

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

December 28, 2021

The Regular 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.

Mayor led the **Salute to the Flag**

Official Roll Call: (taken by the Borough Clerk)

In Attendance:

Mayor John D'Amato
Councilman Dominic Catalano
Councilman Richard Dellaripa (*joined via conference call*)
Councilman John Graziano
Councilwoman Dawn Hudson
Councilman Drew Juhlin
Councilman Ray Yazdi

Municipal Clerk, Breeanna Smith
Business Administrator, Michael Sondermeyer
Borough Attorney, Fred Semrau

PUBLIC NOTICE STATEMENT

Councilman D'Amato stated: *This Meeting is called pursuant to the provisions of the Open Public Meetings Law. Adequate notice of this meeting was advertised in the Herald News on November 30, 2021; copies were provided to the local news media and posted continuously in the Municipal Building. A copy of this notice is available to the public and is on file in the office of the Municipal Clerk.*

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

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.

Linda Huntley - 86 Van Dam Avenue, Bloomingdale

Inquired on the following:

[will comment at a later time]

Since there was no one who wished to speak at this time, GRAZIANO made a motion to close public comment, second by HUDSON & carried on voice vote all members voting AYE, none were opposed.

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

Councilman Graziano (EDC Liaison/Commissioner): *Final drawing for 'taste of Bloomingdale' - \$100.00 gift card was donated by Pardalis Law. The commission will work on a new incentive for 2022 to promote local businesses.*

Councilwoman Hudson (Board of Health Liaison): *the Borough will continue to share vaccine information as it is available; COVID-19 testing is available at the Passaic County Community College*

Business Administrator, Michael Sondermeyer:

- *Watermain break on Rafkind Road*
- *Union Ave Improvements (pre-construction meeting scheduled for next week)*

Councilman Juhlin

- *Triboro 2022 Registration is open & available online. The league will also have one in-person registration on January 8th at Borough Hall 9AM-12PM*

CONSENT AGENDA

(Adoption of Resolutions No. 2021-12.6 – 2021-12.16)

Motion: Ray Yazdi

Second: John Graziano

Roll Call Vote: CATALANO (YES), DELLARIPA (YES), GRAZIANO (YES), HUDSON (YES), JUHLIN (YES), YAZDI (YES)

CONSENT AGENDA RESOLUTION:

**RESOLUTION NO. 2021-12.6
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

*Accepting, Approving and/or Adopting the Consent Agenda of the
December 28, 2021 Regular Meeting*

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

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

A. Motion to approve minutes:

- October 19, 2021 – Regular Meeting
- November 23, 2021 – Regular Meeting
- November 23, 2021 – Executive Session
- December 21, 2021 – Special Meeting Executive Session

B. Motion to approve Fire Department Members:

- Karleerose C. Lowell, Junior Member
- Paul R Janiec, Jr., Junior Member
- Stella A Donald, Regular Member
- Justin Hill, Regular Member

C. Motion to Remove Fire Member from active rolls:

- Samuel Hopper (resigned December 19, 2021)

D. Tax Office Resolutions:

1. **Resolution No. 2021-12.7:** Redemption of TTL (3046/3)
2. **Resolution No. 2021-12.8:** Tax Exemption for Disabled Veteran (3036/21)
3. **Resolution No. 2021-12.9:** Redemption Prior to Certificate Issued

E. Resolution No. 2021-12.10: 2021 Window Contracts (2)

F. Resolution No. 2021-12.11: 2022 Council Meeting Schedule

G. Resolution No. 2021-12.12: Law Enforcement Appreciation Day

H. Resolution No. 2021-12.13: Declaration of Emergency (Rafkind Rd – water main break)

I. Resolution No. 2021-12.14: Authorizing the Execution of Employee Agreement (Chief Joseph Borell)

J. Resolution No. 2021-12.15: Authorizing Shared Service Agreement with the Township of Mansfield (CFO services)

K. Resolution No. 2021-12.16: Cancel Unexpended Balances

PENDING ITEMS

A. Second/Final Reading & Public Hearing:

Bond Ordinance No. 27-2021: Amending Bond Ord (increase section 20 costs)

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

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

The Municipal Clerk read the following Ordinance by title:

BOROUGH OF BLOOMINGDALE ORDINANCE NO. 27-2021

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 10-2017 FINALLY ADOPTED ON APRIL 4, 2017, AS FURTHER AMENDED BY BOND ORDINANCE NUMBER 27-2018 FINALLY ADOPTED ON NOVEMBER 1, 2018, BY THE BOROUGH COUNCIL OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO INCREASE THE TOTAL N.J.S.A. 40A:2-20 COSTS BY \$60,925.61 FROM \$190,000 TO \$250,925.31

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

SECTION 1: Bond Ordinance Number 10-2017 of the Borough of Bloomingdale, in the County of Passaic, State of New Jersey (the "Borough"), heretofore finally adopted by the Borough Council of the Borough on April 4, 2017, entitled, "BOND ORDINANCE PROVIDING VARIOUS 2017 CAPITAL ACQUISITIONS AND IMPROVEMENTS BY AND IN THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY; APPROPRIATING \$1,864,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,521,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF", as further amended by Bond Ordinance Number 27-2018 finally adopted by the Borough Council of the Borough on November 1, 2018 (collectively, the "Prior Ordinance"), is hereby amended to the extent and with the effect as set forth below:

(a) The permitted costs under Section 40A:2-20 of the Local Bond Law of the State of New Jersey, N.J.S.A. 40A:2-1 et seq., as set forth in Section 7(d) of the Prior Ordinance is increased by \$60,925.31 from \$190,000 to \$250,925.31.

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

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

Public Hearing:

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

Adoption:

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

B. Second/Final Reading & Public Hearing:

Ordinance No. 28-2021: Amending Ch 92 Zoning (Rezoning of Block: 3035 Lot: 33)

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

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

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO. 28-2021
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, REZONING BLOCK 3035, LOT 33 AND AMENDING CHAPTER 92 “ZONING” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Borough Code establishes a zoning map which depicts the zoning categories of all properties throughout the Borough; and

WHEREAS, the property known as Block 3035, Lot 33, also known as 48 Star Lake Road, is in the vicinity of residential properties and is presently zoned for M-1 which is an industrial or manufacturing use including but not limited to warehouse, manufacturing, and other types of similar uses which are not compatible to the adjacent residential use; and

WHEREAS, the property owner has inquired about a change in zoning to provide opportunities for residential development; and

WHEREAS, the Borough Council believes that the R-M zone, which provides for residential housing as well as senior residential housing, would be a more appropriate and compatible use for the property in question; and

WHEREAS, the R-M zone is located diagonally from the proposed property to be rezoned; and

WHEREAS, the Borough Council seeks consistency in zoning and separation from residential and manufacturing type uses for the better use and enjoyment of the residents of the Borough as well as the business community; and

WHEREAS, this change has been reviewed by the Ordinance Review Committee and is recommended for the Council's consideration; and;

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

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

SECTION 1. The property known as 48 Star Lake Road, and identified on the Tax Map of the Borough of Bloomingdale as block 3035, Lot 33, is hereby rezoned from M-1 to R-M and is subject to all requirements and standards of the R-M zone as set forth in Section 92-50 of the Borough Code.

SECTION 2. Chapter 92 "Zoning", Section 92-5 "Zoning Map" shall be amended to reflect the change in zoning as follows:

§92-5 Zoning Map.

A. The location and boundaries of said zones are hereby established as shown on the Zoning Map of the Borough of Bloomingdale, which is attached hereto and is hereby made part of this chapter. Said map or maps and all notations, references and designations shown thereon shall be part of this chapter as if the same were fully described and set forth herein. **[Ord. No. 19-2013 adopted the Zoning Map dated 11/19/12]**

- B. Zoning Map Amendments. Map amendments include Ord. No. 13-2007; Ord. No. 2-2008; Ord. No. 7-2008; Ord. No. 16-2008; Ord. No. 17-2008; Ord. No. 8-2009.
- (1) Ord. No. 32-2013: The Zoning Map is amended to include the following lots and blocks in the R10 Zone: Block 104, Lots 11, 12, 13, 14, 15 (formerly Zone B-1-A, Block 64, Lots 18, 19, 20, 21, 22) **[Ord. No. 32-2013 adopted 11-12-13]**
 - (2) Ord. No. 3-2015: The Zoning Map is amended to delete the R-M-O Zone and redesignate the zone as the B-1-A Zone. **[Ord. No. 3-2015, adopted 3-3-15]**
 - (3) The Zoning Map is amended to include the following lots and blocks in the R40 Zone: Block 2004, Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18. Block 2004, Lot 3 to remain zoned as Public. **[Added 8-20-2019 by Ord. No. 20-2019]**
 - (4) The Zoning Map is amended to rezone the following lots and blocks from B-1-A to R-10: Block 5089, Lots 6, 7 and 8 and Block 5088, Lots 8, 9 and 10. **[Added 11-26-2019 by Ord. No. 27-2019]**
 - (5) The Zoning Map is amended to rezone the following lots and blocks from B-1 and B-1-A to BCD: Block 5088, Lots 1-7 and 12-13, Block 5089, Lots 1 and 9-13, Block 5060, Lots 1-14, Block 5059, Lots 1-16, Block 5060, Lots 15-38, Block 5062, Lot 1, Block 5063, Lots 1-2, Block 5063.01, Lots 1-8, Block 5064, Lots 1-5 and Block 3032, Lots 1-3.
 - (6) The Zoning Map is amended to rezone Block 5063, Lot 25 from B-1-A to R-10.
 - (7) The Zoning Map is amended to rezone Block 3007, Lot 1 from R-20 to B-1.
 - (8) The Zoning Map is amended to rezone Block 3035, Lot 33 from M-1 to R-M.

All other portions of this Section shall remain unchanged.

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

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

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

Planning Board Recommendation:

Please be advised that on 12/8/21 the Bloomingdale Planning Board did find Ordinance No. 28-2021 Amending Chapter 92 “Zoning” (Re-Zoning Block 3035 Lot 33) consistent with the Master Plan and recommends that the Mayor & Council adopts the ordinance as written.

Public Hearing:

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

Karin Pilaar – 23 Sally Street, Bloomingdale

Debra Giles – 25 Sally Street, Bloomingdale

Made the following comments: concerns with flooding/run-off/drainage that comes from 48 Star Lake Road.

Brief Discussion followed.

(Comments regarding flooding are unrelated at this time however the Mayor & Attorney added that if the owner of the property submits an application it would go before the planning board for consideration & these concerns may be addressed at that time. Residents within 200ft would receive proper notice of the application as required)

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

Adoption:

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

C. Second/Final Reading & Public Hearing:

Ordinance No. 29-2021: Amending Ch 19 Solid Waste Regulations

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

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

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO. 29-2021
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 19 “SOLID WASTE MANAGEMENT” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Borough Code currently sets forth certain requirements and standards related to the handling and disposal of solid waste throughout the Borough; and

WHEREAS, Borough Council members and Borough Administration have received complaints about improper disposal, as well as viewed instances of improper disposal; and

WHEREAS, the Borough Ordinance Review Committee has reviewed the Code and the complaints and recommended certain changes be made in order to address the matter as well as to provide structure and clarity within the Code provisions;

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

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

SECTION 1. Chapter 19 "Solid Waste Management" shall be amended to read as follows:

§19-1 RECYCLING.

§19-1.1 Establishment; Purpose.

There is hereby established in the Borough a program for mandatory source separation and collection of recyclable materials, as specified herein, in conformity with the County of Passaic approved recycling plan and in accordance with such rules and regulations as may be promulgated and placed on file for public review in the office of the Borough Clerk. This program shall be under the supervision of the Recycling Coordinator.

§19-1.2 Rules and Regulations.

The Mayor and Council shall establish and promulgate such rules and regulations, as to manner, days and times of collection, handling, bundling, location and placement of materials for collection and otherwise, as may be necessary for the effective operation of the Borough's recycling program. Such rules and regulations and amendments thereof shall be adopted by the Mayor and Council by resolution and thereafter made available for public review in the office of the Borough Clerk.

§19-1.3 Source Separation Required.

a. It shall be mandatory for all persons who are owners, lessees or occupants of residential, commercial or institutional premises within the Borough to separate all recyclable materials, as specified herein, from all other solid waste produced in such premises. The materials shall be presented for recycling as provided herein and in accordance with such rules and regulations as may be established and promulgated. Under no circumstances shall designated recyclable materials be commingled with solid waste presented for collection.

b. It shall be mandatory for all persons to recycle construction and demolition waste. As a condition precedent to the issuance of a building permit, the person taking out such permit shall, as part of the application for the same, provide written documentation of a proposal to comply with this section and all rules and regulations promulgated pursuant thereto.

§19-1.4 Recyclable Materials.

- a. The following are designated as recyclable materials:
1. Newspaper.

2. Corrugated.
3. Mixed paper.
4. Glass food and beverage containers.
5. Aluminum beverage containers.
6. Tin and bimetal cans.
7. Plastic containers (PET and HDPE).
8. Ferrous and nonferrous scrap metals.
9. White goods.
10. Tires.
11. Used motor oil.
12. Automotive batteries.
13. Leaves.
14. Brush.
15. Grass.
16. Recyclable construction and demolition waste; any otherwise recyclable material, concrete, brick, block, asphalt, asphalt-based roofing scrap and tree stumps/trunks.

b. All commercial and institutional premises shall, in addition to the materials specified in Subsection a above, treat high-grade paper, PVC plastic containers and film as recyclable materials.

c. All restaurants, cafeterias, taverns and commercial entities regularly producing food waste shall, in addition to the materials specified in Subsections a and b above, treat food waste as a recyclable material.

§19-1.5 Separation Requirements.

a. Newspaper, corrugated, mixed paper and, for commercial and institutional premises, high-grade paper shall not be commingled but separated and tied securely with rope or twine in bundles not to exceed 30 pounds in weight or 12 inches in height or placed in brown paper bags. Where curbside pickup of recyclables is provided, such bundles may be placed curbside on designated collection days.

b. Glass food and beverage containers, aluminum beverage containers, tin and bimetal cans and plastic containers shall be rinsed, drained and free of food, liquid or other substances and the labels removed from tin and bimetal cans. These materials may be commingled and shall be placed in a recyclable materials container, provided by the owner of the premises. Such container shall have a capacity of no more than thirty-two (32) gallons and shall weigh no more than sixty (60) pounds when full. Recyclable materials shall not be placed in paper or plastic bags, cardboard boxes or metal drums. Where curbside pickup of recyclables is provided, such material may be placed curbside on designated collection days.

c. In conformance with the annual fall pickup schedule as determined by the Borough Recycling Coordinator, leaves shall be bagged in lawn/leaf bags (30 pound limit) and placed curbside on designated pickup days.

d. Grass and other appropriate vegetative waste shall be bagged in lawn/leaf bags (30 pound limit) and placed curbside on designated pickup days.

e. Brush shall be tied together in lengths not to exceed four feet and bundles not to exceed 30 pounds and placed curbside on designated pickup days.

f. Noncommercial passenger motor vehicle tires will be collected by the Borough in accordance with a designated schedule upon payment of a fee of \$5 per tire. Advance registration with the Borough Clerk and prepayment of the appropriate fee shall be made at least two days prior to a designated pickup date. Commercial vehicle tires shall not be collected and shall not be deposited for collection at any time.

g. White goods will be collected by the Borough in accordance with a designated schedule. Advance registration with the Borough Clerk shall be made at least two days prior to a designated pickup date.

h. Ferrous and nonferrous scrap metal not part of an appliance shall be placed curbside in accordance with rules and regulations promulgated by the Borough where curbside pickup of recyclables is provided.

i. Used motor oil, automotive batteries and other recyclable material not designated for collection by the Borough must be disposed of in an appropriate manner and shall not be made part of solid waste or otherwise placed for collection.

§19-1.6 Contaminated Materials.

No recyclable material that has been contaminated by a substance such as paint, turpentine, animal droppings, etc., so as to render the material unmarketable shall be presented for recycling.

§19-1.7 (Reserved)

§19-1.8 Collection Schedule.

The Borough shall promulgate and make available to the public in the office of the Borough Clerk and otherwise a schedule for the collection of recycling materials. Materials shall be placed at the curbside no sooner than 6:00 p.m. on the day prior to scheduled collection and no later than 6:00 a.m. on the day of scheduled collection. Empty containers or unaccepted material must be removed from the curb no later than 8:00 p.m. on the day of scheduled collection.

§19-1.9 Obstruction of Public Travel by Materials.

No container with recyclable materials or recyclable material shall be placed in any gutter or road or on any walk, sidewalk or public thoroughfare so as to interfere with public travel.

§19-1.10 Other Means of Disposal.

At the option or expense of persons required to separate recyclable materials from other solid waste, such recyclable materials may be disposed of by any other lawful means, including but not limited to contribution of such material to charitable recycling drives; provided, however, that in no event shall the same be disposed of as part of solid waste.

§19-1.11 Scavenger Regulation.

Recyclable materials placed at the curb or recycling center are the property of the Borough or its authorized agent(s). It is a violation of this section for any person not authorized by the Borough to collect or pick up or cause to be collected or picked up any such material. Any and each such collection in violation hereof shall constitute a separate and distinct offense.

§19-1.12 Quarterly Reporting.

a. All commercial and institutional premises which are not serviced by the Borough's recycling collection systems shall submit recycling documentation to the Borough Recycling Coordinator on a quarterly basis as follows:

Reporting Period	Report Due
January 1 to March 31	April 8
April 1 to June 30	July 8
July 1 to September 30	October 8
October 1 to December 31	January 8

b. The Borough Recycling Coordinator will compile all recycling documentation and report to the County Recycling Coordinator on a quarterly basis by the 15th of each month. A report is due as indicated in Subsection **a** above.

c. The Borough Recycling Coordinator will submit all the necessary documentation necessary for yearly municipal recycling certification to the County Recycling Coordinator by April 15 of each year for information on the previous calendar year's activities.

§19-1.13 Waste Surveys.

The Borough will require self-audit waste surveys in the commercial/industrial sectors. All businesses employing 50 or more employees shall submit waste reduction plans to the County Recycling Coordinator and copies to the Municipal Recycling Coordinator.

§19-1.14 Violations and Penalties.

Any person who violates or fails to comply with any provision of this section shall, upon conviction thereof, be subject to a fine of not less than \$100 and not more than \$1,000 for each offense, in addition to community service as ordered by the court. Two written warnings shall be issued to noncomplying residents prior to issuance of a summons and imposition of fines.

§19-1.15 Enforcement.

This section shall be enforced by the Department of Health, the Passaic County Health Department, the Police Department and such other departments as may be designated by the Mayor and Council.

§19-2 REFUSE CONTAINER/DUMPSTER REGULATION.

§19-2.1 Purpose.

The purpose of this section is to require dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system operated by and/or on behalf of the Borough of Bloomingdale and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§19-2.2 Prohibited Conduct.

a. Any person who controls, whether owned, leased, or operated, a refuse container or dumpster, or owns the property housing such refuse container or dumpster, must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

b. Any person who owns, leases or otherwise uses a refuse container or dumpster, or owns the property housing such refuse container or dumpster, must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by or on behalf of the Borough of Bloomingdale.

c. When not placed at the curb for collection, all receptacles used for the storage of recycling, refuse and garbage, as well as all refuse and trash awaiting disposal, shall not be stored in any front yard area. If the storage area is within ten (10) feet of the side or rear lot line, the storage area shall be screened from adjoining property or public right-of-way by a solid fence or row of plantings that will provide year-round screening. Such fencing or plantings shall not be less than forty-eight (48) inches high. Such storage area shall not be in violation of side or rear yard set-back distances.

§19-2.3 Exceptions to Prohibition.

- a. Permitted temporary demolition containers.
- b. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

§19-2.4 Enforcement.

This section shall be enforced by the Code Enforcement Officer of the Borough of Bloomingdale.

§19-2.5 Penalties.

Any person(s) who is found to be in violation of the provisions of this section shall be subject to a fine of not less than \$100 and not more than \$500. Two (2) written warnings shall be issued to noncomplying residents prior to issuance of a summons and imposition of fines.

§19-2.6 General Design Standards for Dumpsters.

Each dumpster which is at a minimum three and one-half (3 1/2) yards shall be enclosed by a stockade fence or a cyclone fence with screening on all sides of the dumpster where access is not required. Required access doors shall be designed to screen the dumpsters from view.

§19-3 COMMERCIAL GARBAGE AND RECYCLABLE MATERIALS COLLECTION.

All commercial property, as defined above, within the Borough of Bloomingdale shall be responsible for entering into a contract with a private waste disposal company for the collection of all garbage and solid waste, including recyclable materials as defined in Subsection **19-1.4**.

§19-4 Definitions.

For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory

ALUMINUM BEVERAGE CONTAINERS

Shall mean and include all disposable containers fabricated solely of aluminum and commonly used for soda, beer or other beverages.

AUTOMOTIVE BATTERIES

Shall mean batteries commonly used in automobiles or trucks; does not include household batteries.

BIMETAL/TIN CANS

Shall mean and include all disposable containers fabricated of two metals, including tin, and commonly used for food items.

BRUSH

Shall mean all small trees, shrubs, limbs and branches.

COMMERCIAL PREMISES

Shall mean any nonresidential, public or private business establishment, including but not limited to manufacturing, processing, retailing or service establishments of whatever kind

or nature, food establishments in business for the purpose of consumption (on- or off-premises), as well as food distributions or processing, shipping and receiving areas, and professional or nonprofit or business entities.

COMMERCIAL PROPERTY

Shall mean all real property wherein such real property is used for other than exclusively residential purposes.

CONSTRUCTION AND DEMOLITION WASTE

Shall mean recyclable components resulting from the construction or demolition of a building, structure or land surface. These recyclable components include asphalt, asphalt-based roofing, blocks, bricks, cement, concrete, window glass, scrap metals, tree stumps, logs, branches and any other recyclable components.

CORRUGATED

Shall mean a type of paper in which a portion has been made to have a wavy surface (alternating ridges and grooves) and is placed between two flat surfaces for the sake of strength and which is commonly used to form cartons.

DESIGNATED RECYCLABLE MATERIALS

Shall mean all materials listed in the Passaic County District Recycling Plan and designated to be source-separated from the solid waste stream for the purpose of recycling.

FERROUS METALS

Shall mean those metals derived from, containing or alloyed with iron or steel.

FOOD WASTE

Shall mean and include waste from edible material resulting from the handling, preparation, processing, cooking or consumption of food.

GARBAGE

Garbage shall mean and include all solid waste and rubbish normally placed at the curb for collection on a regular schedule.

GARBAGE CONTAINER

Shall mean a metal or plastic container of substantial construction with a tight fitting lid and handles of sufficient size and strength to facilitate safe handling of the container when full.

GLASS FOOD AND BEVERAGE CONTAINERS

Shall mean bottles and jars made of silica or sand, soda ash and limestone being transparent or translucent and breakable and used for packaging of various matter.

GRASS

Shall mean all grass clippings that are composted in combination with other vegetative waste.

HIGH-GRADE PAPER

Shall mean papers generally used in an office environment that are of high quality and including but not limited to computer, letterhead, ledger, and photocopy paper.

INSTITUTION

Shall mean an established organization or foundation dedicated to public services or culture, including but not limited to religious, educational, health-care and governmental establishments. Includes nursing homes, health-care facilities, hospitals, schools, churches, and other such establishments.

LEAVES

Shall mean and refer to fallen leaves.

MIXED PAPER

Shall mean and include all unsoiled paper materials such as magazines, junk mail, books (not hard-covered), manila folders and similar material.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

Shall mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by or on behalf of the Borough of Bloomingdale or other public body, and is designed and used for collecting and conveying stormwater.

NEWSPAPERS

Shall mean and include paper of the type commonly referred to as "newsprint" and distributed at stated intervals having printed thereon news and opinions and containing advertisements and other matters of public interest.

PERSON

Shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

PLASTIC CONTAINERS

Shall mean any molded substance (PET, HDPE and PVC) consisting of organic compounds synthesized from hydrocarbons, proteins, cellulose or resins commonly used for beverage and food containers.

RECYCLABLE MATERIALS CONTAINER

Shall mean a metal or plastic container of substantial construction with a tight-fitting lid and handles of sufficient size and strength to facilitate safe handling of the container when full.

RECYCLING

Shall mean any process by which materials which would otherwise become solid waste are collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products.

REFUSE CONTAINER

Shall mean any container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage containers, recyclable materials containers and plastic trash bags.

SCRAP METAL

Shall mean and include all discarded products made of steel, iron, tin and other like household materials, excluding food or beverage containers.

SOLID WASTE

Shall mean and include all garbage and rubbish normally placed at the curb for collection on a regular schedule.

SOURCE SEPARATION

Shall mean the process whereby recyclable materials are kept separately and apart from residential, commercial and institutional solid waste by the generator for the purposes of collection, disposition and recycling.

STORMWATER

Shall mean water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

TIRES

Shall mean a continuous solid or pneumatic rubber cushion encircling a wheel for use on a motor vehicle not for commercial use; does not include the rim.

USED MOTOR OIL

Shall mean all oil from internal combustion engines, transmissions, differentials, etc., that are collected by a NJDEP registered hazardous waste transporter.

WATERS OF THE STATE

Shall mean the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

WHITE GOODS

Shall mean any used refrigerator, stove, washing machine, dryer, etc., pieces of ferrous/nonferrous scrap metal that can be placed at the curb for collection

§19-5 Residential Garbage Collection.

§19-5.1 Collection Schedule.

The Borough shall promulgate and make available to the public in the office of the Borough Clerk and otherwise a schedule for the collection of residential garbage. Garbage shall be placed at the curbside no sooner than 6:00 p.m. on the day prior to scheduled collection and no later than 6:00 a.m. on the day of scheduled collection. Empty garbage containers or unaccepted items must be removed from the curb no later than 8:00 p.m. on the day of scheduled collection.

§19-5.2 Garbage Container.

- a. Garbage containers shall have a capacity of no more than thirty-two (32) gallons.
- b. No more than four (4) garbage containers, or the equivalent, shall be permitted each collection day.
- c. Each garbage container shall weigh no more than sixty (60) pounds when full.
- d. Garbage shall be contained in plastic bags within a garbage container securely tied to prevent garbage from spilling out or any liquids/semi-liquids from leaking out. Loose food waste shall not be permitted.
- e. Plastic bags, not in a garbage container, containing food waste shall not be permitted.

§19-5.3 Prohibited Materials.

- a. Construction materials shall not be permitted. Residents are responsible to obtain a private company container for these items, i.e., sheetrock, windows, shingles, lumber, etc.
- b. Except in emergencies as declared by the Office of Emergency Management, no single item or bundle shall exceed sixty (60) pounds, no single item or bundle shall have any dimension greater than four (4) feet and no single item or bundle shall be bulkier than one (1) man can lift. Each single item or bundle shall be considered to be equivalent to one (1) garbage container. No more than four (4) garbage containers shall be permitted each collection day. For any single items or bundles not eligible for collection due to weight, size or bulk, contact the Borough Administrator, Clerk or Deputy Clerk for assistance.
- c. Grass clippings, leaves, roots, stumps, trees, branches, etc. shall not be permitted.
- d. Recyclable materials shall not be permitted.
- e. Used motor oil, automotive batteries and other recyclable material not designated for collection by the Borough must be disposed of in an appropriate

manner and shall not be made part of solid waste or otherwise placed for collection.

§19-5.4 Obstruction of Public Travel by Garbage Materials.

No garbage container or garbage material shall be placed in any gutter or road or on any walk, sidewalk or public thoroughfare so as to interfere with public travel.

§19-5.5 Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this section shall be subject to a fine of not less than \$100 and not more than \$500. Two written warnings shall be issued to noncomplying residents prior to issuance of a summons and imposition of fines.

§19-5.6 Enforcement.

This section shall be enforced by the Code Enforcement Officer of the Borough of Bloomingdale.

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

Michael Sondermeyer, Business Administrator – provided a brief explanation for the purpose of the ordinance. DPW has informed administration that residents are moving and leaving immense amounts of garbage on the curb after cleaning out a house. As the tonnage amount increases, the entire Borough absorbs the increased fees. There is a need to limit the amount of garbage per household to eliminate the strain on the sanitation laborers having to unload at the transfer station in the middle of a route causing a delay in garbage pick-up services. DPW & Property Maintenance will enforce the limitation, provide notice to those who violate the ordinance and issue fines if necessary.

As an alternative option for residents - Ordinance No. 30-2021, also on the agenda, allows for a \$10/item charge for any items or bundles not eligible for garbage collection due to weight, size, or bulk. Once the items are registered the DPW can pick them up or the resident can outsource waste management services (dumpster / dumpster bag etc.)

Brief discussion amongst the council.

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

Adoption:

HUDSON made motion for adoption; the motion was seconded by GRAZIANO and carried per the following roll call vote: HUDSON (YES), JUHLIN (YES), YAZDI (NO), CATALANO (ABSTAIN), DELLARIPA (YES), GRAZIANO (YES)

D. Second/Final Reading & Public Hearing:

Ordinance No. 30-2021: Amending Ch 2-80 Fees (Bulk Items)

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

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

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO. 30-2021
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

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

WHEREAS, the Borough Code currently sets forth certain fees for municipal services; and

WHEREAS, the Ordinance Review Committee and Borough Administration have recommended changes within the Solid Waste Chapter of the Borough code to address improper disposal; and

WHEREAS, to remain consistent with the revised Solid Waste Regulations, the Borough will implement a fee for the pickup of bulk items that are not eligible for garbage collection due to weight, size, or bulk; and

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 2 “Administration”, Article VIII “Policies and Procedures”, Section 2-80 “Fees Charged for Municipal Services” shall be amended as follows:

§2-80 Fees Charged for Municipal Services.

mm. Any single items or bundles not eligible for garbage collection due to weight, size or bulk.	\$10.00/item
---	---------------------

All other portions of this Section remain unchanged.

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

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

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

Public Hearing:

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

Discussion:

Brief discussion clarifying the numbers of items permissible to have at the curb without a fee [4 items. Confirmation of the Borough having the means to fine those who are emptying the entire contents of their homes to the curb for regular garbage collection. This ordinance will assist with enforcement. Discussion of properly informing the residents of the changes in solid waste /

garbage pick up services (flyer/ tax bill/ water bill/ social media platforms). Noted, the recycling flyer has already been distributed for 2022. Notices would be issued to any violators before a fine.

Adoption:

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

E. Second/Final Reading & Public Hearing:

Ordinance No. 31-2021: Authorize the Sale of a Portion of Block 5105, Lot 14.01 & a Portion of Block 5105, Lot 14.05 Pursuant to N.J.S.A. 40A:12-13, ET AL

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

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

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO. 31-2021
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, TO AUTHORIZE THE SALE OF A PORTION OF BLOCK 5105, LOT 14.01 AND A PORTION OF BLOCK 5105 LOT 14.02 PURSUANT TO N.J.S.A. 40A:12-13 ET AL

WHEREAS, in the matter of the application of the Borough of Bloomingdale, County of Passaic, Docket No PAS–L–2360–15, an Order granting third round substantive certification to the Borough of Bloomingdale requires that the Borough supports its third round affordable housing obligation by including the property commonly known as the “Meer Tract,” Block 5105, Lot 14.01 in the Borough of Bloomingdale; and

WHEREAS, the Borough's affordable housing obligation is to develop 72 affordable rental units on the Meer tract with a reasonable opportunity for such development; and

WHEREAS, Finbar Investments and Tilcon New York propose to donate land to the Borough, specifically Block 5105 Lot 14.01, which consists of 33.81 acres, as well as approximately 7 acres of land from a portion of Block 5105, Lot 14.02 to the Borough of Bloomingdale; and

WHEREAS, a portion of the properties in question have been identified by the Mayor and Council of the Borough of Bloomingdale by way of Resolution No. 2018-2.16 dated February 20, 2018, as an area in need of redevelopment pursuant to the local redevelopment and housing law, N.J.S.A. 40A:12A–1 et al; and

WHEREAS, by way of Borough Resolution No. 2016-10.15, the properties in question have also been designated as part of an “area in need of rehabilitation” pursuant to N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, the Borough seeks to identify a qualified developer to construct 72 affordable housing units on the aforementioned site encompassing approximately 27.65 acres of land, attached hereto on (Exhibit A) and made part of this ordinance and identified as the property in question which the Borough has the contractual rights to acquire by donation and seeks to convey to a qualified developer; and

WHEREAS, the Borough is undergoing active negotiations to arrive at a contract of sale for the property for a minimum of \$4.5 million, subject to certain conditions of approval in order to support the redevelopment of the properties in question and the Borough's affordable housing obligation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bloomingdale, County of Passaic and State of New Jersey, that a portion of real property known

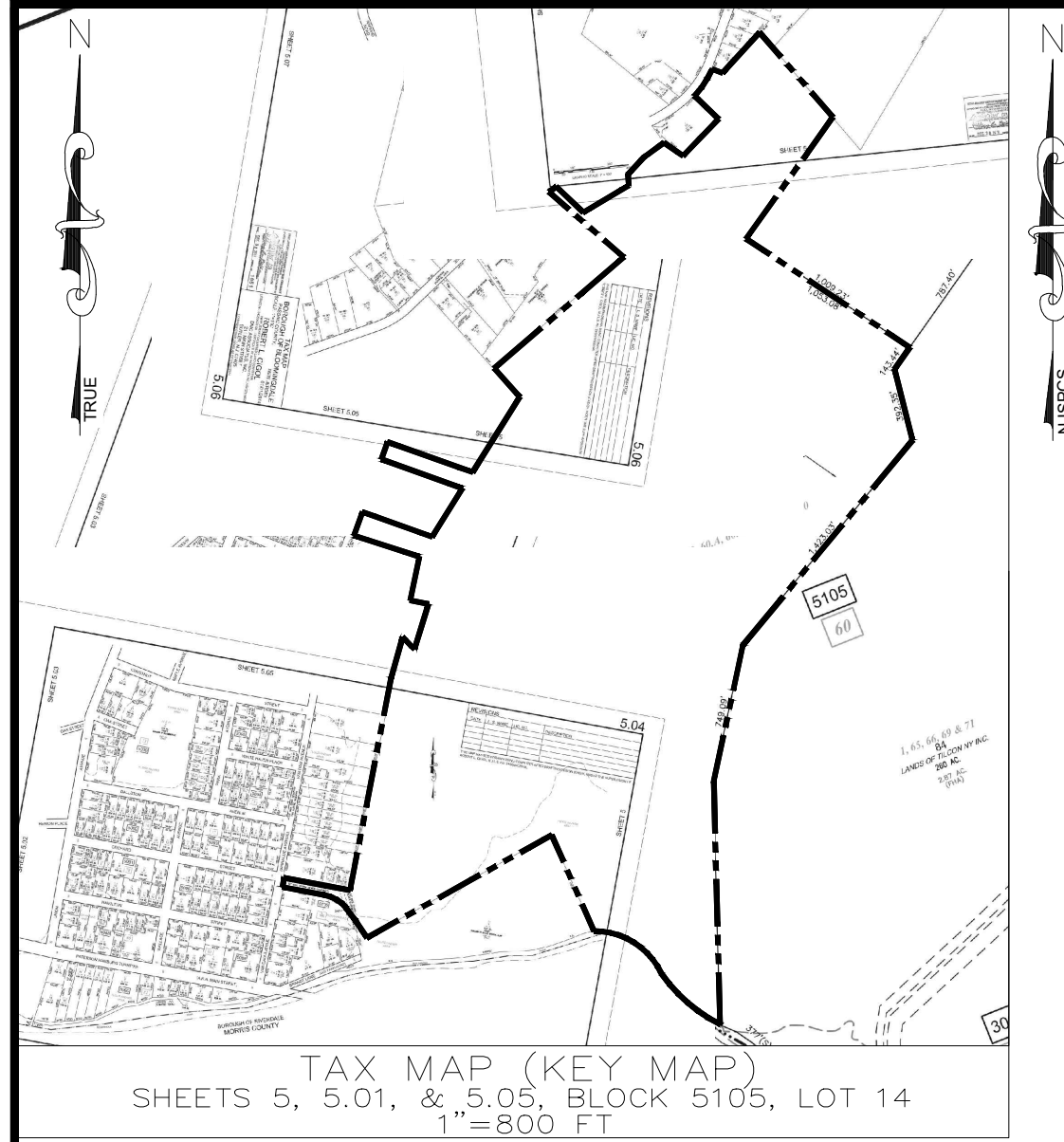
as Block 5105, Lot 14.01 and a portion of Block 5105, Lot 14.02 for a total of approximately 27.65 acres as generally set forth on the attached Exhibit A, is not needed for municipal purposes and to support the Borough's affordable housing obligation and may hereby be sold to a qualified developer for an amount that must exceed \$4.5 million.

BE IT FURTHER RESOLVED that as a condition of the sale of property, the Borough will enter into a contract of sale outlining the terms and conditions of such transaction which should include, but not be limited to, a minimum sale price of \$4.5 million for the construction of 72 affordable rental units, along with certain conditions and installment payments in order to best facilitate an affordable housing development with respect to the property in question. The contract of sale is subject to a separate resolution of the Borough of Bloomingdale.

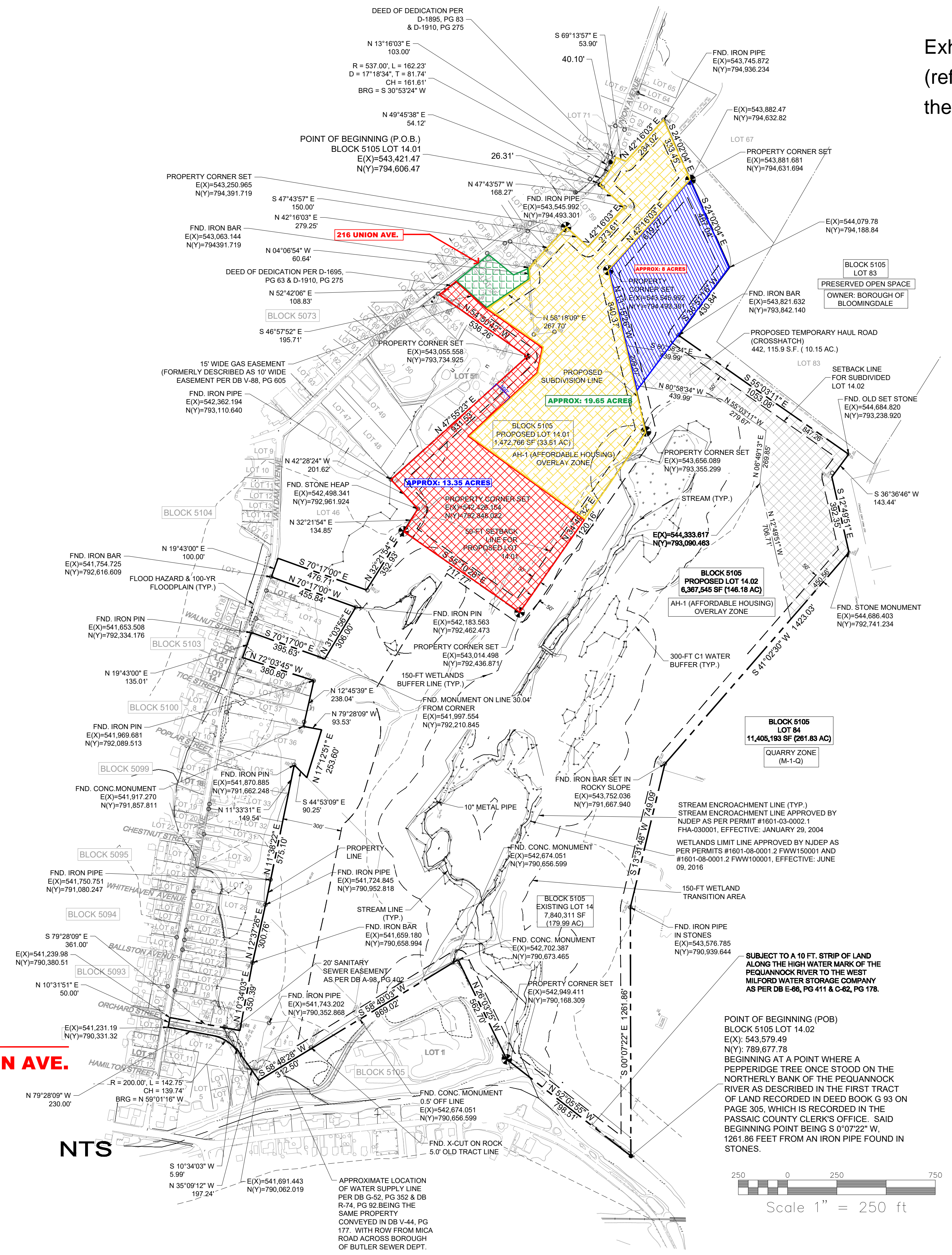
BE IT FURTHER RESOLVED that the terms and conditions of such contract are hereby permitted under the local redevelopment and housing law in accordance with N.J.S.A. 40A:12A-1 et seq. and more specifically, N.J.S.A. 40A:12A-13(c).

INSERT EXHIBIT A (MAP)

Exhibit A - Ordinance No. 31-2021
(reference is to the yellow & blue highlighted areas of the map)



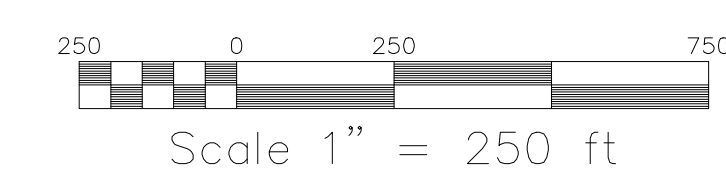
- LEGEND**
- PROPERTY LINE
 - - - - - PROPOSED SUBDIVISION LINE
 - MUNICIPAL BOUNDARY LINE
 - - - - - QUARRY SETBACK LINE (WIDTH VARIES)
 - - - - - BUILDING SETBACK LINE
 - - - - - 300 FT C1 WATER BUFFER LINE
 - - - - - 150 FT WETLANDS BUFFER LINE
 - - - - - STREAM LINE
 - - - - - WETLANDS LIMIT LINE
 - - - - - FLOOD HAZARD AREA LIMIT LINE



BLUE HATCHED AREA - APPROX. 8.0 ACRES
YELLOW HATCHED AREA - APPROX. 19.65 ACRES
RED HATCHED AREA - APPROX. 13.35 ACRES
APPROX: 41 TOTAL ACRES - EXCLUDES 216 UNION AVE.

ZONING REQUIREMENTS

ITEM	REQUIRED	EXISTING LOT 14	PROPOSED LOT 14.01	PROPOSED LOT 14.02
ZONING DISTRICT	AH-1	AH-1	AH-1	AH-1
MINIMUM LOT AREA	-	7,840,311 SF	1,472,766 SF	6,367,545 SF
MINIMUM FRONT YARD SETBACK	50 FT	-	> 50 FT	> 50 FT
MINIMUM SIDE YARD SETBACK	50 FT	-	> 25 FT	> 25 FT
MINIMUM REAR YARD SETBACK	50 FT	-	> 50 FT	> 50 FT
MAXIMUM BUILDING HEIGHT	73 FT	-	< 73 FT	< 73 FT
MAXIMUM BUILDING COVERAGE (%)	30%	-	-	< 30%
MAXIMUM LOT COVERAGE (%)	60%	-	-	< 60%
MINIMUM PARKING LOT SETBACK	15 FT	-	-	-
MINIMUM NUMBER OF PARKING SPACES	-	-	-	-



5			
4			
3			
2	SQ.FT. ADJUSTED		11-17-2021
1	SQ.FT. ADJUSTED		10-25-2021
NO.	REVISION	BY	DATE:
PROJECT: BLOCK 5105 LOTS 84 & 14 BLOOMINGDALE BOROUGH			
PASSAIC COUNTY NEW JERSEY			
TITLE: M&T SUBDIVISION PLAT			
JOB NO.:	DRAWING NO.:		
SCALE: 1" = 250'	1		
DESIGNED: BC	1		
CHECKED: BT	1		
FILENAME: SUBDIVISION_PLAT.DWG			
DATE: 10-20-2021			

Borough Attorney Presentation:

(Meer Tract Proposal)

Ordinance No. 31-2021 authorizes the sale of the property and Resolution No 2021-12.29, to be later adopted this evening, authorizes a contract for the sale of the property to a developer.

Fred Semrau highlighted the following key points during the presentation:

- **History of the Meer Tract**

In 2007, there was court order for the development of 360 Units, an affordable housing obligation of the Borough which was a ‘builder’s remedy’ (*A builder's remedy lawsuit allows a developer to file suit to have a specific piece of property, chosen by the builder, rezoned to allow for the opportunity to construct housing at higher densities than a municipality would otherwise allow*)

- **DR Horton Approval**

Application was approved for 360 units, after being court ordered on 33.81 acres. The development was to border Van Dam Ave section of the Meer Tract. The order included 41 three-bedroom units

- **Options to Develop the Meer Tract** (currently owned by Finbar a subsidiary of Tilcon)

As the owner, Finbar/Tilcon may apply to the Planning Board for a use variance to expand its quarry operation. If this were to happen, there is no additional ratable for the Borough & the affordable housing obligation still would not be met.

- **Total Cost**

If the Borough were to explore other options for the development a study done in 2016 by the Otteau Group suggested the cost of site preparation for the development would be approximately \$15,890,875.00

- **Options**

Noting the potential cost of \$15,000,000.00 for site work preparation to develop the land, the Borough would also be responsible for \$15,000,000.00 to develop & monitor the affordable housing component over 30 years. A total cost of \$30,000,000.00 to be paid for by the Borough

Another option would be to donate the land to a developer however it was noted that potential developers were requesting a PILOT plan to finance the \$15,000,000.00 cost of site preparation

Donate the land & see if a developer would absorb the site development cost.

Another option would be to rezone the Meer Tract for 544 units to reduce development costs. Lastly, allow developers and the courts to zone the Borough for high density volume.

The governing body has met in executive session multiple times to discuss the options for the Borough. These discussions included a proposal from an experienced developer, M&T Realty

- **M&T Proposal (compared to DR Horton)**

	M&T (Current)	DR HORTON (2007)
SALE OF LAND RESERVE TO THE BOROUGH	\$4,700,000 (purchase the rights to the land from the Borough & develop it)	\$0 (no money to the Borough as DR Horton was the deeded owner)
PILOT	Minimum payment (if the developer qualifies)	10%
ADDITIONAL REVENUE	approximately \$300,000.00/year [or \$9,000,000.00]	Zero
LAND (PROPOSED) TO BE DEVELOPED	27.65 Acres	33 Acres

LAND TO THE BOROUGH	Approximately 13 Acres [held by the Borough]	zero
LOCATION OF DEVELOPMENT	Proposed to be 100-150 Feet further away from residential development on Van Dam Ave area	Border Van Dam Avenue
THREE BEDROOM UNITS	31	42

If appropriate zoning ordinances are approved, the area would allow 426 units (up from 360). During negotiations, the Borough favored 1 & 2 bedroom units – M&T proposes 31 three bedroom units, as opposed to [DR Horton] 42 units.

• **Does the Proposal Meet the Borough’s Needs?**

- M&T proposal Summary
 - satisfies the Borough’s long-standing court ordered, affordable housing obligation from 2007
 - generates local revenue [\$4.7 million] (per contract paid in phases to the Boro)
 - supports local budget [guarantees payment of \$1.1 million per year in PILOT program & confirms there would be no tax appeals]
 - the proposal minimizes the development (reduction in total acres from 33 to 27 acres)
 - The Borough would be relieved of the obligation to build this housing development (with an estimated cost of \$30,000,000)

The Borough attorney, council and administration have worked vigorously through the year to get to this point in negotiations with the developer. The developer is aware and committed to the Borough’s affordable housing obligation. Other developers made requests such as having the land donated and/or requested increased density for the project to be feasible. The administration has also included water/sewer connection fees in the proposed agreement which would be a total of approximately 1.9 million, which includes the discounted connection fees for the affordable housing units. The inclusion of this component is to avoid litigation which the Borough experienced during the development of the Avalon Bay Community on Union Ave. It was added that having more users on the system will help by lessen the financial burden of having too much capacity & not enough users.

Noted that even if the Council does not approve the proposed contract. The Borough’s court ordered affordable housing obligation remains.

Noted that the affordable housing units must be integrated in the development & cannot be separated per the court.

Public Hearing:

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

Linda Huntley – 86 Van Dam Avenue, Bloomingdale
Made the following inquiries:

- Tilcon was initially going to prepare the ‘Meer Tract’ site for development of 360 units; reducing cost for potential developer. Relieving Tilcon of the site-preparation obligation is why there is an increase in density.

Mayor added Tilcon was unable to prepare the site to an acceptable standard/grade of a developer. What is acceptable to a ‘builder’ may not be the same grade Tilcon is able to accomplish. Tilcon does not specialize in site-preparation for ‘buildable grade’. It was determined to relieve the site-preparation responsibility from Tilcon. The developer will be responsible for their own preparation.

- Crushed stone

Tilcon will make 77,500 tons of crushed stone available to the Borough. Also noted the trucks will not go off the site. The haul road will be used as opposed to county roads.

- Was the amendment/letter [before Judge Brogan] approved by the Governing Body in closed session?

To which the Borough Attorney responded that the ordinance adoption back in March required that we update the Court as to the status of the Borough's affordable housing efforts. The administration directed me to proceed and notify the Court of the updated ordinance. The Council was apprised of this step in executive session.

- Does the proposed contract state 426 units will be built? & why wasn't the Planning Board included / made aware

This is subject to the necessary approval and would ultimately come before the Planning Board to ratify. The process did not include the planning board approval at this stage. At the appropriate time, the Planning Board will bring forward a redevelopment plan. When appropriate, a site plan application would come before the board with all proper notices & hearings.

- If the Planning Board doesn't recommend the zoning change for increased density, will the council override the board?

The council has the ultimate authority of Zoning. The planning board makes the decision on the site plan.

- What is the plan for the additional acreage acquired?

The only determination at this time is that acreage belongs to the Borough. Future Governing Bodies may act as they see suitable [examples noted conversation easement, open space, development]

Further noted there is no commitment of the Borough to permit additional housing. However, the Borough cannot limit any property owner. The council expressed the same concerns during negotiations. Should future units be permitted, the developer would owe the Borough \$17,500 per approved unit.

Mike Fitzpatrick – 145 Reeve Avenue, Bloomingdale

Made the following inquiries:

- As a former councilmember in the mid-90s, he congratulated the Council for the efforts related to the development of the Meer Tract and for the revenue that will be generated and put into the development of the Borough
- Suggested the proposed cost of site development of \$30 million is not close or realistic & would in fact be a higher cost to the Borough

Jennifer Altfield – 17 Cedar Street, Bloomingdale

Made the following inquiries:

- As a former councilmember from 2007, thanked the Mayor and Council for their efforts in developing the Meer Tract & meeting the affordable housing obligation through the third round

Evelyn Schubert – 29 Hillside Drive, Bloomingdale

Made the following inquiries:

- Expressed concerns with a development of 426 units & the potential impact of increased density, traffic, impact on the various borough departments (Fire, DPW, Police) in Bloomingdale.
- Comparisons to the Bergen County

- Will the named developer provide other incentives to the community? [indoor basketball courts / recreation center]
- Sidewalks on Union Ave
- Clarification of 'additional acreage'

Mayor added the DPW does not pick up commercial garbage / Fire Department will not be negatively impacted – we have great mutual aid support. Borough Attorney added any improvements they'd do on the site would be included in the site plan submitted to the Planning Board

Council Discussion:

Members added that this development is court ordered. It needs to be built to meet the Borough's affordable housing obligation. Any issues that arise for 360 units versus 426 units would be the same concern regardless of density. The current council has negotiated to the best of their ability for the residents of Bloomingdale. Members added this a great opportunity for Bloomingdale to gain a ratable and bring investors into town. Described as a 'win' for the Borough.

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

After the council closed the public hearing, it was noted there was an additional written comment submitted to the Borough Administrator from a resident who was unable to attend the in-person meeting.

Linda Shortman – 2 West Shore Road, Bloomingdale
Submitted the following question via email:

“When and how did the governing body vote to direct the attorney to direct Judge Brogan to modify the Meer track ordinance, exempting Tilcon from preparing the property and also increasing the number of units? Where is this discussion available to the public?”

Borough Attorney responded:

Motion filed at the direction of the mayor, the executive of the borough – the motion requested the judge ratify the adopted ordinance & include in the Borough's affordable housing court order. (Ord 5-2021)

Adoption:

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

NEW BUSINESS:

A. Authorize Department of Public Works Staffing

(Resolution No. 2021-12.17 – 2021-12.24 moved in one motion)

Motion: Dawn Hudson

Second: Dominic Catalano

Roll Call: CATALANO (YES), DELLARIPA (YES), GRAZIANO (YES), HUDSON (YES), JUHLIN (YES), YAZDI (YES)

**RESOLUTION NO. 2021-12.17
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Authorizing the Hiring of full-time DPW Laborer

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

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

WHEREAS, based on these interviews, the Borough Administrator, Superintendent, and the Assistant Superintendent of the Department of Public Works, recommend the position be filled by Anthony DeFina Jr.; and

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Bloomingdale, that Anthony DeFina Jr be hired on a one-year probationary period as a full-time DPW Laborer, effective January 3, 2022, as per the terms of the CWA Local 1032 DPW contract.

**RESOLUTION NO. 2021-12.18
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Authorizing the Hiring of full-time DPW Laborer

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

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

WHEREAS, based on these interviews, the Borough Administrator, Superintendent, and the Assistant Superintendent of the Department of Public Works, recommend the position be filled by Andrew Pieper; and

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Bloomingdale, that Andrew Pieper be hired on a one-year probationary period as a full-time DPW Laborer, effective January 3, 2022, as per the terms of the CWA Local 1032 DPW contract.

**RESOLUTION NO. 2021-12.19
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Authorizing the Hiring of full-time DPW Laborer

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

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

WHEREAS, based on these interviews, the Borough Administrator, Superintendent, and the Assistant Superintendent of the Department of Public Works, recommend the position be filled by Cullen Docherty; and

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Bloomingdale, that Cullen Docherty be hired on a one-year probationary period as a full-time DPW Laborer, effective January 3, 2022, as per the terms of the CWA Local 1032 DPW contract.

**RESOLUTION NO. 2021-12.20
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Authorizing the Hiring of full-time DPW Laborer

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

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

WHEREAS, based on these interviews, the Borough Administrator, Superintendent, and the Assistant Superintendent of the Department of Public Works, recommend the position be filled by Angel Delgado; and

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Bloomingdale, that Angel Delgado be hired on a one-year probationary period as a full-time DPW Laborer, effective January 3, 2022, as per the terms of the CWA Local 1032 DPW contract.

**RESOLUTION NO. 2021-12.21
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Authorizing the Hiring of full-time DPW Laborer

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

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

WHEREAS, based on these interviews, the Borough Administrator, Superintendent, and the Assistant Superintendent of the Department of Public Works, recommend the position be filled by Christopher Ulmer; and

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Bloomingdale, that Christopher Ulmer be hired on a one-year probationary period as a full-time DPW Laborer, effective January 17, 2022, as per the terms of the CWA Local 1032 DPW contract.

**RESOLUTION NO. 2021-12.22
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC
AND STATE OF NEW JERSEY PROMOTING CRAIG COURTER TO A DRIVER IN
THE DEPARTMENT OF PUBLIC WORKS PER THE TERMS OF THE CWA LOCAL
1032 BLUE COLLAR UNION CONTRACT**

WHEREAS, due to recent retirements, there is a need to fill a vacancy in the Department of Public Works for the position of ‘driver’; and

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that based on interviews conducted the DPW Superintendent and Business Administrator have recommended the promotion of Craig Courter to ‘driver’ effective January 1, 2022; and

WHEREAS, the Governing Body further finds and declares that said promotion is in the best interests of the health, safety and welfare of the citizens who are served by the Borough’s Public Works Department; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey that Craig Courter is hereby promoted to a ‘driver’ for the Department of Public Works of the Borough of Bloomingdale effective January 1, 2022 as per the terms of the CWA Local 1032, Blue Collar contract.

**RESOLUTION NO. 2021-12.23
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY PROMOTING MIKE GROSSI TO AN EQUIPMENT OPERATOR IN THE DEPARTMENT OF PUBLIC WORKS PER THE TERMS OF THE CWA LOCAL 1032 BLUE COLLAR UNION CONTRACT

WHEREAS, due to recent retirements, there is a need to fill a vacancy in the Department of Public Works for the position of ‘equipment operator; and

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that based on interviews conducted, the DPW Superintendent and Business Administrator have recommended the promotion of Mike Grossi to ‘equipment operator” effective January 1, 2022; and

WHEREAS, the Governing Body further finds and declares that said promotion is in the best interests of the health, safety and welfare of the citizens who are served by the Borough’s Public Works Department; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey that Mike Grossi is hereby promoted to an ‘equipment operator’ for the Department of Public Works of the Borough of Bloomingdale effective January 1, 2022, as per the terms of the CWA Local 1032, Blue Collar contract.

**RESOLUTION NO. 2021-12.24
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY PROMOTING CLINT ROEMMELE TO AN EQUIPMENT OPERATOR IN THE DEPARTMENT OF PUBLIC WORKS PER THE TERMS OF THE CWA LOCAL 1032 BLUE COLLAR UNION CONTRACT

WHEREAS, due to recent retirements, there is a need to fill a vacancy in the Department of Public Works for the position of ‘equipment operator; and

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that based on interviews conducted, the DPW Superintendent and Business Administrator have recommended the promotion of Clint Roemmele to ‘equipment operator” effective January 1, 2022; and

WHEREAS, the Governing Body further finds and declares that said promotion is in the best interests of the health, safety and welfare of the citizens who are served by the Borough’s Public Works Department; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey that Clint Roemmele is hereby promoted to an ‘equipment operator’ for the Department of Public Works of the Borough of Bloomingdale effective January 1, 2022, as per the terms of the CWA Local 1032, Blue Collar contract.

B. Adoption of Resolution No. 2021-12.25

Motion: Ray Yazdi

Second: Dawn Hudson

Roll Call: DELLARIPA (YES), GRAZIANO (YES), HUDSON (YES), JUHLIN (ABSTAIN), YAZDI (YES), CATALANO (YES)

**RESOLUTION NO. 2021-12.25
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:		
Engineering OE		\$ 40,000.00
Mun Clerk OE		\$ 5,000.00
TOTAL		\$ 45,000.00
To:		
Gasoline OE		\$ 15,000.00
Social Security		\$ 30,000.00
TOTAL		\$ 45,000.00

C. Adoption of Resolution No. 2021-12.26

Motion: Rich Dellaripa

Second: Ray Yazdi

Roll Call: GRAZIANO (YES), HUDSON (YES), JUHLIN (YES), *YAZDI (YES), CATALANO (YES), DELLARIPA (YES)

*YAZDI – abstain from items for **Vendor #02107 RAY YAZDI**

**RESOLUTION NO. 2021-12.26
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Authorizing Payment of Municipal Obligations

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that certain municipal obligations have come due and are now payable; and

WHEREAS, the Governing Body further finds and declares that said obligations have been itemized on the annexed schedules, which are hereby deemed part of this Resolution;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize payment of said municipal obligations, in accordance with the recommendations of the Chief Financial Officer and the Borough Treasurer, from the following accounts and in the following amounts:

<u>BILLS LIST</u>		<u>PREPAID LIST</u>	
CURRENT	1,831,133.76	CURRENT	1,237,040.17
UTILITY	56,858.43	UTILITY	9,898.86
CAPITAL	18,833.68	OPEN SPACE	00.00
UTILITY CAPITAL	8,970.84	TRUST ACCOUNT	30,720.00

TRUST	142,037.91	RECYCLING	00.00
DOG	733.23	DOG TRUST	00.00
RECREATION	2,775.20	UNEMPLOYMENT	32.59 ROSE
FUND	17,806.11	CAPITAL	9,222.50
RECYCLING	00.00	WATER CAPITAL	00.00
UNEMPLOYMENT	00.00	RECREATION	152.07
AFFORDABLE HOUSING	00.00	CAPITAL ASSESSMENT	00.00
TOTAL	2,079,149.16	TOTAL	1,287,066.19

D. Adoption of Resolution No. 2021-12.27

Motion: Ray Yazdi

Second: John Graziano

Discussion: *The purpose of the rider is to add the position of ‘Sr. TACO – Senior Technical Assistant of the Construction Official’ to the white-collar bargaining agreement. This position requires a certification.*

Roll Call: HUDSON (YES), JUHLIN (YES), YAZDI (YES), CATALANO (ABSTAIN), DELLARIPA (YES), GRAZIANO (YES)

**RESOLUTION NO. 2021-12.27
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION ADOPTING A RIDER TO THE WHITE-COLLAR COLLECTIVE
BARGAINING AGREEMENT JANUARY 1, 2020 – DECEMBER 31, 2024**

WHEREAS, the Borough of Bloomingdale, due to management need, has decided to create a new “white collar” union position in the title of Sr. Technical Assistant to the Construction Official (hereinafter, also “Sr TACO”); and

WHEREAS, this newly created position shall be deemed to be included within the parameters of Article 1. RECOGNITION of the Agreement between the Borough and the Union (hereinafter “Agreement”), as entered on May 5, 2021 (Exhibit A); and

WHEREAS, this newly created position shall be subject to the Agreement, but shall be specifically exempted from certain provisions within such Agreement, as set forth and provided in the Rider to such agreement;

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey, that the Mayor is hereby authorized to execute the Rider to the currently enacted White-Collar Collective Bargaining Agreement, and the Administrator and Municipal Clerk are hereby directed to take all necessary other actions, as to the creation of the Sr TACO position, which sets forth specific provisions as to the position, separate, independent, and not controlled by any language set forth in the Agreement.

E. Adoption of Resolution No. 2021-12.28

Motion: Dawn Hudson

Second: Drew Juhlin

Discussion: *necessary for spring field preparation*

Roll Call: JUHLIN (YES), YAZDI (YES), CATALANO (YES), DELLARIPA (YES), GRAZIANO (YES), HUDSON (YES)

**RESOLUTION NO. 2021-12.28
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**A RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, IN THE
COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AUTHORIZING
A CONTRACT WITH PARTAC PEAT CORPORATION THROUGH THE
EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY
COOPERATIVE SYSTEM (#65MCECCPS) BID# ESCNJ 17/18-31**

WHEREAS, the Borough of Bloomingdale, pursuant to N.J.S.A. 40A:11-11 and N.J.A.C. 5:34-7.3 et seq. may, by Resolution and without advertising for bids, purchase any goods or services through the Educational Services Commission of New Jersey Cooperative System (#65MCESCCPS), which has been approved by the Director of the Division of Local Government Services; and

WHEREAS, the Borough of Bloomingdale has a need for beam clay for recreational fields within the Borough; and

WHEREAS, Partac Peat Corporation of 1 Kelsey Park, Great Meadows, NJ 07838, has been awarded the contract for Athletic Equipment & Supplies (BID# ESCNJ 17/18-31) under the NJ State Approved Cooperative System (65MCESCCPS); and

WHEREAS, the Business Administrator, Recreation Council liaison, and the Department of Public Works recommend the utilization of this contract on the grounds as the best means available to obtain the supplies described herein; and

WHEREAS, the contract shall not exceed the amount of \$7,400.00 and the chief financial has provided a certification of funds; and

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

1. The Borough of Bloomingdale hereby authorizes the contract for Athletic Equipment & Supplies, under the NJ State Approved Cooperative System (65MCESCCPS).
2. The total fee authorized for this contract shall not exceed \$7,400.00 without the prior written approval of the Borough Council.
3. The Mayor, Borough Clerk and/or such other officials as is necessary and proper are hereby authorized to execute documents necessary to implement this Resolution.
4. A copy of this resolution shall be provided to the Borough Treasurer and Partac Peat Corp for their information and guidance.

This Resolution shall take effect immediately.

F. Adoption of Resolution No. 2021-12.29

Motion: Ray Yazdi

Second: John Graziano

Discussion: *An amendment to the resolution was suggested - Governing Body authorizes this contract of sale, subject to non-substantial changes, approved by the Borough's Administration.*

Motion to accept amendment: Ray Yazdi

Second: Dawn Hudson

Roll Call: YAZDI (YES), CATALANO (YES), DELLARIPA (YES), GRAZIANO (YES), HUDSON (YES), JUHLIN (YES)

**RESOLUTION NO. 2021-12.29
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**AUTHORIZING THE SALE OF A PORTION OF BLOCK 5105, LOTS 14.01 AND 14.02
TO M&T REALTY PARTNERS, LLC**

WHEREAS, the property known as Block 5105, Lot 14.01 which consists of 33.81 acres, and is commonly known as the "Meer Tract," has long been a part of the Borough's affordable housing plan; and

WHEREAS, in 2007 the property was the subject of a Court Order as a result of the Borough's inability to provide for affordable housing which resulted in a "builder's remedy" determination and Court Order directing the Borough to immediately zone and approve the property for appropriate residential development; and

WHEREAS, since 2007 and the Order of the Court, the property has not been developed notwithstanding efforts by residential developers, to market and develop the premises; and

WHEREAS, the Borough anticipated to be the contractual donee of the 33.81 acres of the "Meer Tract" as well as the additional adjacent approximately 7 acres of land with the purpose of developing the land for residential development with a portion of the development to provide for affordable housing; and

WHEREAS, whereas the additional approximately 7 acres of land will provide for a way to develop the property in a manner that would be more remote from the adjacent quarry and the existing residential homes within the vicinity of the property; and

WHEREAS, by entering into a contract for the sale and development of this property, the Borough will have an opportunity to reduce the total land size of the residential development from 33.81 to 27.65 acres of land; and

WHEREAS, by entering into a contract for the sale of this property, the Borough has an opportunity to retain approximately 12 acres of land which will no longer be a part of what was the court ordered residential development; and

WHEREAS, a contract of sale for the aforementioned property will support the Borough's affordable housing obligation, support the substantive certification granted to the Borough, and prevent other land owners from seeking a court order builders remedy suit for high density development in already established neighborhoods within the Borough; and

WHEREAS, a contract of sale will provide for potential revenue and growth to the Borough in the amount of \$4.7 million from the sale of the property and an additional minimum of \$1.2 million a year in generated tax revenue for the taxpayers of the Borough of Bloomingdale (a copy of the proposed contract is on file with the Clerk's Office); and

WHEREAS, this project will satisfy the Borough's third round affordable housing obligation, provide for nearly 15% of additional tax revenue of the local budget for the Borough of Bloomingdale, and, therefore, a potential tax savings for the taxpayers of the Borough.

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:

Pursuant to Ordinance 31-2021, the Council hereby is authorizing a contract with M&T Realty Partners, LLC for the sale in the amount of \$4.7 million for a portion of Block 5105, Lots 14.01 and 14.02 for a total of approximately 27.67 acres of land as the property is not needed for municipal purposes and the sale of the property shall support and address the Borough's affordable housing obligation.

BE IT FURTHER RESOLVED that the terms and conditions of such contract are hereby permitted under the Local Redevelopment and Housing Law in accordance with N.J.S.A. 40A:12a-1 et seq. as well as 40A:12a-13(c).

BE IT FURTHER RESOLVED that the donation of this land for the development of 72 affordable housing units is consistent with the Borough's third round affordable housing plan and subsequent orders of the court amending the plan.

BE IT FURTHER RESOLVED that the administration is hereby authorized to take any and all necessary action to effectuate the terms of this resolution and enter into an agreement with M&T Realty Partners, LLC.

BE IT FINALLY RESOLVED the Governing Body authorizes this contract of sale, subject to non-substantial changes, approved by the Borough's Administration.

LATE PUBLIC COMMENT:

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

Councilman Dellaripa

Mayor acknowledged Mr. Dellaripa as this is last meeting serving on the council. He dedicated 9 years of his service to the Borough of Bloomingdale. Rich intends on still being an active member of the community & will continue to record the council meetings.

(Rich exited the meeting at 8:46PM; he did not participate in executive session)

Executive Session:

Adoption of Resolution No. 2021-12.30

Motion: Dawn Hudson

Second: Ray Yazdi

Discussion: *No action will be taken by the Governing Body. Councilwoman Elect, Evelyn Schubert was invited to join the Executive Session.*

Voice Vote: all members voting AYE, none were opposed

**RESOLUTION NO. 2021-12.30
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 28th 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 – Attorney/Client Privilege (Review of Executive Session)**
 - () 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).

ADJOURNMENT:

Since there was no further business to be conducted, GRAZIANO moved to adjourn at 9:05PM; seconded by HUDSON and carried on voice vote with all Council Members voting AYE.

Breanna Smith, RMC
Municipal Clerk