**REGULAR COUNCIL MEETING**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

**May 15, 2018**

The Regular Council Meeting of the Governing Body of the Borough of Bloomingdale was held on the above date in the Council Chambers of the Municipal Building, 101 Hamburg Turnpike, Bloomingdale, NJ. Mayor Dunleavy called the meeting to order at 7:05PM.

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:* Sherry Gallagher, Treasurer

Rocco Digregorio

**PUBLIC NOTICE STATEMENT**

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

**PRESENTATIONS:**

1. Acknowledgement of Michael Katosck – Retiring DPW Mechanic

*Mayor Dunleavy spoke towards Katsock’s 33 years of dedicated employment with the Borough’s DPW. Mike portrayed a quiet but well respected presence and he will be sorely missed. His family, co-workers, and council members congratulated him on his retirement. Katsock was presented Bloomingdale’s 100th Anniversary pin, a key to the city, and a plaque.*

**Recess: 7:14PM  
Reconvened: 7:22PM**

**NON-AGENDA ITEMS:**

1. Appointment of Vincent DiGirolamo the Fire Department

**EARLY PUBLIC COMMENT:**

Motion was made by COSTA 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, D’AMATO made a motion to close early public comment; seconded by SONDERMEYER and carried per voice vote all voting AYE

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

Breeanna Calabro, Municipal Clerk:

*Clerk’s office open until 9PM this evening for late night voter registration*

Dawn Hudson, Councilwoman:

*Plots are available for the community garden, will post on Boro Facebook*

Jonathan Dunleavy, Mayor:

* *Boro damage from car accident will be processed thru the Boro’s insurance; we are just waiting on an estimate to repair the masonry work – hoping to get moving on the repairs. We are in possession of the damaged digital sign for insurance purposes.*
* *Clean Up Day – successful there were over 200 attendees*
* *Memorial Day Parade 5/28 new route from Bloomingdale Senior Center to Butler Park*
* *Mental Illness First Aid class available to adults who do teach/coach children*
* *Leary Ave preconstruction meeting 5/16/18 10AM*
* *Extending cell tower lease – will go out to bid*
* *Anti-friction on Glenwild Ave that is coming up. Mayor met with DOT & county to see how they are proceeding with fixing it, they don’t know yet*

**RESOLUTION NO. 2018-5.15 CONSENT AGENDA**

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

**RESOLUTION NO. 2018-5.15**

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

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

***May 15, 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:** 
     + 1. **Regular Workshop Meeting – April 3, 2018**
       2. **Regular Council Meeting – April 17, 2018**
       3. **Regular Workshop Meeting – May 1, 2018**
  2. **Resolution No. 2018-5.16:** Supporting the Click It or Ticket Mobilization of May 21- June 3, 2018
  3. **Resolution No. 2018-5.17:** Authorizing DPW Summer Help – Three positions
  4. **Resolution No. 2018-5.18:** Promotion of DPW Sanitation Driver – D. Gerhardt
  5. **Resolution No. 2018-5.19:** Authorizing New Hire – DPW Laborer – S. Corcoran
  6. **Resolution No. 2018-5.20:** Authorizing Membership Participation with ESCNJ Co-op
  7. **Resolution No. 2018-5.21:** Authorizing Third Party Payroll Disbursements
  8. **Resolution No.** **2018-5.22:** Authorizing The Issuance of Bids For the Lease of the Cell Tower
  9. **Resolution No. 2018-5.23:** Redemption TTL 14-00005 Block: 3012 Lot: 1
  10. **Resolution No. 2018-5.24:** Redemption TTL 14-00032 Block: 5071 Lot: 89
  11. **Resolution No. 2018-5.25:** Redemption TTL 16-00014 Block: 5093 Lot: 7
  12. **Resolution No. 2018-5.26:** Authorizing Full Time Office Assistant in Construction – C. Lime  
        
      *Discussion: Mayor added he is proud to be hiring Cathy Lime as a full time office assistant and commended Dan Hagberg for his tireless efforts in the Building Department. With retirements approaching in the next 12 months this is the first step to plan for the future.   
        
      DPW Laborer – with retirement of Katsock, a current laborer was promoted to mechanic, leaving the need for a DPW laborer*

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

Consent Agenda Resolutions:

**RESOLUTION NO. 2018-5.16  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**Resolution Supporting the *Click It or Ticket* Mobilization of May 21 – June 3, 2018**

**WHEREAS**, there were 626 motor vehicle fatalities in New Jersey in 2017; and

**WHEREAS**, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

**WHEREAS,** use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

**WHEREAS,** the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

**WHEREAS**, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 21 – June 3, 2018 in an effort to raise awareness and increase seat belt usage through a combination of high visibility enforcement and public education; and

**WHEREAS**, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 94% to 95.5%; and

**WHEREAS**, a further increase in seat belt usage in New Jersey will save lives on our roadways;

**THEREFORE, BE IT RESOLVED,** that the Borough of Bloomingdale declares its support for the *Click It or Ticket* seat belt mobilization both locally and nationally from May 21 – June 3, 2018 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

**RESOLUTION NO. 2018-5.17**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Authorization for Summer Help at the DPW***

**WHEREAS**, there exists a need for temporary seasonal help within the Department of Public Works during the summer months; and

**WHEREAS**, the Superintendent of the Department of Public Works recommends that authorization be given to hire the following three (3) individuals to work Monday through Friday effective May 16, 2018; for a maximum amount of six (6) hours a day at a rate of $10 per hour:

Sean Scott

Matthew Johnson

Brandon Bott

**NOW, THEREFORE BE IT RESOLVED,** by the Governing Body of the Borough of Bloomingdale does hereby authorize the hiring of the named individuals for temporary seasonal help within the Department of Public Works.

**RESOLUTION NO. 2018-5.18**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Hiring of full-time DPW Sanitation Driver***

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

**WHEREAS**, the Superintendent and the Assistant Superintendent of the Department of Public Works recommend the position be filled by Dan Gehardt;

**NOW, THEREFORE BE IT RESOLVED,** by the Governing Body of the Borough of Bloomingdale, that Dan Gehardt be promoted as a full-time DPW Sanitation Driver, effective June 1, 2018 as per the terms of the CWA Local 1032 DPW contract.

**RESOLUTION NO. 2018-5.19**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Hiring of full-time DPW Laborer***

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

**WHEREAS**, the Superintendent and the Assistant Superintendent of the Department of Public Works recommend the position be filled by Sean Corcoran;

**NOW, THEREFORE BE IT RESOLVED,** by the Governing Body of the Borough of Bloomingdale, that Sean Corcoran be hired as a full-time DPW Laborer, effective June 1, 2018 as per the terms of the CWA Local 1032 DPW contract.

**RESOLUTION NO. 2018-5.20  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION FOR MEMBER PARTICIPATION**

**IN A COOPERATIVE PRICING SYSTEM**

*A RESOLUTION AUTHORIZING THE BOROUGH OF BLOOMINGDALE*

*TO ENTER INTO A COOPERATIVE PRICING AGREEMENT*

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Educational Services Commission of New Jersey, hereinafter referred to as the “Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on May 15, 2018 the governing body of the Borough of Bloomingdale, County of Passaic, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

**TITLE**

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Bloomingdale

**AUTHORITY**

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, Mayor Jonathan Dunleavy is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

**CONTRACTING UNIT**

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

**EFFECTIVE DATE**

This resolution shall take effect immediately upon passage.

**RESOLUTION NO. 2018-5.21  
OF THE GOVERNING BODY OF   
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION AUTHORIZING THIRD PARTY PAYROLL DISBURSEMENTS**

**WHEREAS**, N.J.A.C. 5:30-1, entitled “Electronic Disbursement Controls for Payroll Purposes,” sets forth standards for local governments to follow when contracting with an organization to make disbursements on behalf of the local unit, as permitted by N.J.S.A. 52:27D-20.l; and

**WHEREAS**, the Borough Council of the Borough of Bloomingdale must formally approve payroll service provider access to Borough funds, assign responsibility to an official to oversee the process, and enact policies regulating payroll disbursements by payroll service providers;

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

1. ADS is authorized to prepare any necessary payment documentation and make payroll and payroll agency disbursements on behalf of the Borough by executing such disbursements from the Borough’s designated bank accounts, or by taking possession of Borough funds to make such disbursements and to hold those funds pending transmittal.
2. ADS shall use its own customized programming process to execute disbursements for the Borough.
3. The Chief Financial Officer is hereby appointed the approval officer and shall be responsible for authorizing and supervising the activities of the payroll service with respect to the disbursement of Borough funds, and shall further be charged with the reconciliation and analysis of all Borough general ledger accounts affected by the activities of the disbursing organization.
4. ADS shall be required to report any irregularities that may indicate potential fraud, noncompliance with appropriate laws, dishonesty or gross incompetence on the part of any approval officer.
5. ADS shall report circumstances that could jeopardize its ability to continue operations or otherwise interrupt the service provided to the Borough.
6. ADS shall comply with the requirements of N.J.A.C. 5:30-17.5 by providing documentation on an annual basis that ADS has its own internal controls and appropriately safeguards against theft and other adverse conditions

**RESOLUTION No. 2018-5.22  
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 issuance of bids for the lease of the cell tower jointly owned with the borough of butler located at Brandt Lane also known as block 60, lot 59 on the official tax map of the borough of bloomingdale**

**WHEREAS**, the Administration has reviewed the status of the lease of the cell tower that which the Borough jointly utilizes with the Borough of Butler; and

**WHEREAS**,the lease will be expiring on or about January 7, 2028; and

**WHEREAS**, it is in the best interest of the Borough, from a business and long-term financial planning standpoint, to place out for competitive bid the lease of these towers for a five year period commencing on January 7, 2028.

**NOW, THEREFORE, BE IT RESOLVED by** the Mayor and Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey as follows: the Administration is hereby authorized to put out for bid the lease for the cell tower owned by the Borough of Bloomingdale and Butler located at Brandt Lane also known as Block 60, Lot 59 on the official Tax Map of the Borough of Bloomingdale for a term commencing on January 7, 2028 and a period of five years.

**RESOLUTION NO. 2018-5.23**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Authorizing Redemption and Cancellation of Tax Title Lien Certificate #14-00005***

**WHEREAS,** the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that, at the Borough Tax Sale held on December 22, 2014, a lien was sold on,

161 Hamburg Turnpike, Bloomingdale, for delinquent year 2014 Tax, and

**WHEREAS,** the Governing Body further finds and declares that the foregoing property is also known as Block 12.01, Lot 1, owned by Flarlas, LLC; and

**WHEREAS,** the Governing Body further finds and declares that the foregoing lien which was sold to US BANK CUST BV001 TRUST & CRDTRS for a premium of $36,100 and

**WHEREAS,** the Governing Body further finds and declares that for 69 Knolls Road, the attorney, Louis Mangano, representing FLARLAS, LLC has requested redemption of TTL #14-00005, and

**WHEREAS,** the Governing Body further finds and declares Ardent Title Group, LLC has paid all monies, to the Borough of Bloomingdale;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Bloomingdale that the Borough Treasurer be and is hereby authorized to issue checks in the amount of $78,227.46 for the lien redemption and $36,100.00 for the premium, be made payable to US BANK CUSTBV001 TRUST & CRDTR for the redemption and cancellation of Tax Title Lien Certificate #14-00005

1099 = $20,794.74

**RESOLUTION NO. 2018-5.24**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Redemption and Cancellation of Tax Title Lien Certificate #14-00032***

**WHEREAS,** the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that, at the Borough Tax Sale held on December 22, 2014, a lien was sold on,

69 Knolls Road, Bloomingdale, for delinquent year 2014 Tax, Water & Sewer and

**WHEREAS,** the Governing Body further finds and declares that the foregoing property is also known as Block 5071, Lot 89, owned by Gail & Gregg Brightman; and

**WHEREAS,** the Governing Body further finds and declares that the foregoing lien which was sold to FWDSL & ASSOCIATES, LP for a premium of $18,000 and

**WHEREAS,** the Governing Body further finds and declares that for 69 Knolls Road, the attorney, Nurik & Lefkowitz, LLC, representing the Estate of Gail Brightman has requested redemption of TTL #14-00032, and

**WHEREAS,** the Governing Body further finds and declares that Valley National Bank Title Services 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 $69,149.59 for the lien redemption and $18,000.00 for the premium, be made payable to FWDSL PO Box 1035, Somerville, NJ 08876 for the redemption and cancellation of Tax Title Lien Certificate #14-00032

1099 = $17,503.37

**RESOLUTION NO. 2018-5.25**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Redemption and Cancellation of Tax Title Lien Certificate #16-00014***

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

9 Ballston Street, Bloomingdale, for delinquent year 2016 sewer, water and electric, and

**WHEREAS,** the Governing Body further finds and declares that the foregoing property is also known as Block 5093, Lot 7, owned by Clyde D Jones and Bobbie Jo Mathews; and

**WHEREAS,** the Governing Body further finds and declares that the foregoing lien which was sold to PC7 LLC for a premium of $1,400.00 and

**WHEREAS,** the Governing Body further finds and declares that for 9 Ballston Street, the mortgage company, Bayview Loan Servicing, LLC has requested redemption of TTL #16-00014, and

**WHEREAS,** the Governing Body further finds and declares that Bayview Loan Servicing has paid all monies, to the Borough of Bloomingdale;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Bloomingdale that the Borough Treasurer be and is hereby authorized to issue checks in the amount of $3,470.95 for the lien redemption and $1,400.00 for the premium, be made payable to PC 7 LLC, US BANK FOR PC7 FIRST TRUST BANK, 50 South 16th Street, Ste 2050, Philadelphia, PA 19102 for the redemption and cancellation of Tax Title Lien Certificate #16-00014

1099 = $91.78

**RESOLUTION NO. 2018-5.26**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Authorizing the hiring of Cathy Lime as a Full-Time Office Assistant in the Construction Office***

**BE IT RESOLVED**, that Cathy Lime be hired as a Full Time Office Assistant in the Construction Office as per the terms of the White Collar contract effective June 1, 2018.

**PENDING ITEMS:**

1. **Second/Final Reading & Public Hearing:**  
   *Bond Ordinance No. 15-2018: Utility Bond Ordinance*  
     
   **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** 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**

**PASSAIC COUNTY, NEW JERSEY**

**ORDINANCE NO. 15-2018**

**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**

**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 the members thereof affirmatively concurring), **AS** **FOLLOWS:**

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Bloomingdale, in the County of Passaic, State of New Jersey (the “Borough”) as general improvements. For the said improvements or purposes stated in Section 3, there is hereby appropriated the principal amount of $525,600. Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the “Local Bond Law”), no down payment is required as the Water Utility is self-liquidating.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the $525,600 appropriation, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of $525,600 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 $525,600 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 bonds or notes are to be issued, include, but are not limited to, as follows:

| Description | Total  Appropriation | Debt  Authorization | Useful  Life |
| --- | --- | --- | --- |
| (i) Utility work on Red Twig Trail; and | $75,000 | $75,000 | 15 years |
| (ii) Purchase of new water meters Borough-wide; and | $120,000 | $120,000 | 7 years |
| (iii) Purchase of a bucket for the backhoe, a dump trailer, transfer switch for the generator and a Kubota backhoe for the Water Department in the Borough; and | $70,600 | $70,600 | 5 years |
| (iv) Construction of a water supply booster station. | $260,000 | $260,000 | 40 years |
| TOTALS | $525,600 | $525,600 | 24.19 years |

**(b)** All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto and all in accordance with the plans and specifications therefor on file in the Office of the Clerk of the Borough and available for public inspection and hereby approved.

**(c)** The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is $525,600.

**(d)** The estimated cost of said improvements or purposes is $525,600.

**SECTION 4.** 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. 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 time 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. 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 of the Borough 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, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services in the 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 purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Borough may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 24.19 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 in the 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 $525,600 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding $10,000 for items of expense listed in and permitted under N.J.S.A. § 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

**SECTION 8.** Unless paid from other sources, the full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. Unless paid from other sources, the obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations 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 $525,600. 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 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, as provided by the Local Bond Law.

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 D’AMATO and carried on a voice vote all voting AYE.

*Discussion:*

*Councilman Costa questioned if this ordinance included the purchase of a new backhoe. The Mayor then listed the contents of the ordinance. Concerns were expressed with regards to the purchase of a new backhoe. Mayor Dunleavy explained the adoption of the ordinance only authorizes new debt. It does not authorize purchasing. Purchasing requires separate governing body approval. If any of the bond/note is not used/borrowed, the debt is cancelled. By adoption of the ordinance, the funds are in place if the need for a backhoe exists. Councilmembers expressed alternative options rather than purchasing a new backhoe including: renting or leasing a backhoe, sharing Borough equipment between the departments, purchasing a smaller bucket for the owned backhoe, purchasing a backhoe when/if the current breaks. The Mayor would like the council to be fully informed; DPW Superintendent Al Gallagher and Frank Neuberger, DPW/Utility Foreman will be invited to the June 12th meeting to discuss the need for a backhoe. Mayor is in support of the investment in a new backhoe. The ordinance passed.*

Councilman YAZDI 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)

**NEW BUSINESS:**

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

**RESOLUTION NO. 2018-5.27**

**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 3,188,819.45 CURRENT 1,326,305.79

UTILITY 67,134.36 UTILITY 26,577.58

CAPITAL 304,842.87 OPEN SPACE 0,000.00

UTILITY CAPITAL 6,316.16 TRUST ACCOUNT 780.00

TRUST 214,773.18 RECYCLING 123.56 DOG 3,523.75 DOG TRUST 000.00

RECREATION 910.00 UNEMPLOY 184.36 ROSE FUND 3,573.19 CAPITAL 000,000.00

RECYCLING 630.16 WATER CAPITAL 000,000.00

UNEMPLOYMENT 304.00 RECREATION 280.25

AFFORDABLE HOUSING 000.00 CAPITAL ASSESSMENT 00,000.00

TOTAL 3,790,827.12 TOTAL 1,354,179.54

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

**RESOLUTION No. 2018-5.28  
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 PROFESSIONAL SERVICES AGREEMENT WITHOUT COMPETITIVE BIDDING TO DMC ASSOCIATES, INC. LAND SURVEYORS** **FOR LAND SURVEYING SERVICES FOR A ROADWAY SURVEY OF RED TWIG TRAIL**

**WHEREAS**, there exists a need for professional land surveying services in connection with a roadway survey of Red Twig Trail in the Borough; and

**WHEREAS**, the Borough wishes to retain DMC Associates, Inc. Land Surveyors to provide such land surveying services for the Borough in 2018 and in accordance with the services contained in its proposal on file with the Borough of Bloomingdale Clerk; and

**WHEREAS**, the term of this contract shall be for the duration of the work to be performed in connection with the Red Twig Trail roadway survey; and

**WHEREAS**, the Chief Financial Officer has certified that funds will be available for this purpose upon the adoption of Bond Ordinance No. 13-2018; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. §40A:11-1 *et seq.*, requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must 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:

**Section 1**. This contract with DMC Associates, Inc. Land Surveyors is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. §40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.

**Section 2.** DMC Associates, Inc. Land Surveyors shall provide land surveying services to the Borough as set forth in its contract at a cost not to exceed $8,200.

**Section 3**. A notice of this action shall be printed once in the legal newspaper of the Borough of Bloomingdale as required by law.

**Section 4.** A copy of this Resolution shall be provided to Donna Mollineaux, Chief Financial Officer, and to DMC Associates, Inc. Land Surveyors, 211 Main Street, Butler, New Jersey 07405, for their information and guidance.

This Resolution shall take effect immediately.

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

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

**RESOLUTION NO. 2018-5.29  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**A RESOLUTION OF THE BOROUGH OF BLOOMINGDALE AUTHORIZING THE SETTLEMENT OF THE TAX APPEAL ENTITLED PAZ V BOROUGH OF BLOOMINGDALE**

**WHEREAS**, an appeal of the real property tax assessment of Block 3022, Lot 45, located at 90 Elizabeth Street in the Borough of Bloomingdale and owned by Joseph and Barbara Paz has been filed in the Tax Court of New Jersey; and

**WHEREAS**, the Tax Assessor, Appraiser and Borough Attorney are of the opinion that it is in the best interest of the Borough to settle these appeals.

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

1. The settlement of the tax appeal filed at the Tax Court of New Jersey by Joseph and Barbara Paz is hereby authorized as follows:

|  |  |  |
| --- | --- | --- |
| **YEAR** | **ORIGINAL**  **ASSESSMENT** | **PROPOSED**  **SETTLEMENT** |
| 2017 | $308,100 | $275,000 |
| 2018 | $308,100 | $265,000 |

2. All refund checks are to be made payable to the attorneys for the taxpayer and the taxpayer. Refunds are to be made within 60 days from the date of the entry of Judgment and interest is waived on said refunds on the condition that the refund is paid within 60 days from the date of the entry of Judgment.

3. All municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.

4. The Tax Collector is hereby authorized to credit and/or refund the appropriate taxes in accordance with the terms of this Resolution.

5. This Resolution shall take effect immediately.

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

**LATE PUBLIC COMMENT:**

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

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

**NON AGENDA ITEMS:**

Councilman Costa made a motion to appointment Vincent Digirlamo to Bloomingdale fire department, motion seconded by HUDSON and carried on voice vote, all in favor.   
 **GOVERNING BODY SCHEDULE:**

1. Regular Meeting – June 12, 2018 7PM
2. Regular Meeting – June 26, 2018 7PM
3. Regular Meeting – July 17, 2018 7PM

**Executive Session:**

Councilman COSTA offered the following resolution to go into executive session:  
  
**RESOLUTION NO. 2018-5.30**

**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 15th day of May, 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.   
  (X) b. (7) Pending or anticipated litigation or contract negotiations other than in   
   subsection b. (4) herein or matters falling within the attorney-client privilege.   
   **Attorney-Client Privilege: VMC Group & VMC Holdings LLC v. NJDEP & Borough of Bloomingdale**

( ) 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 D’AMATO and carried on voice vote, all in favor.

Entered Executive Session: 7:48PM

Resumed in Open Session: 7:52PM

**ADJOURNMENT:**

Since there was no further business to be conducted, SONDERMEYER moved to adjourn at 7:56PM; seconded by COSTA and carried on voice vote with all Council Members present voting YES.

Breeanna Calabro, RMC

Municipal Clerk