**REGULAR COUNCIL MEETING**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

**December 18, 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. Council President Anthony Costa called the meeting to order at 7:00PM.

Councilman Costa led the **Salute to the Flag**.

**Roll Call:**

*In Attendance:* Mayor Jonathan Dunleavy (Excused) (later entered at 7:20PM)

Councilman Anthony Costa

Councilman John D’Amato

Councilwoman Dawn Hudson

Councilman Michael Sondermeyer

Councilman Ray Yazdi

Municipal Clerk, Breeanna Calabro

Borough Attorney, Dawn Sullivan

**PUBLIC NOTICE STATEMENT**

Councilman Costa 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. **Cub Scout Pack 86**   
   Council President Costa welcomed the Pack & leaders who were in attendance to earn their “Hour of Light” badge. The pack observed the meeting of the Governing Body and asked questions to have a better understanding of the operations of the Borough Council. Pins were presented to the boys.

**EARLY EXECUTIVE SESSION:** N/A

**NON AGENDA:** N/A

**EARLY PUBLIC COMMENT:**

Motion was made by Councilwoman HUDSON to open the meeting for public comment; seconded by D’AMATO and carried per voice vote all voting AYE. Since there was no one who wished to speak, SONDERMEYER 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:** N/A

**RESOLUTION NO. 2018-12.1 CONSENT AGENDA**

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

**RESOLUTION NO. 2018-12.1**

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

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

***December 18, 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. **Approval of Minutes:**
* **Regular Council Meeting – November 27, 2018**
  1. **Resolution No. 2018-12.2: Supporting Drive Sober or Get Pulled Over Holiday Crackdown**
  2. **Resolution No. 2018-12.3: Authorize Amendment to CME Contract**
  3. **Resolution No. 2018-12.4: 2019 Governing Body Meeting Schedule**
  4. **Resolution No. 2018-12.5: Supporting Bill A-4815 ‘Save Library Link NJ’**
  5. **Resolution No. 2018-12.6: Proclamation Bloomingdale School Choice Week**
  6. **Resolution No. 2018-12.7: Approval of Shared Service Agreement with Kinnelon for CCO**
  7. **Resolution No. 2018-12.8: Approval of Shared Service Agreement with Mansfield for CFO**
  8. **Resolution No. 2018-12.9: Tax Redemption TTL 17-00023**
  9. **Resolution No. 2018-12.10: Tax Redemption TTL 17-00007**

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

**Consent Agenda Resolutions:**

**RESOLUTION NO. 2018-12.2**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Supporting the Drive Sober or Get Pulled Over 2018 Year End Holiday Crackdown***

**WHEREAS*,*** impaired drivers on the nation’s roads killed 10,874 people in 2017; and

**WHEREAS**, 20% of motor vehicle fatalities in New Jersey are alcohol-related; and

**WHEREAS**, an enforcement crackdown is planned to combat impaired driving; and

**WHEREAS**, the season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

**WHEREAS**, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over Year End Holiday Crackdown*; and

**WHEREAS**, the project will involve increased impaired driving enforcement from December 7, 2018 through January 1, 2019; and

**WHEREAS**, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Bloomingdale declares its support for the *Drive Sober or Get Pulled Over Year End Holiday Crackdown* from December 7, 2018 through January 1, 2019 and pledges to increase awareness of the dangers of drinking and driving.

**RESOLUTION NO. 2018-12.3  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AUTHORIZING A SECOND AMENDMENT TO THE JANUARY 24, 2017 Professional Services Agreement Between the borough of bloomingdale and cme associates**

**WHEREAS,** there exists a continuing need for professional planning services and litigation support services for the Borough of Bloomingdale in connection with the ongoing affordable housing litigation; and

**WHEREAS,** the Borough of Bloomingdale and CME Associates previously entered into a Professional Services Agreement, dated January 24, 2017, for CME Associates to perform such services in accordance with its December 23, 2016 proposal; and

**WHEREAS**, the original Agreement was amended, pursuant to a proposal dated March 13, 2018, by Resolution 2018-3.11 to account for additional planning services required in connection with the affordable housing litigation; and

**WHEREAS**, thereafter, it has been determined that additional, continuing professional planning services are required in connection with the Condemnation Area in Need Study and the affordable housing obligation which is being litigated currently; and

**WHEREAS**, these additional services have exhausted the budget set forth in the Professional Services Agreement of January 24, 2017 and Resolution Amendment 2018-3.11 dated March 20, 2018; and

**WHEREAS**, CME Associates issued a third proposal to amend the budget for its services, dated December 12, 2018, for additional services; and

**WHEREAS**, the Borough of Bloomingdale and CME Associates wish to amend the Professional Services Agreement to include the increased budget for the additional services; and

**WHEREAS,** funds are available for this purpose; and

**WHEREAS,** the Local Public Contracts Law (N.J.S.A. §40A:11-1 *et seq.*) requires that the resolution authorizing the award of a contract for professional service without competitive bidding, and the contract itself, be available for public inspection.

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

1. The Borough of Bloomingdale hereby awards and authorizes the Mayor and Borough Clerk to execute a second Addendum with CME Associates for professional planning services and litigation support services for an addition to the budget of a fee not to exceed $3,500 as per its proposal dated December 12, 2018.
2. This contract is awarded and amended without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person licensed under law to practice a recognized profession.
3. The total fee authorized for this contract shall not exceed $3,500 without the prior written approval of the Borough Council.
4. Notice of this action shall be published once in the Borough’s official newspaper as required by law.
5. A copy of this Resolution shall be provided to the Borough Chief Financial Officer and CME Associates, 1460 Route 9 South, Howell, New Jersey 07731, for their information and guidance.

This Resolution shall take effect immediately.

RESOLUTION NO. 2018-12.4  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE   
Passaic County, New Jersey

**RESOLUTION ADOPTING THE SCHEDULE FOR BOROUGH COUNCIL WORKSHOP AND REGULAR MEETINGS FOR THE 2019 CALENDAR YEAR**

**BE IT RESOLVED**, that the Borough Council of the Borough of Bloomingdale does hereby adopt the following schedule of Workshop and Regular Meetings of the Governing Body of the Borough of Bloomingdale for the 2019 calendar year:

|  |  |
| --- | --- |
| **REGULAR WORKSHOP MEETINGS** | **COUNCIL REGULAR MEETINGS** |
|  | |
| **January 7, 2019** *(Reorganization & Work Session)* | **January 22, 2019** |
| **February 5, 2019** | **February 19, 2019** |
| **March 5, 2019** | **March 19, 2019** |
| **April 2, 2019** | **April 16, 2019** |
| **May 7, 2019** | **May 21, 2019** |
| **June 11, 2019** | **June 25, 2019** |
|  | **July 23, 2019** |
|  | **August 20, 2019** |
| **September 3, 2019** | **September 17, 2019** |
| **October 8, 2019** | **October 22, 2019** |
| **November 1, 2019\*\*** | **November 26, 2019** |
|  | **December 17, 2019** |

**BE IT FURTHER RESOLVED** that all Workshop and Regular Meetings of the Governing Body of the Borough of Bloomingdale as outlined herein shall be held in the council chambers of Borough Hall located at 101 Hamburg Turnpike, Bloomingdale, NJ and all such meetings shall begin at 7:00 p.m., except for November 1, 2019 which will commence at **8:00 a.m.**

**BE IT FURTHER RESOLVED** that official action may be taken at all meetings outlined herein.

**BE IT FURTHER RESOLVED** that this resolution shall constitute the Annual Notice for the Borough of Bloomingdale and the Borough Clerk be and is hereby instructed to advertise such notice as required by law and this notice shall be continually posted on the official bulletin board of the Borough and shall be retained on file in the Office of the Borough Clerk.

**RESOLUTION NO. 2018-12.5  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**Resolution Supporting A-4815  
Providing Funding to Preserve Full Services via LibraryLinkNJ**

**WHEREAS**, Over the last 30 years, LibraryLinkNJ has been proud to provide a variety of services, from delivering books and materials to training library staff; and

**WHEREAS, LibraryLinkNJ is now in danger of imminent closure and is** currently facing a budget deficit of $370,000; and

**WHEREAS**, Assemblymen Bob Andrzejczak (District 1) and R. Bruce Land (District 1) have just introduced a bill in the New Jersey Assembly that would provide enough funding to preserve full services via LibraryLinkNJ through the end of the current fiscal year; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Bloomingdale support A-4815 and the Borough Clerk is hereby authorized to forward this resolution to Senator Gerald Cardinale, Assemblyman Robert Auth, Assembly Woman Holly T. Schepisi to express the support.

**RESOLUTION NO. 2018-12.6  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

***Commemorating Bloomingdale School Choice Week***

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

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

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

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED**, the Mayor and Council of the Borough of Bloomingdale do hereby recognize January 20-26, 2019 as **BLOOMINGDALE SCHOOL CHOICE WEEK**, and call this observance to the attention of all of our citizens.

**RESOLUTION NO. 2018-12.7**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

**A Resolution of the Borough of Bloomingdale Authorizing Execution of a Shared Services Agreement Between the Borough of Bloomingdale and the Borough of Kinnelon for Services of a Construction Official and any Necessary Subcode Officials**

**WHEREAS**, the Governor and Legislature are encouraging municipalities to enter into shared services agreements with each other when possible so as to provide services to the residents of the State of New Jersey in a more cost effective manner; and

**WHEREAS**, the Borough of Bloomingdale and the Borough of Kinnelon have determined that it would be mutually beneficial to enter into a shared services agreement whereby the Borough of Bloomingdale would furnish the services of a Construction Official and any necessary Subcode Officials as required by the State Uniform Construction Code Act, N.J.S.A. 52:27D-119, *et seq.*; and

**WHEREAS**, the Borough of Bloomingdale has the ability to provide the aforementioned Construction Official services; and

**WHEREAS**, the Mayor of Bloomingdale has negotiated a written shared services agreement with the Borough of Kinnelon, which are acceptable to the Governing Body of the Borough of Bloomingdale; and

**WHEREAS**, the Governing Body has determined that execution of a shared services agreement as aforesaid is in the public interest.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey does hereby authorize the Mayor and Borough Clerk to execute the shared services agreement with the Borough of Kinnelon upon the terms and conditions as set forth in the agreement. A copy of the executed agreement shall be available for public inspection at the Borough Clerks office.

**RESOLUTION NO. 2018-12.8**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION approving and AUTHORIZING RENEWAL OF THE SHARED SERVICES agreement between the BOROUGH OF BLOOMINGDALE and TOWNSHIP OF MANSFIELD**

**WHEREAS**, the Township of Mansfield has a continuing need for a Chief Financial Officer; and

**WHEREAS**, the Borough CFO is available to assist the Township of Mansfield with performance and provision of the requirements of the Chief Financial Officer position per statutes and guidelines; and

**WHEREAS**, in enacting the “Uniform Shared Services and Consolidation Act,” N.J.S.A. §40A:65-1 *et seq.*, the New Jersey Legislature has permitted municipalities to enter into agreements to provide or receive services to/from one another as a means to reduce municipal expenses; and

**WHEREAS**, accordingly, the Borough of Bloomingdale and the Township of Mansfield desire to enter into this Interlocal Shared Services Agreement (“Agreement”) through which the Borough CFO shall serve as Chief Financial Officer for the Borough of Bloomingdale and the Township of Mansfield.

**WHEREAS**, said agreement shall be effective for a period of three (3) years, commencing on January 1, 2019 and terminating on December 31, 2021; and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey that the Mayor and Borough Clerk are hereby authorized to execute an Interlocal Shared Services Agreement with the Township of Mansfield for Chief Financial Officer services; and

**BE IT FURTHER RESOLVED** that the Interlocal Shared Services Agreement shall take effect upon the adoption of appropriate resolutions by all the parties thereto, and execution of agreements authorized thereunder as set forth in the agreement.

This Resolution shall take effect immediately.

**RESOLUTION NO. 2018-12.9**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Authorizing Redemption and Cancellation of Tax Title Lien Certificate #17-00023***

**WHEREAS,** the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that, at the Borough Tax Sale held on November 29, 2018, a lien was sold on,

104 Rafkind Road, Bloomingdale, for delinquent year 2017 Special Assessment, and

**WHEREAS,** the Governing Body further finds and declares that the foregoing property is also known as Block 5071, Lot 10, owned by Merle T Miller; and

**WHEREAS,** the Governing Body further finds and declares that the foregoing lien which was sold to CLEMENTE ENTERPRISES, LLC at an interest rate of $4% and

**WHEREAS,** the Governing Body further finds and declares that for 104 Rafkind Road, the property owner, Merle T Miller, has requested redemption of TTL #17-00023, and

**WHEREAS,** the Governing Body further finds and declares that the property owner, Merle T Miller 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 $1352.63 for the lien redemption, be made payable to Clemente Enterprises, LLC, PO Box 141, Wyckoff, NJ 07481 for the redemption and cancellation of Tax Title Lien Certificate #17-00023.

1099 = $28.07

**RESOLUTION NO. 2018-12.10**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Authorizing Redemption and Cancellation of Tax Title Lien Certificate #17-00007***

**WHEREAS,** the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that, at the Borough Tax Sale held on November 29, 2018, a lien was sold on,

44 Hamburg Turnpike, Bloomingdale, for delinquent year 2017 Water/Sewer, and

**WHEREAS,** the Governing Body further finds and declares that the foregoing property is also known as Block 3033, Lot 3, owned by Casey J’s; and

**WHEREAS,** the Governing Body further finds and declares that the foregoing lien which was sold to BB 316 INVESTMENTS for a premium of $100.00 and

**WHEREAS,** the Governing Body further finds and declares that for 44 Hamburg Turnpike, the mortgage holder, Michael Witmondt of Woodmont Properties, has requested redemption of TTL #17-00007, and

**WHEREAS,** the Governing Body further finds and declares that the mortgage holder, Michael Witmondt of Woodmont Properties 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 $751.24 for the lien redemption and $100.00 for the premium, be made payable to BB 316 Investments, LLC, PO Box 953, Lakewood, NJ 08701 for the redemption and cancellation of Tax Title Lien Certificate #17-00007.

1099 = $14.73

**PENDING ITEMS:**

1. **Second/Final Reading & Public Hearing  
   *Ordinance No. 30-2018: Amend Ch 4 (Marijuana)***

Motion was made by Councilman D’Amato, seconded by Councilman Dellaripa to table this ordinance. The motion carried per the following roll call vote: D’AMATO, DELLARIPA, HUDSON, SONDERMYER, YAZDI & COSTA (ALL YES)

*There is pending legislation at the state level with regards to the legalization of marijuana. It with advice from the Borough Attorney to hold off on making a formal policy until legislation has been passed. Dawn Sullivan added that the bill originally introduced has changed significantly; it is possible the state will become the issuing authority as opposed to the local municipalities.*

1. **Discussion: March 2018 winter storm FEMA Reimbursement $39,486.39**

**NEW BUSINESS:**

1. **Discussion: Permitting of easement &/or sale of Borough Property**

*The Borough has received a request from Frank Iattarelli of 198 Union Avenue for a fee simple or easement transfer of Borough Property***.** *He is currently in front of the planning board with an application to build an Autobody Repair shop. It is with advice from the Borough Attorney to deny such request. A motion was made by Councilman Yazdi, seconded by Councilwoman Hudson and carried on voice vote, all in favor.*

1. Councilman D’Amato offered the following resolution and moved for its adoption:

**RESOLUTION NO. 2018-12.11**

**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 1,746,362.77 CURRENT 1,027,403.84

UTILITY 71.736.17 UTILITY 31,777.54

CAPITAL 298,492.68 OPEN SPACE 00,000.00

UTILITY CAPITAL 11,094.46 TRUST ACCOUNT 1,628.50

TRUST 6,017.72 RECYCLING 360.00 DOG 1,378.80 DOG TRUST 0.00

RECREATION 0,000.00 UNEMPLOY 66.72 ROSE FUND 1,871.01 CAPITAL 000.00

RECYCLING 1,015.00 WATER CAPITAL 000.00

UNEMPLOYMENT 0,000.00 RECREATION 00.00

AFFORDABLE HOUSING 126.24 CAPITAL ASSESSMENT 00.00

TOTAL 2,138,094.85 TOTAL 1,061,236.60

The motion was seconded by Councilman SONDERMEYER and carried per the following roll call vote: DELLARIPA (yes), HUDSON (yes), SONDERMEYER (yes), YAZDI (yes with recusal of PO 18-01737), COSTA (yes), D’AMATO (yes with recusal of items listed for vendor 01463).

1. Councilman Dellaripa offered the following resolution and moved for its adoption:

**RESOLUTION NO. 2018-12.12**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***RESOLUTION RE: Authorizing the Transfer of 2018 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 FY2018 Budget.

|  |  |  |  |
| --- | --- | --- | --- |
| **To:** |  |  |  |
| Building & Grounds |  | 8-01-26-310-001-024 | $ 18,000.00 |
| Streets & Roads |  | 8-01-26-290-001-034 | $ 50,000.00 |
| Gasoline |  | 8-01-31-460-001-100 | $ 12,800.00 |
| Finance |  | 8-01-20-130-001-036 | $ 5,000.00 |
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| **TOTAL** |  |  | **$ 85,800.00** |
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| **From:** |  |  |  |
| Audit |  | 8-01-20-135-002-135 | $ 750.00 |
| Legal |  | 8-01-20-155-001-028 | $ 12,000.00 |
| Planning Board |  | 8-01-21-180-001-028 | $ 4,000.00 |
| Zoning |  | 8-01-22-200-001-036 | $ 300.00 |
| Liability Insurance |  | 8-01-23-210-001-100 | $ 7,500.00 |
| Opt-Out |  | 8-01-21-221-001-100 | $ 2,250.00 |
| Group Insurance |  | 8-01-23-220-001-100 | $ 50,000.00 |
| Electricity |  | 8-01-31-430-001-100 | $ 5,000.00 |
| Tax Assessment |  | 8-01-20-150-001-012 | $ 4,000.00 |
|  |  |  |  |
| **TOTAL** |  |  | **$ 85,800.00** |
|  |  |  |  |

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

1. Councilman Dellaripa offered the following resolution and moved for its adoption:

**RESOLUTION NO. 2018-12.13**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

## Authorizing the Insertion into the FY2018 Municipal Budget Pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) of a Special Item of Revenue in the Form of a State of New Jersey Drive Sober or Get Pulled Over Program

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

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

**WHEREAS,** the Governing Body further finds and declares that it is in the best interests of the citizens of the Borough to request approval of the insertion into the Borough’s FY2018 Municipal Budget of an item of revenue based upon a grant secured by the Borough from the State of New Jersey;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby request that the Director of the Division of Local Government Services, within the State of New Jersey Department of Community Affairs, approve the insertion into the Borough’s FY2018 Municipal Budget of an item of revenue in the sum of $5,500.00, which item is now available as revenue in the form of a State of New Jersey Current Fund – Drive Sober or Get Pulled Over Program; and

**BE IT FURTHER RESOLVED** that a like sum of $5,500.00 be and the same is hereby appropriated under the caption:

*Public and Private Revenues Offset with Appropriations*

*Drive Sober or Get Pulled Over Program*

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

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

1. Councilman Yazdi offered the following resolution, as amended, and moved for its adoption:

**RESOLUTION NO. 2018-12.14**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Declaring An Emergency For Purposes Of Awarding***

***Contract to W.E. Timmerman Co., Inc. for the Repair of a Street Sweeper Vehicle***

**WHEREAS,** the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares an emergency situation has developed with emergency repairs to the Street Sweeper Vehicle; and

**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 Full Time Mayor has recommended that the aforementioned emergency repairs be remediated by W.E. Timmerman Co., Inc.; and

**WHEREAS,** the Governing Body further finds and declares that the Full Time Mayor has correctly recommended that the aforementioned repair of the street sweeper vehicle be remediated through the award to W.E. Timmerman Co., Inc. and;

**WHEREAS**, the emergency cost is to be funded through account number 8-01-26-290-001-034 and the Chief Financial Officer has certified the funds as evidenced in the attached certification;

**WHEREAS**, the approval of this contract is conditioned upon further investigation of the cost of the repair and the financial impact

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby declare the existence of an emergency warranting the repair of the street sweeper vehicle as soon as possible and does hereby award said project to Timmerman Company in an amount not to exceed $30,000.

Discussion: *Discussion was had in regards to the cost and necessity of the maintenance of the machine. There is a quote which totals $29,653.18. Councilman Costa informed council the estimated required maintenance is approximately $15,000. Council Yazdi asked that this resolution be approved, as amended, and to include the approval of this contract be conditioned upon further investigation of the cost of the repair and the financial impact. Some members feel this expense should be a budgeted item.*

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

1. A motion was made to table Item F listed on the agenda (Approval of Contract with RER). The municipal Clerk informed the council this agreement was not yet ready for approval at this time. Councilwoman HUDSON made a motion to table this item, seconded by Councilman SONDERMEYER and carried on voice vote, all in favor.

**LATE PUBLIC COMMENT:**

SONDERMEYER opened the meeting to late public comment; seconded by D’AMATO and carried on voice vote, all in favor.

**Rich Boud, 16 Tice Street, Bloomingdale**

*Inquired about markings in the road near a drain by in property. The drain is to be reset.*

Since there was no one else who wished to speak, HUDSON moved that it be closed; seconded by YAZDI and carried on voice vote, all in favor.

\*\*Mayor Dunleavy entered at 7:20PM\*\*

**Executive Session:**

At this time Councilman SONDERMEYER offered the following resolution and moved for its adoption

**RESOLUTION NO. 2018-12.15**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Mayor & Council of the Borough of Bloomingdale on the 18th day of December, 2018 that:

* Prior to the conclusion of this Regular Meeting, the Governing Body shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):   
  ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or   
   State statute or rule of court.   
  ( ) b. (2) A matter in which the release of information would impair a right to receive   
   funds from the Government of the United States.   
  ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of   
   individual privacy.   
  ( ) b. (4) A collective bargaining agreement including negotiations.   
  ( ) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or   
   investment of public funds, where it could adversely affect the public interest if   
   disclosed.   
  ( ) b. (6) Tactics and techniques utilized in protecting the safety and property of the   
   public, if disclosure could impair such protection. Investigation of violations of   
   the law.   
  ( ) b. (7) Pending or anticipated litigation or contract negotiations other than in   
   subsection b. (4) herein or matters falling within the attorney-client privilege.

( X ) 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).

The motion was seconded by DELLARIPA and carried on voice vote, all in favor.

Entered into executive session: 7:22PM

Resumed in open session: 7:43PM

After executive session, the Mayor asked the council for a motion to approve the Chief of Police, Joe Borell’s, three (3) year contract upon attorney review. Please opened the meeting to the public, there was no comment. Motion was made by Councilman D’Amato to approve Joe Borell’s three year contract, subject to attorney review; the motion was seconded by Councilman Dellaripa and carried per the following roll call vote: COSTA (yes), D’AMATO (yes), DELLARIPA (yes), HUDSON (yes), SONDERMEYER (yes), YAZDI (yes).

**GOVERNING BODY SCHEDULE:**

1. Reorganization Meeting – January 7, 2019 7PM
2. Regular Council Meeting – January 22, 2019 7PM
3. Workshop Meeting – February 5, 2019 7PM

**ADJOURNMENT:**

Since there was no further business to be conducted, HUDSON moved to adjourn at 7:46PM; seconded by D’AMATO and carried on voice vote with all Council Members present voting AYE.

Breeanna Calabro, RMC

Municipal Clerk