (YES)

C. Resolution No. 2021-12.2: Accept Notice of Retirement & Authorize Exit Agreement (R. Frost)

Motion: Dawn Hudson

Second: Ray Yazdi

Roll Call: Hudson (YES), Juhlin (YES), Yazdi (YES), Catalano (YES), Dellaripa (YES), Graziano (YES)

D. Resolution No. 2021-12.3: Hiring of Full-Time Technical Assistant to the Construction Official (L. Whitham)

Motion: John Graziano

Second: Rich Dellaripa

Discussion: It was noted this position was just filled by Jennifer Fulton however she received another job opportunity & decided to leave the Borough. Lisa

Whitman was strong interview candidate as well.

Roll Call: Juhlin (YES), Yazdi (YES), Catalano (YES), Dellaripa (YES), Graziano (YES), Hudson (YES)

E. **Resolution No. 2021-12.4:** Hiring of Full-Time Municipal Court Administrator (L. Lenoir)

Motion: Dawn Hudson

Second: Ray Yazdi

Discussion: The hiring of Lachelle Lenoir is a replacement to fill the vacancy of Phyllis Muter, Municipal Court Administrator who is retiring December 31, 2021. Confirmation this will remain a full-time position.

Roll Call: Yazdi (YES), Catalano (YES), Dellaripa (YES), Graziano (YES), Hudson (YES), Juhlin (YES)

LATE PUBLIC COMMENT

DELLARIPA made a motion to open the meeting for late public comment; seconded by YAZDI and carried on voice vote, all in favor voting AYE.

Linda Huntley – 86 Van Dam Ave, Bloomingdale

Made the following inquiries:

- [read a statement regarding the Meer Tract/Federal Hill/Tilcon]

Noted the Mayor & Council sent a letter, prepared by the Borough Attorney, to Judge Brogan requesting the court's approval to modify a previously entered order. Noted the modification includes relieving Tilcon of excavation/preparation of 32 acres for affordable housing development, permit unknown developer to build 426 units as opposed to 360 units, reduced sewer/water fees & incentives, & offers a PILOT program. Questioned why this is done behind closed doors without informing or receiving opinions the public & Planning Board.

Ms. Huntley further inquired - if the modification is approved would it be deemed 'court ordered' & would it be known the Mayor & Council requested the modification.

Ms. Huntley further inquired - if the Planning Board does not vote in favor; would the Council override the vote.

In between Ms. Huntley's comments, Mayor D'Amato replied this was not a topic of the special meeting, comments encouraged at the December 28, 2021 regular council meeting. Noted nothing was done behind closed doors. An ordinance was adopted in March. Also noted that during negotiations it was determined Tilcon cannot meet 'site preparation' needs of a potential developer. No further comment was made by Borough Officials.

Linda Shortman – 2 West Shore Road, Bloomingdale

Made the following inquiries:

- Inquired as to the date [& minutes] of the council meeting where there was a vote to request [Judge Brogan] make changes
- Inquired as to the date of the letter sent to the judge

Since there was no one else who wished to speak, HUDSON made a motion to close the public comment portion of the meeting, second by YAZDI; all members voting AYE.

F. **Executive Session** – One matter of Contract Negotiation (Mansfield CFO) & ~~One matter Attorney Client/Privilege ('Meer Tract')~~

It was noted no action will be taken after the session
Motion to enter Executive Session at 7:29PM: Dawn Hudson
Second: Rich Dellaripa
Voice Vote: all in favor, voting AYE

Council resumed regular session at 7:41PM
No further action or discussion by the Governing Body.

GOVERNING BODY SCHEDULE:

- A. Regular Meeting – December 28, 2021 7PM
- B. Reorganization Meeting – January 4, 2022 7PM

ADJOURNMENT:

Since there was no further business to be conducted, HUDSON moved to adjourn at 7:41PM; seconded by JUHLIN and carried on voice vote with all Council Members voting AYE.

Breeanna Smith, RMC
Municipal Clerk

Adopted Resolutions from December 21, 2021:

RESOLUTION NO. 2021-12.1
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE

Authorizing the Transfer of 2021 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 FY2021 Budget.

From:		
Crossing S/W		\$ 10,000.00
ACO OE		\$ 4,500.00
Electricity OE		\$ 5,000.00
Recreation OE		\$ 3,000.00
Webmaster OE		\$ 1,900.00
		\$
TOTAL		\$ 24,400.00
To:		
Police SW		\$ 24,400.00
TOTAL		\$ 24,400.00

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Hudson	X			
Dellaripa	X				Juhlin	X			
Graziano	X				Yazdi	X			

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on December 21, 2021.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2021-12.2
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION FORMALLY ACCEPTING NOTIFICATION OF RETIREMENT FROM
LIEUTENANT RON FROST OF THE BLOOMINGDALE POLICE DEPARTMENT &
AUTHORIZING EXIT AGREEMENT ('AGREEMENT & RELEASE') FOR SAME**

WHEREAS, Lieutenant Ron Frost is employed by the Borough of Bloomingdale Police Department; and

WHEREAS the Chief of Police, Joseph Borell, Public Safety Committee, and Borough Administrator have received formal notification from Lieutenant Ron Frost of his intent to retire on February 28, 2022; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey formally accepts notice of resignation/retirement of Lieutenant Ron Frost effective on February 28, 2022; and authorizes the Mayor to execute the 'Agreement & Release' between the Borough of Bloomingdale and Ron Frost; and

BE IT FURTHER RESOLVED the Mayor and Borough Council extends gratitude to Lieutenant Ron Frost for his dedicated service to the Borough of Bloomingdale's Police Department.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Hudson	X			
Dellaripa	X				Juhlin	X			
Graziano	X				Yazdi	X			

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Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2021-12.3
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Authorizing the Hiring of full-time Technical Assistant to the Construction Official

WHEREAS, there exists a need for a full time Technical Assistant to the Construction Official within the Construction Department; and

WHEREAS, this position was publicized and interviews were held for prospective candidates; and

WHEREAS, based on these interviews, the Borough Administrator & Construction Official recommend the position be filled by Lisa Witham; and

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Bloomingdale, that Lisa Witham be hired as a full-time Technical Assistant to the Construction Official, effective December 27, 2021, as per the terms of the CWA Local 1032 White Collar Unit contract.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Hudson	X			
Dellaripa	X				Juhlin	X			
Graziano	X				Yazdi	X			

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Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2021-12.4
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Authorizing the Hiring of full-time Municipal Court Administrator

WHEREAS, the Borough's Certified Municipal Court Administrator is retiring as of December 31, 2021; and

WHEREAS, the Bloomingdale Municipal Court is in need of a Certified Municipal Court Administrator; and

WHEREAS, proper notice for qualified candidates was duly advertised as per New Jersey Court Rule 1:34-3 and interviews were held for prospective candidates; and

WHEREAS, a Municipal Court Administrator must adhere to N.J.S.A. 2B:12-11 or New Jersey Court Rule 1:41-3 and all applicants for the Bloomingdale Municipal Court Administrator were presented, and reviewed by an interview panel compromised of the Municipal Court Judge, Dana D'Angelo; the Passaic Vicinage Municipal Division Manager, Nicole Greten; a Municipal Court Administrator, Phyllis Muter; the Business Administrator, Michael Sondermeyer & Mayor John D'Amato as per New Jersey Court Rule 1:34-3; and

WHEREAS, based on a thorough review of applications and resumes submitted, the Interview Panel interviewed qualified candidates and recommends Lachelle Lenoir for the position; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Bloomingdale that based on the recommendation of the above-mentioned interview panel that it hereby appoints Lachelle Lenoir as the Borough's full time Municipal Court Administrator effective December 29, 2021.

BE IT FURTHER RESOLVED that Ms. Lachelle Lenoir will receive a salary of \$66,000 per year and follow all the rules and regulations established by the Borough of Bloomingdale.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Hudson	X			
Dellaripa	X				Juhlin	X			
Graziano	X				Yazdi	X			

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on December 21, 2021.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2021-12.5
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Council of the Borough of Bloomingdale on the 21st day of December, 2021 that:

- ❖ Prior to the conclusion of this Special Meeting, the Governing Body shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.
 - () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (x) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - **One Matter – Contract Negotiations (Mansfield CFO)**
 - ~~One Matter – Attorney/Client Privilege (‘Meer Tract’)~~ *matter not discussed
 - () b. (8) Personnel matters.
 - () b. (9) Deliberations after a public hearing that may result in penalties.
- ❖ The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Hudson	X			
Dellaripa	X				Juhlin	X			
Graziano	X				Yazdi	X			