**REGULAR WORKSHOP MEETING**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

**May 1, 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 7:06PM.

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

 Councilwoman Dawn Hudson

Councilman Michael Sondermeyer

Councilman Ray Yazdi

 Municipal Clerk, Breeanna Calabro

 Borough Attorney, Fred Semrau

Others present: Donna M. Mollineaux, CFO

 Sherry Gallagher, Treasurer

**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:** N/A

**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, SONDERMEYER made a motion to close early public comment; seconded by HUDSON and carried per voice vote all voting AYE

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

***Fred Semrau, Esq.:*** *Mentioned an objection (filed by VMC Group & VMC Realty Holdings, LLC) in regards to a permit granted to the Borough by the NJDEP to stop the current project underway at Sloan Park. The DEP & the borough are going to oppose the objection through a briefing due on Friday (5/4/18)*

***Dawn Hudson:*** *Community Garden does have open plots available – first come first serve*

***Mayor Dunleavy:***

* *Van Dam Ave – currently under construction*
* *Leary Ave – Pre Construction meeting May 16th*
* *Hennion Ave – change order to add this to Leary Ave project*
* *Delazier Basketball Court – have begun to review design concepts*
* *Motor vehicle accident at Borough Hall, individual has been cited. The Borough will go through our Joint Insurance Fund (JIF) to recover the substantial damage (Councilman Dellaripa commended all those who assisted in clearing up the incident)*
* *DPW fixing drainage, walls, paving – Tilcon helping supply materials for such*
* *FEMA Flood Map- Van Dam in the works, should be done by summer*
* *$8,000(approximate) Recycling grant application filed by Al Gallagher*
* *Borough email conversion beginning on Thursday (5/3/18) we will be without email from 3PM Thursday until Monday morning*
* *Mary Street – Attorney has rendered an opinion, a survey has been conducted, residents will be noticed prior to the Borough taking ownership*
* *D4 Properties recently approved by the Planning Board – new office building with second floor housing on Main Street. There will be negotiating in regards to the affordable housing component*

***Mike Sondermeyer:*** *(reported after late public comment)*

* *Literacy for Foundation of Bloomingdale Book sale, 5/5 Saturday at the Senior Center*
* *Fish & Chips Dinner May 11th 6PM at Glenwild Clubhouse*

**RESOLUTION NO. 2018-5.1 CONSENT AGENDA**

Councilman D’AMATO offered the following Resolution and moved for its adoption:

**RESOLUTION NO. 2018-5.1**

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

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

***May 1, 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.

* Acceptance of resignation of Zoraida Kareivis as a Member of Bloomingdale Fire Department/Authorization to remove from active rolls
* **Resolution No. 2018-5.2:** Appointment of William Brower to Senior Advisory Board
* **Resolution No. 2018-5.3:** Promotion of James Mara to DPW Mechanic
* **Resolution No. 2018-5.4:** Renewal of Inactive Alcoholic Beverage License 2016-2017 – 1 ELITE 1 LLC
* **Resolution No. 2018-5.5:** Renewal of Inactive Alcoholic Beverage License 2017-2018 – 1 ELITE 1 LLC

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

Consent Agenda Resolutions:

**RESOLUTION NO. 2018-5.2**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Appointments to the Senior Citizen Advisory Board***

**BE IT RESOLVED** by the Mayor and Council of the Borough of Bloomingdale that they do provide, advice and consent to the Mayor’s appointment of the following to the Senior Citizen Advisory Board:

 Senior Citizens Advisory Board 3 years unexpired William Brower

 (12/31/19)

**RESOLUTION NO. 2018-5.3**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Hiring of full-time DPW Mechanic***

**BE IT RESOLVED,** that James Mara be promoted as a full-time DPW Mechanic, effective June 1, 2018 as per the terms of the CWA Local 1032 DPW contract.

**RESOLUTION NO. 2018-5.4**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***RENEWAL OF INACTIVE ALCOHOLIC BEVERAGE LICENSE***

***NO. #1601-33-007-009 – 1 ELITE 1 LLC***

***WHEREAS***, the following names, persons and corporations have made application for the renewal of their inactive alcoholic beverage license; and

***WHEREAS***, said application was accompanied by the necessary fee; and

***WHEREAS***, the applicant has filed with the Borough Clerk a copy of the application for forwarding to the State Division of Alcoholic Beverage Control, together with the necessary $200.00 fee for said Division for renewal of license term 2016-2017; and

***WHEREAS***, a copy of the Tax Clearance Certificate has been received for the applicant from the State of New Jersey Department of Taxation; and

***WHEREAS***, no objection has been filed in writing with the Borough Clerk against the granting of this renewal and no objections being heard hereto; and

***WHEREAS***, the Licensee has received a special ruling from the Director the ABC pursuant to N.J.S.A. 33:1-12.18 to issue a new license for the license term 2016-2017. The licensee also received a special ruling pursuant to N.J.S.A. 33:1 -12.39 for license term 2016-2017.

***NOW, THEREFORE, BE IT RESOLVED*** that the Borough Clerk is hereby authorized to renew the alcoholic beverage licenses of the following place:

**PLENARY RETAIL CONSUMPTION**

1 ELITE 1, LLC #1601-33-007-009

Bloomingdale, NJ 07403 (Inactive License)

**RESOLUTION NO. 2018-5.5**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***RENEWAL OF INACTIVE ALCOHOLIC BEVERAGE LICENSE***

***NO. #1601-33-007-009 – 1 ELITE 1 LLC***

***WHEREAS***, the following names, persons and corporations have made application for the renewal of their inactive alcoholic beverage license; and

***WHEREAS***, said application was accompanied by the necessary fee; and

***WHEREAS***, the applicant has filed with the Borough Clerk a copy of the application for forwarding to the State Division of Alcoholic Beverage Control, together with the necessary $200.00 fee for said Division for renewal of license term 2017-2018; and

***WHEREAS***, a copy of the Tax Clearance Certificate has been received for the applicant from the State of New Jersey Department of Taxation; and

***WHEREAS***, no objection has been filed in writing with the Borough Clerk against the granting of this renewal and no objections being heard hereto; and

***WHEREAS***, the Licensee has received a special ruling from the Director the ABC pursuant to N.J.S.A. 33:1-12.18 to issue a new license for the license term 2017-2018. The licensee also received a special ruling pursuant to N.J.S.A. 33:1 -12.39 for license term 2017-2018.

***NOW, THEREFORE, BE IT RESOLVED*** that the Borough Clerk is hereby authorized to renew the alcoholic beverage licenses of the following place:

**PLENARY RETAIL CONSUMPTION**

1 ELITE 1, LLC #1601-33-007-009

Bloomingdale, NJ 07403 (Inactive License)

**PENDING ITEMS:**

1. **Second/Final Reading & Public Hearing:**
*Ordinance No. 11-2018: 2018 Index Rate CAP Bank Ordinance*

**CALENDAR YEAR 2018 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

**(N.J.S.A. 40A:4-45.14)** 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 HUDSON and carried on voice vote – all members voting AYE

The Municipal Clerk read the following Ordinance by title:

 **ORDINANCE NO. 11-2018
OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

**CALENDAR YEAR 2018**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION**

**LIMITS AND TO ESTABLISH A CAP BANK**

**(N.J.S.A. 40A:4-45.14)**

 WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

 WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

 WHEREAS, the Governing Body of the Borough of Bloomingdale, in the County of Passaic, finds it advisable and necessary to increase its CY 2018 Budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

 WHEREAS, the Governing Body hereby determines that a 3.5% increase in the budget for said year, amounting to $84,816.49 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

 WHEREAS, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

 NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Bloomingdale, in the County of Passaic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Borough of Bloomingdale shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to $296,857.72, and that the CY 2018 municipal budget for the Borough of Bloomingdale be approved and adopted in accordance with this ordinance; and,

 BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

 BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

 BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

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

1. **Public Hearing on FY2018 Municipal Budget & Adoption of Budget:**Municipal Clerk read the public notice statement: *Mayor this is the time fixed for the public hearing on the Municipal Budget and Tax Resolution for 2018. The Budget was approved by the Governing Body on March 20, 2018, was advertised as required by law on March 23, 2018 together with notice of hearing for this time.*

At this time Councilwoman HUDSON offered the following resolution and moved for its adoption:

**RESOLUTION NO. 2018-5.6**

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

***RESOLUTION TO READ BUDGET BY TITLE***

WHEREAS, N.J.S.A. 40A:4-8 as amended provides that the Budget shall be read in full at the public hearing or that it may be read by its title only if:

1. At least one week prior to the date of the hearing a complete copy of the approved Budget:
2. Shall be made available for public inspection, in the case of a county budget, in each free public library, if any, in each municipality of the county and in the free county libraries or regional libraries of the county or, in the case of a municipal budget, in the free public library, if any, of the municipality and in the free county libraries or regional libraries located in the municipality or, if no county libraries or regional libraries are located in the municipality, the county or regional library of the county in which the municipality is located, and the public officer delegated the responsibility for delivering copies of the approved budget to such library shall forward to the Governing Body an attestation that such delivery was made; and
3. Is made available to each person requesting the same, during said week and during the public hearing

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bloomingdale that it is hereby declared that the conditions of N.J.S.A. 40A:4-8, as amended set forth in subsections 1(a) and 1(b) have been made and therefore the Budget for 2018 shall be read by title only.

The motion was seconded by DELLARIPA and carried on voice vote all present voting in favor (AYE).

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

 **Adoption of FY2018 Budget:**
At this time Councilman DELLARIPA offered the following resolution and moved for its adoption:

*Resolution No. 2018-5.7 FY2018 Municipal Budget (see attached title ‘Section 2’)

Discussion: Mayor explained an overall increase in the budget of $62,000 which results in an approximate increase of $25.00 per year per the average assessed home. Thanks to CFO, Borough Treasurer, Auditors and the budget committee for their input and guidance on the budget*The motion was seconded by D’AMATO and carried per the following roll call vote: DELLARIPA, HUDSON, SONDERMEYER, YAZDI, COSTA, and D’AMATO (all YES)

1. **Second/Final Reading & Public Hearing:**
*Bond Ordinance No. 13-2018: 2018 Capital Acquisitions & Improvements*

**BOND ORDINANCE PROVIDING VARIOUS 2018 CAPITAL ACQUISITIONS AND IMPROVEMENTS, BY AND IN THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY; APPROPRIATING $1,367,600 THEREFOR AND AUTHORIZING THE ISSUANCE OF $1,346,900 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF** 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 HUDSON and carried on voice vote – all members voting AYE

The Municipal Clerk read the following Ordinance by title:

 **BOROUGH OF BLOOMINGDALE**

**BOND ORDINANCE NO. 13-2018**

**BOND ORDINANCE PROVIDING VARIOUS 2018 CAPITAL ACQUISITIONS AND IMPROVEMENTS, BY AND IN THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY; APPROPRIATING $1,367,600 THEREFOR AND AUTHORIZING THE ISSUANCE OF $1,346,900 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

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

 **SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Bloomingdale, in the County of Passaic, State of New Jersey (the “Borough”). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of $1,367,600, which sum includes a $30,000 grant expected to be received from the Community Development Block Grant Program (the “CDBG Grant”), a $100,000 grant expected to be received from the County of Passaic Open Space and Farmland Preservation Trust Fund Program (the “Open Space Grant”), and a $275,000 grant expected to be received from the State of New Jersey Department of Transportation (the “DOT Grant” and together with the CDBG Grant and the Open Space Grant, the “Grants”) and $20,700 as the aggregate amount of down payments for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the “Local Bond Law”). Said down payments are now available therefor by virtue of appropriations in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes. Pursuant to N.J.S.A. 40A:2-11(c), as amended and supplemented, no down payment is required for the improvement or purpose set forth in Section 3(a)(i) hereof, as such project is being funded by the DOT Grant.

 **SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said $1,367,600 appropriation not provided for by application hereunder or said down payments, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of $1,346,900 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding $1,346,900 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

 **SECTION 3. (a)** The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are as follows:

| **Description** | **Appropriation** | **Authorization** | **Down****Payment** | **Useful    Life** |
| --- | --- | --- | --- | --- |
| (i) Various roadway and sidewalk improvements to the entire lengths or portions, as applicable, of various roads within the Borough, including but not limited to, Red Twig Trail, Henion Place, Reeve Avenue, Walter Drive, Walnut Street, Sophia Street, Cedar Street, Mary Street, Bogue Drive and Delazier Place. Said improvements shall also include, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration; and | $939,000(including a $275,000 grant expected to be received from the State of New Jersey Department of Transportation and a $30,000 grant expected to be received from the Community Development Block Grant Program) | $939,000 | $0 | 15years |
| (ii) Various improvements to Borough facilities, including, but not limited to, Bogue Pond Gazebo, monument improvements at Veteran’s Park, basketball court improvements at Delazier Park and the installation of a security gate at the Department of Public Works facility. Said improvement shall also include, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration; and | $215,700(including a $100,000 grant expected to be received from the County of Passaic Open Space and Farmland Preservation Trust Fund Program) | $205,400 | $10,300 | 15Years |
| (iii) Purchase of a generator for the Borough Hall; and | $50,000 | $47,500 | $2,500 | 15Years |
| (iv) Purchase of various equipment for the Department of Public Works and the Fire Department, including, but not limited to, plows for trucks, i-pads, turnout gear and radio equipment; and | $162,900 | $155,000 | $7,900 | 5 years |
| Total: | $1,367,600 | $1,346,900 | $20,700 |  |

 **(b)** The above improvements and purposes set forth in Section 3(a) shall also include all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

 **(c)** The aggregate estimated maximum amount of bonds or notes to be issued for said purposes is $1,346,900.

 **(d)** The aggregate estimated cost of said improvements or purposes is $1,367,600, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the aggregate down payments for said purposes in the amount of $20,700.

 **SECTION 4.** Except for the Grants, in the event the United States of America, the State of New Jersey, and/or the County of Passaic make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Passaic. Except for the Grants, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Passaic shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

 **SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer or the Treasurer of the Borough, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer or the Treasurer. The Chief Financial Officer or the Treasurer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer or the Treasurer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer or the Treasurer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer or the Treasurer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

 **SECTION 6.** The Capital Budget or Budgets of the Borough are hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget or Budgets and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

 **SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

 (a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

 (b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 13.84 years.

 (c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by $1,346,900 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

 (d) An aggregate amount not exceeding $144,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

 **SECTION 8.** The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

 **SECTION 9.** The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an “abusive arbitrage device” under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the “Code”). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of “replacement proceeds”, including “sinking funds”, “pledged funds” or funds subject to a “negative pledge” (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Borough other than amounts deposited into a “bona fide debt service fund” (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed $1,346,900. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is “placed in service” (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

 **SECTION 10.** The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all federally tax exempt bonds and notes issued under this ordinance.

 **SECTION 11.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the mayor, as provided by the Local Bond Law.

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

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

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

Discussion: Mayor stated we have received grants to offset what we are borrowing. Additional improvements include basketball courts (Delazier Field), security gate at DPW, veteran monuments, generator, and one DPW vehicle funded by grants. Please to report that even with new borrowing there will be an overall reduction in debt.

**NEW BUSINESS:**

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

**RESOLUTION NO. 2018-5.8
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
*2018 UDrive. UText. UPay***

**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 $6,600.00, which item is now available as revenue in the form of a State of New Jersey Current Fund – 2018 UDrive. UText. UPay; and

**BE IT FURTHER RESOLVED** that a like sum of $6,600.00 be and the same is hereby appropriated under the caption:

*Public and Private Revenues Offset with Appropriations
2018 UDrive. UText. UPay*

AND BE IT FURTHER RESOLVED that three (3) certified copies of this Resolution be forwarded to the Office of the Director of Local Government Services, within the State of New Jersey Department of Community Affairs, for this purpose.

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

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

**RESOLUTION NO. 2018-5.9
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
*Passaic County Corridor Enhancement Grant***

**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 $15,070, which item is now available as revenue in the form of a State of New Jersey Current Fund – Passaic County Corridor Enhancement Grant; and

**BE IT FURTHER RESOLVED** that a like sum of $15,070.00 be and the same is hereby appropriated under the caption:

*Public and Private Revenues Offset with Appropriations
Passaic County Corridor Enhancement Grant*

AND BE IT FURTHER RESOLVED that three (3) certified copies of this Resolution be forwarded to the Office of the Director of Local Government Services, within the State of New Jersey Department of Community Affairs, for this purpose.

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

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

**RESOLUTION NO. 2018-5.10
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

***AUTHORIZING CANCELLATION OF RECEIVABLE AND RESERVE BALANCES***

**WHEREAS**, receivable and reserve balances exist for public and private grants which are required to be cancelled by resolution;

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Bloomingdale that the following grant receivable and reserve balances be cancelled:

Title: Grant Receivable: Reserve Balance

Passaic County Open Space Trust Fund: $40,000.00 $
 Sloan Park

*Discussion: Old trust fund grant that has been on the books and was never utilized or borrowed. The funds are no longer available and need to be cancelled.*

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

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

**RESOLUTION NO. 2018-5.11
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

***RESOLUTION AUTHORIZING THE CANCELLATION OF GENERAL CAPITAL ORDINANCES***

**WHEREAS**, there are unexpended balances on certain ordinance appropriations in the General Capital Fund, and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Bloomingdale, County of Passaic, New Jersey, that the following ordinance appropriation balances in the General Capital Fund be cancelled of record

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**Ordinance Number Improvement Description Cancelled**

1-2005 Sloan Park $ 40,000.00

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

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

**RESOLUTION NO. 2018-5.12**

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

RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY **approving and AUTHORIZING THE SHARED SERVICES agreement between the BOROUGH OF BLOOMINGDALE and BLOOMINGDALE BOARD OF EDUCATION FOR LANDSCAPING SERVICES**

**WHEREAS**, the Bloomingdale Board of Education and the Borough of Bloomingdale have agreed that the citizens of Bloomingdale can be better served by the joint provision of certain services; and

**WHEREAS**, the Bloomingdale Board of Education and the Borough of Bloomingdale have agreed that the Borough is able to provide landscaping services to the Bloomingdale Board of Education; and

**WHEREAS**, the Borough of Bloomingdale will receive compensation in the amount of $1,300.50 per month for the duration of the Contract, or a total amount not to exceed $10,404 for the Contract period, for performance under the Interlocal Shared Services Agreement; 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 Bloomingdale Board of Education desire to enter into this Interlocal Shared Services Agreement (“Agreement”) through which the Borough of Bloomingdale shall provide landscaping services for the Bloomingdale Board of Education.

**NOW, THEREFORE, BE IT RESOLVED** that 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 Bloomingdale Board of Education for landscaping 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.

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

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

**RESOLUTION NO. 2018-5.13
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION AUTHORIZING THE AMENDED WATER SUPPLY AGREEMENT**

**BETWEEN THE BOROUGH OF BLOOMINGDALE AND THE BOROUGH OF BUTLER**

 This **AMENDED** agreement to the **ORIGINAL** agreement signed February 4, 2014, made this 1st day of May, 2018 between the BOROUGH OF BLOOMINGDALE, a municipal corporation of the State of New Jersey, hereinafter called "BLOOMINGDALE", having its municipal office at 101 Hamburg Turnpike, Bloomingdale, New Jersey, 07403, and the BOROUGH OF BUTLER, a municipal corporation of the State of New Jersey, hereinafter called "BUTLER" having its municipal office at One Ace Road, Butler, New Jersey, 07405.

**WITNESSETH**:

 In consideration of the mutual covenants contained herein, the parties agree as follows:

 **FIRST**: BUTLER hereby agrees to supply BLOOMINGDALE, for a continuous term of 15 years commencing in accordance with the provisions of Paragraph Sixth hereof, at a maximum volume of up to seven hundred fifty thousand (750,000) gallons per day of potable water, which water may be required for the inhabitants of BLOOMINGDALE or other consumers now or hereafter to be supplied by BUTLER. The 750,000 gallons per day maximum rate may be exceeded upon written permission of BUTLER. BLOOMINGDALE may request that the 750,000 gallons per day rate be increased and BUTLER shall provide an increase if it has the capacity to do so. If BUTLER is unable to provide BLOOMINGDALE with any additional water needed, BLOOMINGDALE may purchase water from another supplier to fulfill its needs. It is intended that the water to be delivered by BUTLER will be furnished from supplies as BUTLER may now or hereafter use for the general supply of its consumers and may be from any single source or combination of sources as BUTLER may determine dependent upon prevailing conditions.

 **SECOND**: The Agreement shall be automatically renewable for an additional 15 year term unless either BUTLER or BLOOMINGDALE serves written notice of its intent not to renew, which notice shall be served not less than 12 months before the expiration date of the initial term of this Agreement. If BUTLER is unable to continue to supply BLOOMINGDALE with water due to catastrophic accident or an act of God, BLOOMINGDALE may immediately seek to purchase water from another supplier.

 **THIRD**: The water to be furnished hereunder shall be potable water which meets the requirements of the New Jersey Department of Environmental Protection, and any other regulatory body having jurisdiction over the quantity and supply of the subject water, regardless of the source or combination of sources delivering the water.

**FOURTH**: The charge for water so furnished by BUTLER shall be $2.00 per 1000 gallons. This rate shall be in effect until April 1, 2018 and shall be subject to a 2% increase on April 1, 2018, and triennially thereafter on April 1. Invoices shall be rendered monthly by BUTLER and shall be payable by BLOOMINGDALE within forty-five (45) days after the receipt of the invoice. Failure to pay within 45 days will cause interest to be accrued back to the date the bill was due. Interest will be at the rate set by law for overdue municipal expenses.

**FIFTH**: In the event that it may be necessary from time to time to temporarily discontinue service or reduce the pressure of water through the mains of BUTLER for short periods of time because of accidents or for the purpose of making necessary repairs, it is specifically agreed that BLOOMINGDALE or any of its consumers, or other consumers now or hereafter to be supplied by BLOOMINGDALE, shall not have any claim or demand against BUTLER because of such temporary discontinuance of supply or reduction of pressure, or any consequence related thereto. BUTLER agrees to exercise due care and to take reasonable and necessary steps to insure a continuous supply of water as provided herein. Except in cases of emergency, two (2) weeks notice shall be provided to BLOOMINGDALE before a service reduction.

**SIXTH**: This Agreement shall become effective on the date in which it is fully executed by all parties.

**SEVENTH**: This Agreement shall be in place for fifteen (15) continuous years beginning April 1, 2015.

 **EIGHTH**: BLOOMINGDALE shall provide BUTLER with a certified report of test on the meter at BLOOMINGDALE's intake point at the beginning of the contract term, and once every three years thereafter until termination of supply. These tests, and any subsequent tests which may be rendered in the event that an error factor in excess of 3%, plus or minus, is found, shall be paid for by BLOOMINGDALE. Installation and maintenance of the meter shall be at the expense of BLOOMINGDALE.

**NINTH:** BLOOMINGDALE shall install a pump station in accordance with plans developed by William Ryden, P.E. on the easement set forth for this purpose located on Block 3031 Lot 2, commonly referred to as 143 Hamburg Turnpike in the Borough of Bloomingdale. Bloomingdale will bear the costs of such pump station up to $250,000. If costs exceed $250,000, the Borough of Butler will be responsible for the next $100,000 and any costs beyond $350,000 will be split between the Boroughs of Butler and Bloomingdale.

**TENTH:** Routine maintenance and operation of the pump station will be handled by the Borough of Butler. Electricity costs associated with operating the pump station will also be paid for by the Borough of Butler. Insurance for the pump station will be provided by the Borough of Bloomingdale and any costs associated with the rebuilding and or replacement of major components in the pump station such as pumps, backup generator, piping, regulators, etc. shall be shared equally between Butler and Bloomingdale.

**ELEVENTH**: This Agreement shall bind and insure to the benefit of the parties hereto, their successors and assigns, for the full term of 15 years as herein before stated, and for any renewal of such term, and shall be subject to the approval of proper governmental agencies including the Division of Water Resources of the New Jersey Department of Environmental Protection. The parties agree to cooperate in securing any and all such approvals.

**TWELVETH**: In the event NJ DEP regulations or other factors beyond the Borough of Butler’s control (i.e. Federal regulation changes) cause a substantial change in process, increase in taxes, or other events beyond the control of the Borough of Butler, then, and in that event, the charge for water to the Borough of Bloomingdale may be proportionately increased to meet the additional cost. If these regulation changes force Butler out of the water business, Butler shall not be responsible for any damages.

 **THIRTEENTH**: It is the understanding of BLOOMINGDALE and BUTLER that BLOOMINGDALE has an agreement for water supply currently in place with PASSAIC VALLEY WATER COMMISSION which expires on March 31, 2015. It is further understood and agreed to by BLOOMINGDALE and BUTLER that should BLOOMINGDALE be unable to terminate its current agreement with PASSAIC VALLEY WATER COMMISSION prior to June 1, 2014 for any legal reason, this Agreement shall be null and void and all obligations thereunder shall be terminated unless BOTH parties agree to extend this deadline.

**IN WITNESS WHEREOF**, the parties hereto have caused this instrument to be executed by their duly authorized officers, and have affixed their corporate seals, the day and year first above written.

*Discussion: In efforts to avoid potential environmental issues, a decision was made to move the water connection to the corner of Main Street, Butler & Hamburg Turnpike (near Elizabeth St) which now requires a pumping station to be installed. As a result, the contract needs to be amended for the following reasons: reduce gallons per day to $750,000 (if we exceed the supply is available) because the prior amount listed was inflated. The cost of the pump station ($250,000) is added (Butler will maintain the pump station, cover perpetuity and electric costs). The annual savings relative to public water supply equates to approximately $210,000. Easement for the pump station is in place thanks to Borough attorney. There was clarification given that $260,000 was bonded for the pump station which includes $10,000 in ‘soft costs’ or miscellaneous should the Borough Engineer or other professionals be needed. Clarification was given on sewer costs related to Macopin Road and the Borough of Butler.

Borough Attorney added this is a rare incident where the Borough is able to make these arrangements and have different options; other towns are locked in & do not have these opportunities for long term savings.*

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

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

**RESOLUTION NO. 2018-5.14**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Declaring An Emergency For Repairs at the Borough Hall Complex***

**WHEREAS,** the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares an emergency situation has developed with emergency repairs at the Borough Hall Complex; 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(s) 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 Mayor has correctly recommended that the aforementioned emergency repairs be remediated; and

**WHEREAS,** the Governing Body further finds and declares that the aforementioned repairs be remediated not to exceed $60,000.00; and

**WHEREAS**, the emergency cost is to be funded through account number 8-01-23-210-001-100 and the CFO has certified the funds;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby declare the existence of an emergency warranting repairs as soon as possible and does hereby authorize $60,000.00

*Discussion: Declaring an emergency allows for the repairs to be taken care of immediately.*

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

1. **Introduction of Ordinance No. 14-2018:** Municipal Humane Law Enforcement Officer

*Discussion: This change is in accordance with NJ/prosecutor that each municipality must have a Municipal Humane Law Enforcement Officer*

A motion was made by YAZDI to introduce the Ordinance by title; second and final reading/ public hearing will be on June 12, 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, COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO AMEND CHAPTER V, ANIMAL CONTROL, OF THE BOROUGH CODE TO ESTABLISH THE POSITION OF MUNICIPAL HUMANE LAW ENFORCEMENT OFFICER**

1. **Introduction of Bond Ordinance No. 15-2018:** Utility Bond Ordinance

*Discussion: Mayor briefly explained the projects to be funded through this bond ordinance*

A motion was made by DELLARIPA to introduce the Ordinance by title; second and final reading/ public hearing will be on May 15, 2018 at 7PM; the motion was seconded by D’AMATO and carried by voice vote, all in favor.

The Municipal Clerk read by Title:

**BOND ORDINANCE PROVIDING FOR VARIOUS 2018 WATER UTILITY ACQUISITIONS AND IMPROVEMENTS BY AND IN THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY; APPROPRIATING $525,600 THEREFOR AND AUTHORIZING THE ISSUANCE OF $525,600 BONDS OR NOTES TO FINANCE THE COSTS THEREOF**

**LATE PUBLIC COMMENT:**

Councilwoman HUDSON opened the meeting to late public comment; seconded by SONDERMYER and carried on voice vote.

***Richard Boud – 16 Tice Street:***

Mentioned the placement of the barricades on Main Street causing traffic. Additionally spoke of a refrigerator box on Main Street for 3 weeks.

***Ted L’Estrange – 6 Geoffrey Ct., Otisville, NY 10963:***

Spoke & informed all of China’s forced live organ harvesting. Requested consideration in taking steps to bring an end to this practice. *(Briefing of this topic was given to all members present)*

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

**GOVERNING BODY SCHEDULE:**

1. Regular Meeting – May 15, 2018 7PM
2. Workshop Meeting – June 12, 2018 7PM
3. Regular Meeting – June 26, 2018

**ADJOURNMENT:**

Since there was no further business to be conducted, D’AMATO moved to adjourn at 7:51PM; seconded by YAZDI and carried on voice vote with all Council Members present voting YES.

Breeanna Calabro, RMC

Municipal Clerk

*\*\*RESOLUTION NO. 2018-5.7 FY2018 MUNICIPAL BUDGET (Section 2) attached separately\*\**