**REGULAR COUNCIL MEETING**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

**September 18, 2018**

The Regular Council Meeting of the Governing Body of the Borough of Bloomingdale was held on the above date in the Council Chambers of the Municipal Building, 101 Hamburg Turnpike, Bloomingdale, NJ. Mayor Dunleavy called the meeting to order at 7:03PM.

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

**Roll Call:**

*In Attendance:* Mayor Jonathan Dunleavy

 Councilman Anthony Costa

 Councilman John D’Amato

 Councilwoman Dawn Hudson

Councilman Ray Yazdi

 Municipal Clerk, Breeanna Calabro

 Borough Attorney, Dawn Sullivan

*Excused:* Councilman Michael Sondermeyer

**PUBLIC NOTICE STATEMENT**

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

**PRESENTATIONS:**

1. **Bloomingdale Police Lieutenant Promotion – Ron Frost**
*Chief Borell and Mayor Dunleavy welcomed everyone in attendance. Gratitude was expressed by Chief Borell to the Mayor & Council and Public Safety Committee for their support of this promotion. The Chief spoke in honor of Ron Frost and gave a history of his career with the Bloomingdale Police Department. Ron Frost is a 23 year member of the department and leads by example. He has earned this position and is more than qualified to handle the responsibility. The mayor applauded the entire police department. At this time Frost’s family joined him.*

The mayor asked for a motion for **Resolution 2018-9.9: Promoting Office to Lieutenant**; Councilman D’AMATO offered the following resolution and moved for its adoption:

**RESOLUTION NO. 2018-9.9
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**A RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO PROMOTE SERGEANT RONALD FROST TO LIEUTENANT IN THE BOROUGH OF BLOOMINGDALE POLICE DEPARTMENT**

 **WHEREAS,** the Borough of Bloomingdale Police Department, in accordance with the Borough Code, had conducted a test for the position of Police Lieutenant; and

 **WHEREAS**, the results of such testing have been completed; and

 **WHEREAS**, the Borough Code provides in Section 2-38.15, that the Public Safety Committee shall present the promotional candidate to the Borough Council and that the Mayor and Council shall approve the candidate to be promoted; and

 **WHEREAS**, the Chief of Police and the Public Safety Committee hereby recommend that Sergeant Ronald Frost be promoted to Lieutenant for the Borough of Bloomingdale Police Department; and

 **WHEREAS**, the Mayor and Council have considered the recommendation and wish to affirm same with the promotion of Sergeant Ronald Frost to the position of Lieutenant; and

 **WHEREAS**, funding for this position will be made available on or about September 18, 2018.

**NOW, THEREFORE, BE IT RESOLVED,** by the Borough Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey that Sergeant Ronald Frost is hereby recommended and promoted to the position of Lieutenant in the Borough of Bloomingdale Police Department effective September 18, 2018.

**BE IT FURTHER RESOLVED** that the Mayor and Chief of Police are hereby authorized to take all necessary steps to effectuate such promotion.

This Resolution shall take effect immediately.

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

*Once the promotion was approved Lt Ron Frost extended his gratitude to the Mayor & Council, Chief Borell, the police department, and his family. He is honored and humbled by the support from everyone.*

**RECESS: 7:22PM
RECONVENED: 7:31PM**

*The Mayor resumed the meeting and began with acknowledging the Borough’s Economic Development Commission for helping keep communication between the Borough and our businesses.*

1. **Glenwild Garden Center – 90 Years of Business***Mayor Dunleavy presented a proclamation to Jodie and Brad of Glenwild Gardens and gave them a ‘key to the city’ along with a 100th anniversary pin*
2. **Tress Chic – 40 Years of Business**

*Mayor Dunleavy presented a proclamation to Rose, owner of Tress Chic and gave her a ‘key to the city’ along with a 100th anniversary pin*

1. **Bloomingdale’s ‘6 Decade’ Residents**Members of the 100th Anniversary stood up and were honored. It was the committee’s idea to thank residents who have made Bloomingdale their home from many decades. The council joined the Mayor and presented certificates to many longtime residents of the community.

**Certificates presented read:** *“Home is where the heart is.” -Pliny the Elder, Roman Philosopher ‘In Proud Recognition Of Your Heartfelt Commitment To Our Small American Town Upon The Celebration Of Its Centennial Anniversary For Your Having Called The Borough Of Bloomingdale Your Home For At Least Six Decades*

**RECESS: 8:00PM
RECONVENVED: 8:16PM**

**EARLY EXECUTIVE SESSION:** N/A

**NON AGENDA:**

1. Introduction of Ordinance No. 24-2018 (Parking)

**EARLY PUBLIC COMMENT:**

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

 **Joe Fahy – 38 Hillside Drive, Bloomingdale**

(Before Mr. Fahy spoke, Mayor gave the governing body a background as to what brings Mr. Fahy in this evening. Mr Fahy works for the NJDOT and has a work truck parked in his driveway. The truck is bigger than our ordinance allows so Mr. Fahy was cited by property maintenance and is required to remove the vehicle. The Mayor referred this scenario to our ordinance review committee who came back suggesting the ordinance remain and the truck be removed. Changing the ordinance for this type of scenario will set a precedent. A solution has not yet been found and the citation remains on hold.)

*Mr. Fahy stated he was an emergency response electrical mechanic for NJDOT, he explained his job and the use of the oversized vehicle. He expressed his need for immediate access to the truck to fulfill his work duties.*

The Mayor & council referred this to the Borough Attorney to see if there is any grounds to suspend this ordinance being that the Mr. Fahy is an employee of the state without setting precedent; property maintenance will be informed that this is pending review.

**Jennifer Altfield- 17 Cedar Street, Bloomingdale**

Inquired about the major digging in the works at Sloan Park & the interconnect for water. Mayor & Councilman D’Amato explained the digging is done to remove ledge, and explained how the water is flowing under the park rather than over. Additionally, the interconnect has been completely removed to avoid contamination which exists behind the river. A pump station will be installed on the corner of Main Street in late fall.

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

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

**Dawn Sullivan, Borough Attorney:**

* Gave a follow up on a memo provided by Fred on Huntley V. Finbar/Tilcon/Bloomingdale - Borough attorney appeared before the Appellate Divison to argue why the Superior Court’s decision dismissing Ms. Huntley’s case should be affirmed by the Appellate Division. It is hopeful the panel will make a decision within the next 10 days; if it is a favorable one this will likely bring this case to a conclusion.

**Mayor Dunleavy:**

* Bob Kochka Car Show – Friday 9/21
* Firefighter Bob Kochka – 5K Run/walk & Pride Day – Saturday 9/22

**Councilman Dellaripa:**

* Inquired about tiling of Delazier Field – Mayor explained he thought tiling would make more of a mess of the field. The DPW guys are going to roll the field to level it. It’s been a tough year for Delazier with all the rain.

**RESOLUTION NO. 2018-9.8 CONSENT AGENDA**

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

**RESOLUTION NO. 2018-9.8**

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

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

***September 18, 2018 Workshop 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. **August 21, 2018 – Regular Council Meeting**
			2. **September 4, 2018 – Executive Session**
	2. **Proclamation: Glenwild Gardens 90 Years of Business**
	3. **Proclamation: Tress Chic 40 years of Business**
	4. **Resolution No. 2018-9.9: Promoting Officer to Lieutenant (Frost)**
	5. **Resolution No. 2018-9.10: Authorizing DPW Seasonal Help**
	6. **Resolution No. 2018-9.11: Grant Application & Agreement with NJDOT for Hamilton Street Improvements**
	7. **Resolution No. 2018-9.12: Delazier Basketball Court – ESCNJ – Ben Shaffer Recreation Inc.**
	8. **Resolution No. 2018-9.13: Delazier Fencing – Freedom Fence**
	9. **Resolution No. 2018-9.14: Progress Payment for 20 Captolene (CGH&P)**

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

*\*Abstention: Councilman Dellaripa abstained from the August 21, 2018 regular council meeting minutes*

**Consent Agenda Resolutions:**

**PROCLAMATION**

90+ Years of Business

**WHEREAS**, Alexander J. Mackenn Landscaping and Contracting opened for business is 1928, often using a team of oxen to pull stamps and haul wagons of bluestone slabs hewn from the hills of West Milford. As World War II ended, the company became very busy and indispensable to the boom in housing in our area. Many homes and businesses still boast the beautiful mature trees, landscaping, patios, and other stonework that his landscape crews installed in the 40’s, 50’s and 60’s.

**WHEREAS**, Alexander J. Mackenn Sr. became a well-known nurseryman in the state, being one of the early members of the New Jersey Nursey and Landscape Association, then known as The Metropolitan Nurseryman’s Association. Constantly evolving and responding to the needs of the community, Alex and his wife Mabel added the retail shop in 1958. The name ‘Glenwild Garden Center & Nursery’ was born.

**WHEREAS**, after getting a degree in Landscape Design & Horticulture, their son Alexander Mackenn Jr. started designing and running landscaping crews in 1962. Father and son worked together for at least 20 years landscaping, installing plantings, driveways, patios and more.

**WHEREAS**, in the early 90’s, third generation siblings Brad and Jodie joined the business and now work with their nurseryman father. Jodie’s passion for organic gardening has given the business its mission for years to come with an emphasis on natural products, organic gardening classes and community involvement. Brad is a licensed Landscape Architect, with an eye for beautiful plantings and stonework, and enjoys introducing clients to sustainable and responsible stewardship of land.

**NOW THEREFORE BE IT PROCLAIMED** that the Mayor and Council of the Borough of Bloomingdale, wish many more years of success to Glenwild Garden Center & Nursery and express their appreciation for small businesses in the community;

**BE IT FURTHER PROCLAIMED** that this Proclamation be made a part of the permanent records of the Borough of Bloomingdale and that a copy of said Proclamation be presented to Glenwild Garden Center of 104 Glenwild Avenue, Bloomingdale NJ.

*Given in tribute on this 18th day of September, 2018.*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor Jonathan Dunleavy

Borough of Bloomingdale

**PROCLAMATION**

40+ Years of Business

**WHEREAS,** Tress Chic has celebrated 40 years of business on August 8, 2018 and;

**WHEREAS,** Tress Chic has been a long time Bloomingdale business, supporting the community, youth & schools,

**WHEREAS,** Tress Chic has been a long time Bloomingdale business serving the local community,

**NOW THEREFORE BE IT PROCLAIMED** that the Mayor & Council of the Borough of Bloomingdale, wish many more years of success to Tress Chic and express their appreciation for small businesses in the community.

**BE IT FURTHER PROCLAIMED** that this Proclamation be made a part of the permanent records of the Borough of Bloomingdale and that a copy of said Proclamation be presented to Tress Chic of 53 Main Street, Bloomingdale NJ.

*Given in tribute on this 18th day of September, 2018.*

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Mayor Jonathan Dunleavy
Borough of Bloomingdale

**Resolution 2018-9.9: Promoting Officer to Lieutenant (Frost)
*resolution spread in full, see above***

**RESOLUTION NO. 2018-9.10**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Authorization to Hire Seasonal Help at the DPW***

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

**WHEREAS**, the Superintendent of the Department of Public Works, Al Gallagher, recommends that authorization be given to hire Fred Cook to work 30 hours per week effective September 10, 2018 through December 31, 2018 at a rate of $15 per hour; and

**NOW, THEREFORE BE IT RESOLVED,** that the Governing Body of the Borough of Bloomingdale does hereby authorize the hiring Fred Cook for seasonal help within the Department of Public Works.

**RESOLUTION NO. 2018-9.11
OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE
HAMILTON STREET IMPROVEMENTS***

**WHEREAS,** the Bloomingdale Mayor and Council desire to construct improvements to Hamilton Street, including pavement resurfacing, new sidewalks on both sides, new concrete curb along both sides of the street, traffic signs, traffic striping and storm drainage repairs;

**WHEREAS,** 2019 Municipal Aid funds are available through the New Jersey Department of Transportation; and,

**WHEREAS,** the Bloomingdale Mayor and Council desire to request aid from the State of New Jersey in the amount of $300,000.00.

**NOW, THEREFORE, BE IT RESOLVED,** the Mayor and Council of the Bloomingdale Borough, formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED,** the Mayor and Clerk are hereby authorized to submit an electronic grant application, identified as MA-2019-Hamilton Street Improvements-00145, to the New Jersey Department of Transportation on behalf of Bloomingdale Borough.

**BE IT FURTHER RESOLVED,** the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Bloomingdale Borough and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council on

This 18th day of September 2018.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Breeanna Calabro, RMC

Borough Clerk

My signature and the Clerk’s seal serve to acknowledge the above resolution and constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement as authorized by the resolution above.

ATTEST AND AFFIX SEAL \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Clerk Presiding Officer

 Breeanna Calabro, RMC Jonathan Dunleavy

 Borough Clerk Mayor

**RESOLUTION NO. 2018-9.12
OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

**A RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AUTHORIZING THE PURCHASE OF a playground basketball system THROUGH THE educational services commission of new jersey BID#: ESCNJ 17/18-31; co-op #65mcesccps for delazier field**

 **WHEREAS**, the Borough of Bloomingdale, pursuant to N.J.S.A. 40A:11-11 and N.J.A.C. 5:34-7.3 et seq. may, by Resolution and without advertising for bids, purchase any goods or services through the Educational Services Commission of New Jersey Co-op “ESCNJ”, which has been approved by the Director of the Division of Local Government Services; and

 **WHEREAS**, the Borough of Bloomingdale desires to purchase a Playground Basketball System from the Educational Services Commission of New Jersey Co-op “ESCNJ #65MCESCCPS; and

 **WHEREAS,** Ben Shaffer Recreation Inc of Lake Hopatcong, NJ, has been awarded the contract for playground basketball systems; and

 **WHEREAS,** the Full-time Mayor and Borough Engineer recommend the utilization of this contract on the grounds as the best means available to obtain the playground basketball system; and

 **WHEREAS**, the contract shall not exceed the amount of $8,744.40; and

 **WHEREAS**, funding for this resolution is available as evidenced by the Certification of Funds, by the Chief Financial Officer, from account C-04-55-879-18B-200; and

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

1. The Borough of Bloomingdale hereby authorizes the purchase of a Playground Basketball System from Ben Shaffer Recreation Inc of Lake Hopatcong, NJ from the ESCNJ co-op under Contract #65MCESCCPS.

2. The total fee authorized for this contract shall not exceed $8,744.40 without the prior written approval of the Borough Council.

3. The Full-time Mayor, Borough Clerk and/or such other officials as is necessary and proper are hereby authorized to execute documents necessary to implement this Resolution.

4. A copy of this resolution shall be provided to the Borough Treasurer and Ben Shaffer Recreation Inc of Lake Hopatcong, NJ for their information and guidance.

This Resolution shall take effect immediately.

**RESOLUTION NO. 2018-9.13
OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

**A RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AUTHORIZING FENCING at delazier field basketball court**

 **WHEREAS**, the Borough of Bloomingdale desires to remove and replace the fence around Delazier Field Basketball Court as part of the 2018 Capital plan;

 **WHEREAS,** the Borough of Bloomingdale awards the contract toFreedom Fence of Pompton Plains, NJ; and

 **WHEREAS,** the Full-time Mayor & Borough Engineer recommend the utilization of this contract on the grounds as the best means available for the removal and replacement of the fence; and

 **WHEREAS**, the contract shall not exceed the amount of $25,400.00; and

 **WHEREAS**, funding for this resolution is available as evidenced by the Certification of Funds, by the Chief Financial Officer, from account C-04-55-879-18B-200; and

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

1. The Borough of Bloomingdale does hereby authorize the removal and replacement of the fence at the Delazier Basketball Court by Freedom Fence of Pompton Plains, NJ.

2. The total fee authorized for this contract shall not exceed $25,400.00 without the prior written approval of the Borough Council.

3. The Full-time Mayor, Borough Clerk and/or such other officials as is necessary and proper are hereby authorized to execute documents necessary to implement this Resolution.

4. A copy of this resolution shall be provided to the Borough Treasurer and Freedom Fence for their information and guidance.

This Resolution shall take effect immediately.

**RESOLUTION NO. 2018-9.14
OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

**AUTHORIZATION FOR PROGRESS PAYMENT TO TG1 PLUMBING, HEATING & CARPENTRY, LLC FOR CASE #BLDL-1803, 20 CAPTOLENE AVENUE**

*COMMUNITY GRANTS, PLANNING & HOUSING
BLOOMINGDALE HOME IMPROVEMENT PROGRAM*

**WHEREAS,** Mary Alice Goss, Case Manager of Community Grants, Planning and Housing has informed the Borough of a request from TG1, Heating & Carpentry, LCC for a progress payment for Case # BLDL-1803, 20 Captolene Ave in the amount of $10,454.00; and

**WHEREAS,** the Chief Financial Officer has certified the availability of these funds from account T-22-56-851-001-801

**NOW, THEREFORE, BE IT RESOLVED,** the Mayor and Council of the Bloomingdale Borough, does hereby approve a progress payment in the amount of $10,454.00 be made to TG1 Plumbing, Heating & Carpentry, LLC of 51 Main Street Suite 3. The Full-time Mayor, Borough Clerk and/or such other officials as is necessary and proper are hereby authorized to execute documents necessary to implement this Resolution.

**NEW BUSINESS:**

1. **Sloan Park Improvements:**

At this time Councilman YAZDI made a motion for the adoption of Resolutions 2018-9.15, 2018-9.16, and 2018-9.17

**RESOLUTION NO. 2018-9.15**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING RESOLUTION 2017-7.3 AUTHORIZING THE AWARD OF A CONTRACT FOR THE SLOAN PARK BRIDGE AND STREAM IMPROVEMENT PROJECTS TO YANNUZZI GROUP Inc.**

 **WHEREAS**, the Borough of Bloomingdale authorized Resolution 2017-7.3 pursuant to the Local Public Contracts Law for the award of a contract for the Sloan Park Bridge and Stream Improvement Project to Yannuzzi Group Inc. in the amount of $766,546.50; and

 **WHEREAS**, a discrepancy in the award of the contract has been identified whereby the contract award should have been in the amount of $771,046.50; and

 **WHEREAS**, the purpose of this resolution is to amend Resolution 2017-7.3 and modify the award of the contract to the amount of $771,046.50; and

 **WHEREAS** the Chief Financial Officer certified that sufficient funds are available for this contract as amended.

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

1. The Mayor and Borough Council hereby awards a contract to Yannuzzi Group Inc., 135 Kinnelon Road, Suite 102, Kinnelon 07405, for the performance of Sloan Park Bridge and Stream Improvement Project in accordance with the bid specifications in the total amount of $771,046.50.

2. This Resolution shall amend Resolution 2017-7.3 and the award of this contract incorrectly identified as $766,546.50. Accordingly, the award of the contract in total is $771,046.50.

**RESOLUTION NO. 2018-9.16**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING RESOLUTION NO. 2018-3.6, CHANGE ORDER #1 TO THE CONTRACT FOR THE SLOAN PARK BRIDGE AND STREAM IMPROVEMENTS PROJECT BETWEEN THE BOROUGH OF BLOOMINGDALE AND YANNUZZI GROUP, INC.**

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

**Whereas**, an initial change order was awarded by way of Resolution No. 2018-3.6 in the amount of $40,000 for the installation of a 10’bridge; and

**WHEREAS**, it has since been determined that there was a discrepancy in the awarding of the change order whereby the total amount of the change order should have been $44,000:

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

 Additional Cost

 $44,000.00

 **Total Net Change Order: $44,000.00**

 **Percentage Increase: 5.71%**

; and

 **WHEREAS,** the original contract amount was $771,046.50; the amended contract amount based upon Change Order #1 as amended is $815,046.50 which is a 5.71% increase from the original contract amount; and

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

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

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

No. C-04-55-877-17A-100; and

 **WHEREAS**, this change order hereby modifies Resolution 2018-3.6 the initial Change Order #1 to accurately reflect the amount of $44,000.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Bloomingdale, in the County of Passaic and State of New Jersey, that Change Order #1 is hereby approved in the contract between the Borough of Bloomingdale and Yannuzzi Group, Inc. as follows:

 Original Contract $771,046.50

 Change Order #1 $ 44,000.00

 New Contract Total: $815,046.50

 Increase of 5.71%

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

This resolution shall be available for public inspection.

**RESOLUTION NO. 2018-9.17**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING CHANGE ORDER #2 FOR THE CONTRACT SLOAN PARK BRIDGE AND STREAM IMPROVEMENTS PROJECT BETWEEN THE BOROUGH OF BLOOMINGDALE AND YANNUZZI GROUP, INC.**

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

**Whereas**, the Borough of Bloomingdale and Yannuzzi Group, Inc. previously entered into a change order by way of Resolution No. 2018-9.15 in the amount of $44,000 for the installation of a 10’bridge; and

**WHEREAS**, it has since been determined by the Borough Engineer that certain changes to this contract are necessary to perform work as follows:

 **Non-Contract Work Items – Rock Removal & Tree Work**

 Additional Cost

Change Order #1 $44,000.00

Proposed Change Order #2

 Rock Removal $43,450.00

 Tree Work $10.400.00

 **Total Net Change Order: $97,850.00**

 **Percentage Increase: 12.70%**

; and

 **WHEREAS,** the original contract amount was $771,046.50; the amended contract amount based upon Change Order #1 and #2, is $868,896.50 which is 12.7% increase from the original contract amount; and

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

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

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

No. C-04-55-877-17A-100; and

 **NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Bloomingdale, in the County of Passaic and State of New Jersey, that Change Order #1 is hereby approved in the contract between the Borough of Bloomingdale and Yannuzzi Group, Inc. as follows:

 Original Contract $771,046.50

 Change Order #1 $ 44,000.00

 Change Order #2 $ 53,850.00

 New Contract Total: $868,896.50

 Increase 12.70%

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

**Discussion**: The mayor explained each resolution and added this project has been funded for, we are not borrowing new money. We are still under the 20% change order limitation.

* **2018-9.15**: would be to amend the award of the contract from $766,546 to the rightful amount of $771,046.50. That would just be a mathematical correction;
* **2018-9.16:** would be to correct the change order of $40,000 to reflect what should have been $44,000 and we will amend that resolution which was 2018-3.06;
* **2018-9.17**: the final resolution would be a change order, the change order would be $43,450 for the rocks, $10,400 for the tree bringing the two new contract cumulative total to $868,896. That will also reflect that that should be adopted after the two amending resolutions are adopted.

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

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

**RESOLUTION NO. 2018-9.18
OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Authorizing Payment of Municipal Obligations***

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

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

BILLS LIST PREPAID LIST

CURRENT 1,649,049.82 CURRENT 616,155.71

UTILITY 88,552.03 UTILITY 29,712.11

CAPITAL 258,359.50 OPEN SPACE 45,777.68

UTILITY CAPITAL 19,667.57 TRUST ACCOUNT 2,278.50

TRUST 5,148.50 RECYCLING 581.88 DOG 4,822.62 DOG TRUST 00.00

RECREATION 34,563.78 UNEMPLOY 191.26 ROSE FUND 1,013.71 CAPITAL 6,955.00

RECYCLING 276.00 WATER CAPITAL 000,000.00

UNEMPLOYMENT 000.00 RECREATION 22,157.55

AFFORDABLE HOUSING 10,454.00 CAPITAL ASSESSMENT 00,000.00

TOTAL 2,071,907.48 TOTAL 723,808.85

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

Abstentions:

Hudson: Vendor: 02512 PO# 18-01248

D’Amato: Vendor: 01463 PO# 18-01283

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

**RESOLUTION NO. 2018-9.19
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 A LAND LEASE FOR THE CO-LOCATION ON A PREVIOUSLY AWARDED, APPROVED AND CONSTRUCTED SELF-SUPPORTING WIRELESS TELECOMMUNICATIONS MONOPOLE AND ANCILLARY WIRELESS TELEPHONE SUPPORT EQUIPMENT**

 **WHEREAS,** on January 1, 2003 the Borough of Bloomingdale, along with the Borough of Butler (“Boroughs”), entered into an Agreement for Lease of Real Property for Construction and Operation of Wireless Telecommunication Tower or Monopole and Related Facilities (“Agreement”) with Sprint Spectrum, LP (“Sprint”) for a portion of the real property located at 23 Brandt Lane, Bloomingdale, New Jersey (“Premises”); and

 **WHEREAS,** the Premises are administered for Sprint by SBA 2012 TC Assets, LLC (“SBA”); and

 **WHEREAS,** the Boroughs were notified by letter dated December 14, 2017, that an Amendment to the Agreement was required; and

 **WHEREAS,** pursuant to authorization by the Mayor and Council of the Borough of Bloomingdale, the Borough received sealed competitive bids for the land lease for the co-location on a previously awarded, approved and constructed self-supporting wireless telecommunications monopole and ancillary wireless telephone support equipment; and

 **WHEREAS**, one sealed bid was received and opened on August 29, 2018, in accordance with the advertised date for acceptance of bids from SBA 2012 TC Assets, LLC; and

**WHEREAS,** said bid has been duly reviewed and analyzed by the Borough Attorney and Borough Engineer of both Boroughs; and

 **WHEREAS,** the bid received from the sole bidder SBA 2012 TC Assets, LLC in the amount of $36,729.24 per year has been found to be in proper form and in compliance with the provisions of N.J.S.A. §40A:11-23.5 and the specifications as written; and

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

1. The Borough of Bloomingdale hereby authorizes a lease amendment to SBA 2012 TC Assets, LLC, 8051 Congress Avenue, Boca Raton, Florida 33487 for the land lease for the co-location on a previously awarded, approved and constructed self-supporting wireless telecommunications monopole and ancillary wireless telephone support equipment in accordance with the bid specifications in the total amount of $36,729.24 per year.

2. The Mayor and Borough Clerk are hereby authorized and directed to execute a lease amendment with to SBA 2012 TC Assets, LLC in accordance with its bid for land lease for the co-location on a previously awarded, approved and constructed self-supporting wireless telecommunications monopole and ancillary wireless telephone support equipment.

3. This resolution and lease amendment shall be available for public inspection in the office of the Borough Clerk.

4. This Resolution shall take effect immediately.

**Discussion:** *SBA the current owner of the tower which is on the animal shelter property on Brandt Lane; partially owned by butler. The company approached the towns some time ago requesting a lease extension as there’s expires in the next 4-5 years. For them, it is more marketable to show the carriers that they have a ‘longer’ lease. There is a signing bonus of $40,000 - $20,000 due to each municipality (Butler & Bloomingdale). The only bid received was that of the current leaseholder.*

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

**NON-AGENDA**

1. **Introduction of Ordinance No. 24-2018:** Amend 92-55 Parking

A motion was made by YAZDI to introduce the Ordinance by title; second and final reading/ public hearing will be on November 27, 2018 at 7PM to allow time for planning board review; the motion was seconded by DELLARIPA and carried by voice vote, all in favor.

The Municipal Clerk read by Title:

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 92 “ZONING”, SECTION 92-55 “B-1 GENERAL BUSINESS ZONE” AND SECTION 92-55.1 “B-1-A COMMERCIAL ZONE” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE**

 **LATE PUBLIC COMMENT:**

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

**Executive Session:**

At this time Councilman D’AMATO offered the following resolution and moved for its adoption

**RESOLUTION NO. 2018-9.20**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Mayor & Council of the Borough of Bloomingdale on the 18th day of September, 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.
	+ - * + Two Matters: Attorney-Client Privilege
				 Litigation

( ) 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 COSTA and carried on voice vote, all in favor.

Entered into executive session: 8:51PM

Resumed in open session: 9:06PM

**GOVERNING BODY SCHEDULE:**

1. Regular Workshop Meeting – October 2, 2018 7PM
2. Regular Council Meeting – October 16, 2018 7PM
3. Workship Meeting – November 1, 2018 8AM
4. Bob Kochka 5K Run – September 21, 2018
5. Pride Day – September 22, 2018

**ADJOURNMENT:**

Since there was no further business to be conducted, COSTA moved to adjourn at 9:06PM; seconded by DELLARIPA and carried on voice vote with all Council Members present voting YES.

Breeanna Calabro, RMC

Municipal Clerk