**REGULAR COUNCIL MEETING**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

**October 16, 2018**

The Regular Council Meeting of the Governing Body of the Borough of Bloomingdale was held on the above date in the Council Chambers of the Municipal Building, 101 Hamburg Turnpike, Bloomingdale, NJ. Mayor Dunleavy called the meeting to order at 7:04PM.

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

**Roll Call:**

*In Attendance:* Mayor Jonathan Dunleavy

 Councilman Anthony Costa

 Councilman John D’Amato

 Councilman Richard Dellaripa

 Councilman Ray Yazdi

 Municipal Clerk, Breeanna Calabro

 Borough Attorney, Dawn Sullivan

*Excused:* Councilwoman Dawn Hudson

Councilman Michael Sondermeyer

**PUBLIC NOTICE STATEMENT**

Mayor Dunleavy stated that adequate notice of this meeting was posted in the Bloomingdale Municipal Building and provided to The Suburban Trends; The North Jersey Herald & News; and all other local news media on December 27, 2017.

**PRESENTATIONS:**

1. **Bloomingdale’s Long Time Residents**Members of the 100th Anniversary were acknowledged. It was the committee’s idea to thank residents who have made Bloomingdale their home from many decades. The Mayor and presented certificates to longtime residents of the community that read “Home is Where the Heart Is”.

**RECESS: 7:12PM
RECONVENED 7:14PM**

1. **Dave Vozza – Vozza Agency (Risk Management Consultant)**

Mr. Vozza gave brief update on our health insurance fund review. The fund introduced its 2019 overall budget with only a 1.1% increase. Specifically for Bloomingdale there was slight decrease which results in approximately a $10,000 savings. Bloomingdale will also get a dividend return of $78,000. Bloomingdale’s involvement of the ‘Wellness Program’ has been terrific with about 80% participation by employees. Dave is working with the Mayor in reviewing lower cost plan designs as an option for employees.

**EARLY EXECUTIVE SESSION:** N/A

**NON-AGENDA ITEMS:**

1. Motion for authorization for QPA to solicit RFP’s for professional services
2. Motion for authorization to advertise for a Full Time Animal Control Officer
3. Motion to approve Fire Department Member Application – Ethan Lindemulder

**EARLY PUBLIC COMMENT:**

Motion was made by D’AMATO to open to meeting for public comment; seconded by COSTA and carried per voice vote all voting AYE

 **Matt Zaccone** – 77 Charles Street, Bloomingdale:

*Inquired on potential dates for ‘Santa Clause’ going around town on Fire Truck. If dates can be posted. Requested the mayor & council look into putting in a man-made ice skating rink near Bogue Pond. There was discussion on how to make this possible if it was possible. Jon said we have a synthetic ice skating rink but asked to have the rec committee discuss this project and formally bring this to the mayor and council. This may be then be discussed at a ROSE fund meeting.*

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

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

***Breeanna Calabro, Municipal Clerk:***

Tonight is late night voter registration, clerk’s office is open until 9PM.

***Richard Dellaripa, Councilman:***

Made mention of new online billing system with Butler which has a compatible app. There is a link on the Borough webpage.

**RESOLUTION NO. 2018-10.8 CONSENT AGENDA**

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

**RESOLUTION NO. 2018-10.8**

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

***Accepting, Approving and/or Adopting the Consent Agenda of the***

***October 16, 2018 Regular Council Meeting***

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

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

* 1. **Resolution No. 2018-10.9:** Block: 3032 Lot: 5 State Appeal
	2. **Resolution No. 2018-10.10:** Amend Employee Handbook – Sick Leave Act
	3. **Resolution No. 2018-10.11:** Releasing Performance Bond - Fitzpatrick (Van Dam Ave)
	4. **Resolution No. 2018-10.12:** Declaring an Emergency – Water Main Break (Reeve Ave & Ballston Street)
	5. **Resolution No. 2018-10.13:** TTL 16-00002
	6. **Resolution No. 2018-10.14:** TTL 16-00004
	7. **Resolution No. 2018-10.15:** Eagle Scout – Brendan W. Shoemaker

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

**Note**: items D & E listed separately on the agenda are covered together under resolution 2018-10.12 (water main breaks)

**Consent Agenda Resolutions:**

**RESOLUTION NO. 2018-10.9**

**OF THE GOVERNING BODY OF**

**OTHE BOROUGH OF BLOOMINGDALE**

***Authorizing State Tax Court Refund***

**WHEREAS,** the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that on December 5, 2017 the Municipality was notified of a State Tax Court judgment, and

**WHEREAS,** the Governing Body further finds and declares that this judgment is on Block 3032 Lot 5, known as 37 Hamburg Turnpike, owned by NJBW GROUP LLC for the 2017 assessments for taxes, and that the 2017 taxes have already been paid by the owner, and

**WHEREAS**, per the directives of the STIPULATION OF SETTLEMENT filed with the STATE TAX COURT any refund of monies is to be paid to the plaintiff, NJBW GROUP, LLC

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Bloomingdale that the Borough Treasurer be and is hereby authorized to issue a check in the amount of $842.80 payable to Attorney, Spiotti & Esposito, PC – Attorney Trust Account, 271 US Highway 46, Suite F105-106, Fairfield, NJ 07004

**RESOLUTION NO. 2018-10.10**

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

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING THE BOROUGH OF BLOOMINGDALE EMPLOYEE HANDBOOK & POLICIES AND PROCEDURES MANUAL TO CONFORM WITH STATE STATUTES**

 **WHEREAS**, effective October 29, 2018, the Paid Sick Leave Act becomes effective; and

 **WHEREAS**, the Paid Sick Leave Act establishes sick leave time for all employees; and

 **WHEREAS**, the Borough of Bloomingdale wishes to amend its Employee Handbook & Policies and Procedures Manual to conform with the Paid Sick Leave Act.

 **WHEREAS,** in order to ensure that the Borough is in compliance with the Paid Sick Leave Act, the Council has determined that the following changes to the existing Employee Handbook & Policy and Procedures Manual should be made.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey recommends the following changes to the Sick Leave Policy within the Employee Handbook & Policy and Procedures Manual:

**Sick Leave Policy:**

1. Full-time Employees

Employees are entitled to 15 sick days per calendar year or a monthly prorated portion of same for partial years of employment. Sick days may be accumulated without limit. Sick leave is to be used only in cases where the employee is ill and unable to work, or in cases of the serious illness of a family member. Employees absent on sick leave for three or more consecutive working days must submit a doctor’s verification of illness or injury. If an employee is attending to an immediate family member, a doctor’s verification of that individual is required. After the tenth day of absence on sick leave in one calendar year, a doctor’s verification must be submitted for all sick leave absences, regardless of duration. Prior to the return to work, the Mayor and Council may require an employee to be examined by a physician designated by the Borough to verify fitness to return to normal duties. An employee will not be permitted to return to work until the verification is received.

At the end of each calendar year, an employee shall be paid one-half (1/2) their daily rate of pay on or before the last pay of January of the ensuing year for each unused sick leave day in the prior year up to a maximum of six days pay. All unused sick leave days shall be accumulated in accordance with all union contracts and Borough policy.

***Borough policy is that upon retirement, employees receive a maximum of 180 days at one-half (1/2) pay of their accumulated sick time. New employees hired after May 21, 2010 will follow Statute 40A:9-10:2 and will be eligible to receive compensation for any unused banked sick time, not more than the amount accumulated at one-half (1/2) pay or $15,000 whichever is less.***

The Borough also provides the option to allow employees to be compensated at the rate of Ten ($10) Dollars per day on the last pay of January of the ensuing year. All accumulated time banked will be applied towards accumulated retirement time. This accumulation retirement time continues indefinitely and employees will receive compensation for said time at the current rate of pay at retirement.

1. Part-Time and Seasonal Employees

Part-time and seasonal employees are entitled to up to forty (40) hours of accrued sick time per benefit year (January 1 through December 31). Employees accrue sick time at the rate of one (1) hour for every thirty (30) hours worked (time will not be frontloaded). . Hours accrued will not carry over into the next benefit year. A break in service and re-hire will start a new accrual time period.

Police Crossing Guards are required to use time off in half shift (1 ½ hours) increments. All other part-time and seasonal employees will be permitted to use time off in one (1) hour increments.

Time off may be taken for the following:

* Diagnosis, care or treatment of, or recovery from, an employee’s own mental or physical illness, including preventative medical care
* Aid or care for a covered family member’s mental or physical illness, including preventative medical care
* Circumstances related to an employee’s, or their family member’s status as a victim of domestic or sexual counseling, relocate, or participate in related legal services
* Closure of an employee’s workplace or of school/childcare of an employee’s child because of a public official’s order relating to a public health emergency
* Time to attend his or her child’s school related conference or to attend a meeting regarding care provided to the child in connection with the child’s health conditions or disability

Family member is defined to include individuals related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

Notice requirements:

 All part-time and seasonal employees must provide seven (7) days’ advance notice of intent to use sick time whenever possible (foreseeable use). In cases of emergency use of sick time, notice must be provided to the employee’s supervisor as soon as possible.

Employees absent on sick leave for three (3) or more consecutive working days must submit a doctor’s verification of illness or injury. If an employee is attending to an immediate family member, a doctor’s verification of that individual is required. After the fifth (5th) work day of absence on sick leave in one calendar year, a doctor’s verification must be submitted for all sick leave absences, regardless of duration. Prior to the return to work, the Mayor and Council may require an employee to be examined by a physician designated by the Borough to verify fitness to return to normal duties. An employee will not be permitted to return to work until the verification is received.

***Employees will not be entitled to receive compensation for any unused sick time accrued at the time of separation.***

The Paid Sick Leave Act (“Act”) affords employees an action through civil litigation if the employee believes they have been improperly denied time off permissible under the Act. The Borough of Bloomingdale will not retaliate against any employee for requesting or using earned time; Act includes a rebuttable presumption that the employer’s actions are unlawful if adverse action is taken within 90 days of the protected activity. Protected activity includes but is not limited to filing a complaint with the DOL (Department of Labor), cooperating with a DOL investigation, opposing policies and practices that are unlawful under the Act, or informing other individuals of their rights under the Act

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be posted at the Borough of Bloomingdale and a copy thereof delivered to each Borough employee within five (5) days of this Resolution.

This Resolution shall take effect immediately.

**RESOLUTION NO. 2018-10.11
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**A RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AUTHORIZING THE RELEASE OF performance BOND and final payment FOR THE WORK PERFORMED in connection with the VAN DAM AVENUE improvement project**

 **WHEREAS**, the developer, Mike Fitzpatrick and Son, Inc., has requested a release of the performance bond and final payment for the work performed in connection with the Van Dam Avenue improvement project, in the Borough of Bloomingdale; and

 **WHEREAS**, the Borough Engineer has reviewed the request, performed an inspection of the work completed, and recommend by correspondence, dated October 9, 2018, that the performance bond and final payment, in the amount of $17,278.02, be released.

**NOW, THEREFORE, BE IT RESOLVED,** by the Mayor and Township Council of the Borough of Bloomingdale, in the County of Passaic and State of New Jersey that it does hereby authorize that the performance bond and final payment, in the amount of $17,278.02, be released to the developer.

This Resolution shall take effect immediately.

**RESOLUTION NO. 2018-10.12
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**DECLARING AN EMERGENCY – FOR PURPOSES OF AWARDING A CONTRACT FOR EMERGENCY WATER MAIN REPAIRS ON REEVE AVE AND BALLSTON STREET**

**WHEREAS,** the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares an emergency situation has developed with water main repairs on Reeve Ave and Ballston Street;

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

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

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

**WHEREAS**, the Governing Body further finds and declares that the Utility Department, has correctly recommended that the aforementioned water main repairs be remedied through the award to the following: **Water Works Supply Co. - $7,075.13
 Advanced Plumbing & Draining - $730.00
 Barret Construction - $15,645.00
 FSC Leak Detection - $1,125.00
 Bob Tuit Paving & Landscaping - $7,070.00**

**WHEREAS**, the emergency costs are to be funded through 2018 Utility budget account number 8-09-55-512-001-203 in an amount not to exceed $31,645.13 and the CFO has certified the availability of funds;

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

 **RESOLUTION NO. 2018-10.13**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Authorizing Redemption and Cancellation of Tax Title Lien Certificate #16-00002***

**WHEREAS,** the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that, at the Borough Tax Sale held on November 21, 2017, a lien was sold on,

49 Vreeland Avenue, Bloomingdale, for delinquent year 2016 Water/Sewer, and

**WHEREAS,** the Governing Body further finds and declares that the foregoing property is also known as Block 3015 Lot 4, currently owned by Bayview Loan S LLC; and

**WHEREAS,** the Governing Body further finds and declares that the foregoing lien which was sold to DENNIS MOELLER for a premium of $500.00, and

**WHEREAS,** the Governing Body further finds and declares that for 49 Vreeland Avenue, the mortgage company, BAYVIEW LOAN SERVICING has requested redemption of TTL #16-00002, and

**WHEREAS,** the Governing Body further finds and declares that BAYVIEW LOAN SERVICING, has paid all monies, to the Borough of Bloomingdale;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Bloomingdale that the Borough Treasurer be and is hereby authorized to issue checks in the amount of $222.75 for the lien redemption and $500.00 for the premium, be made payable to Dennis Moeller, 118 Long Pond Road, Hewitt, NJ 07421 for the redemption and cancellation of Tax Title Lien Certificate #16-00002

1099 = $0

**RESOLUTION NO. 2018-10.14**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Authorizing Redemption and Cancellation of Tax Title Lien Certificate #16-00004***

**WHEREAS,** the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that, at the Borough Tax Sale held on November 21, 2017, a lien was sold on,

105 Star Lake Road, Bloomingdale, for delinquent year 2016 Water/Sewer, and

**WHEREAS,** the Governing Body further finds and declares that the foregoing property is also known as Block 3022, Lot 35, owned by Wells Fargo Bank NA Trustee; and

**WHEREAS,** the Governing Body further finds and declares that the foregoing lien which was sold to C & E TAX LIEN FUND I for a premium of $1,700.00 and

**WHEREAS,** the Governing Body further finds and declares that for 105 Star Lake Road, the mortgage company, LERETA, LLC., has requested redemption of TTL #16-00004, and

**WHEREAS,** the Governing Body further finds and declares that the Mortgage Company, LERETA, LLC has paid all monies, to the Borough of Bloomingdale;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Bloomingdale that the Borough Treasurer be and is hereby authorized to issue checks in the amount of $27,020.70 for the lien redemption and $1,700.00 for the premium, be made payable to C&E TAX LIEN FUND I, PO Box 9, Short Hills, NJ 91101, for the redemption and cancellation of Tax Title Lien Certificate

#16-00004

1099 = $3385.49

**RESOLUTION NO. 2018-10.15**

 **OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

**WHEREAS,** Brendan W. Shoemaker has participated in the Boy Scouts of America, a national organization founded in 1910 for the purpose of assisting young boys develop character, citizenship and physical and mental fitness through training in wood, field and handicraft activities and community service; and

**WHEREAS,** Brendan W. Shoemaker has graduated within the organization by achieving successive ranks and merit badges through his successful completion of activities intended to foster the purpose of the Boy Scouts of America, and has attained the high rank of Eagle Scout as a result; and

**WHEREAS,** the Governing Body of the Borough of Bloomingdale finds and declares that Brendan W. Shoemaker has brought honor to his community, his family and himself through his attainment of the high rank of Eagle Scout and has distinguished himself as an example to others of what it means to be a Scout;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby recognize and congratulate Brendan W. Shoemaker on his attainment of the high rank of Eagle Scout; does commend to him continued participation in civic and scouting activities as a means of fulfilling his status as an Eagle Scout; and does extend to him best wishes in all of his future endeavors; and

**BE IT FURTHER RESOLVED** that the Governing Body of the Borough of Bloomingdale hereby declares November 17, 2018 as ***“Brendan W. Shoemaker Day”*** in the Borough of Bloomingdale.

 **Jonathan Dunleavy, Mayor**

 **Borough of Bloomingdale**

***I hereby certify that the above is a true copy of a Resolution***

***Adopted by the Governing Body of Bloomingdale at an Official***

***Meeting held on October 16, 2018.***

**Breeanna Calabro, RMC**

**Municipal Clerk/Borough of Bloomingdale**

**PENDING ITEMS:**

1. **Second/Final Reading & Public Hearing:**
*Ordinance No. 21-2018: Amend Ch. 7-19 (Turn Restrictions)*

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 7 “TRAFFIC”, PART I “ON STREET TRAFFIC”, SECTION 7-19 “TURN PROHIBITIONS AND TURN RESTRICTIONS” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE** was given second and final reading and considered for adoption.

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

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

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO. 21-2018**

**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 7 “TRAFFIC”, PART I “ON STREET TRAFFIC”, Section 7-19 “TURN PROHIBITIONS AND TURN RESTRICTIONS” of the Code of the Borough of Bloomingdale**

 **WHEREAS**, the Borough Code contains a section regulating on street traffic and turning prohibitions; and

 **WHEREAS**, the Chief of Police of the Bloomindale Borough Police Department, the Borough Council and the Borough Ordinance Committee have reviewed the current Code and determined that it is necessary to amend the Code section to adjust traffic restrictions in certain areas of the Borough; 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 7 “Traffic”, Part I “On Street Traffic”, Section 7-19 “Turn Prohibitions and Turn Restrictions” shall be amended to read as follows:

**7-19 TURN PROHIBITIONS AND TURN RESTRICTIONS.**

1. *Turn Prohibitions.* No person shall make a turn at any location listed and only in the manner described.

|  |  |  |
| --- | --- | --- |
| *Intersection* | *Turn Prohibited* | *Movement Prohibited* |
| Brandt Lane at Main Street | Left |   |
| Main Street (Hamburg Turnpike) at Brandt Lane | Right |   |

1. *Turn Restrictions.* Turns shall be made only in the manner described below.

|  |  |  |
| --- | --- | --- |
| *Intersection* | *Turn Restriction* | *Movement Restricted* |
| Main Street (Bloomingdale) at Main Street (Butler) | Left hand turn lane only |   |
| Main Street (Bloomingdale) at Hamburg Turnpike | Right hand turn lane only |   |
| Union Avenue at Main Street | Right hand turn lane only |   |
| East Bound Main Street (Main Street extension) at Hamburg Turnpike | No left turn | Between hours of 7 AM and 9 AM Monday through FridayBetween the hours of 3 PM and 7 PM Monday through Friday |

 All other portions of this Section of the Code 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.

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

Since there was no one who wished to comment D’AMATO made a motion to close the Public Hearing; seconded by DELLARIPA and carried on a voice vote all voting AYE.

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

1. **Second/Final Reading & Public Hearing:**
*Ordinance No. 22-2018: Amend Ch. 7-30 (Stop Sign/Intersection)*

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 7 “TRAFFIC”, PART I “ON STREET TRAFFIC”, SECTION 7-30 “STOP INTERSECTIONS” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE** was given second and final reading and considered for adoption.

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

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

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO. 22-2018**

**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 7 “TRAFFIC”, PART I “ON STREET TRAFFIC”, Section 7-30 “STOP INTERSECTIONS” of the Code of the Borough of Bloomingdale**

 **WHEREAS**, the Borough Code contains a section regulating stop signs on the streets of the Borough; and

 **WHEREAS**, the Chief of Police of the Bloomindale Borough Police Department, the Borough Council and the Borough Ordinance Committee have reviewed the current Code and determined that it is necessary to amend the Code section to correct the location of certain other stop signs on the streets of the Borough; 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 7 “Traffic”, Part I “On Street Traffic”, Section 7-30 “Stop Intersections” shall be amended to read as follows:

**7-30 STOP INTERSECTIONS.**

 Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections described are hereby designated as Stop Intersections. Stop signs shall be installed as provided therein.

|  |  |  |
| --- | --- | --- |
| *Intersection* | *STOP Sign on:* |  |
| Andrew Place and Reeve Avenue | Andrew Place |  |
| Ann Street and Elm Street | Ann Street |  |
| Ann Street at Lakeside Avenue | Lakeside Avenue |  |
| Ballston Avenue and Wallace AvenueBallston Street and Park Place | Wallace AvenuePark Place |  |
| Bogue Drive and Sandra Lane | Sandra Lane |  |
| Captolene Avenue and Grove Street | Grove Street |  |
| Captolene Avenue and Pearl Street | Captolene Avenue |  |
| Captolene Avenue and Valley View StreetCatherine Street and Warren Street | Captolene AvenueCatherine Street |  |
| Charles Street and Roy Avenue | Roy Avenue |  |
| Chestnut Street and Maple Avenue | Maple Avenue |  |
| Clark Street and Sunrise Avenue | Sunrise Avenue |  |
| Clark Street and Walter Drive | Walter Drive |  |
| Cook Court and Hillcrest Drive | Cook Court |  |
| Elizabeth Street and Catherine Street | Catherine Street |  |
| Elizabeth Street and William Street | Elizabeth Street Southbound |  |
| Elm Street and Charles Street | Elm Street |  |
| Fichter Street and Crane Avenue–Sally Street | Crane Avenue–Sally Street |  |
| Glen Road and Andrew Place | Glen Road |  |
| Glenwild Avenue and Anna Rose Court | Anna Rose Court |  |
| Glenwild Avenue and Babcock Lane | Babcock Lane |  |
| Glenwild Avenue and Club House Road | Club House Road |  |
| Glenwild Avenue and Demarest Road | Demarest Road |  |
| Glenwild Avenue and East Shore Road | East Shore Road |  |
| Glenwild Avenue and Glade Road | Glade Road |  |
| Glenwild Avenue and Pine Tree Road | Pine Tree Road |  |
| Glenwild Avenue and West Shore Drive | West Shore Drive |  |
| Hamburg Turnpike and First Street | First Street |  |
| Hamburg Turnpike and Second Street | Second Street |  |
| Hamburg Turnpike and Third Street | Third Street |  |
| Hamilton Street and Wallace Avenue | Wallace Avenue |  |
| Hennion Place and Ryerson Avenue | Hennion Place |  |
| Highland Avenue and Cedar Street | Highland Avenue |  |
| Hillcrest Drive and Hillside Drive South | Hillcrest Drive |  |
| Hillcrest Drive (East) and Reeve Avenue | Hillcrest Drive (East) |  |
| Hillside Drive (North) and Bogue Drive | Bogue Drive |  |
| Hillside Drive (North) and Hillcrest Drive | Hillcrest Drive |  |
| James Avenue and Roy Avenue | James Avenue |  |
| Lakeside Avenue and Charles Street | Charles Street |  |
| Lakeside Avenue and Oakwood Terrace | Oakwood Terrace |  |
| Lakeside Avenue and Woodward Avenue | Lakeside Avenue |  |
| Leary Avenue and Oak Street | Leary Avenue |  |
| Linden Lane and Sandra Lane | Linden Lane |  |
| Main Street and Brandt LaneMaple Avenue and Birch Street | Brandt LaneBirch Street |  |
| Matthews Drive and Pleasant View Avenue | Matthews Drive |  |
| Matthews Terrace and Jeffrey Drive | Matthews Terrace |  |
| Memorial Court and Lakeside Avenue | Memorial Court |  |
| Oakwood Terrace and Fichter StreetOld Ridge Road and Vreeland Avenue | Fichter StreetVreeland Avenue |  |
| Orchard Street and Wallace Avenue | Wallace Avenue |  |
| Park Avenue and Chestnut Street | Park Avenue |  |
| Pearl Street and Captolene Avenue | Captolene Avenue and Pearl Street (4-way stop) |  |
| Pearl Street and Pleasant View Avenue | Pearl Street |  |
| Poplar Street and Maple Avenue | Maple Avenue |  |
| Roy Avenue and Charles Street | Charles Street |  |
| Ryerson Avenue and Oak Street | Ryerson Avenue |  |
| Star Lake Road and Clark Street | Clark Street |  |
| Star Lake Road and Old Ridge Road | Old Ridge Road |  |
| Star Lake Road and Webber Street | Webber Street |  |
| Tice Street and Maple Avenue | Maple Avenue |  |
| Union Avenue and Oak Street | Oak Street |  |
| Valley View Avenue and Pleasant View Avenue | Valley View Avenue |  |
| Vreeland Avenue and Mary Street | Mary Street |  |
| Walnut Drive and Maple Avenue | Maple Avenue |  |
| Walter Drive and Roy Avenue–Winifred Court | Roy Avenue-Winifred Court |  |
| Warren Street and Mary Street | Warren Street |  |
| Waterfall Court at Hamburg Turnpike | Waterfall Court |  |
| White Haven Place and Park Avenue | White Haven Place |  |
| William Street and Ella Street | Ella Street |  |
| Woodward Avenue and Fichter Street | Fichter Street (4-way stop) |  |
| Woodward Avenue and Sunrise Avenue | Woodward Avenue |  |

 All other portions of this Section of the Code 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.

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

Since there was no one who wished to comment COSTA made a motion to close the Public Hearing; seconded by D’AMATO and carried on a voice vote all voting AYE.

**Discussion:**
*The mayor explained the traffic ordinances listed on this evenings agenda are a result of a study done by our traffic bureau. Few are new recommendations, it’s just an effort to keep the ordinances consistent with the actual street signs.*

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

1. **Second/Final Reading & Public Hearing:**
*Ordinance No. 23-2018: Amend Ch. 7-31 (Yield Signs)*

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 7 “TRAFFIC”, PART I “ON STREET TRAFFIC”, SECTION 7-31 “YIELD INTERSECTIONS” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE** was given second and final reading and considered for adoption.

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

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

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO. 23-2018**

**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 7 “TRAFFIC”, PART I “ON STREET TRAFFIC”, Section 7-31 “yield INTERSECTIONS” of the Code of the Borough of Bloomingdale**

 **WHEREAS**, the Borough Code contains a section regulating yield signs on the streets of the Borough; and

 **WHEREAS**, the Chief of Police of the Bloomindale Borough Police Department, the Borough Council and the Borough Ordinance Committee have reviewed the current Code and determined that it is necessary to amend the Code section to reflect existing yield signs at Mary Street, Clark Street and Walter Drive; 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 7 “Traffic”, Part I “On Street Traffic”, Section 7-31 “Yield Intersections” shall be amended to read as follows:

**7-31 YIELD INTERSECTIONS.**

 Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections described are hereby designated as Yield Intersections. Yield signs shall be installed as provided therein.

|  |  |
| --- | --- |
| *Intersection* | *Yield Sign on:* |
| *Bogue Drive and Linden Lane* | *Linden Lane* |
| *Clark Street and Walter Drive**Elizabeth Street and Mary Street**Pleasant View Avenue at Grove Street* | *Walter Drive**Mary Street**Pleasant View Avenue (both directions)* |
| *Red Twig Trail and Clark Street* | *Clark Street* |

All other portions of this Section of the Code 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.

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

Since there was no one who wished to comment DELLARIPA made a motion to close the Public Hearing; seconded by D’AMATO and carried on a voice vote all voting AYE.

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

1. **Second/Final Reading & Public Hearing:**
*Ordinance No. 25-2018: Amend 2-80 & 2-84 (Credit Card Fees)*

**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” & SECTION 2-84 “CREDIT CARD FEES” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE** was given second and final reading and considered for adoption.

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

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

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO. 25-2018**

**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” & SECTION 2-84 “CREDIT CARD FEES” of the Code of the Borough of Bloomingdale**

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

 **WHEREAS**, the Borough Council, the Borough Ordinance Committee, and the finance department have reviewed the current Code and determined that it is necessary to amend the Code to establish the appropriate online water and sewer credit card payment fees; 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:

 a. Copies of documents available to the public pursuant to the Open Public Records Act, N.J.S.A. 1A-1 et seq. are to be charged at the following rates: (1) $0.05 per page for letter sized pages and smaller; (2) $0.07 per page for legal sized pages and larger; (3) electronic records are to be provided free of charge via e-mail and fax; (4) $2.70 for recording manufacturer's recommended compact disk or $.60 for standard quality compact disc; and (5) the actual cost to provide records in another medium (i.e. computer disc, CD-ROM, DVD)

|  |  |
| --- | --- |
|  |  |
| b. Black and White Street and/or Zoning Map | $5.00 |
| c. Color Street and/or Zoning Map | $8.00 |
| 1. 8-1/2 x 11 Color Street and/or Zoning Map | $0.50 |
| d. Zoning Ordinance Package | $10.00 |
| e. Site Plan Ordinance Package | $10.00 |
| f. Master Plan | $50.00 |
| g. Assessment Search | $10.00 |
| h. Tax Search | $10.00 |
| i. Municipal Lien Search | $10.00 for each property |
|  | $2.00 for each continuation |
|  | year (maximum of $8.00) |
| j. Search for Delinquent Properties | $10.00 |
| k. Search for Miscellaneous Tax Information | $5.00 |
| l. List of Property Owners within 200 feet | $10.00 or $.25 per name |
|  | (whichever is greater) |
| m. Duplicate Tax Sale Certificate | $100.00 |
| n. Duplicate Tax Bill | $5.00 for first duplicate copy |
|  | $25.00 for duplicate copy thereafter |
| o. Mailing of Notice of Tax Sale | $25.00 |
| p. Off-Duty Traffic Control Activities by Police Officers | $65.00/hr. |
| Plus Administration Fee | 25% of total fee |
| q. Photocopy of Tax Map | $0.75 |
| r. Returned Check Fee | $28.00 |
| s. Tire Pickup and Disposal | $5.00 per tire |
| t. Leaf Bags | 3 for $1.00 |
| u. Garage Sales | $10.00 |
| v. Permit to purchase a handgun | $2.00 |
| w. Permit to carry a handgun | $5.00 |
| x. Firearm Identification Card | $5.00 |
| y. Summer Junior Police Academy | $25.00 to $50.00 |
| z. Clothing Bins | $10.00 |
| aa. Online payment fees for credit cards | Up to 5% of costs |
| bb. Delivery of Topsoil/Mulch | $50.00. Limit of 2 deliveries |
|  | per resident annum |
| cc. Overnight Parking Permit | $120.00 per annum |
| dd. Livestock Permit Fee | $30 per annum |
| ee. License for retail electronic smoking device establishments | $250 per annum |
| ff. Anniversary Journals | $20.00 |
| gg. Anniversary Shirts | $15.00-$18.00 |
| hh. Online credit card fees for Water & Sewer | $3.95 |

All other portions of this Section remain unchanged.

**SECTION 2.** Chapter 2 “Administration”, Article VIII “Policies and Procedures”, Section 2-84 “Credit Card Fees” shall be amended as follows:

There is hereby established a fee for the use of credit cards for the payment of taxes, water, sewer payments or any and all other fees charged by the Borough of Bloomingdale, which shall not exceed 5.0% of costs.

The fee for use of credit cards for the payment of water and sewer is $3.95.

**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.

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

Since there was no one who wished to comment COSTA made a motion to close the Public Hearing; seconded by DELLARIPA and carried on a voice vote all voting AYE.

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

1. **Second/Final Reading & Public Hearing:**
*Ordinance No. 26-2018: Amend Ch. 19 (Solid Waste Management)*

**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** was given second and final reading and considered for adoption.

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

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

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE 26-2018**

**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 definitions, standards and requirements as part of the ordinances governing solid waste management; and

 **WHEREAS**, the Borough Council and the Borough Ordinance Committee have reviewed the current Code and determined that it is necessary to amend the Code section to update and supplement the regulations relating to solid waste management; 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 19 “Solid Waste Management” shall be amended as follows:

 **19-1.1** Definitions.

*Garbage container* shall mean a metal or plastic container of substantial construction with a capacity of not more than thirty-two (32) gallons and with a tight fitting lid and handles of sufficient size and strength to facilitate safe handling of the container when full and lined with a dark-colored plastic bag, minimum of 0.85 mil thickness, with a capacity of not more than forty (40) gallons, securely tied to prevent garbage from spilling out.

 **19-1.6 Separation Requirements.**

 (j) Solid waste shall be placed in a garbage container, with the maximum weight limit for each garbage container being sixty (60) pounds.

 All other portions of this Chapter of the Code 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.

**Municipal Clerk noted**: *There was a typographical error in the publication notice for introduction of this ordinance. Under section 19-1.6 Separation Requirements, the publication read “forty (60) pounds” it should read “sixty (60) pounds”. Error was noted on the record; attorney, Dawn Sullivan, gave the ‘ok’ for the council to proceed with public hearing.*

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

Since there was no one who wished to comment COSTA made a motion to close the Public Hearing; seconded by YAZDI and carried on a voice vote all voting AYE.

**Discussion**: *Mayor stated this is being put in place and will take time to implement. The DPW will be getting stickers to put on cans that don’t meet the code. This will always help protect the DPW laborers from blood borne pathogens.*

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

**NEW BUSINESS:**

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

**RESOLUTION NO. 2018-10.16**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Authorizing Payment of Municipal Obligations***

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

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby authorize payment of said municipal obligations, in accordance with the recommendations of the Chief Financial Officer and the Borough Treasurer, from the following accounts and in the following amounts: **WHEREAS**, the Governing Body further finds and declares that said obligations have been itemized on the annexed schedules, which are hereby deemed part of this Resolution;

BILLS LIST PREPAID LIST

CURRENT 1,723,008.15 CURRENT 616,155.71

UTILITY 565,605.62 UTILITY 29,712.11

CAPITAL 247,060.45 OPEN SPACE 32,222.32

UTILITY CAPITAL 158,492.08 TRUST ACCOUNT 2,278.50

TRUST 49,523.33 RECYCLING 276.00 DOG 4,393.24 DOG TRUST 00.00

RECREATION 5,466.57 UNEMPLOY 191.26 ROSE FUND 11,453.94 CAPITAL 6,857.50

RECYCLING 000.00 WATER CAPITAL 000,000.00

UNEMPLOYMENT 000.00 RECREATION 1,184.15

AFFORDABLE HOUSING 1,617.49 CAPITAL ASSESSMENT 00,000.00

TOTAL 2,766,620.87 TOTAL 688,877.55

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

1. **Introduction of Bond Ordinance No.** **27-2018**:
Amending Bond Ordinance No. 10-2017 (adopted 4/4/2017) to Increase the Total Section 2:20 Costs by $50,000 From $140,000 to $190,000

*Mayor made note this was not ‘new’ borrowing, just re-appropriating money in the existing bond to cover soft costs. We were short on engineering fees. The borough is not incurring more debt.*

A motion was made by D’AMATO to introduce the Ordinance by title; second and final reading/ public hearing will be on November 1, 2018 at 8AM; the motion was seconded by DELLARIPA and carried by voice vote, all in favor.

**NON AGENDA ITEMS:**

1. A motion was offered by Councilman D’AMATO authorizing the Borough’s QPA or other officials to solicit RFP’s for professional services; the motion was seconded by YAZDI and carried on voice vote, all in favor.
2. A motion was offered by Councilman COSTA authorizing the advertising and interviewing of a Full Time Animal Control Officer; the motion was seconded by YAZDI and carried on voice vote, all in favor.
3. A motion was offered by Councilman COSTA to approve a Fire Department Member Application for Ethan Lindemulder; the motion was seconded by Councilman DELLARIPA and carried on voice vote, all in favor.

**LATE PUBLIC COMMENT:**

D’AMATO opened the meeting to late public comment; seconded by COSTA and carried on voice vote. Since there was no one who wished to speak, YAZDI moved that it be closed; seconded by D’AMATO and carried on voice vote.

**GOVERNING BODY SCHEDULE:**

1. **Workshop Meeting – November 1, 2018 (8AM)**
2. **Election Day – November 6, 2018**
3. **Veteran’s Day Observance Ceremony – November 11**
4. **Regular Meeting – November 27, 2018**
5. **Regular Meeting – December 18, 2018**

**ADJOURNMENT:**

Since there was no further business to be conducted, COSTA moved to adjourn at 7:43PM; seconded by YAZDI and carried on voice vote with all Council Members present voting AYE.

Breeanna Calabro, RMC

Municipal Clerk