**REGULAR COUNCIL MEETING**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

**March 6, 2018**

The Regular Workshop Meeting of the Governing Body of the Borough of Bloomingdale was held on the above date in the Council Chambers of the Municipal Building, 101 Hamburg Turnpike, Bloomingdale, NJ. Mayor Dunleavy called the meeting to order at 7:01PM.

Walter Bergen Bobcats led the **Salute to the Flag**.

**Roll Call:**

*In Attendance:* Mayor Jonathan Dunleavy

 Councilman Anthony Costa

 Councilman John D’Amato

 Councilman Richard Dellaripa

 Councilwoman Dawn Hudson

Councilman Michael Sondermeyer

Councilman Ray Yazdi

 Municipal Clerk, Breeanna Calabro

 Borough Attorney, Fred Semrau

**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:**

Passaic County Poster Calendar contest winners & honorable mention students were acknowledged & given certificates that read: “*In recognition of your honorable mention award in the annual 2018 Passaic County poster calendar contest. We commend you on representing your community and the Samuel R. Donald School with your talent and creativity.”*

WTB Bobcats Basketball Team – The last time the WTB Bobcats won the championship was the 75th anniversary of Bloomingdale. Mayor Dunleavy acknowledged the coach and teammates for winning the championship. The council presented certificates & the players were given ‘championship’ sweatshirts & t-shirts for their victory.

*7:17PM RECESS
7:24PM RECONVENED*

**EARLY EXECUTIVE SESSION:** N/A

**NON-AGENDA ITEMS:** N/A

**EARLY PUBLIC COMMENT:**

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

Since there was no who wished to speak, HUDSON made a motion to close early public comment; seconded by COSTA and carried per voice vote all voting AYE

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

*Fred Semrau, Esq*: gave update on ligation between Mid-American Salt Vs. Bloomingdale. Fred informed the council of the decision of the United States District Court Judge dismissing all claims against the Borough in connection with this case. Mid-American Salt does still have time to appeal the decision, however, it is believed that this litigation is at successful conclusion. All were pleased the Borough did not enter into a settlement agreement. There is no liability to the Borough.

*Councilman Costa*: made reference to Ordinance No. 5-2018 (amending water meter fees); it was suggested that a separate line item be created in the Utility Account to provide for increased transparency.

*Councilwoman Hudson*: Commended Councilman D’Amato on his leadership with regards to the successful 100th Anniversary Winter Celebration.

*Mayor Dunleavy*:

* Informed all of the upcoming public events, April 7th Little League Opening day, Easter Egghunt March 31
* Receipt of NJDOT grant in the amount $188,000 for the paving of Ballston Street
* Biding opening for Leary Ave was held on March 1, 2018 – received 10 bids
* Intend to introduce budget March 20, 2018
* Construction on Sloan Park will begin on April 1, 2018

**RESOLUTION NO. 2018-3.1 CONSENT AGENDA**

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

**RESOLUTION NO. 2018-3.1**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

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

***March 6, 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 Meeting – November 21, 2017**
		+ **Reorganization Meeting – January 2, 2018**
	2. **Resolution No. 2018-3.2: Acceptance of ROSE Trust Report**
	3. **Resolution No. 2018-3.3: Authorization to enter NJPA Cooperative Purchasing**
	4. **Motion for the removal of Christopher Synol from CERT Team**

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

**CONSENT AGENDA RESOLUTIONS:**

**RESOLUTION NO. 2018-3.2**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

 ***Adopting the March 5, 2018***

***ROSE Trust Fund Advisory Board Report and Recommendations***

***WHEREAS,*** the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that the Recreation and Open Space Establishment (“ROSE”) Trust Fund (“Fund”) Advisory Board (“Board”) has submitted its Report and Recommendations, dated March 5, 2018 (“Report” attached), for appropriations of monies from the Fund; and

***WHEREAS,*** the Governing Body further finds and declares that it has reviewed said Report and has determined that it is in the best interests of the citizenry of the Borough to adopt its Recommendations;

***NOW, THEREFORE, BE IT RESOLVED*** that the Governing Body of the Borough of Bloomingdale does hereby adopt the March 5, 2018 Report and Recommendations of the Recreation and Open Space Establishment Trust Fund Advisory Board.

**RESOLUTION NO. 2018-3.3
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**AUTHORIZING THE BOROUGH OF BLOOMINGDALE TO ENTER INTO A COOPERATIVE PRICING AGREEMENT WITH THE NATIONAL JOINT POWER ALLIANCE COOPERATIVE PRICING SYSTEM (NJPA)**

**Whereas,** The Borough of Bloomingdale is desirous of participating in a Cooperative Pricing Agreement pursuant to N.J.S.A. 40A:11-1 et seq., with the National Joint Power Alliance Cooperative Pricing System (NJPA); and

**Whereas**, NJPA membership is available to government, education and non-profit agencies at no cost, liability or obligation to the member; and

**Whereas,** N.J.S.A. 52:35-6.2 authorizes contracting units to purchase goods or to contract for services through use of a nationally recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting agent within the State of New Jersey or within any other state when available; and

**Whereas,** the National Joint Power Alliance Cooperative Pricing System (NJPA) contract purchasing solutions result in valuable product and service solutions, which will make the procurement process efficient and provide a cost savings to the Borough.

**NOW, THEREFORE BE IT RESOLVED,** by the Governing Body of the Borough of Bloomingdale, County of Passaic, State of New Jersey, hereby authorizes the Borough to enter into an agreement with the National Joint Power Alliance Cooperative Pricing System (NJPA); and

**Now, Therefore Be It FINALLY Resolved,** that the Mayor and Borough Clerk are hereby authorized to sign such Agreement with National Joint Power Alliance Cooperative Pricing System (NJPA) on behalf of the Borough of Bloomingdale.

**PENDING ITEMS:**

1. Second/Final Reading & Public Hearing:
*Ordinance No. 3-2018: Amend Ch 19-55.1 (B-1-A Zone)*

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, amending chapter 92 “Zoning”, ARTICLE XII “SCHEDULE OF regulations”, Section 92-55.1 “GENERAL BUSINESS ZONE” 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 D’AMATO and carried on voice vote – all members voting AYE

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE 3-2018**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, amending chapter 92 “Zoning”, ARTICLE XII “SCHEDULE OF regulations”, Section 92-55.1 “GENERAL BUSINESS ZONE” of the Code of the Borough of Bloomingdale**

 **WHEREAS**, the Borough Code currently sets forth certain development standards for B-1-A commercial zones as part of the ordinances governing zoning; 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 modify the regulations governing bulk requirements; 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 92 “Zoning”, Article XII “Schedule of Regulations”, Section 92-55.1 shall be amended to read as follows:

**§ 92-55.1. B-1-A Commercial Zone.**

D. Development standards.

(1) Maximum floor area ratio: .25, except that any portion of a building that contains residential uses restricted to low and moderate income households shall not be counted as floor area ratio for the purposes of this section and except that a child care center located wholly within a building containing other business uses shall not be counted in the calculation of the floor area ratio.

(2) Maximum lot coverage by all buildings, all parking areas, whether paved or unpaved, and all other impervious surfaces: 70% of the lot area.

(3) Other bulk requirements applicable to development in this zone shall be as follows:

 (a) Minimum lot area: 20,000 square feet

(b) Minimum lot frontage and width: 100 feet.

 (c) Minimum lot depth: 125 feet.

(d) Maximum height: 3 stories and 40 feet, except as specifically provided to the contrary for hotels and motels as conditional uses.

(e) Minimum yards: 35 feet front from Union Avenue; 0 feet front from Main Street; 15 feet each side (except where buildings are attached across lot lines, in which case there shall be no side yard requirement); 50 feet rear.

 (f) Minimum setback of accessory structure: 10 feet from side or rear lot line.

 (4) Parking (see § 92-22A to 92-22D(5)) shall be provided in the following ratios, provided that where the application of the required parking ratio yields a fraction of a space, the number of parking spaces required shall be rounded up to the next whole space:

 (a) Retail and service business uses as listed at paragraph A(1)-A(4), A(6) and A(7) above shall provide parking at the rate of one space per each 300 square feet of gross floor area except as specifically provided to the contrary below.

 (b) All residential uses shall provide parking as required by the RSIS, except that the Board may consider approval of a shared parking arrangement if the nature of the uses on the site is such that there will not be overlapping demand for the shared parking spaces. At all times there must be at least one dedicated parking space per dwelling unit.

 (c) Eating and drinking establishments and houses of worship shall provide parking at the rate of one (1) space for each three (3) seats for a minimum of five (5) seats.

 (d) Nursery schools or child care centers shall provide parking at the rate of one (1) space per employee plus one (1) space per each ten (10) children of licensed capacity, except that a child care center located wholly within a building containing other business uses shall not be required to provide any parking.

 (e) Kennels or animal day care centers shall provide parking at the rate of one (1) space per employee plus one (1) space for each ten (10) animals of capacity.

 (f) Veterinary offices and animal hospitals shall provide parking at the rate of four (4) spaces per veterinarian in addition to required kennel spaces as set forth in paragraph e. above.

 (g) Hotels and motels shall provide parking at the rate of one (1) space per guest room plus .5 spaces per employee.

 (h) Banks shall provide parking at the rate of one space for each three hundred (300) square feet of floor area plus sufficient room for at least five (5) cars to be queued at each drive-up window or ATM machine.

 (5) Perpendicular parking spaces shall measure at least nine (9) feet by eighteen (18) feet; parallel parking spaces shall measure at least eight (8) feet by twenty-three (23) feet. ADA parking requirements shall be met in the design of the parking lot.

 (6) All parking areas shall be located in the side or rear yards, where they shall be set back a distance of at least fifteen (15) feet from any residential lot line, and shall be screened from view from adjacent properties by a six (6) foot high fence or plantings or both, as approved by the Planning Board. Parking shall be prohibited within a front yard.

 (7) Parking lot lighting, where provided, shall not be mounted higher than the height of the first floor of the building, shall be shielded from adjacent properties, and shall be set on a timer such that the parking lot lighting will be fully extinguished not later than one (1) hour after the close of business. Residential style carriage lamps may be mounted on the building at its entrances and may remain on after hours for security purposes.

 (8) One (1) non-illuminated wooden or metal sign shall be permitted per building, which shall be limited to an identification sign not exceeding twelve (12) square feet in area. Such identification sign may be mounted on the building at a height of at least five (5) feet, but not more than twelve (12) feet, above ground level or may be freestanding, in which case the maximum height of the sign shall not exceed six (6) feet above ground level. A freestanding sign may be two-sided. A freestanding sign shall not be located within any required sight triangle nor shall such sign be placed closer than ten (10) feet from any property or street line.

 (9) All portions of the lot not used for buildings, parking lots, driveways and walkways shall be attractively landscaped with lawn, gardens, shrubs and trees. The planting of appropriate street trees shall be required along the frontage of the property, subject to Planning Board approval of the type and placement of such trees.

 (10) Where residential uses will be provided above the first floor as permitted in § 92-55.1A(8) above, a separate residential entrance shall be provided to the building. Secure ground level storage shall be provided either within the main building or in an accessory building to accommodate strollers, bicycles and other outdoor equipment for the resident(s) of the building.

 (11) All properties that are proposed for development or redevelopment within this zone shall be subject to site plan review by the Planning Board. All other provisions of Chapter 92, Zoning, that are not in conflict with this section shall be applicable.

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

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

**Discussion:***We are adjusting minimum lot size to 20,000 square feet. This recommendation came from Ordinance review committee. The ordinance as it existed was over restricted has been a burden to develop undersized lots.*

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

1. Second/Final Reading & Public Hearing:
*Ordinance No. 6-2018: Amend Ch 15 (Property Maintenance)*

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, amending chapter 15 “PROPERTY MAINTENANCE” 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:

**WHEREAS**, the Borough Code currently sets forth certain definitions, standards and requirements as part of the ordinances governing property maintenance; 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 property maintenance; 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 15 “Property Maintenance” shall be amended as follows:

 **15-2** Definitions; Word Usage.

 The following new definitions are to be added to subsection b:

 *Shrub* shall mean a woody plant smaller than a tree, consisting of several small stems from the ground or small branches near the ground. It may be deciduous or evergreen.

 *Tree* shall mean any woody perennial plant with a diameter of four (4) inches at four (4) feet above the ground.

 *Vegetation* shall mean trees, shrubs, groundcover, vines, grasses herbaceous perennials, biennials, annuals, bulbs, ferns, mosses and lichens.

 *Right-of-Way (public)* shall mean a strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar uses.

 **15-3.5** Maintenance.

 2.

 (a) Natural growth, such as dead and dying or storm-damaged trees and limbs or other growth which, by reason of its condition or nature, constitutes a hazard to persons lawfully in the vicinity. Trees shall be kept pruned and trimmed to prevent such conditions. Owners of vacant premises must keep them free of nuisances.

 (b) In case any tree, shrub or other vegetation, or any part thereof, which is not part of an approved site plan, in or along a public right-of-way shall encroach upon/or become dangerous to public safety or property, the owner of the property on which such tree, shrub or other vegetation is located shall remove same, or required part thereof, forthwith on service of written notice to that effect from the Property Maintenance Officer.

 **15-4** Enforcement.

 a. *Enforcement Officer*. The Property Maintenance Officer of the Borough of Bloomingdale is hereby designated as the officer in charge with the enforcement of this code and is hereinafter referred to as the "Enforcement Officer." The Construction Code Official, Building Subcode Official, Borough Engineer, all members of the Police Department and authorized inspectors of the Fire Department and health officers are hereby designated as “assistant enforcement officers” with the same enforcement authority as the “enforcement officer” for the purposes of the enforcement of this code.

 c. *Notice to Owner, Operator or Occupant upon Noncompliance.* Following inspection, if the Enforcement Officer determines that the premises are not in compliance with this chapter, he shall then issue and cause to be served upon the owner, operator and/or occupant of the premises a written notification stating the nature of the violation and the correction action sought and allowing thirty (30) days (exclusive of the day of service) for its correction. In cases where the violation involves overgrown and/or unsightly vegetation, grass or weeds on either vacant or occupied properties or violations in or along the public right-of-way, the written notification provided hereunder shall allow for ten (10) days (exclusive of the day of service) for its correction.

 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.

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 Ordinance was revised to clear up the language and better determine who is responsible so for certain conditions mentioned in the Ordinance.*

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

1. Second/Final Reading & Public Hearing:
*Ordinance No. 7-2018: Amend 2-80 (E Cig License Fee)*

**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** 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:

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

 **WHEREAS**, the Borough Council and the Board of Health adopted an Ordinance in 2017, Section 4-17, which regulates all retail electronic smoking device establishments; 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 to establish the appropriate licensing fee in accordance with Section 4-17; 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)

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| 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 |

 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.

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

**Discussion**: *Enforcing compliance with smoking device fee will done in conjunction with the Board of Health.*

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

**INTRODUCTION OF NEW BUSINESS:**

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

**RESOLUTION NO. 2018-3.4**

**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 PURCHASE OF a ROCK SALT THROUGH THE Passaic COUNTY CO-OPERATIVE CONTRACT #38-PCCP**

 **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 Passaic County Co-Operative, which has been approved by the Director of the Division of Local Government Services; and

 **WHEREAS**, the Borough of Bloomingdale desires to purchase rock salt from the Passaic County Co-Operative entitled Contract #38-PCCP; and

 **WHEREAS, Detroit Salt Co. LLC**, has been awarded the Contract for rock salt at $50.98 per ton; and

 **WHEREAS,** the Full-time Mayor and Superintendent of Public Works recommends the utilization of this contract on the grounds as the best means available to obtain the rock salt; and

 **WHEREAS**, the rock salt shall not exceed the amount of $80,000.00; and

 **WHEREAS**, funding for this resolution is available by appropriation in the budget of the Borough, as evidenced by the Certification of Funds, by the Chief Financial Officer, from account 8-01-26-290-001-059; and

 **NOW, THEREFORE, BE IT RESOLVED** by the Mayor and 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 purchase of rock salt from Detroit Salt Co. LLC from the Passaic County Co-Operative under Contract #38-PCCP.

2. The total fee authorized for this contract shall not exceed $80,000.00 without the prior written approval of the Borough Council.

3. The Full-time 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 Detroit Salt Co. LLC for their information and guidance.

This Resolution shall take effect immediately.

**Seconded by YAZDI and carried per the following roll call vote: SONDERMEYER, YAZDI, COSTA, D’AMATO, DELLARIPA, HUDSON (all YES)**

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

**RESOLUTION NO. 2018-3.5
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING the award of a contract TO JEN ELECTRIC, INC. for 2018 PREVENTATIVE MAINTENANCE PROGRAM**

 **WHEREAS,** a Morris County Cooperative Pricing Council contract is available for traffic signal preventative maintenance services; and

 **WHEREAS**, the Borough of Bloomingdale has a need for traffic signal preventative maintenance throughout the Borough; and

 **WHEREAS**, the Borough of Bloomingdale wishes to award the contract for the traffic signal preventative maintenance program to Jen Electric, Inc., 631 Morris Avenue, Springfield, New Jersey, under the Morris County Cooperative Pricing Council at the rate of $425.00 per intersection.

 **WHEREAS**, the Chief Financial Officer has certified funds from 8-01-26-290-001-021 in an amount not to exceed $5,000.00

 **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 Jen Electric, Inc. is hereby awarded the Contract for the traffic signal preventative maintenance program under the Morris County Cooperative Pricing Council, Contract #37, 2018 Preventative Maintenance Program.

 This Resolution will take effect immediately upon its passage.

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

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

**RESOLUTION NO. 2018-3.6**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING CHANGE ORDER #1 TO THE CONTRACT FOR THE SLOAN PARK BRIDGE AND STREAM IMPROVEMENTS PROJECT BETWEEN THE BOROUGH OF BLOOMINGDALE AND YANNUZZI GROUP, INC.**

**WHEREAS,** the Borough of Bloomingdale and Yannuzzi Group, Inc. entered into a contract in the amount of $771,046.50 for the Sloan Park Bridge and Stream Improvements Project; and

**Whereas**, it has been determined by the Borough Engineer that certain changes to this contract are necessary to perform additional work items as follows, specifically an unanticipated requirement for a wider bridge is necessarily to permit emergency and maintenance equipment, as well as certain utility vehicles, to properly and safely enter and exit Sloan Park:

 **Non-Contract Work Item – installation of 10’ bridge**

 Additional Cost

 $40,000.00

 **Total Net Change Order: $40,000.00**

 **Percentage Increase: 5.19%**

; and

 **WHEREAS,** the original contract amount was $771,046.50; the amended contract amount based upon Change Order #1 is $811,046.50 which is a 5.19% increase from the original contract amount; and

**WHEREAS**, in accordance with N.J.A.C. 5:30-11.3, the change orders have not caused the originally awarded contract price to be exceeded by more than 20 percent; and

**WHEREAS,** the Borough Engineer has reviewed the change order and recommended to the Borough Council that it modify its agreement with Yannuzzi Group, Inc., subject to the certification of funds, as a result of the above-referenced changes of condition which have occurred on the project and as detailed in the Borough Engineer’s Memorandum, dated March 1, 2018; and

**WHEREAS**, Borough Chief Financial Officer has certified the funds from Acct.

No. C-04-55-864-11B-200;

**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 Change Order #1 is hereby approved in the contract between the Borough of Bloomingdale and Yannuzzi Group, Inc. as follows:

 Original Contract $771,046.50

 Change Order #1 $ 40,000.00

 New Contract Total: $811,046.50

 Increase of 5.19%

This Resolution will take effect immediately upon approval and certification of funds.

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

1. Re-Introduction of Bond Ordinance No. 8-2018: Purchase of Garbage Truck

**Discussion:**

*The state has implemented a new financial system referred to as ‘FAST’. There are new guidelines for submitting financial statements. Due to the new system, there was a hold up getting proper paperwork timely filed therefore it is necessary to re-introduce the Ordinance to insure proper/timely procedure/passage of bond ordinance.*

A motion was made by HUDSON to re-introduce the Ordinance by title; second and final reading/ public hearing will be on March 20, 2018 at 7PM; the motion was seconded by DELLARIPA and carried by voice vote, all in favor.

The Municipal Clerk read by Title:

**BOND ORDINANCE PROVIDING FOR THE PURCHASE OF A GARBAGE TRUCK IN AND BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY; APPROPRIATING $300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $285,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

1. Introduction of Ordinance No. 9-2018: Amend Ch 19 (Commercial Garbage)

**Discussion:***Mayor stated the borough does not pick up commercial. Borough attorney also commended the mayor and governing body on their review of this ordinance (and others) to insure the code is clear for residents and is memorialized in a way that there aren’t any misunderstandings.*

A motion was made by YAZDI to introduce the Ordinance by title; second and final reading/public hearing will be on March 20, 2018 at 7PM; the motion was seconded by DELLARIPA and carried by voice vote, all in favor.

The Municipal Clerk read by title:

**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**

**LATE PUBLIC COMMENT:**

D’AMATO opened the meeting to late public comment; seconded by HUDSON and carried on voice vote.

***Jennifer Altfield- 17 Cedar Street:***

Stated no action was taken on #10 letter D of the agenda (Motion for the removal of Christopher Synol from CERT Team). Mayor informed that was part of the consent agenda and therefore included in that motion.

***Bernie Vroom – 183 Vreeland Ave:***

Request to revise/amend Ordinance No. 5-2018 (amend water meter fees) by clearly stating in the ordinance that a separate account will be created within the utility budget. This would set funding in place and provide for increased transparency.

Since there was no one else who wished to speak, D’AMATO moved that it be closed; seconded by DELLARIPA and carried on voice vote.

**GOVERNING BODY SCHEDULE:**

1. Regular Meeting – March 20, 2018 7PM
2. Workshop Meeting – April 3, 2018 7PM
3. Regular Meeting – April 17, 2018 7PM

**ADJOURNMENT:**

Since there was no further business to be conducted, HUDSON moved to adjourn at 7:47PM; seconded by COSTA and carried on voice vote with all Council Members present voting AYE.

Breeanna Calabro, RMC

Municipal Clerk