

**WORKSHOP MEETING
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

May 4, 2021

The Workshop Meeting of the Governing Body of the Borough of Bloomingdale was held in the Council Chambers of the Municipal Building (101 Hamburg Tpke) on the above date. Council President, John D'Amato called the meeting to order at 7:00PM.

Council President led the **Salute to the Flag**.

Official Roll Call: (taken by the Borough Clerk)

In Attendance: Councilman John D'Amato
Councilman Richard Dellaripa
Councilman John Graziano
Councilwoman Dawn Hudson (later joined at 7:23PM)
Councilman Drew Juhlin
Councilman Ray Yazdi

Municipal Clerk, Breeanna Calabro
Business Administrator, Michael Sondermeyer
Borough Attorney, Dawn Sullivan

PUBLIC NOTICE STATEMENT

Councilman D'Amato stated: *This Meeting is called pursuant to the provisions of the Open Public Meetings Law. Adequate notice of this meeting was advertised in the Herald News on April 1, 2021; copies were provided to the local news media and posted continuously in the Municipal Building. A copy of this notice is available to the public and is on file in the office of the Municipal Clerk.*

Per State Fire Code, I am required to acknowledge that there are two emergency exits in this Council Chambers. The main entrance which you entered through and a secondary exit to the left of where I am seated. If there is an emergency, walk orderly to the exits, exit through the door, down the stairs and out the building. If there are any questions, please raise your hand now.

PRESENTATION:

A. *Honorary Street Dedication – Veterans*

Families were invited to view the streets signs which will be placed throughout the Borough in honor of their loved ones lost during their time of service.

**TECH 5 HOWARD W MORSE
WWII ARMY VETERAN
UNION AVENUE**

**PFC SYLVESTER WHRITENOUR
WWII USMC VETERAN
VREELAND AVENUE**

**PFC MARTIN E WEAVER, JR.
WWII ARMY VETERAN
HIGHLAND AVENUE**

**SGT DAVID R GRAVEL
VIETNAM WAR USMC VETERAN
RAFKIND ROAD**

**A1C WILLIAM DOUROS
VIETNAM AIRFORCE VETERAN
BUENA VISTA WAY**

*Council took a brief recess
Resumed at 7:17PM*

NON-AGENDA ITEM:

1. Proclamation request from Director of Outreach and Training of Passaic County Court Appointed Special Advocates (CASA) – Declaring May 2021 ‘National Foster Care Month’

EARLY PUBLIC COMMENT:

Motion was made by YAZDI to open the meeting for public comment; seconded by JUHLIN and carried on voice vote all voting AYE.

Linda Huntley – 86 Van Dam Ave, Bloomingdale

*Inquired on various items of the FY2021 budget including: allocation of American Rescue Plan funds (Covid); budget increase for average home; anticipated interest; sale of municipal assets; expense of legal services; public events expenditures; construction department budget increase; webmaster; debt pay-off; special emergency appropriations; operating expenses for water/sewer
(remarks will be sent to Council & the Finance Department for their comments)*

Since there was no one else who wished to speak, YAZDI made a motion to close public comment, second by JUHLIN & carried on voice vote all members voting AYE, none were opposed.

REPORTS (PROFESSIONALS, DEPT HEADS, COMMITTEES, LIAISONS, MAYOR):

Councilwoman Hudson (Board of Health Liaison): *Reviewed the Governor’s latest executive orders/updates and Covid-19 vaccine information. All information is shared on Facebook & webpage. Town clean-up day May 8th at 10AM, Memorial Day Parade. Tree planted at townhall for Jonathan Dunleavy (this tree was in Sloan Park during the holiday season and decorated by the Dunleavy’s in 2020)*

Councilman Graziano (EDC Liaison/Commissioner): *Grand Opening for Jazzercise on May 8; New event: “Second Summer Friday” at Sloan Park in July, August, September (vendors, concerts, library crafts); “Taste of Bloomingdale” has kicked off (punch card initiative to promote local business) – first drawing in June*

Councilman Yazdi: *Memorial Dedication of Sloan Park Bridge to Mayor Jonathan Dunleavy, time capsule burial (2068) to follow, music Coronet band, vendors, etc. scheduled for June 12th details to follow*

Business Administrator, Michael Sondermeyer:

- *Meet with BOE new Superintendent, Summer camp can use WTB this summer*
- *Recreation Director met with Board of Health Officer to ensure safe summer camp*
- *Met with Senior Advisory Board*
- *Veteran memorials have been restored at Sloan Park; service flags to be displayed*

Council President / Acting Mayor, John D’Amato:

- *Added comments after each member’s report, encourage public to follow the Borough’s social media outreach for updates on public events*

CONSENT AGENDA

(Adoption of Resolutions No. 2021-5.1 – 2021-5.4)

Motion: Dawn Hudson

Second: Ray Yazdi

Discussion: *Resolution 2021-5.5: Temporary Waiver of Flea Market Limitation (item removed; planning board will review for recommendation & this will be considered on a future agenda)*

Roll Call Vote: D’AMATO (YES), DELLARIPA (YES), GRAZIANO (YES), HUDSON (YES), JUHLIN (YES), YAZDI (YES)

**RESOLUTION NO. 2021-5.1
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

*Accepting, Approving and/or Adopting the Consent Agenda of the
May 4, 2021 Workshop Meeting*

WHEREAS, the Borough Council of the Borough of Bloomingdale has determined that to increase efficiency, the Consent Agenda shall be adopted with one resolution, and

NOW 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 Council of the Borough of Bloomingdale.

B. Approval of Minutes:

- Regular Meeting – March 16, 2021

- Executive Session – April 20, 2021
- C. **Motion to remove Fire Department member from active rolls:** *Nicholas Steenstra*
- D. **Resolution No. 2021-5.2:** Establishment of Bloomingdale’s Cannabis Regulatory Commission & Appointments
- E. **Resolution No. 2021-5.3:** Granting Unpaid Sick Leave (Borough Employee)
- F. **Resolution No. 2021-5.4:** Authorize Renewal Lease Agreement with Passaic County (Nutrition Services/Senior Center)
- ~~G. **Resolution No. 2021-5.5:** Temporary Waiver of Flea Market Limitation (Lina’s Ristorante—49 Main Street)~~

Consent Agenda Resolutions:

**RESOLUTION NO. 2021-5.2
OF THE GOVERNING BODY OF
BOROUGH OF BLOOMINGDALE**

RESOLUTION TO ESTABLISH BLOOMINGDALE’S CANNABIS REGULATORY COMMISSION AND APPOINTMENTS FOR SAME

WHEREAS, Governor Murphy signed into law legislation legalizing and regulating cannabis use and possession for adults 21 years and older, [A-21](#) (P.L.2021,c.16); and

WHEREAS, Municipalities have 180 days (until August 21, 2021) to take action to either prohibit or limit the number of cannabis establishments, distributors, or delivery services; the location, manner, and times of operation, and establishing civil penalties for violation of ordinances; and

WHEREAS, the Governing Body of the Borough of Bloomingdale finds and declares that it is in the best interests of the health, safety and welfare of the Borough and its citizenry for the Borough to establish a local Cannabis Regulatory Commission; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby establish a Cannabis Regulatory Commission and appoints the following members for a one year term, expiring December 31, 2021:

Chairman: John Graziano, Councilman
 John D’Amato, Acting Mayor
 Dawn Hudson, Councilwoman
 Mike Sondermeyer, Business Administrator
 Joseph Borell, Chief of Police
 Ronald Frost, Lieutenant
 Steven Pardalis, Economic Development Member
 Kim Buscher, Municipal Alliance Member
 Kim Robinson-Juhlin, Municipal Alliance Member

Edward Simoni, Planning Board Chairman
Maggie Covert, Planning Board Member

**RESOLUTION NO. 2021-5.3
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Granting Unpaid Sick Leave to Borough Employee

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that Monica Galiano (“Employee”) is an employee of the Borough of Bloomingdale; and

WHEREAS, the Governing Body further finds and declares that the Employee has been out of work on unpaid sick leave as of April 28, 2021; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby grant unpaid sick leave to Borough Employee, Monica Galiano, during the period of April 28, 2021 through June 30, 2021; 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. 2021-5.4
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

***Authorizing Execution of a Renewal Lease Agreement with
Passaic County for Operation of Passaic County Nutrition Program***

WHEREAS, the County, through Passaic County Nutrition Project (hereafter “Project”), operated by the Department of Senior Services, provides nutritious meals and services which are designated to promote the independence, dignity, health, and well-being of our elderly participants; and

WHEREAS, Bloomingdale’s Senior Citizens Center provides support programs and assistance for senior citizens in the community; and

WHEREAS, the County desires to continue use of the Center for the Project to provide daily educational and recreational activities in a safe setting, while also providing a safe and healthy environmental to senior citizens of the County; and

WHEREAS, the Governing Body of the Borough of Bloomingdale (“Borough”) finds and declares that it is in the best interests of its citizenry for the Borough to authorize the renewal of an existing lease agreement with the County of Passaic for the continued operation of the Passaic County Nutrition Program at the Bloomingdale Senior Citizen Center; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize any and all appropriate municipal officials to execute a renewal lease agreement with the County of Passaic for same.

NEW BUSINESS:

A. 2021 Municipal Budget

- **Introduction of Ordinance No. 11-2021: 2021 Index Rate CAP Bank**

A motion was made by DELLARIPA to introduce the Ordinance by title; second and final reading/ public hearing will be on June 1, 2021 at 7PM; the motion was seconded by YAZDI and carried on the following voice vote: all members voting AYE, in favor; none were opposed.

The Municipal Clerk read by Title:

BOROUGH OF BLOOMINGDALE CALENDAR YEAR 2021 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

- **Resolution No. 2021-5.6: Introduction of the 2021 Municipal Budget**

Motion: Rich Dellaripa

Second: Ray Yazdi

Roll Call: DELLARIPA (YES), GRAZIANO (YES), HUDSON (YES), JUHLIN (YES), YAZDI (YES), D'AMATO (YES)

**RESOLUTION NO. 2021-5.6
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

*Introduction by Title of the 2021 Municipal Budget of the
Borough of Bloomingdale, County of Passaic
For the Fiscal Year 2021*

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2021; and

BE IT FURTHER RESOLVED that said Budget will be published in the Herald News in the issue of May 10, 2021; and

The Governing Body of the Borough of Bloomingdale does hereby approve the following as the Budget for the year 2021; and

NOTICE IS HEREBY GIVEN that the Budget and Tax Resolution was approved by the Governing Body of the Borough of Bloomingdale, County of Passaic, on May 4, 2021 and

BE IT FURTHER RESOLVED that a hearing on the Budget and Tax Resolution will be held in the Council Chambers at the Borough Hall on June 1, 2021 at 7:00p.m. at which time and place discussions to said Budget and Tax Resolution for the year 2021 may be presented by taxpayers or other interested persons; and

BE IT FURTHER RESOLVED that the budget is available for inspection in the office of the Municipal Clerk, posted on the municipal website and published in accordance with the law.

- **Resolution No. 2021-5.7: Self-Examination of 2021 Budget**

Motion: Dawn Hudson

Second: Ray Yazdi

Roll Call: GRAZIANO (YES), HUDSON (YES), JUHLIN (YES), YAZDI (YES), D'AMATO (YES), DELLARIPA (YES)

**RESOLUTION NO. 2021-5.7
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**SELF-EXAMINATION OF BUDGET RESOLUTION
[as required by DCA]**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Bloomingdale has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2021 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Bloomingdale that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures

- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
D'Amato	X				Hudson	X			
Dellaripa	X				Juhlin	X			
Graziano	X				Yazdi	X			

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on May 4, 2021.

Breeanna Calabro, RMC
Municipal Clerk, Borough of Bloomingdale

Minutes of May 4, 2021
Approval Date: June 22, 2021

**BOROUGH OF BLOOMINGDALE
COUNTY OF PASSAIC, NEW JERSEY**

CERTIFICATION OF APPROVED BUDGET

It is hereby certified that the Approved Budget complies with the requirements of law and approval is given pursuant to N.J.S.A. 40A:4-78(b) and N.J.A.C. 5:30-7.

It is further certified that the municipality has met the eligibility requirements of N.J.A.C. 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with N.J.A.C. 5:30-7.6.

Dated: _____ By: _____
Chief Financial Officer

This certification form and resolution of the governing body executing such certification should be annexed to the adopted budget (N.J.A.C. 5:30-7.6(e))

B. (Adoption of Resolution No. 2021-5.8)

Discussion: *This is a 5-year contract that is 'passed due'; the prior contract expired 12/31/2019. The borough attorney has reviewed the contract as well as the CWA Union Representative and Stewart. All were thanked for their efforts.*

Motion: Rich Dellaripa

Second: John Graziano

Roll Call: HUDSON (YES), JUHLIN (YES), YAZDI (RECUSE), D'AMATO (YES), DELLARIPA (YES), GRAZIANO (YES)

**RESOLUTION NO. 2021-5.8
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

AUTHORIZING THE EXECUTION OF THE AGREEMENT BY AND BETWEEN THE BOROUGH OF BLOOMINGDALE (BOROUGH) AND COMMUNICATIONS WORKERS OF AMERICA AFLCIO, LOCAL 1032, WHITE COLLAR UNIT (UNION), JANUARY 1, 2020 THROUGH DECEMBER 31, 2024

WHEREAS, the White Collar Unit employees of the Borough of Bloomingdale are represented by the Communications Workers of America, AFLCIO, Local 1032; and

WHEREAS, the Borough and the White Collar Unit had in place a Collective Bargaining Agreement for the period, January 1, 2016 through December 31, 2019; and

WHEREAS, upon expiration of that Agreement, the Borough and the Union entered into negotiations for a new Collective Bargaining Agreement; and

WHEREAS, due to the efforts by the representatives of the Borough and the Union, the parties were able to come to an agreement for a new contract with terms agreeable to both parties; and

WHEREAS, the new Collective Bargaining Agreement is for the period, January 1, 2020 through December 31, 2024; and

WHEREAS, the Agreement has been presented to, reviewed and was ratified by the members of the White Collar Unit on April 29, 2021; and

WHEREAS, the Borough desires to execute the Agreement with the Union.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale, in the County of Passaic and State of New Jersey, that the Acting Mayor and Borough Clerk are hereby authorized and directed to execute the Agreement by and between the Borough of Bloomingdale and Communications Workers of America, AFLCIO, Local 1032, White Collar Unit, January 1, 2020 through December 31, 2024.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be posted at the Borough of Bloomingdale, and a copy thereof delivered to each Borough employee that is a member of the White-Collar Unit within five (5) days of this Resolution.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

C. (Adoption of Resolution No. 2021-5.9)

Discussion: *The need for this contract comes as recommendation from the Ordinance Review committee, Planning Board Attorney and Borough Attorney. There are areas within the Borough Code that require guidance from an Affordable Housing planning service provider.*

Motion: Ray Yazdi

Second: Dawn Hudson

Roll Call Vote: JUHLIN (YES), YAZDI (YES), D'AMATO (YES), DELLARIPA (YES), GRAZIANO (YES), HUDSON (YES)

**RESOLUTION NO. 2021-5.9
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO COLLIER'S ENGINEERING & DESIGN, INC. (DBA MASER CONSULTING) TO PROVIDE PROFESSIONAL PLANNING SERVICES FOR THE BOROUGH

WHEREAS, there exists a need for professional municipal and affordable housing planning services for the Borough of Bloomingdale; and

WHEREAS, the Borough wishes to retain Colliers Engineering & Design, Inc. (DBA Maser Consulting) to perform such services; and

WHEREAS, the maximum amount of for services under this contract shall not exceed \$2,400.00; and

WHEREAS, the Chief Financial Officer has certified the available of funds as evidenced in the annex certification; and

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

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

Section 1. The contract with Colliers Engineering & Design, Inc. (DBA Maser Consulting) is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. §40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.

Section 2. Colliers Engineering & Design, Inc. (DBA Maser Consulting) shall provide professional municipal and affordable housing planning services to the Borough as set forth in its proposal of April 26, 2021.

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

Section 4. A copy of this Resolution shall be provided to Donna Mollineaux Chief Financial Officer, and to Colliers Engineering & Design, Inc. (DBA Maser Consulting), Shelbourne at Hunterdon, 53 Frontage Road, Suite 110, Hampton, New Jersey 08827, for their information and guidance.

This Resolution shall take effect immediately.

D. (Adoption of Resolution No. 2021-5.10)

Discussion: *Fireworks for June 26; no food trucks or music – planning will be consistent with the Governor’s orders. Council discussed possible covid limitations, if need be it will be limited to Bloomingdale residents*

Motion: John Graziano

Second: Ray Yazdi

Roll Call Vote: YAZDI (YES), D’AMATO (YES), DELLARIPA (YES), GRAZIANO (YES), HUDSON (YES), JUHLIN (YES)

**RESOLUTION NO. 2021-5.10
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**AUTHORIZING AN AWARD OF CONTRACT FOR FIREWORKS TO
SERPICO PYROTECHNICS, LLC**

NOW THEREFORE, BE IT RESOLVED that a contract for Fireworks Display be awarded to Serpico Pyrotechnics, LLC. in the amount of \$10,000; display to be held on Saturday, June 26th, 2021 with a rain date of June 27th, 2021; and

WHEREAS, the Chief Financial Officer has certified to availability of funds from account 1-01-30-420-001-100;

BE IT FURTHER RESOLVED that the Acting Mayor &/or Business Administrator is hereby authorized to execute the contract agreement.

E. (Adoption of Resolution No. 2021-5.11)

Discussion: *This service is included in the 2021 budget, future planning to offset this cost with federal ‘Covid’ funding. The contract is for cleaning services of the municipal building (excluding Police Dept) 3 times per week. This is necessary now that the*

building is open to the public. (Additional comments on venting & filtration in the municipal building by Councilman Juhlin & Frank Neuberger)

Motion: Ray Yazdi

Second: Rich Dellaripa

Roll Call Vote: D'AMATO (YES), DELLARIPA (YES), GRAZIANO (YES), HUDSON (YES), JUHLIN (YES), YAZDI (YES)

**RESOLUTION NO. 2021-5.11
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

***Authorizing an Award of Contract for Janitorial Cleaning Services
at Borough Hall to Jani-King of New Jersey, Inc.***

WHEREAS, the Borough of Bloomingdale has a need for cleaning services at the Municipal Building located at 101 Hamburg Turnpike; and

WHEREAS, the Local Public Contracts law (N.J.S.A. 40A:11-1, et. seq) requires that the Resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be awarded for public inspection; and

WHEREAS, the Borough Administrator has reviewed the submitted quote and recommends that said contract be awarded to Jani-King of New Jersey, Inc.; and

WHEREAS, the term of this contract is from June 1, 2021 to December 31, 2021; and

WHEREAS, the Chief Financial Officer has certified the availability of funds as annexed to this resolution; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale, in the County of Passaic and State of New Jersey that a contract for janitorial cleaning services at the Municipal Building be awarded as follows:

1. The Borough of Bloomingdale authorizes the Council President and Clerk to execute an agreement with Jani-King of New Jersey, Inc, 30 Two Bridges Road, Fairfield, NJ 07004; and
2. The term of this contract is from June 1, 2021 to December 31, 2021.
3. This contract is not to exceed \$12,700.00 without prior authorization from the Borough Council.
4. Notice of this action shall be published once in the Borough's official newspaper as required by law; and
5. A copy of this resolution shall be provided to Jani-King of New Jersey for their information and guidance & be on file in the Borough Clerk's office for public inspection.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

F. (Adoption of Resolution No. 2021-5.12)

Motion: Ray Yazdi

Second: Rich Dellaripa

Roll Call Vote: DELLARIPA (YES), GRAZIANO (YES), HUDSON (YES), JUHLIN (YES), YAZDI (YES), D'AMATO (YES)

**RESOLUTION NO. 2021-5.12
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**AUTHORIZING AN EASEMENT EXTENSION AGREEMENT BETWEEN FINBAR
EQUITY INVESTMENTS, LLC AND THE BOROUGH OF BLOOMINGDALE**

WHEREAS, the Borough of Bloomingdale will have or has a property interest in the land known as Block 5501, Lot 14.01, more commonly known as the “affordable housing tract” or formerly known as the “Meer Tract,” by way of a donation agreement between Finbar and the Borough of Bloomingdale; and

WHEREAS, it has also been determined that Tilcon has requested an access easement for ten (10) years on what is known as a temporary Haul Road between the Tilcon Quarry and the affordable housing tract for the benefit of Tilcon ; and

WHEREAS, the Borough of Bloomingdale has agreed to provide for a ten (10) year easement so long as payment for the easement is made in a lump sum amount of \$2.4 million, and such payment will be made at the time of closing of conveyance of the affordable housing tract by Finbar to the Borough of Bloomingdale.

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

The Acting Mayor is hereby authorized to enter into an easement extension agreement with Tilcon NY for an easement extension agreement for a period of ten (10) years and the sum of \$2.4 million to be paid at the time that the Borough receives the donation of the property known as Block 5501, Lot 14.01.

G. (Adoption of Resolution No. 2021-5.13)

Motion: Dawn Hudson

Second: Ray Yazdi

Roll Call Vote: GRAZIANO (YES), HUDSON (YES), JUHLIN (YES), YAZDI (YES), D’AMATO (YES), DELLARIPA (YES)

**RESOLUTION NO. 2021-5.13
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**AUTHORIZING THE EXECUTION OF A LAND DONATION AGREEMENT
BETWEEN FINBAR EQUITY INVESTMENTS AND THE BOROUGH OF
BLOOMINGDALE FOR THE PROPERTY IDENTIFIED ON THE TAX MAP OF THE
BOROUGH AS BLOCK 5501, LOT 14.01 CONSISTING OF 33.81 ACRES AND
COMMONLY KNOWN AS THE “MEER TRACT”**

WHEREAS, the property known as Block 5501, Lot 14.01, more commonly known as the “affordable housing tract” or formerly known as the “Meer Tract,” has been included in the Borough’s Housing and Fair Share plan as ordered by the honorable Burl I. Humphries, J.S.C. on February 18, 2007 in certain litigation seeking an affordable housing remedy against the Borough of Bloomingdale; and

WHEREAS, in accordance with the Order of the Court in 2008, the Borough of Bloomingdale appropriately rezoned the Meer Tract for affordable housing and Finbar’s predecessor in title obtained site plan approval from the Planning Board for a 360-unit residential development on the approximately 33.81 acres of land; and

WHEREAS, the site plan was never acted upon because of prohibitive development costs due to the topography of the tract and therefore, the Planning Board approval to develop the site lapsed; however, the obligation to develop the site for affordable housing still remains; and

WHEREAS, the Mayor and Council of the Borough of Bloomingdale searched for ways to provide incentive zoning by adopting Ordinance No. 2020-16, which established the AH-1 affordable housing overlay which permits the development of contiguous land to the Meer Tract providing that the affordable housing project would have sufficient pre-development incentives in order to obtain a developer for the affordable housing tract; and

WHEREAS, Finbar has proposed to donate, at no cost to the Borough of Bloomingdale, the 33.81 acres of significant, valuable land identified as the “affordable housing tract” to the Borough of Bloomingdale in an effort to support the development of the affordable housing tract; and

WHEREAS, the seller, Finbar, will also make available at no charge, 100,000 tons of clean material consisting of ¾ stone screenings and dense graded aggregate for the development of the affordable housing tract; and

WHEREAS, the Borough will make every effort to enter into an agreement with a developer for the site preparation of the affordable housing tract and the construction of a minimum of 72 affordable units.

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

The Mayor is hereby authorized to execute a land donation agreement with Finbar Equity Investments, LLC, for the donation of 33.81 acres of land identified on the tax map of the Borough of Bloomingdale as Block 5501, Lot 14.01.

BE IT FURTHER RESOLVED that this donation is made without any cost to be paid by the Borough of Bloomingdale notwithstanding the value of the property. In addition, Finbar shall pay all real estate taxes on the property after closing through December 31, 2021.

BE IT FURTHER RESOLVED that this agreement may be executed providing that the Borough Council enters into an agreement for the sale and construction of a minimum of 72 affordable housing units for the premises.

Borough Attorney Comments:

[read by Dawn Sullivan, on behalf Fred Semerau]

The Easement Extension & Land Donation Agreements which were adopted are significant financial and planning milestones for the Borough. The agreements negotiated by the Administration are for the Borough to accept the land donation (33 acres) from Tilcon, commonly referred to as the ‘Meer Tract’. The donation is being accepted with the sole condition the Borough will continue on the path of developing the land for affordable & market housing. The Borough will have the right to sell the land so long as those development rights are achieved.

In addition, the Mayor & Council have authorized an easement extension agreement which provides for a one-time payment of \$2.4 million whereby the Borough will lease back, to Tilcon, the ability to utilize a portion of the haul road between the Meer Tract & the existing Tilcon quarry site. This will yield immediately upon closing [the amount of \$2.4 million] for such access. These are significant steps that have been negotiated by the Borough to position itself as the owner of the ‘Meer Tract’ at no additional costs to the Borough & with the exclusive right to sell &/or develop that tract of land & the benefit of the lease back to Tilcon for the haul road with an immediate payment to the Borough of \$2.4 million.

This are highly unprecedented steps, whereby a governing body has placed itself in the position of holding title to such land at no cost, in an effort to address development & planning while gaining significant financial benefit for the Borough. The next step will be to consider various options regarding the development &/or sale of the 'Meer Tract'.

NON-AGENDA

Inadvertently, no action was taken.

LATE PUBLIC COMMENT

HUDSON opened the meeting to late public comment; seconded by YADI and carried on voice vote, all in favor voting AYE:

Dan Hawkins – 6 Pearl Street, Bloomingdale

made the following inquiries:

- *Will sitework (grading etc.) be provided by Tilcon as part of the land donation [Mayor responded – no & briefly discussed, sitework will be the responsibility of the developer]*
- *PILOT program [Mayor responded this a matter of negotiations]*

Karen Schmidt – 5 Woodward Ave, Bloomingdale

made the following inquiries:

- *Requested officials pursue installing a traffic light at Main Street [Butler] & Hamburg Turnpike & Elizabeth Street [administration will discuss with County & Police Department]*

Jennifer Altfield – 17 Cedar Street, Bloomingdale

made the following inquiries:

- *Requested officials pursue installing a traffic light at Main Street [Butler] & Hamburg Turnpike & Elizabeth Street; stated the renovated building [161 Hamburg Tpke] now has tenants (& vehicles) blocking the view of traffic*

Evelyn Schubert – 29 Hillside Drive, Bloomingdale

made the following inquiries:

- *2021 Junior Police Academy (no decision if this will be held)*
- *Requested the Borough participate in 'National Night Out' (annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie)*

Linda Huntley – 86 Van Dam Avenue, Bloomingdale

made the following inquiries:

- *Contested sitework not being done by Tilcon*
- *Inquired on the members appointed to the Bloomingdale Cannabis Regulatory Committee [draft resolution was given]*
- *Inquired as to what Mayors were invited to the Grand Re-opening of Sloan Park on June 12 [Graziano, DuHaime, Steenstra, Ollenschlager]*

Since there was no one else who wished to speak GRAZIANO moved that it be closed; second by YAZDI and carried on voice vote all members voting (AYE).

EXECUTIVE SESSION

Discussion: Action will be taken after Executive Session

Motion: Ray Yazdi

Second: Rich Dellaripa

Voice Vote: all voted AYE, in favor; none were opposed

Entered Closed Session: 8:08PM (approximately)

RESOLUTION NO. 2021-5.14 OF THE GOVERNING BODY OF

THE BOROUGH OF BLOOMINGDALE

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Council of the Borough of Bloomingdale on the 4th day of May, 2021 that:

❖ Prior to the conclusion of this Workshop 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.
- () b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
- (X) b. (8) Personnel matters.
One matter – (DPW Staffing)
- () 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).

Resumed in Open Session: 8:21PM

Consideration of Executive Session Business:

(Note for record: *there was no public present*)

1. YAZDI offered a motion to internally post the DPW Foreman position; second by DELLARIPA & carried on voice vote, all voting AYE in favor; none were opposed.

GOVERNING BODY SCHEDULE:

- A. Regular Meeting – May 18, 2021 **7PM**
- B. Workshop Meeting – June 1, 2021 **7PM**

ADJOURNMENT:

Since there was no further business to be conducted, HUDSON moved to adjourn at 8:22PM; seconded by YAZDI and carried on voice vote with all Council Members voting AYE.

Breeanna Calabro, RMC
Municipal Clerk