

**BOROUGH OF BLOOMINGDALE  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE**, that in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., and more specifically, N.J.S.A. 10:4-B(b), which authorizes the use of communications equipment to hold public meetings, and in consideration of Executive Order 107 issued by Governor Murphy and guidance provided by the New Jersey Department of Community Affairs, Division of Local Government Services, the Borough of Bloomingdale does hereby notify the public that to protect the health, safety and welfare of our citizens, while ensuring the continued functioning of government, a telephonic meeting of the Borough of Bloomingdale will be held on June 9, 2020 at 7:00p.m. Any member of the public who wishes to participate in the meeting, which will include a public comment portion, may do so calling into the service number: 1 (973) 302-3356 Participant Code:1819, at the designated meeting time.

Detailed instructions on how to access the meeting will be available on the Borough of Bloomingdale's website at [www.bloomingdalenj.net](http://www.bloomingdalenj.net). The website will also provide alternate instructions to follow should the remote system fail during any portion of the meeting. Members of the public who are unable to utilize the access system due to a disability may submit written comments/questions by contacting the Clerk via email at [bcalabro@bloomingdalenj.net](mailto:bcalabro@bloomingdalenj.net) prior to the meeting, up until June 9, 2020 at 4:00p.m. The comments/questions, which must include the individual's name and address, will be read into the record during the public comment portion of the meeting.

*Action will be taken.*

**BREEANNA CALABRO, RMC  
BLOOMINGDALE MUNICIPAL CLERK**

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

**June 9, 2020**

The Workshop Meeting of the Governing Body of the Borough of Bloomingdale was held on the above date via a telephonic conference call as described above in the legal ad published on May 29, 2020. Mayor Dunleavy called the meeting to order at 7:03PM.

**Roll Call:** (taken by the Borough Clerk)

*In Attendance:* Mayor Jonathan Dunleavy  
Councilman John D'Amato  
Councilman Richard Dellaripa  
Councilwoman Dawn Hudson  
Councilman Drew Juhlin  
Councilman Michael Sondermeyer  
Councilman Ray Yazdi (Joined at 7:13PM)  
Municipal Clerk, Breeanna Calabro  
Borough Attorney, Dawn Sullivan, Esq.

**PUBLIC NOTICE STATEMENT**

Mayor Dunleavy stated that adequate notice of this meeting was advertised in the Herald News on May 29, 2020; 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.

**EARLY PUBLIC COMMENT:**

Motion was made by D'AMATO to open the meeting for public comment; seconded by HUDSON and carried per voice vote all voting AYE. Since there was no one who wished to speak SONDERMEYER made a motion to close public comment, second by DELLARIPA & carried on voice vote all members voting AYE, none opposed.

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

- **Municipal Clerk, Breeanna Calabro:**

*Reminder that the Primary Election will be conducted via Mail-in-Ballot, any voter that does go to the designated polling site (Firemen's Hall) will only be permitted to vote on a provisional ballot. The machines are for ADA voters only.*

- **Dawn Sullivan, Esq:**

*Confirmation Dorsey & Semrau are keeping track of the Governor's orders and guidelines and relaying information to the Borough.*

- **Mayor Dunleavy:**

*Reviewed recent executive orders – indoor gatherings will be permitted at whichever number is lower – 25% of a building's capacity or 50 people & outdoor gatherings will be permitted up to 100 people. Stay at home order has been lifted – Borough staff will be back in the office on July 6. The public will be permitted in the building shortly after. Court is being conducted virtually with zoom. Planning Board is also proceeding with virtual meetings.*

*Councilman D'Amato inquired about the Firemen's 'ziti dinner' which is usually less than 100 people. It was discussed that indoor dining is not yet permitted.*

*Bloomingdale fireworks will be postponed - & tentatively scheduled for Pride Day (September 26) more information to come*

*Ballston Street projecting is going well*

*A peaceful protest will happen in Bloomingdale on June 20<sup>th</sup>, Saturday at 10AM for the Black Lives Matter movement. This was proposed/organized by a young resident of the Boro*

- **Councilman Drew Juhlin:**

*Provided an update on Tri-Boro baseball/softball. There is still hope for a season or clinics for the kids, this is a work in progress & the board is actively looking for a solution. The mayor will share any direction from the Governor.*

## **RESOLUTION NO. 2020-6.1 CONSENT AGENDA**

Councilman D'Amato offered the following Resolution and moved for its adoption:

### **RESOLUTION NO. 2020-6.1 OF THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE**

***Accepting, Approving and/or Adopting the Consent Agenda of the  
June 9, 2020 Workshop 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, 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 Mayor and Council of the Borough of Bloomingdale.

- A. Motion to approve minutes:
  - A. May 19, 2020 – Telephonic Meeting
- B. Motion to Accept Resignation of Dominic Gentile (Dispatcher)
- C. Resolution No. 2020-6.2: Authorization to Hire Temporary DPW Help
- D. Resolution No. 2020-6.3: Declare Emergency (Knolls Road - Sewer)
- E. Resolution No. 2020-6.4: Estimated Tax Bills
- F. Resolution No. 2020-6.5: NJDOT Grant Application (Hilltop Terrace Improvements)
- G. Resolution No. 2020-6.6: Appointment of Jen Altfield (BEC Chairperson)
- H. Resolution No. 2020-6.7: Ch 159 (CARES Act Grant - Passaic County)
- I. Resolution No. 2020-6.8: Permitting Outdoor Dining

**Discussion:**

Mayor explained the emergency situation on Knolls Road. The homeowner had no pitch from their house to the main for many years. Recently the resident had this fixed and it turned out the pitch didn't line up with the main in the road. The current code reads the homeowner is responsible for repairs from the curb to the house & the Boro is responsible from the curb to the road. Discussion followed regarding amending this section of the code. The road will also have to be milled and paved.

The motion was second by DELLARIPA and carried on the following roll call vote: D'AMATO (YES), DELLARIPA (YES), HUDSON (YES), JUHLIN (YES), SONDERMEYER (YES), YAZDI (YES).

Consent Agenda Resolutions:

**RESOLUTION NO. 2020-6.2  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

***Authorization for Temporary Seasonal Employment within the Department of Public Works***

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

**WHEREAS**, the Superintendent of the Department of Public Works, Al Gallagher, recommends that authorization be given to hire the following individual(s): Fred Cook, Richard Hofmann, and Brandon Bendes; and

**WHEREAS**, the dates of temporary seasonal employment and salary shall be as follows:

Fred Cook                      \$25.00/per hour                      Effective May 20 – December 31, 2020 (*retroactive*)

Richard Hofmann	\$15.00/per hour	Effective June 1 – September 1, 2020 ( <i>retroactive</i> )
Brandon Bendes	\$15.00/per hour	Effective June 1 – September 1, 2020 ( <i>retroactive</i> )

**NOW, THEREFORE BE IT RESOLVED**, by the Governing Body of the Borough of Bloomingdale, that authorization to hire the three individuals for the dates and salaries listed herein for temporary seasonal help within the Department of Public Works is hereby granted.

**RESOLUTION NO. 2020-6.3  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**DECLARING AN EMERGENCY – FOR PURPOSES OF AWARDING A CONTRACT FOR SEWER  
REPAIRS ON KNOLLS ROAD**

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares an emergency situation has developed on Knolls Road requiring sewer repairs; and

**WHEREAS**, the Governing Body further finds and declares that this poses an imminent threat to the public health, safety and welfare of an emergent nature that warrants immediate remedial action; and

**WHEREAS**, the Governing Body further finds and declares that **N.J.S.A. 40A:11-6** authorizes a municipality to negotiate and/or award a contract without public advertisement when an emergency affecting the public health, safety or welfare requires the immediate performance of services; and

**WHEREAS**, the Governing Body further finds and declares that the Department of Public Works, acting in the reasonable belief that an emergency affecting the public health, safety and welfare requires immediate remedial action without public advertisement for services; and

**WHEREAS**, the Governing Body further finds and declares that the Department of Public Works, has correctly recommended that the aforementioned sewer repairs be remedied through the award to the following vendors:

**Barrett Construction - \$2,000.00**  
**Capitol Supply Construction - \$517.11**  
**Vollaro Carting Inc - \$6,800.00**  
**Tilcon NY Inc. - \$4,016.90**  
**Glenwild Garden Center - \$296.00**  
**FSC Leak Detection, Inc. - \$12,000.00**  
**Frank Semeraro Construction - \$17,414.06**  
**Bob Tuit Paving - \$3,250.00**  
**Support of Excavation - \$8,141.00**

**WHEREAS**, the emergency costs are not exceed \$54,432.07 and the CFO has certified the availability of funds;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby declare the existence of a public emergency warranting sewer repairs on Knolls Road as soon as possible and does hereby award said project to the vendors aforementioned above.

**RESOLUTION NO. 2020-6.4  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

*Authorizing Issuance of Estimated Property Tax Bills*

**WHEREAS**, the Governing Body has introduced and adopted a municipal budget for 2020 but said budget may not be approved by the State in advance of billing the third quarter taxes that are due on August 1, 2020 within the statutory guidelines; and

**WHEREAS**, the Governing Body further finds and declares that Borough financial officials have determined that there could be insufficient cash flow to support operations in July and August 2020 unless third quarter revenue is received on time; and

**WHEREAS**, the Governing Body further finds and declares that Tax Collector Barbara D. Neinstedt, Tax Collector and Chief Financial Officer Donna M. Mollineaux have reviewed and computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3 and are recommending authorization to issue property tax bills based upon this estimated tax levy;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Bloomingdale as follows:

1. That Bloomingdale Tax Collector Barbara D. Neinstedt be and is hereby authorized and directed to prepare and issue estimated tax bills for the Borough of Bloomingdale for the third quarter of 2020, in accordance with the provisions of N.J.S.A. 54:4-66.2, *et seq.*;
2. That the entire estimated tax levy for FY2020 be and is hereby set at \$32,029,300.44; and
3. That Bloomingdale Tax Collector Barbara Neinstedt be and is hereby authorized to undertake any and all additional steps deemed necessary and appropriate to immediately implement the substance of this Resolution.

**RESOLUTION NO. 2020-6.5  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

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

**WHEREAS**, the Bloomingdale Mayor and Council desire to construct road improvements to Hilltop Terrace, including: upgrades to stormwater facilities; pavement resurfacing; replacement of sidewalks on both sides of the road; replacement of curbs along both sides of the road; driveway apron replacement; ADA sidewalk ramps; traffic control signs; and, traffic striping;

**WHEREAS**, 2021 Municipal Aid funds are available through the New Jersey Department of Transportation; and,

**WHEREAS**, the Bloomingdale Mayor and Council desire to request aid from the State of New Jersey in the amount of \$540,000.00.

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

**BE IT FURTHER RESOLVED**, the Mayor and Clerk are hereby authorized to submit an electronic grant application, identified as MA-2021-Hilltop Terrace-00256, to the New Jersey Department of Transportation on behalf of Bloomingdale Borough.

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

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

ATTEST AND AFFIX SEAL _____	_____
Clerk	Presiding Officer
Breanna Calabro, RMC	Jonathan Dunleavy
Borough Clerk	Mayor

**RESOLUTION NO. 2020-6.6  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

*Appointment of Chairperson for the Bloomingdale Environmental Commission*

**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 Jennifer Altfield as Chairperson of the Bloomingdale Environmental Commission for the remainder of her term, expiring 12/31/2020.

**RESOLUTION NO. 2020-6.7  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

*Authorizing the Insertion into the FY2020 Municipal Budget Pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) of a Special Item of Revenue in the Form of a CARES (Coronavirus Aid, Relief, and Economic Security) Act Grant*

**WHEREAS**, the Governing Body ("Governing Body") of the Borough of Bloomingdale ("Borough") finds and declares that N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services ("Director"), within the State of New Jersey Department of Community Affairs, may approve the insertion of any special item of revenue in the budget of any county or municipality; and

**WHEREAS**, the Governing Body further finds and declares that N.J.S.A. 40A:4-87 provides that the Director may also approve the insertion of any item of appropriation for an equal amount; and

**WHEREAS**, the Governing Body further finds and declares that it is in the best interests of the citizens of the Borough to request approval of the insertion into the Borough's FY2019 Municipal Budget of an item of revenue based upon a grant secured by the Borough from the County of Passaic;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby request that the Director of the Division of Local Government Services, within the State of New Jersey Department of Community Affairs, approve the insertion into the Borough's FY2020 Municipal Budget of an item of revenue in the sum of **\$446,729.00**, which item is now available as revenue in the form of a County of Passaic – CARES Act Grant; and

**BE IT FURTHER RESOLVED** that a like sum of **\$446,729.00** be and the same is hereby appropriated under the caption:

*Public and Private Revenues Offset with Appropriations  
CARES Act Grant*

**AND BE IT FURTHER RESOLVED** that the Chief Financial Officer will electronically file with the State of NJ in accordance with LFN 2014-11.

**RESOLUTION NO. 2020-6.8  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY TEMPORARILY MODIFYING CERTAIN OUTDOOR DINING REQUIREMENTS TO ENABLE LOCAL RESTAURANTS TO IMPLEMENT SOCIAL DISTANCING AND FACILITATE SMALL BUSINESS RECOVERY IN LIGHT OF THE COVID-19 PUBLIC HEALTH EMERGENCY**

**WHEREAS**, a worldwide pandemic has occurred involving a novel Coronavirus more commonly known as COVID-19; and

**WHEREAS**, on March 9, 2020, Governor Murphy issued Executive Order 103 declaring a State of Emergency and a Public Health Emergency in response to the outbreak of the novel Coronavirus within the State of New Jersey; and

**WHEREAS**, on March 16, 2020, Governor Murphy issued Executive Order 104 enacting several “social distancing” regulations, including but not limited to, limiting public gatherings to no more than 50 people, closing educational facilities, closing various recreation and entertainment based businesses, imposed restrictions on scope of service and hours of operation for other non-essential retail, recreational, restaurants/bars and entertainment businesses; and

**WHEREAS**, on March 21, 2020, Governor Murphy issued Executive Order 107 which expanded the social distancing regulations set forth within Executive Order 104, including but not limited to, directing all New Jersey remain in their home or place of residence with specific limited exceptions, prohibited gatherings of any size, closed all non-essential retail businesses and identified essential businesses permitted to continue to operate subject to specific limitations, and reiterated and strengthened social distancing requirements when in public; and

**WHEREAS**, on March 21, 2020, Governor Murphy also issued Executive Order 108 which specifically voided and precluded County and Municipal Governments from imposing or enforcing any restrictions/regulations that in any way would or might conflict with any of the provisions of Executive Order 107, with the exception of regulating online marketplaces for arranging or offering lodging, municipal or country parks, and beaches and boardwalks; and

**WHEREAS**, Executive Order 107 specifically regulates the continued operation of Bars/Restaurants and provides, in part, that “All restaurants, cafeterias, dining establishments and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, are permitted to operate their normal business hours, but are limited to offering only food delivery and/or take-out services in accordance with their existing liquor licenses;” and

**WHEREAS**, on June 3, 2020, Governor Murphy issued Executive Order 150 which allows outdoor dining at food or beverage establishments in New Jersey starting on Monday, June 15, 2020, provided that establishments follow a number of COVID-19 health and safety protocols issued by the New Jersey Department of Health, including a limit of eight customers per table, requirements of at least six feet of distance between parties, and a prohibition on smoking in any outdoor areas designated for the consumption of food and/or beverages; and

**WHEREAS**, Executive Order 150 further notes that Municipal Governments are permitted to use their existing authority to allow food or beverage establishments to expand their footprint to outdoor areas, both within their property and among municipally-governed areas, including but not limited to sidewalks, streets, or parks; and

**WHEREAS**, in consideration of the above and the great hardship and uncertainty the COVID-19 public health emergency has caused to the businesses of Bloomingdale, the Governing Body desires to support the economic recovery of local restaurants and businesses by temporarily modifying certain outdoor dining restrictions so that restaurants are able to serve customers while satisfying social distancing requirements; and

**WHEREAS**, the Borough Planner and the Borough Attorney have reviewed same and found the temporary modification satisfactory; and

**WHEREAS**, the Governing Body finds it in the best interest of the Borough to temporarily modify certain restrictions; and

**WHEREAS**, the Mayor and Borough Council find it in the best interests of the Borough of Bloomingdale to temporarily modify certain outdoor dining restrictions in accordance with Executive Order 150, the associated Board of Health guidance and the Division of Alcoholic Beverage Control's COVID-19 Expansion of Premises Permit regulations.

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

1. Outdoor dining shall be temporarily permitted as an accessory use to all restaurant uses, sandwich shops, cafés, as well as bars and taverns, as defined and set forth in the Borough Code.
2. The regulations pertaining to “outdoor cafes” set forth at §4-8 of the Borough Code shall be temporarily suspended and replaced with the following standards which shall be applicable to temporary outdoor dining:
  - a. The number of seats permitted in the outdoor dining area may not exceed the total seating capacity previously approved for the eating and/or drinking establishment.
  - b. Outdoor dining areas can be located on patios, plazas and courtyards in a manner that does not impair pedestrian circulation. Outdoor dining areas may also be located, at the discretion of the Zoning Officer, on a portion of sidewalks, lawn areas, and in parking lots, provided that pedestrian and vehicular circulation is not impaired and further provided, in the case of parking lots, that outdoor dining shall only be permitted thereon if the number of parking spaces is sufficient, taking into consideration the modified seating limitations.
  - c. Where outdoor dining is proposed within a parking lot, bollards or other protective structures shall be erected along the perimeter of the outdoor dining area in order to enhance public safety.
  - d. If the outdoor dining area is proposed to be utilized after dark, temporary lighting shall be required.
  - e. Landscaping around and/or within the outdoor dining area shall be permitted, but not required.



- f. Awnings, umbrellas, canopies and open air tents attached to a building wall, and heating units shall be permitted within outdoor dining areas; however, closed tents are not permitted.
    - g. All outdoor dining areas must be closed by 10 pm.
    - h. An applicant for a proposed temporary outdoor dining area must have previously secured site plan approval as a restaurant from the Borough Zoning Board of Adjustment or Planning Board for a restaurant, bar, sandwich shop , café and must otherwise be in compliance with its existing site plan approval.
    - i. In multi-tenanted properties, an approved temporary outdoor dining area must be discontinued or reduced in size if other retail, personal service and/or commercial establishments are permitted to reopen and there is no longer an adequate number of parking stalls available and/or if the prior approved site plan is no longer functioning, as determined by the Borough Zoning Officer.
3. The Borough Zoning Officer shall have the discretion to create additional standards for a particular property and to fashion such conditions as may be necessary to further the purposes of Chapter 92 of the Borough Code, as well as the goals and objectives of the Borough Master Plan.
4. A permit shall be required, with application being made to the Borough Zoning Officer. Application for a permit pursuant to this Resolution must be accompanied by an informal layout and/or plan for the outdoor dining area, the number of seats proposed, the parking availability and the COVID-19 Expansion of Premises Permit from the NJ Division of Alcoholic Beverage Control if applicable. The fee for this temporary permit shall be waived.
5. Restaurants may display one temporary sign to notify the public of in-house, take-out as well as outdoor dining options and any restrictions in place due to the COVID-19 public health emergency.
6. In accordance with Executive Order 150, restaurants availing themselves of the use of outdoor dining, must ensure they follow these requirements:
  - a. Ensure all areas designated for food and/or beverage consumption are in conformance with applicable local, State, and Federal regulations;
  - b. Limit capacity to a number that ensures all patrons can remain six feet apart from all other patrons at all times, except for those patrons with whom they are sharing a table;
  - c. Satisfy all standards issued by the New Jersey Department of Health pursuant to Executive Order 150;
  - d. Ensure that tables seating individual groups are 6 feet apart in all directions and that individual seats in any shared area that is not reserved for individual groups, such as an outdoor bar area, are also 6 feet apart in all directions;
  - e. Prohibit patrons from entering the indoor premises of the food or beverage establishment, except to walk through such premises when entering or exiting the food or beverage establishment in order to access the outdoor area, or to use the restroom;
  - f. Require patrons to wear a face covering while inside the indoor premises of the food or beverage establishment, unless the patron has a medical reason for not doing so or is a child under two years of age; and
  - g. Prohibit smoking in any outdoor areas designated for the consumption of food and/or beverages. The requirement that food or beverage establishments impose this prohibition shall automatically sunset once

food or beverage establishments are permitted to offer in-person service in indoor areas.

7. Restaurants must continue to follow all rules and regulations of the local Board of Health, the NJ Department of Health, and Division of Alcoholic Beverage Control (“ABC”), as well as all applicable local, state and federal laws.
8. Specifically, all restaurants must adhere to the following requirements as set forth by the New Jersey Department of Health:
  - A. Food or beverage establishments offering service at outdoor areas pursuant to Executive Order No. 150 must adhere to the protocols listed below:
    - (i) Obtain all required municipal approvals and permits before offering food and/or beverage consumption at outdoor areas;
    - (ii) Post signage at the entrance that states that no one with a fever or symptoms of COVID-19 should enter the food or beverage establishment;
    - (iii) Limit seating to a maximum of eight (8) customers per table and arrange seating to achieve a minimum distance of six feet (6) between parties;
    - (iv) Rope off or otherwise mark tables, chairs and bar stools that are not to be used;
    - (v) Demarcate 6 feet of spacing in patron waiting areas;
    - (vi) Provide physical guides, such as tape on floors, sidewalks, and signage on walls to ensure that customers remain at least 6 feet apart in line for the restroom or waiting for seating;
    - (vii) Eliminate self-service food or drink options such as buffets, salad bars, and self-service drink stations;
    - (viii) Disinfect all tables, chairs and any other shared items (menus, condiments, pens) after each use;
    - (ix) Install physical barriers and partitions at cash registers, bars, host stands and other area where maintaining physical distance of 6 ft is difficult;
    - (x) Ensure 6 feet of physical distancing between workers and customers, except at the moment of payment and/or when employees are servicing the table;
    - (xi) Require infection control practices, such as regular handwashing, coughing and sneezing etiquette, and proper tissue usage and disposal;
    - (xii) Require frequent sanitization of high-touch areas like credit card machines, keypads, and counters to which the public and workers have access;
    - (xiii) Place conspicuous signage at entrance alerting staff and customers to the required 6 feet of physical distance; and
    - (xiv) Require all food or beverage establishments to have an inclement weather policy that, if triggered, would require the food or beverage establishment to adhere to Executive Order No. 125 (2020) and offer takeout or delivery service only.
  - B. Food or beverage establishments offering service at outdoor areas pursuant to Executive Order No. 150 must impose the following requirements on employees:
    - (i) Require employees to wash and/or sanitize their hands when entering the food or beverage establishment;
    - (ii) Conduct daily health checks (e.g. temperature screening and/or symptom checking) of employees safely and respectfully, and in accordance with any applicable privacy laws and regulations;
    - (iii) Require employees with symptoms of COVID-19 (fever, cough, or shortness of breath) be sent home;

- (iv) Require all employees to wear face coverings, except where doing so would inhibit the individual's health, and require employees to wear gloves when in contact with customers and when handing prepared foods or serving food, utensils, and other items to customers;
  - (v) Provide all employees with face coverings and gloves;
  - (vi) Provide employees break time for repeated handwashing throughout the workday; and
  - (vii) Provide sanitization materials, such as hand sanitizer and sanitizing wipes to staff.
- C. Food or beverage establishments offering service at outside areas pursuant to Executive Order No. 150 must institute the following policies with respect to customers:
- (i) Inform customers that safety measures such as social distancing, wearing face coverings when they are away from their table and unable to social distance or when they are inside the indoor portion of the premises of the food or beverage establishment (unless the customer has a medical reason for not doing so or is a child under two years of age), and hygiene practices must be adhered to while in the food or beverage establishment;
  - (ii) Encourage reservations for greater control of customer traffic/volume;
  - (iii) Require customers to provide a phone number if making a reservation to facilitate contact tracing;
  - (iv) Recommend customers wait in their cars or away from the food or beverage establishment while waiting for a table if outdoor wait area cannot accommodate social distancing;
  - (v) Alert customers via calls/texts to limit touching and use of shared objects such as pagers/buzzers;
  - (vi) Encourage the use of digital menus;
  - (vii) Decline entry to the indoor portion of the establishment to a customer who is not wearing a face covering, unless the customer has a medical reason for not doing so or is a child under two years of age; and
  - (viii) Provide a hand sanitizer station for customers.
9. All restaurants wishing to serve alcoholic beverages on-site for consumption in the outdoor dining areas must apply through the ABC for a COVID-19 Expansion of Premises Permit.
10. Restaurants may erect open air tents or canopies over seating areas, so long as social distancing requirements are maintained.
11. This Resolution shall be effective on June 15, 2020 in accordance with Executive Order 150.
12. This Resolution shall remain in effect for 120 days from the date that outdoor dining is permitted by Executive Order unless this Resolution is otherwise amended or vacated by the Borough Council.
13. Temporary outdoor dining plans in accordance with this Resolution shall require the approval of the Borough Zoning Officer and Borough Health Officer.
14. The Zoning Officer, Chief of Police and Borough Administrator reserve the right to deny the modification of the rules or put in place specific requirements or restrictions in order to protect the health, safety and welfare of the general public. Appeals of such requirements may be filed with the Borough Council.

15. This Resolution does not permit the construction of or alteration to any building or structure. No changes may be made that alter the existing character of any building or structure.
16. This Resolution applies only to establishments already approved to operate as a restaurant as of this Resolution's date of adoption.
17. Except for the relaxation of requirements as specifically authorized by this Resolution, all provisions of Chapter 92, Zoning, of the Borough Code remain in full effect, including but not limited to hours of operation, litter control plan, dishes and utensil requirements, sufficiency of construction of tables and chairs.

**PENDING ITEMS:**

**A. Second/Final Reading & Public Hearing:**

*Ordinance No. 18-2020: Amend Ch. 5 Animal Control (Leash requirements & Quarantine Fees)*

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

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

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO. 18-2020  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 5 "ANIMAL CONTROL" OF THE CODE OF THE BOROUGH OF BLOOMINGDALE**

**WHEREAS**, the Borough Code currently sets forth regulations regarding requirements for dogs to be leashed and fees associated with impounding quarantining of dogs; and

**WHEREAS**, the Borough Animal Control Officer has reviewed these sections and recommended certain changes be made; and

**WHEREAS**, the Borough Council has reviewed the recommendations of the Animal Control Officer and agreed with the recommended changes.

**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 5 "Animal Control", Section 5-9 "Defiling or Damaging Property; Nuisance; Running at Large" shall be amended as follows:

**§5-9 DEFILING OR DAMAGING PROPERTY; NUISANCES; RUNNING AT LARGE.**

- a. No person shall suffer, permit or allow any animal to injure, damage, soil or defile any lawn, shrubbery, flowers or grounds on any property, either public or private, or any person other than that of its owner to the extent that such action causes a nuisance.
- b. No person owning or in charge of any dog shall suffer, permit or allow such dog to be upon any private or public property other than the premises of the owner without the consent of the owner or tenant of the private or public property or permit the dog to run at large off the premises of the owner.
- c. **Leash required.** No person owning, keeping or harboring any dog shall suffer or permit it to be upon the public streets or in any public places within the Borough unless such dog is accompanied by a person capable of handling such dog or it is securely confined and controlled by an adequate leash of not more than six (6) feet long.

- d. No person owning or in charge of any dog shall cause or allow such dog to soil, defile or defecate on any private property without the permission of the property owner. Nor shall any dog be permitted to defecate on any place where people walk or congregate, or upon public property. Any person owning or in charge of such a dog which soils, defiles or defecates shall immediately remove all feces deposit by such dog in a sanitary manner.
- e. Any person who violates this section shall upon conviction be subject to the penalties provided in Section 5-16.
- f. This section shall be enforced by the Animal Control Officer, the members of the Police Department, the Code Enforcement Officer and the members of the Health Department.

All other portions of this Section remain unchanged.

**SECTION 2.** Chapter 5 “Animal Control”, Section 5-14 “Fees” shall be amended as follows:

**5-14 FEES.**

The following fees shall be paid to the Borough in compliance with this chapter:

- f. Quarantines and Impounded Bite Cases: twenty-five (\$25.00) dollars a day. Payment of impound fees under this section shall be payable every tenth day of quarantine or impound. If fees are not paid within 48 hours of the tenth day, ownership shall be forfeited, and the animal becomes the property of the shelter to be disposed of in a manner approved by and in accordance with state law.

All other portions of this Section remain unchanged.

**SECTION 3.** All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

**SECTION 4.** 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 5.** This law shall take effect immediately upon final passage, approval and publication as required by law.

**Public Hearing:**

At this time SONDERMEYER made a motion to open the Public Hearing for comment; seconded by HUDSON and carried on a voice vote all voting AYE. Since there was no one who wished to speak SONDERMEYER made a motion to close the public hearing; motion was seconded by DELLARIPA and carried on voice vote all members voting AYE.

**Council Discussion:**

Councilman D’Amato spoke in opposition of this ordinance. This ordinance is unenforceable. Councilwoman Hudson stated a 6ft leash is not long enough. Councilman Juhlin agreed. Mayor explained there were a few incidents where complaints were received with regard to residents walking dogs with 30ft leads on other people’s property. The only way for Animal Control to control this is by having a leash requirement.

Mayor explained there are two parts to this ordinance. Another ordinance would have to be drafted, introduced, and advertised to address the proposed changes in regard to quarantine fees if this ordinance is defeated. Discussion followed about the change in quarantine fees.

**Adoption:**

YAZDI made motion for adoption; the motion was seconded by SONDERMEYER. This ordinance did NOT pass and was defeated by the following votes: DELLARIPA (NO), HUDSON (NO), JUHLIN (NO), SONDERMEYER (NO), YAZDI (NO), D’AMATO (NO)

**NEW BUSINESS:**

A. Councilwoman HUDSON offered the following resolution and moved for its adoption:

**RESOLUTION NO. 2020-6.9  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC  
AND STATE OF NEW JERSEY AUTHORIZING AN AMENDMENT TO THE  
PERSONNEL POLICY**

**WHEREAS**, the Borough of Bloomingdale has an Employee Handbook and Policies and Procedures Manual (“Personnel Policy”) that governs the employment relationship and provided all employees and volunteers with information regarding the policies of the Borough; and

**WHEREAS**, the Mayor and Borough Council have reviewed the Personnel Policy and determined that changes were necessary with regard to expected standards of fitness for volunteer firefighters; and

**WHEREAS**, the Borough Council wishes to amend the Personnel Policy to set forth these standards.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey recommends that the Employee Handbook and Policies and Procedures Manual be amended to add a new section entitled “Volunteer Firefighter Physical Policy”, between the Employee Evaluation Policy and the Employee Discipline Policy, which section to read as follows:

**Volunteer Firefighter Physical Policy:**

All volunteer firefighters must undergo an annual physical examination by February 28 each year, to be paid for by the Borough. Providing the annual physical examination determines the volunteer firefighter is fit for duty for their specific classification within the fire department, the firefighter shall be physically approved for full duty. Any volunteer firefighter failing to obtain such a fit for duty determination shall be removed from fire/emergency response roster and limited to administrative responsibilities. A member may resume their full duty upon providing the Fire Chief and the Borough Administrator with a fit for duty determination from a qualified physician.

**Discussion:**

There was a brief discussion confirming this is for ALL fire members.

The motion was second by DELLARIPA and carried per the following Roll Call vote: HUDSON (YES), JUHLIN (YES), SONDERMEYER (YES), YAZDI (YES), D’AMATO (YES), DELLARIPA (YES)

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

**RESOLUTION NO. 2020 – 6.10  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF  
PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A  
CONTRACT FOR THE FIRST AND SECOND STREETS WATER MAIN  
INTERCONNECTION TO MIKE FITZPATRICK CONTRACTORS, INC.**

**WHEREAS**, the Borough of Bloomingdale received sealed competitive bids on May 28, 2020 for First and Second Streets Water Main Interconnection project; and

**WHEREAS**, four (4) sealed bids were received and opened on May 28, 2020, in accordance with the bid specifications:

1) Mike Fitzpatrick Contractors, Inc.	\$112,035.00
2) Regal Utility Services, Inc.	\$170,535.05
3) John Garcia Construction	\$181,300.75
4) Fred Devens Construction	\$189,520.30

; and

**WHEREAS**, said bids have been duly reviewed and analyzed by the Borough of Bloomingdale Engineer and Attorney; and

**WHEREAS**, the Local Public Contracts Law requires that competitive bidding contracts be awarded to the lowest, responsible, responsive bidder; and

**WHEREAS**, the bid received from Mike Fitzpatrick Contractors, Inc. in the total amount of \$112,035.00 has been found to be in proper form and in compliance with the provisions of N.J.S.A. §40A:11-23.5 and the specifications as written; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available for this purchase.

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

1. The Borough Council hereby awards a contract to Mike Fitzpatrick Contractors, Inc., 18 Cozy Lake Road, Oak Ridge, New Jersey 07438 for performance of the First and Second Streets Water Main Interconnection project in accordance with the bid specifications in the total amount of \$112,035.00.

2. The Mayor and Borough Clerk are hereby authorized and directed to execute a contract with Mike Fitzpatrick Contractors, Inc. in accordance with its bid for performance of the First and Second Streets Water Main Interconnection project.

3. The Borough's Chief Financial Officer has certified the availability of funds for this contract.

4. This resolution and contract shall be available for public inspection in the office of the Borough Clerk.

This Resolution shall take effect immediately.

The motion was second by SONDERMEYER and carried per the following Roll Call vote: JUHLIN (YES), SONDERMEYER (YES), YAZDI (YES), D'AMATO (YES), DELLARIPA (YES), HUDSON (YES).

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

**RESOLUTION NO. 2020-6.11  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**A RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AUTHORIZING THE PURCHASE OF 2020 POLICE INTERCEPTOR SUV THROUGH THE CRANFORD POLICE COOPERATIVE PRICING SYSTEM #47-CPCPS, ITEM #1**

**WHEREAS**, the Borough of Bloomingdale, pursuant to N.J.S.A. 40A:11-11 and N.J.A.C. 5:34-7.3 et seq. may, by Resolution and without advertising for bids, purchase any goods or services through the Cranford Police Cooperative Pricing System, which has been approved by the Director of the Division of Local Government Services; and

**WHEREAS**, the Borough of Bloomingdale desires to purchase a 2020 Police Interceptor SUV from the Cranford Police Cooperative Pricing System #47-CPCPS; and

**WHEREAS**, Beyer Ford, has been awarded the contract for 2020 Police Interceptor SUV; and

**WHEREAS**, the Full-time Mayor and Chief of Police recommends the utilization of this contract on the grounds as the best means available to obtain the police vehicle; and

**WHEREAS**, the contract shall not exceed the amount of \$45,158.00; and

**WHEREAS**, funding for this resolution is available by appropriation in the budget of the Borough, as evidenced by the Certification of Funds, by the Chief Financial Officer, from account 0-01-25-240-001-051; and

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

1. The Borough of Bloomingdale hereby authorizes the purchase of 2020 Police Interceptor SUV from Beyer Ford of Morristown, NJ from the Cranford Police Cooperative Pricing System under Contract #47-CPCPS.
2. The total fee authorized for this contract shall not exceed \$45,158.00 without the prior written approval of the Borough Council.
3. The Full-time Mayor, Borough Clerk and/or such other officials as is necessary and proper are hereby authorized to execute documents necessary to implement this Resolution.
4. A copy of this resolution shall be provided to the Borough Treasurer and Beyer Ford of Morristown, NJ for their information and guidance.

This Resolution shall take effect immediately.

The motion was second by D'AMATO and carried per the following Roll Call vote:  
SONDERMEYER (YES), YAZDI (YES), D'AMATO (YES), DELLARIPA (YES), HUDSON (YES), JUHLIN (YES)

### **LATE PUBLIC COMMENT**

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

Linda Huntley, 86 Van Dam Ave, Bloomingdale:  
*Thanked Mayor for sidewalk/curb repairs. Also disagrees with defeated Ordinance No. 18-2020*

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

### **GOVERNING BODY SCHEDULE:**

- A. Regular Meeting – June 23, 2020 7PM Telephonic Conference Call
- B. Regular Meeting – July 21, 2020 7PM

### **ADJOURNMENT:**

Since there was no further business to be conducted, HUDSON moved to adjourn at 7:33PM; seconded by SONDERMEYER and carried on voice vote with all Council Members voting AYE.



Breanna Calabro, RMC  
Municipal Clerk