**REGULAR WORKSHOP MEETING**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

**January 23, 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 7:02PM.

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, Dawn Sullivan

**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:**

1. Introduction of Ordinance No. 4-2018: Cablevision
2. Appointment of Sharen Bower to the Senior Advisory Board
3. Acceptance of Fire Chief memo to remove member from active rolls

**EARLY PUBLIC COMMENT:**

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

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

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

*Dawn Sullivan, Esq.:*

Update given on pending ligation with Linda Huntley. Borough attorney’s office received notice from The New Jersey Superior Court, Appellate Division on a motion to expedite the appeal has been granted.

*John D’Amato, Councilman:*

100th Anniversary book is coming along and almost ready for printing. Banner will be displayed soon and hope to spread the word on the celebrations.

**RESOLUTION NO. 2018-1.98 CONSENT AGENDA**

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

**RESOLUTION NO. 2018-1.98**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

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

***January 23, 2018 Regular 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 Executive Session Minutes:
	 November 21, 2017 & December 19, 2017
	2. Resolution No. 2018-1.99: Proclamation ‘School Choice Week’
	3. Resolution No. 2018-1.100: Proclamation ‘Youth Art Month – March’
	4. Resolution No. 2018-1.101: Opposing Proposed Beekeeping Regulations
	5. Resolution No. 2018-1.102: Fire Department Officers 2018
	6. Resolution No. 2018-1.103: Appointment to PRBRS Board
	7. Resolution No. 2018-1.104: Unpaid Sick Leave – Animal Shelter Employee
	8. Resolution No. 2018-1.105: Redemption TTL 16-00010
	9. Resolution No. 2018-1.106: Redemption TTL 16-00011
	10. Resolution No. 2018-1.107: Redemption TTL 16-00015

The motion was seconded by HUDSON and it carried on voice vote all voting AYE.

**CONSENT AGENDA RESOLUTIONS:**

**RESOLUTION NO. 2018-1.99**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***A Proclamation Commemorating Bloomingdale School Choice Week***

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

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

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

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED,** that the Mayor and Council does hereby recognize January 21-27, 2018 as **SCHOOL CHOICE WEEK**, and call this observance to the attention of all of our citizens.

**RESOLUTION NO. 2018-1.100**

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

**PROCLAMATION - ‘YOUTH ART MONTH’ MARCH 2018**

**WHEREAS**, art education contributes powerful educational benefits to all elementary, middle, and secondary students;

**WHEREAS**, art education develops students’ creative problem-solving and critical thinking abilities;

**WHEREAS**, art education teaches sensitivity to beauty, order, and other expressive qualities;

**WHEREAS**, art education gives students a deeper understanding of multi-cultural values and beliefs;

**WHEREAS**, art education reinforces and brings to life what students learn in other subjects; and

**WHEREAS**, art education interrelates student learning in art production, art history, art criticism, and aesthetics.

**WHEREAS**, the Art Educators of New Jersey have acknowledged the necessity of including arts experiences in all students’ education.

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Bloomingdale, proclaim March as ‘YOUTH ART MONTH’ and urge all citizens to take interest in and give full support to quality school art programs for children and youth.

**RESOLUTION NO. 2018-1.101**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE OPPOSING BEEKEEPING REGULATIONS**

**WHEREAS**, the New Jersey Department of Agriculture has published new beekeeping regulations in the New Jersey Register which are now open to public comment which must be submitted by January 19, 2018; and

**WHEREAS**, these new regulations include a section on Apiary Standards which states that bee colony density will be regulated as follows: on residential lot of less than one-quarter acre where agriculture has not otherwise been determined as permitted new (not already in existence) hives are not permitted; on a residential lot of less than one-quarter acre where hives are in existence as of July 31, 2015, the hobbyist beekeeper may seek a waiver; on a residential lot of one-quarter acre to less than five acres, a person wishing to keep bees as a hobbyist may seek a waiver to keep two hives per lot; and

**WHEREAS**, these new regulations also include a section on Location of Hives, which requires that all hives must be located at least l0 feet from any property line and at least 25 feet from any roadside, sidewalk, or path and 85 feet from any public place including playgrounds, sports fields, schools or churches, unless permission is granted for educational or research purposes, as well as establishing a Flyway Barrier at least 6 feet in height consisting of a solid wall, fence, or dense vegetation parallel to the property line and extending 10 feet beyond the colony in each direction; and

**WHEREAS**, these new regulations ignore key best management practices for beekeeping, and would be difficult for the vast majority of New Jersey municipalities to enforce; and

**WHEREAS**, the Borough of Bloomingdale has been notified, that if these regulations are adopted, beekeepers in the Borough of Bloomingdale will be negatively impacted by the new regulations.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor & Council of the Borough of Bloomingdale, County of Passaic, wishes to go on record with the New Jersey Department of Agriculture that the Borough of Bloomingdale is opposed to the new beekeeping regulations which would have a detrimental effect on beekeeping in the Borough of Bloomingdale as well as throughout New Jersey and urges the New Jersey State League of Municipalities to work towards creating legislation with straightforward regulations based on fact science, and best management practices which will protect both beekeepers and non-beekeepers within the State of New Jersey; and

**BE IT FURTHER RESOLVED** that copies of this resolution be sent to the New Jersey League of Municipalities; New Jersey Beekeepers Association; and all Passaic County municipalities, urging them to oppose the adoption of the new beekeeping as proposed by the New Jersey Department of Agriculture.

**RESOLUTION No. 2018-1.102**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Confirming Appointment of 2018 Officers of the Bloomingdale Volunteer Fire Department***

***WHEREAS,*** the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that the Bloomingdale Volunteer Fire Department (“Department”) serves as the foremost fire protection agency within Borough government; and

***WHEREAS,*** the Governing Body further finds and declares that the Department is comprised of dedicated volunteer citizens of the Borough who elect their own leaders in free, fair and open elections each year; and

***WHEREAS,*** the Governing Body has learned that the Department has elected the following Departmental Officers for calendar year 2018:

 Chief: Tony Marciano

 First Deputy Chief: Eric Tuason

 Second Deputy Chief: Frank Neuberger

 Captain Chem. Co. Steve Shattls

 First Lt. Chem. Co. Mike Wanklin, Jr.

 Second Lt. Chem. Co. Kathleen Wanklin

 Captain Hook & Ladder Co. Jason Hammaker

First Lt. Hook & Ladder Ed Ball

 Second Lt. Hook & Ladder Co. Curtis Christler

 William Sondermeyer Fire Police

 Richard Boud Fire Police

 James Ferris Fire Police

 Thomas Boud Fire Police

 Robert Sabo Fire Police

 Robert Westdyk Fire Police

 Randy McMaster, Sr. Fire Police

 John Hooker Fire Police

***Ladies Auxiliary Officers***

 President Denise Marciano

 Vice President Chantelle Duffy

 Secretary Krissy Karcher

 Treasurer Sue LaPointe

 Sgt. At Arms Nancy Hammaker

***WHEREAS,*** the Governing Body has been informed by the Mayor that he concurs with the appointment of the foregoing Departmental Officers for calendar year 2018;

***NOW, THEREFORE, BE IT RESOLVED*** by the Governing Body of the Borough of Bloomingdale that the appointment of the following Officers be and is hereby confirmed for the Bloomingdale Volunteer Fire Department for calendar year 2018:

 Chief: Tony Marciano

 First Deputy Chief: Eric Tuason

 Second Deputy Chief: Frank Neuberger

 Captain Chem. Co. Steve Shattls

 First Lt. Chem. Co. Mike Wanklin, Jr.

 Second Lt. Chem. Co. Kathleen Wanklin

 Captain Hook & Ladder Co. Jason Hammaker

First Lt. Hook & Ladder Ed Ball

 Second Lt. Hook & Ladder Co. Curtis Christler

 William Sondermeyer Fire Police

 Richard Boud Fire Police

 James Ferris Fire Police

 Thomas Boud Fire Police

 Robert Sabo Fire Police

 Robert Westdyk Fire Police

***Ladies Auxiliary Officers***

 President Denise Marciano

 Vice President Chantelle Duffy

 Secretary Krissy Karcher

 Treasurer Sue LaPointe

 Sgt. At Arms Nancy Hammaker

**RESOLUTION No. 2018-1.103**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Resolution of the Borough of Bloomingdale, County of Passaic and State of New Jersey, Appointing a Member to the Pequannock River Basin Regional Sewerage Authority Board***

**BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale hereby appoints the following member as the Borough’s Pequannock River Basin Regional Sewerage Authority Board member for a five year term; expiring January 31, 2023:

PRBRSA 5 years Edwin Howard

**RESOLUTION NO. 2018-1.104**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Granting Unpaid Sick Leave to Borough Animal Shelter Employee***

***WHEREAS,*** the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that Laura Brettschneider (“Employee”) is an employee of the Borough Animal Shelter; and

***WHEREAS,*** the Governing Body further finds and declares that the Employee will be out of work on unpaid sick leave as of October 26, 2017; and

***NOW, THEREFORE, BE IT RESOLVED*** that the Governing Body of the Borough of Bloomingdale does hereby grant unpaid sick leave to Borough Employee, Laura Brettschneider, during the period of October 26, 2017 until no later than January 15, 2018; and

***BE IT FURTHER RESOLVED*** that the Municipal Clerk be and is hereby directed to formally notify the Public Employees Retirement System of said status and to cause the same to be included in the records maintained for said employee.

**RESOLUTION No. 2018-1.105**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Authorizing Redemption and Cancellation of Tax Title Lien Certificate #16-00010***

**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,

141B Union Avenue, Bloomingdale, for delinquent year 2016 Water/Sewer, and

**WHEREAS,** the Governing Body further finds and declares that the foregoing property is also known as Block 5069, Lot 25, owned by Newlands Asset Holdings Trust; and

**WHEREAS,** the Governing Body further finds and declares that the foregoing lien which was sold to DENNIS MOELLER for a premium of $1,500.00, and

**WHEREAS,** the Governing Body further finds and declares that for 141B Union Avenue, Cagan Management Group, Inc, Management Company for Newlands Asset Holdings Trust, has requested redemption of TTL #16-00010, and

**WHEREAS,** the Governing Body further finds and declares that Cagan Management Group, Inc, 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 $1,581.16 for the lien redemption and $1,500.00 for the premium, be made payable to Dennis Moeller, 118 Long Pond Road, Hewitt, NJ 07421 for the redemption and cancellation of Tax Title Lien Certificate #16-00010

1099 = $26.23

**RESOLUTION No. 2018-1.106**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Authorizing Redemption and Cancellation of Tax Title Lien Certificate #16-00011***

**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,

3 Forest DRive, Bloomingdale, for delinquent year 2016 Sidewalk Assessment, and

**WHEREAS,** the Governing Body further finds and declares that the foregoing property is also known as Block 5071, Lot 2, owned by Owdetalla & Yuderka Abudaya; and

**WHEREAS,** the Governing Body further finds and declares that the foregoing lien which was sold to FIG CAPITAL INVESMENTS NJ13 for a premium of $1,100.00 and

**WHEREAS,** the Governing Body further finds and declares that for 3 Forest Drive, the owners, Owdetalla & Yuderka Abudaya, have requested redemption of TTL #16-00011, and

**WHEREAS,** the Governing Body further finds and declares that the owners, Owdetalla & Yuderka Abudaya , have 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 $426.99 for the lien redemption and $1,100.00 for the premium, be made payable to Fig Capital Investments NJ13 PO Box 54472, New Orleans, LA 70154, for the redemption and cancellation of Tax Title Lien Certificate #16-00011

1099 = $7.29

**RESOLUTION NO. 2018-1.107**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Authorizing Redemption and Cancellation of Tax Title Lien Certificate #16-00015***

**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,

318 Union Avenue, Bloomingdale, for delinquent year 2016 Electric, and

**WHEREAS,** the Governing Body further finds and declares that the foregoing property is also known as Block 5105, Lot 70, owned by Adam P Corn; and

**WHEREAS,** the Governing Body further finds and declares that the foregoing lien which was sold to DENNIS MOELLER for a premium of $1,200.00, and

**WHEREAS,** the Governing Body further finds and declares that for 318 Union Avenue, the owner, Adam P Corn, has requested redemption of TTL #16-00015, and

**WHEREAS,** the Governing Body further finds and declares that Adam P Corn 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 $261.37 for the lien redemption and $1,200.00 for the premium, be made payable to Dennis Moeller, 118 Long Pond Road, Hewitt, NJ 07421 for the redemption and cancellation of Tax Title Lien Certificate #16-00015

1099 = $4.05

**PENDING ITEMS:**

1. Second & Final Reading and Public Hearing– **Ordinance No 1-2018: Amend 21-17 Towing Fees**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, amending chapter 21 “MUNICIPAL TOWING”, Section 21-17 “TOWING RATES; COMPLAINTS; APPEALS” of the Code of the Borough of Bloomingdale** was given second and final reading and considered for adoption.

The Municipal Clerk, Breeanna Calabro, read the Public Notice statement.

Councilman YAZDI moved that the Ordinance be read by title; seconded by DELLARIPA and carried on voice vote – all members voting AYE

The Municipal Clerk read the Ordinance by title:

**ORDINANCE 1-2018**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, amending chapter 21 “MUNICIPAL TOWING”, Section 21-17 “TOWING RATES; COMPLAINTS; APPEALS” of the Code of the Borough of Bloomingdale**

 **WHEREAS**, the Borough Code contains a section regarding towing of vehicles and sets forth certain fees associated with same; and

 **WHEREAS**, the Chief of Police of the Bloomindale Borough Police Department, the Borough Council and the Borough Ordinance Committee have reviewed the current Code and determined that it is necessary to amend the Code section to adjust the current towing fees; and

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

 **SECTION 1.** Chapter 21 “Municipal Towing”, Section 21-17 shall be amended to read as follows:

**21-17 TOWING RATES; COMPLAINTS; APPEALS.**

 a. The towing rates for the Borough of Bloomingdale shall not exceed those as established by the New Jersey Department of Insurance and promulgated in the New Jersey Register.

 1. Basic Tow: (up to 8000 gvw) 125.00

 2. Basic Tow Medium Duty: (8001-18000 gvw) $225.00

 3. Basic Tow Heavy Duty: (18001-80000 gvw) $400.00

 4. Waiting time per hour billable in 15 min. increments $ 80.00

 5. Cleanup including brush, one bag of 50 lb. absorbent $ 75.00

 6. Tarping/crash wrap $ 50.00

 7. Winching (under 8000 gvw) per hour billable

 in 1/2 hr. increments $180.00

 8. Winching (over 8000 gvw) per hour billable

 in 1/2 hr. increments $500.00

 9. Storage (up to 8000 gvw) $ 45.00 per

 day

 10. Storage (over 8000 gvw) rate determined by spaces used $ 60.00 per

 day

 11. Additional labor (tire changes, lock outs, etc.) $125.00

 All other portions of this Section of the Code remain unchanged.

**SECTION 2.** All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

**SECTION 4.** This law shall take effect immediately upon final passage, approval and publication as required by law.

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

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

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

1. Second & Final Reading and Public Hearing– **Ordinance No 2-2018: Amend 32-2 Soil Removal**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, amending chapter 32 “SOIL AND SOIL REMOVAL”, Section 32-2 “SOIL REMOVAL” of the Code of the Borough of Bloomingdale**

The Municipal Clerk, Breeanna Calabro, read the Public Notice statement.

Councilman YAZDI 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 Ordinance by title:

**ORDINANCE 2-2018**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, amending chapter 32 “SOIL AND SOIL REMOVAL”, Section 32-2 “SOIL REMOVAL” of the Code of the Borough of Bloomingdale**

 **WHEREAS**, the Borough Code currently sets forth certain definitions, standards and requirements as part of the ordinances governing soil removal; and

 **WHEREAS**, the Borough Council and the Borough Ordinance Committee have reviewed the current Code and determined that it is necessary to amend the Code section to update and supplement the regulations relating to soil removal; and

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

 **SECTION 1.** Chapter 32 “Soil and Soil Removal”, Section 32-2 shall be amended to read as follows:

**32-2 SOIL REMOVAL.**

**32-2.1 Legislative Findings.**

 The Borough Council finds and determines that the unregulated relocation, filling, excavation and removal of soil or minerals on a large scale has resulted in conditions detrimental to the public safety, health and welfare, substantially hampering and deterring the efforts of the Borough to effectuate the general purpose of municipal planning.

**32-2.2 Definitions.**

 As used in this section:

*Applicant* shall mean a developer or excavator as defined below.

*Developer* shall mean any person who, either directly or through an agent or independent contractor, engages or intends to engage in soil moving as defined by this section.

*Excavator* shall mean any person who shall move or remove soil as the term is hereinafter defined in this section.

*Lot* shall mean any parcel of land or portion thereof, the boundary lines of which can be ascertained by reference to the maps and records, or either, in the office of the Assessor of the Borough or in the Office of the Register of Deeds, Passaic County.

*Major soil moving permit* or *major soil permit* shall mean a permit for the moving of five hundred (500) cubic yards or more of soil.

*Mine* shall mean to move soil or minerals.

*Minor soil moving permit* or *minor soil permit* shall mean a permit for the moving of more than one hundred (100) cubic yards and less than five hundred (500) cubic yards of soil.

*Move* shall mean to dig, to excavate, to remove, to deposit, to place, to fill, to grade, regrade, level or otherwise alter or change the location or contour, to transport or to supply. "Move" shall not be construed to include plowing, spading, cultivation, harrowing or discing of soil, or any other operation usually and ordinarily associated with the preparation of soil for agricultural or horticultural purposes.

*Owner* shall mean any person seized in fee simple of any lot or having such other interest or estate therein as will permit, exercise or effect possession thereof or dominion thereover.

*Soil* shall mean any earth, sand, clay, loam, gravel, humus, rock or dirt without regard to the presence or absence therein of organic matter.

*Soil fertility* shall refer to the ability of a soil to sustain agricultural plant growth, i.e. to provide plant habitat and result in sustained and consistent yields of high quality.

 A fertile soil has the following properties: the ability to supply essential plant nutrients and soil water in adequate amounts and proportions for plant growth and reproduction; and the absence of toxic substances which may inhibit plant growth.

 The following properties contribute to soil fertility in most situations: sufficient soil depth for adequate root growth and water retention; good internal drainage, allowing sufficient aeration for optimal root growth (although some plants, such as rice, tolerate waterlogging); topsoil with sufficient soil organic matter for healthy soil structure and moisture retention; soil PH in the range of 5.5 to 7.0 (suitable for most plants but some prefer or tolerate more acid or alkaline conditions); adequate concentrations of essential plant nutrients in plant-available forms; presence of a range of microorganisms that support plant growth.

*Topsoil* shall mean soil that, in its natural state, constitutes the top layer of earth and is composed of two (2%) percent or more, by weight, of organic matter and has the ability to support vegetation.

*Tree* shall mean any woody perennial plant with one (1) main trunk, such trunk having a diameter of at least eight (8) inches when measured four (4) feet above the level of the existing grade.

*Wooded area* shall mean an area of the property which is the subject of a soil moving permit application, the area consisting of at least one hundred (100) square feet, the surface of which is vegetated so as to form a visual screen.

**32-2.3 Applicability; Exceptions; Approvals of Other Agencies.**

 a. The provisions of this section shall not apply to the following:

 1. Excavations for the construction or repair of individual subsurface sewage disposal systems (septic systems) when such construction or repair is performed pursuant to a permit duly issued by the Borough Health Department.

 2. The movement of less than one hundred (100) cubic yards of soil or four hundred (400) square feet of disturbed area, whichever amount is less.

 3. Site plans or subdivisions approved by the Board.

 4. Lake dredging, where approval is required by the Soil Conservation District, and New Jersey Department of Environmental Protection or any other governmental agency.

 5. The change in elevation is no more than two (2) feet at any point.

 6. Foundations, swimming pools and septics where the area of disturbance has a grade of fifteen percent (15%) or less.

 b. The Mayor and Council may, by resolution, waive any or all of the requirements of this section if the soil moving operation is proposed to take place upon lands dedicated to the conservation, development and regulation of potable water resources, upon the written request by the owner or applicant. Such written request shall state the exact purpose of the soil moving operation, location, commencement and completion dates and proposed routes of transportation of soil moving vehicles and equipment to be used in the Borough.

 c. If approval by either the Soil Conservation Service of the State of New Jersey Department of Environmental Protection or any other governmental agency is required, such approval shall be required as a condition of approval of the soil moving permit application, and no soil moving permit shall be issued until same has been obtained.

**32-2.4 Permit Required; Transferability.**

 a. No person shall remove, move or cause, allow, permit or suffer to be removed or moved any soil from, in or upon any land in the Borough unless and until a soil permit shall first have been obtained, except as provided herein.

 b. No owner of any land in the Borough shall cause, allow, permit or suffer any soil from, in or upon such land to be received, removed or moved by any developer or excavator until such developer or excavator shall first have obtained a soil moving permit, except as provided herein.

 c. The soil moving permit shall not be assignable or transferable.

 d. Specific attention is made to excavation upon or within lands. Dredging excavation or clearing of such an area is within the scope of this section and a soil moving permit is required.

**32-2.5 Approval of Application; Appeal.**

 a. All applications for the issuance of major soil permits are hereby required to be submitted to the Board, which Board shall refer the application to the Board Engineer before considering such applications and make its report recommending the issuance or denial of such permit. No major soil permit approval shall be granted until the Board has submitted to the Mayor and Council, within the time period specified in subsection 32-2.9, its report and recommendations, or the Board has forfeited such right to review by its failure to do so within the time period specified.

 b. All applications for minor soil permits are hereby referred to the Construction Official, and shall be approved, conditionally approved or denied by the Construction Official. The applicant shall have the right to appeal the decision of the Construction Official to the Mayor and Council within twenty-one (21) days of such conditional approval or denial. Such appeal shall be made in writing, sent by certified mail, addressed in care of the Municipal Clerk and shall include a copy of such conditional approval or denial and all information made available to the Construction Official, upon which his decision was made. The Mayor and Council shall, within thirty (30) days of receipt of the appeal, either affirm, modify or reverse the decision of the Construction Official and shall notify the applicant within seven (7) days of such decision. In all other respects, the hearing of appeals pursuant to this section shall be held in accordance with subsection 32-2.9.

**32-2.6 Reserved.**

**32-2.7 Contents of Major and Minor Soil Moving Application.**

 a. Application for major and minor soil moving permits shall be made on forms prescribed and supplied by the Mayor and Council. The applicant shall set forth under oath, in duplicate, the following:

 1. The name and address of the applicant.

 2. The names and addresses of the owners of the premises.

 3. The relationship between the applicant and the owners.

 4. The interest that the applicant has in the lands in question.

 5. The purpose or reason for moving the soil.

 6. The kind and quantity, in cubic yards, of soil to be removed.

 7. The proposed date of completion of the work, including hours and days of operation.

 8. The name and address of the excavator, contractor or the person having express charge, supervision and control of the proposed excavation work.

 9. The name and address of the person to have charge or control of the operation of the hauling away of the excavation material.

 10. The number, capacity, type and description of each piece of equipment to be used in the operation and the number of truck loads to be removed.

 11. The routes over which the material will be transported and the method of traffic control.

 12. The method of abating noise and dust in the operation.

 13. The means of assuring lateral support and preventing erosion, floods and washing of silt into streams.

 14. The means of protecting downstream properties from the effects of the operation.

 b. Accompanying the application for major and minor soil moving permit shall be eight (8) copies of a topographical map at a scale of not less than one inch equals fifty (1" = 50') feet and showing contour intervals at five (5) feet for grades of ten (10%) percent or greater, and contour intervals at two (2) feet for grades of less than ten (10%) percent. The map shall be prepared and certified by a New Jersey licensed land surveyor or engineer and shall show:

 1. The present grades on a one hundred (100) foot grid layout.

 2. The proposed grades at the points when the work has been completed.

 3. The quantity, in cubic yards, of soil involved in the work.

 4. The grades of all abutting streets and lots.

 5. Proposed slopes and lateral supports.

 6. Present and proposed surface water drainage.

 7. All areas within one hundred (100) feet of that portion of the property which will be involved in the soil moving activities, including trees and wooded areas therein.

 8. Such other pertinent data as the Mayor and Council may hereafter by resolution require.

**32-2.8 Application Fees; Resubmissions.**

 a. Prior to the commencement of operations, a permit fee shall be paid to the Borough calculated in accordance with the following schedule:

 1. More than one hundred (100) cubic yards and less than five hundred (500) cubic yards of soil to be removed, the fee shall be fifty ($50.00) dollars, payable at the time of application.

 2. Above five hundred (500) cubic yards and up to three hundred thousand (300,000) cubic yards, the fee shall be one hundred twenty-five ($125.00) dollars plus the sum of five ($0.05) cents per cubic yard for quantities in excess of two thousand five hundred (2,500) cubic yards up to and including three hundred thousand (300,000) cubic yards. The sum of one hundred twenty-five ($125.00) dollars must be paid at the time of application with the remaining fees paid prior to issuance of permit, or quarterly in advance if greater than eight hundred ($800.00) dollars.

 3. For all quantities in excess of three hundred thousand (300,000) cubic yards, the fee shall be fifteen thousand ($15,000.00) dollars per year. The sum of two thousand five hundred ($2,500.00) dollars must be paid at the time of application with the remaining fees paid annually in advance, due on the anniversary date of the permit.

 b. The major and minor soil moving application shall be submitted to the Construction Office with a topographical map and required filing fee of five hundred ($500.00) dollars. The number of cubic yards of soil to be used in the compilation of the fee shall be as stated in the application and on the accompanying topographical map.

 c. *Resubmission of Application; When Required.* Where substantial changes in the soil moving permit application have been required as a condition of approval the applicant may be required to resubmit an application with approved amendments to the Construction Office. The Borough Engineer shall review the resubmission with the terms and conditions of approval. The fee to be paid by the applicant for a resubmission shall be five hundred ($500.00) dollars per resubmission.

**32-2.9 Consideration of Major Soil Moving Permit by Planning Board or Zoning Board; Hearing.**

 a. Within forty-five (45) days after receipt of the application or within such further time as may be consented to by the applicant, the Board shall review and consider the same and render its report and recommendations to the Mayor and Council. Notice of the time and place for major soil permit shall be given by certified mail to the applicant.

 b. The applicant shall cause notice of the hearing to be published in the official newspaper of the Borough at least ten (10) days prior to the date of the hearing by the Board. The applicant shall provide notice, by personal service or mail, within five (5) days of the date, to all of the owners of real property located within two hundred (200) feet in all directions, as their names appear on the municipal tax records of the time, date, location and subject matter of the hearing. The affidavits of publication and service shall be filed with the Board at the time of the hearing.

**32-2.10 Report of Board; Determination by Mayor and Council.**

 The Board shall deliver its report and recommendations to the Mayor and Council at the next regular meeting of the Council following the expiration of the time period specified in subsection 32-2.9. The Mayor and Council, within forty-five (45) days after receipt of the report and recommendations of the Board, shall grant, conditionally grant or deny the application for major soil permit. The aforesaid shall be decided by resolution of the Mayor and Council.

**32-2.11 Notice of Consideration.**

 Notice of the time and place of the Mayor and Council's consideration of the applicant for major soil permit and report and recommendations of the Board shall be given by certified mail to the applicant.

**32-2.12 Reserved.**

**32-2.13 Factors to Be Considered.**

 In considering any application, the Borough Engineer or the Board and the Mayor and Council shall be guided by the general purpose of municipal planning and shall take into consideration the following:

 a. Soil erosion by water and wind.

 b. Surface water drainage.

 c. Soil fertility.

 d. Lateral support of abutting streets and lands.

 e. Public health and safety.

 f. Land values and uses.

 g. The general welfare of the Borough and its citizens.

 h. Whether the proposed work will create a nuisance.

 i. Whether the proposed work is necessary in connection with the development of the property.

 j. Traffic congestion or other nuisances.

 k. The effect that the proposed removal of soil would have on individual sanitary sewage disposal systems.

 *l*. The preservation of existing watercourses.

 m. The creation of sharp declivities, pits or depressions.

 n. Whether the proposed removal of soil constitutes a commercial activity.

 o. Such other factors as may bear or relate to the coordinated, adjusted and harmonious physical development of the Borough.

 p. Compatibility with the zoning scheme of the Borough.

**32-2.14 Performance Guaranty Required.**

 a. No major soil permit shall be issued and no soil moving shall commence unless and until the applicant shall have posted with the Municipal Clerk a performance guaranty in form and with surety acceptable to the Borough, in an amount determined by resolution of the Mayor and Council. Such guaranty shall be posted, in favor of the Municipality, with the Municipal Clerk and shall assure faithful performance by the principal, within the time period specified in the major soil permit, that all proposed soil moving shall take place in accordance with the permit and all applicable Borough and other governmental approvals. Acceptable forms of surety shall include cash, certificate of deposit or other form approved by the Mayor and Council and shall be provided in the amount determined by resolution of the Mayor and Council in conformity with the provisions of paragraph b. below.

 b. Any performance guaranty required pursuant to paragraph a. above shall be based upon an estimate prepared by the Borough Engineer, at the request of the Mayor and Council. The amount of the performance guaranty shall be in the amount required to restore all disturbed areas to a revegetated state, to restore interrupted drainage patterns and to generally provide moneys to repair that damage which has been caused by development which is not consistent with approvals therefor.

**32-2.15 Permit to Stipulate Conditions.**

 The major soil moving permit shall set forth all of the conditions under which the same was granted and the time during which the soil removal shall be completed.

**32-2.16 Time Schedules; Reports on Progress.**

 a. In the event that major soil removal is permitted, the applicant and owner shall proceed with the work within thirty (30) days after the resolution of the Mayor and Council authorizing the Municipal Clerk to issue the major soil moving permit.

 b. The applicant or owner shall, within thirty (30) days from each three (3) month period following the date of the permit, furnish the Borough Engineer, certifying the amount of material removed during such three (3) month period, which certification shall be accompanied by a profile map and other engineering data in support of the certification.

**32-2.17 Revocation of Permit.**

 In the event that the guaranty required by the Mayor and Council is not furnished within thirty (30) days from the resolution referred to in subsection 32-2.16a. or in the event that the work is not commenced within the time, the applicant or owner shall not have the right to remove any soil and the major soil moving permit shall be revoked.

**32-2.18 Consequences of Delay or Abandonment; Violation of Permit.**

 In the event that in the opinion of the Borough Engineer the project or any part thereof has been abandoned, is unnecessarily delayed or cannot be completed at the rate of progress or within the time specified in the major soil moving permit, or there is a willful violation of any of the terms of the major soil moving permit, then the Borough Engineer may so certify in writing to the Mayor and Council, and the Mayor and Council may declare a default and notify the person having an interest in or in charge to discontinue the project. The Mayor and Council may, at its option, revoke the major soil moving permit or may call upon the surety on the performance guaranty to complete the project

**32-2.19 Removal or Fill of Material in Excess of Permitted Amount.**

 a. In the event that the enforcing official determines that the amount of materials removed or filled exceeds the gross amount permitted to be removed or filled under the major soil moving permit, the applicant or owner shall immediately restore to or remove from the site under the direction of the Engineer the amount of material taken or filled in excess of the amount permitted to be removed or filled except that if rock is removed, it may be replaced by clean soil. The materials to be restored or removed shall be of the same type and quantity as the material removed or filled. The cost of restoring or removing such material shall be borne by the applicant or the owner. In the event that such excess material is not restored or removed, the Borough, at its option, shall restore or remove such material and the cost or expense shall be a lien upon the premises from which the excess is taken or placed, and the lien shall be enforced in the same manner that liens for nonpayment of real estate taxes are enforced.

 b. In the event that the amount of material removed or filled is in excess of the amount of material permitted, the major soil moving permit will be revoked except to permit the applicant to restore or remove the excess material.

 c. In the event that the amount of material removed or filled is more than as stated in the certification referred to in subsection 32-2.16b. and the owner or applicant has not removed or restored all the yardage permitted under the major soil moving permit, the permit shall be suspended until the owner or applicant pays to the Borough the amount it is entitled under the terms of subsection 32-2.8.

**32-2.20 Storage of Topsoil.**

 If pursuant to a major soil permit, any person, owner, developer or excavator removes topsoil within any lot, or adds fill to any lot, provisions shall be made for the storage of the topsoil within the boundary lines of the lot. (Ord. No. 13-2005; Ord. No. 34-2013 § 1)

**32-2.21 Reserved.**

**32-2.22 Hours of Operation.**

 There shall be no major soil moving operations, which term shall include loading or unloading, on Sundays, legal holidays or Saturdays after 12:00 noon, nor at any time between the hours of 5:00 p.m. and 8:00 a.m. following, prevailing time. Exceptions to the hours of operation shall only be allowed for State D.O.T. contracts. The owner must notify the Municipal Clerk of the existence of a State contract. Operations shall not be permitted for more than one 24-hour period per week.

**32-2.23 Removal of Topsoil Prohibited; Exceptions.**

 Where major soil moving is permitted under this section, no person, owner, developer or excavator shall remove to any part beyond the boundary lines of the lot any topsoil whatsoever, unless and until topsoil not inferior in quality to that which has been removed shall first have been replaced uniformly to a depth of not less than six (6) inches, measured from the proposed final grades as shown on the topographical map referred to in subsection 32-2.7b. over the entire disturbed area of the lot, excepting only such portions as shall be or shall have become, since the date of filing of such topographical map, permanently covered by a building or structure, street, pavement, curb, sidewalk or other paved area, or by any body of water or waterway. In no event shall the developer or excavator remove from the lot more topsoil than that comprising the surplus or excess remaining after the replacement of the topsoil as aforesaid.

**32-2.24 Conformance with Proposed Grades Required.**

 a. Where major soil moving is permitted, no developer or excavator shall, at any time in the course of the work, excavate or fill more than six (6) inches below the proposed final grades as shown, unless:

 1. The major soil permit specifies otherwise and the performance guaranty, referred to in subsection 32-2.14, makes specific provision for replacement, on or before the completion date set forth in the soil permit, of soil of sufficient quantity and kind to restore the final grades to those shown on the topographical map referred to in subsection 32-2.7b.; or

 2. After issuance of the major soil permit, the developer or excavator, before digging or excavating below the minimum level shall apply to the Mayor and Council for an amendment to the application and topographical map then in effect, which amendment may be granted upon such terms and conditions as the Mayor and Council deem necessary to assure adherence to the purposes and objectives of this section.

 b. Where the major soil moving is permitted, no person, owner, developer or excavator shall deposit soil upon, fill in or raise grade of any lot without first making provision for:

 1. The use in the work of soil or such other materials as will not result in deviation from the proposed final grades or the uniformity thereof by reason of any abnormal shrinkage or settlement.

 2. The collection and storage upon the lot of the original topsoil to the end that the topsoil shall not be buried beneath soil or other material of inferior quality, and the uniform replacement of the topsoil so stored over the entire area or surface of the fill soil so that the final grade or grades of the replaced topsoil shall be in accordance with the proposed final grade shown on the topographical map referred to in 32-2.7b.,2. In the event that such provision shall be not practicable, provision shall be made for the uniform placement over the entire area or surface of the fill soil, excepting only such portions thereof as shall become permanently covered by a building or structure, street, pavement, curb, sidewalk, driveway or other paved area or by any body of water or waterway, of a layer of topsoil not inferior in quality to that of the original topsoil, to a depth of not less than six (6) inches, measured from the proposed final grades as shown on the topographical map.

 3. The preservation of existing watercourses.

**32-2.25 Preservation of Trees.**

 In order to prevent erosion, any developer or excavator removing soil shall leave as many trees as practicable in all areas except where excavations are made for buildings, driveways and streets. The application map made by such developer or excavator shall show the trees to be left standing, for the consideration of the Mayor and Council. Where trees are removed or die, a sufficient number of new trees of evergreen species shall be planted around the perimeter of the excavated area to equal or exceed the number of trees that existed prior to the start of work. The tree count shall be based on trees two (2) inches in diameter or greater measured at four (4) feet above the ground. Replacement trees shall be a minimum of one and one-half (1 1/2) inches in diameter. Specific species selection shall be submitted to the Borough Engineer for approval.

**32-2.26 Transport of Materials; Covering.**

 In order to prevent spillage, undue dust and dirt conditions, the holder of the major soil moving permit or his agents and servants shall be required to compel every vehicle transporting fill, dirt or other material under the major soil moving permit to be covered with a canvas or similar top covering so as to prevent the contents or any part thereof on the vehicle from being scattered or spilled while in the course of moving within the Borough. Any person owning or operating a vehicle without having or using such covering in the course of transporting material within the Borough shall be subject to the penalty provisions of 32-2.31a. In addition, the Mayor and Council shall have the right, on due notice to the permittee, to suspend or revoke the permit in the event that vehicles are used without such covering or transporting of material is made without the same being covered.

**32-2.27 Responsibilities of Applicant.**

 a. In order to prevent undue dust conditions, the holder of the major soil moving permit shall be required to water all roads or streets or areas, whether temporary or not, within the confines of the site where such holder's operations are carried on. The areas to be covered with water and the quantity and number of applications and the periods when such areas shall be covered shall be determined by the Mayor and Council, and stated in the resolution granting approval.

 b. In order to prevent undue dust conditions, the areas where actual excavations are being carried out shall be watered in the manner prescribed by the Borough Engineer.

 c. The Mayor and Council shall have the right, on due notice given to the permittee, to suspend or revoke the major soil moving permit in the event that the holder refuses or neglects to diligently execute the aforementioned orders of the Borough Engineer to prevent the undue disseminating of dirt and dust.

 d. Where applicable, the holder of a soil moving permit shall obtain other local, State or Federal agency permits. These shall include, but not be limited to:

 1. Site plan or subdivision approval.

 2. Soil Conservation District approval.

 3. State health and safety approval.

 4. State Department of Environmental Protection approval.

 5. United States Army Corps of Engineers approval.

 e. If use of explosives is anticipated or required, approval in accordance with law shall be obtained. A copy of the approval shall be posted with the Borough. Prior to the use of any such devices, the Borough Police Department shall be notified twenty-four (24) hours in advance.

**32-2.28 Right of Inspection.**

 For the purpose of administering and enforcing this section, the Enforcing Officer or designated assistant shall have the right to enter into and upon any lands in or upon which major soil moving operations are being conducted, to examine and inspect such lands.

**32-2.29 Enforcing Officer.**

 The Construction Code Official is hereby designated as the officer whose duty it shall be to enforce the provisions of this section. He shall, whenever directed by the Mayor and Council or the Municipal Clerk or other officer so designated by resolution of the Mayor and Council, inspect the premises for which permits have been granted and ensure compliance with the terms of the major soil moving permit and of this section.

**32-2.30 Reserved.**

**32-2.31 Violations and Penalties.**

 a. Any person who violates any provision of this section shall, upon conviction, be liable to the penalty stated in the Revised General Ordinances of the Borough of Bloomingdale Chapter I, Section 1-5.

 b. The imposition of the penalty provided in paragraph a. of this section shall not be deemed to be in lieu of any other provision of this section for revocation or suspension of the major soil moving permit, and shall not constitute a bar to the collection by the Borough from the permittee of the costs of abating or correcting the violation.

**32-2.32 Statutory Authority.**

 This section is subject to the provision of N.J.S.A. 40:55D-26b.

**32-2.33 Time Limit for Permit.**

 No permit shall extend for a longer period than five (5) years. Any work not completed in accordance with the permit and in accordance with the time limit set in the permit shall not be completed unless and until a new permit is applied for and issued in accordance with the terms of this section.

 All other portions of this Section of the Code remain unchanged.

**SECTION 2.** All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

**SECTION 4.** This law shall take effect immediately upon final passage, approval and publication as required by law.

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

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

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

**NEW BUSINESS**

1. **Discussion: 2018 Passaic County Open Space Trust Fund – Annual Application:**

*Mayor suggested an application be submitted for Bogue Pond, Basketball Courts*

At this time, YAZDI made a motion and offered the following resolution:

**RESOLUTION NO. 2018-1.108**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Submission to Passaic County of Applications for***

***Passaic County Open Space and Farmland Preservation Trust Fund***

***Recreational Facility Improvement and Open Space Preservation Grants***

***WHEREAS,*** the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) has learned that Passaic County (“County”) is presently accepting grant applications for recreational facility improvements and open space preservation activities to be financed through the Passaic County Open Space and Farmland Preservation Trust Fund (“Fund”); and

***WHEREAS,*** the Governing Body finds and declares that it is in the best interests of the citizens of the Borough and of the County for the Governing Body to authorize the submission to the County of applications for grant funding from the Fund to finance

***Renovation of Bogue Pond Basketball Courts***

***NOW, THEREFORE, BE IT RESOLVED*** that the Governing Body of the Borough of Bloomingdale does hereby authorize the submission to Passaic County of applications for Passaic County Open Space and Farmland Preservation Trust Fund Grants to finance the foregoing projects and does hereby further authorize the appropriate municipal officials to complete any and all tasks necessary to perfect such applications.

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

1. **Discussion: 2018 Community Development Block Grant – Application:**

*Last year (2017) an application was submitted for the paving of Hennion Street, which will be a project done in 2018. For this application, the Mayor’s suggestion was a ‘water connection’ between First and Second Street. This project would be done in 2019.*

*Conversation amongst members, what does the borough gain from this project? Would the parking lot have to be re-paved? The mayor and council will seek guidance from the Borough Engineer.*

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

 **RESOLUTION NO. 2018-1.109**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Application for and use of funds from the Passaic County Community Development Block Grant Program – Water Connection of First & Second Street***

**WHEREAS,** the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that the Passaic County Community Development Block Grant Program has an application for funding available;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Bloomingdale that the authorization is given for the Mayor to prepare an application for and use of funds from the Passaic County Community Development Block Grant Program for activities described in the proposal and, if awarded funds, shall implement the activities in a manner to ensure compliance with all applicable federal, state and local laws and regulations.

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

1. **Discussion: Veteran Income Tax Exemption - NJ**

*Costa gave a brief description of the exemption. You are eligible for a $3,000 exemption on your Income Tax return if you are a military veteran who was honorably discharged or released under honorable circumstances from active duty in the Armed Forces of the United States on or any time before the last day of the tax year. More information can be found on the borough webpage.*

1. **Resolution No. 2018-1.110 Payment of Bills**

YAZDI offered the following resolution and moved for its adoption:

**RESOLUTION NO. 2018–1.110**

**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 1,595,395.99 CURRENT 1,937,647.34

UTILITY 69,944.08 UTILITY 538,336.02

CAPITAL 319,003.09 OPEN SPACE 0,000.00

UTILITY CAPITAL 40,145.22 TRUST ACCOUNT 15,130.29

TRUST 23,913.93 RECYCLING 000.00 DOG 2,328.89 DOG TRUST 000.00

RECREATION 1,031.98 UNEMPLOY 583.63 ROSE FUND 8,875.51 CAPITAL 28,400.00

RECYCLING 2,032.05 WATER CAPITAL 0,000.00

UNEMPLOYMENT 0,000.00 RECREATION 0,000.00

AFFORDABLE HOUSING 69.20

TOTAL 2,062,739.94 TOTAL 2,520,097.28

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

\*Note: D’Amato recused from PO-180066

 Dellaripa recused from PO-1800116

 Hudson recused from PO-180065

1. **Resolution No. 2018-1.111 Authorizing the Transfer of 2017 Appropriations**

DELLARIPA offered the following resolution and moved for its adoption:

**RESOLUTION NO. 2018-1.111**

**OF THE GOVERNING BODY**

 **OF THE BOROUGH OF BLOOMINGDALE**

***RESOLUTION RE: Authorizing the Transfer of 2017 Appropriations***

 WHEREAS, Title 40A:4-58 provides that should it become necessary during the last two months of the fiscal year to expend for any of the purposes specified in the budget an amount in excess of any respective sums appropriated therefore and there shall be an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation, the Governing Body may by resolution setting forth the facts adopted by not less than 2/3 vote of the full membership thereof, transfer the amount of such excess of those appropriations deemed to be insufficient; and

 WHEREAS, the Governing Body further finds and declares that the Treasurer has determined that the following transfers are both necessary and appropriate; and

 NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Bloomingdale that the Borough Treasurer is hereby authorized to make the following transfers in the FY2017 Budget.

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| **To:** |  |  |  |
| PUBLIC EVENTS O/E |  | 7-01-30-420-001-100 | $ 40,400.00 |
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| **From:** |  |  |  |
| POLICE S/W |  | 7-01-25-240-001-012 | $ 4,000.00 |
| POLICE S/W |  | 7-01-25-240-001-013 | $ 4,000.00 |
| POLICE S/W |  | 7-01-25-240-001-014 | $ 7,000.00 |
| POLICE S/W |  | 7-01-25-240-001-017 | $ 5,000.00 |
| POLICE O/E |  | 7-01-25-240-001-026 | $ 4,000.00 |
| POLICE O/E |  | 7-01-25-240-001-043 | $ 2,000.00 |
| POLICE O/E |  | 7-01-25-240-001-055 | $ 4,000.00 |
| POLICE O/E |  | 7-01-25-240-001-099 | $ 2,000.00 |
| PLANNIND BOARD O/E |  | 7-01-21-180-001-028 | $ 3,000.00 |
| UNIFORM CONSTR O/E |  | 7-01-22-195-001-203 | $ 1,000.00 |
| CLERK O/E |  | 7-01-20-120-001-203 | $ 1,400.00 |
| FINANCE S/W  |  | 7-01-20-130-001-011 | $ 3,000.00 |
| **TOTAL** |  |  |

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| **$ 40,400.00** |

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

1. **Resolution No. 2018-1.112: Authorizing State Tax Court Refund**

**RESOLUTION NO. 2018-1.112**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

***Authorizing State Tax Court Refund***

**WHEREAS,** the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that on December 5, 2017 the Municipality was notified of a State Tax Court judgment, and

**WHEREAS,** the Governing Body further finds and declares that this judgment is on Block 4085 Lot 28, known as 11 W Buena Vista Way, owned by Dean Marletta for the 2013, 2014 and 2015 tax assessments for taxes, and that the 2013, 2014 and 2015 taxes have already been paid by the owner, and

**WHEREAS**, per the directives of the STIPULATION OF SETTLEMENT filed with the STATE TAX COURT any refund of monies is to be paid to the plaintiff, Dean Marletta

**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 a check in the amount of $3,436.41 payable to Dean Marletta, 11 W Buena Vista Way, Bloomingdale, NJ 07403

1. **Re-Introduction of Ordinance No. 3-2018: Amend B1A Zone**Discussion: *This is being re-introduced because a portion of the Ordinance was inadvertently removed. This will still be referred to the Planning Board for review/comment.*

A motion was made by YAZDI to re-introduce the Ordinance by title; second and final reading will be on March 6, 2018 at 7PM; the motion was seconded by D’AMATO 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”, ARTICLE XII “SCHEDULE OF regulations”, Section 92-55.1 “GENERAL BUSINESS ZONE” of the Code of the Borough of Bloomingdale**

**NON-AGENDA ITEMS:**

*\*At this time Councilman Dellaripa stepped off the dias\**

1. **Introduction of Ordinance No. 4-2018: Bloomingdale Renewal Cablevision**

Discussion:

We were previously charged for television, for example at the Rec Center & Boro Hall that were never received. Rather than just credit the borough back, it has been determined through negotiation they will pay $15,000 ‘immediately’ and $1,667 for the remaining of the 9 years of the agreement. Noted: the overpayment for Television was not $15,000.

A motion was made by YAZDI to introduce the Ordinance by title; second and final reading will be on February 20, 2018 at 7PM; the motion was seconded by COSTA and carried by voice vote, all in favor. (*Dellaripa not present*)
The Mayor read by Title:

**AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE BOROUGH OF BLOOMINGDALE, NEW JERSEY TO CSC TKR, LLC D/B/A CABLEVISION OF RARITAN VALLEY**

1. **Resolution No. 2018-1.113 Appointment to the Senior Advisory Board**

\**DELLARIPA returned to the dias\**

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

**RESOLUTION NO. 2018-1.113**

**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; effective January 1, 2018 through December 31, 2020.

 Senior Citizens Advisory Board 3 years Sharen Brower

The motion was seconded by HUDSON and carried on voice vote, all in favor voting AYE.

1. **Remove Active Member from Fire Department:**

YAZDI made a motion to remove *Robyn McCraken* from the active rolls of the Bloomingdale Fire Department as she is no longer a resident, the motion was seconded by DELLARIPA and carried on a voice vote, all in favor voting AYE.

*Mayor thanked Robyn for her service.*

**LATE PUBLIC COMMENT:**

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

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

**GOVERNING BODY SCHEDULE:**

1. Regular Workshop Meeting – February 6, 2018 7PM
2. Regular Council Meeting – February 20, 2018 7PM
3. Regular Workshop Meeting – March 6, 2018 7PM

**MOTION FOR EXECUTIVE SESSION:**

SONDERMEYER offered the following resolution and moved for its adoption:

**RESOLUTION NO. 2018-1.114**

**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 23rd day of January, 2018 that:

1. 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.

( ) b. (8) Personnel matters.
( ) b. (9) Deliberations after a public hearing that may result in penalties.

1. 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 voting AYE.

*At this time the Governing Body went into Executive Session.*

*The meeting resumed in Open Session at 8:08PM*

**Introduction of Ordinance No. 5-2018: Amend Ch. 17 (Water Meter Fees)**

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

Mayor read the Ordinance by title:
**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, amending chapter 17 “WATER”, REPEALING Section 17-5.2 “COSTS TO REPAIR” AND AMENDING SECTION 17-6.1 “CHARGES AND FEES” of the Code of the Borough of Bloomingdale**

**ADJOURNMENT:**

Since there was no further business to be conducted, D’AMATO moved to adjourn at 8:10PM; seconded by SONDERMEYER and carried on voice vote with all Council Members present voting YES.

Breeanna Calabro, RMC

Municipal Clerk