

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

August 16, 2022

The Regular 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. Mayor John D'Amato called the meeting to order at 7:00PM.

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

Official Roll Call: (taken by the Borough Clerk)

In Attendance:

Mayor John D'Amato
Councilman Dominic Catalano
Councilman John Graziano
Councilwoman Dawn Hudson
Councilman Drew Juhlin
Councilwoman Evelyn Schubert
Councilman Ray Yazdi

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

PUBLIC NOTICE STATEMENT

Mayor 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 January 12, 2022; 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:

Rain Misa, 2014 RDS Winter Showcase Team

Mayor John D'Amato & Councilman Graziano presented Rain Misa with a recognition certificate:

The Governing Body of the Borough of Bloomingdale does hereby formally recognize you for your outstanding accomplishments. This supplementary team is compilation of only the very top talents in the RDS. The Mayor & Council congratulate you on having been selected as one of only 8 players out of 6,000 participants and wish you success in your upcoming tournaments.

EARLY PUBLIC COMMENT:

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

Linda Huntley, 86 Van Dam Avenue, Bloomingdale:

Made the following inquires:

- Bills list not available on the Borough webpage
- Previous bills list not available on the Borough webpage

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

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

Councilwoman Schubert (Senior Center Liaison):

- Garage / Rummage Sale (Fundraiser for Senior Center) October 1

Councilman Graziano (EDC Liaison/Municipal Alliance Liaison):

- Sloan Park Festival – September 9th

Councilwoman Hudson (BOH Liaison):

- September 5th – Borough Offices closed / no DPW pick up
- 9/11 Candlelight Walk (starting in Butler) at 7PM
- Pride Day / Bob Kochka 5k – September 24

Councilman Juhlin (Tri Boro Little League President):

- Thanked all & expressed gratitude for their contributions to the success of the Tri Boro Little League 2022 10U State Tournament Games that were held in Bloomingdale. It was a great to success & executed flawlessly by the Borough community

Councilman Catalano (Planning Board Liaison):

- Planning board held special meeting to hire a Planner – the Planning Board would request funding for a Master Plan.

Borough Administrator, Michael Sondermeyer:

- Watermain breaks on Vreeland Ave
- Emergency at Natalie pump station
- Andrew Place Improvement project update (anticipated completion by end of October)
- Recreation Department lease is up, the Borough is looking to move the center to the Fireman's Hall
- The state has requested that the Borough encourages residents to conserve water
- Ordinance Review Committee has recommended the Mayor and Council adopt an Ordinance to establish a 'Building Design Review Board' for the BCD zone, council discussed [to be listed on the September 6th agenda for further discussion]

CONSENT AGENDA

(Adoption of Resolutions No. 2022-8.1 – 2022-8.15)

Motion: Ray Yazdi

Second: Dawn Hudson

Discussion: Graziano confirmed the PT Animal Shelter hire was a replacement for someone who left

Roll Call Vote: CATALANO (YES), GRAZIANO (YES), HUDSON (YES), JUHLIN* (YES), SCHUBERT (YES), YAZDI (YES)

*Council Juhlin recused from the following items:

A. Motion to approve minutes:

- July 19, 2022 – Regular Meeting
- July 19, 2022 – Executive Session

CONSENT AGENDA RESOLUTION:

**RESOLUTION NO. 2022-8.1
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE
*Accepting, Approving and/or Adopting the Consent Agenda of the
August 16, 2022 Regular 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. Motion to approve minutes:

- July 19, 2022 – Regular Meeting
- July 19, 2022 – Executive Session

C. Motion authorizing:

- Fire Department Boot Drive – October 1, 2022
- Recreation Day Camp Counselor: Abigail Galbraith (\$13/hour)

D. Resolution No. 2022-8.2: Declare Emergency (Water main break – Rafkind Rd)

E. Resolution No. 2022-8.3: Declare Emergency (Natalie Court – pump station lines)

F. Resolution No. 2022-8.4: Declare Emergency (Water main break – Vreeland Ave)

G. Resolution No. 2022-8.5: Authorize Purchase of Tires (state contract)

H. Resolution No. 2022-8.6: Authorize Public Bidding (Senior Center Pavilion)

I. Resolution No. 2022-8.7: Authorize Public Bidding (Orchard Street)

J. Resolution No. 2022-8.8: Authorize Public Bidding (Replacement of Water Main Values)

K. Resolution No. 2022-8.9: Hiring Part-Time Animal Shelter Help (J. Halaw)

L. Resolution No. 2022-8.10: Renewal Membership (Morris County Municipal Joint Insurance Fund)

M. Resolution No. 2022-8.11: Ch. 159 (Clean Communities Grant)

N. Resolution No. 2022-8.12: Ch. 159 (2022 Drive Sober or Get Pulled Over)

O. Resolution No. 2022-8.13: Authorizing Senior Center Garage Sale & Waiver of Fees

P. Resolution No. 2022-8.14: Corrective Action Plan

Q. Resolution No. 2022-8.15: Authorizing Municipal Court to Receive Uncashed Funds

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				*Juhlin	X			
Graziano	X				Schubert	X			
Hudson	X				Yazdi	X			

recusals listed in official minutes

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 August 16, 2022.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

PENDING ITEMS

A. Hamilton Street Sidewalk Assessment

- **Motion to Open Public Hearing** [Motion made by HUDSON, seconded by YAZDI]
- **Motion to Close Public Hearing** [Since there was no one wishing to speak - Motion made by YAZDI, seconded by JUHLIN]
- *Motion to accept the Final Assessment Report submitted by Borough Engineer [date: June 23, 2022]. YAZDI made the motion, seconded by HUDSON and carried on voice vote all members voting AYE in favor; none were opposed.*
- **Upon acceptance of Final Report:**
Introduction of Ordinance No. 20-2022: Authorizing & Confirming the Special Assessments (Hamilton Street Sidewalks)

A motion was made by HUDSON to introduce the Ordinance by title; second and final reading/ public hearing will be on September 6, 2022 at 7PM; the motion was seconded by YAZDI and carried on the following voice vote: all members present voting AYE, in favor; none were opposed.

The Municipal Clerk read by Title:

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE,
COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING
AND CONFIRMING THE SPECIAL ASSESSMENTS CALCULATED
PURSUANT TO STATUTE AND SET FORTH IN THE REPORT OF
DARMOFALSKI ENGINEERING ASSOCIATES, INC. IN
CONNECTION WITH THE HAMILTON STREET SIDEWALK
IMPROVEMENTS TO BE PAID IN INSTALLMENTS OVER THE
COURSE OF TEN (10) YEARS**

B. Second/Final Reading & Public Hearing:

Ordinance No. 14-2022: Amending Ch. 92 Zoning (Cannabis Wholesalers)

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

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

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO. 14-2022
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 92 “ZONING” OF
THE CODE OF THE BOROUGH OF BLOOMINGDALE TO ADDRESS CANNABIS
WHOLESALERS**

WHEREAS, pursuant to Ordinance No. 6-2022, the Borough Council established certain provisions permitting cannabis retail establishments in certain zones within the Borough; and

WHEREAS, the Borough Administration, Cannabis Regulatory Commission and Ordinance Review Committee have reviewed those provisions and determined that it would be appropriate to permit cannabis wholesaler licenses to be issued within the Borough and recommended amending the Ordinance to address same; and

WHEREAS, the Borough Council of the Borough of Bloomingdale has determined that, based upon the review and recommendation of both the Cannabis Regulatory Commission and the Ordinance Review Committee, the amendment of Chapter 92 is appropriate at this time.

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

SECTION 1, Chapter 92 “Zoning”, Article V “Regulations Governing Certain Uses”, Section 92-24 “Conditional Uses” is amended to add a new subsection K to read as follows:

§92-24 Conditional Uses.

- K. Conditional use standards for Cannabis Wholesalers as set forth in Section 92-66 “Permitted Cannabis Uses”

All other portions of this Section not addressed herein shall remain unchanged.

SECTION 2. Chapter 92 “Zoning”, Article XII “Schedule of Regulations”, Section 92-56 “M-1 Light Industrial Zone C”, subsection C “Conditional uses to be acted upon by the Planning Board, subject to §92-24” shall be amended to read as follows:

§92-56 M-1 Light Industrial Zone

C. Conditional Uses.

(1) Conditional uses to be acted upon by the Planning Board, subject to §92-24. Such uses are principal permitted B-1 Zone uses which shall be necessary and appropriate for the M-1 Zone. Such uses shall be permitted only where the applicant proves that such uses will not adversely affect the industrial development of adjoining land. When such uses are permitted, the minimum lot size requirement shall be 20,000 square feet

(2) Cannabis Wholesalers

All other portions of this Section not addressed herein shall remain unchanged.

SECTION 3 Chapter 92 “Zoning”, Article XIII “Prohibited Uses” is hereby amended to read as follows:

Article XIII. Cannabis Uses

§92-65 Cannabis cultivators, manufacturers, distributors and delivery services prohibited.

Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis cultivators, cannabis manufacturers, cannabis distributors and cannabis delivery services are hereby prohibited from operating anywhere in the Borough of Bloomingdale, except for the delivery of cannabis items and related supplies by a licensed cannabis delivery service based and initiated from a cannabis delivery service licensed location outside of the Borough.

SECTION 4 Chapter 92 ‘Zoning’, Article XIII “Cannabis Uses”, Section 92-66 ‘Permitted Cannabis Uses’ is hereby amended to add new subsection ‘B. Cannabis Wholesalers’ to read follows:

§92-66 Permitted Cannabis Uses.

B. Cannabis Wholesalers.

1. Licensing, fees and taxes as regulated by and set forth in the Borough Code at Section 14-18.
2. Conditional use standards.
 - a. Buffer Zone. Distance shall be 500 feet from schools, recreation uses and public parks. Distance shall be identified and shown, by the applicant, as in any land use application.
 - b. Cannabis Wholesale Use Premise. Premise shall be no more than 2500 square feet; shall not be open to the public; shall be enclosed, heated and air conditioned; shall be a permanent, non-fabricated, non-moveable structure; access shall not be through common entrances with other uses; shall have no cannabis or cannabis related product visible from the exterior; shall not permit the consumption of cannabis, food, alcohol or tobacco in any form on the premises.

- c. Operating Hours. Wholesaler shall not be open earlier than 8 a.m. and no later than 5 p.m. Monday through Saturday.
- d. Odor Control. Plan shall be submitted. Wholesaler shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust systems such that any odor generated inside the facility is not detectable by a person of reasonable sensitivity at the property line of the subject property. The Borough of Bloomingdale, additionally, shall monitor odor from the facility on an annual basis at the discretion of the Borough by a licensed, qualified contractor chosen by the Borough at a cost that shall be paid for by the property owner and/or the license holder. The license holder shall monitor all activities for odors on a daily basis and shall maintain physical written records of all odor monitoring, investigations, air quality studies and adverse events and produce such records to the Borough of Bloomingdale upon request within seven (7) days of such request.
- e. Business Records. All records of cannabis purchased, sold or otherwise provided to wholesalers or retailers shall be produced to the Borough of Bloomingdale upon request within seven (7) days of such request.
- f. Safety, Security, Emergency Services Access. Plan shall be submitted detailing measures to ensure safety, eliminate unauthorized access, ensure product and cash security and provide for the use of interior/exterior security cameras. Security camera footage shall be maintained for the period required by State law and shall be subject to immediate inspection and access by the Borough of Bloomingdale Police Department upon request. Security system shall be equipped with audible alarm and direct or third-party notification to the Borough of Bloomingdale Police Department. Cannabis products and cash shall be stored and secured in a locked safe securely attached to the premises.
- g. Signage. Signs shall be limited to address, legal name or any registered alternate and emergency contact information. Signs shall not promote consumption of cannabis. Signs shall comply with applicable State of New Jersey law and Borough of Bloomingdale ordinances.
- h. Window Displays. A window covering and display plan shall be submitted outlining general types and content of any window displays to be utilized.
- i. State and Local Licenses. Cannabis wholesalers shall hold valid licenses to operate issued by the State of New Jersey and the Borough of Bloomingdale. Said licenses shall be conspicuously posted on the premises under glass or equivalent protective surface.

- j. On-Premise Products. Only cannabis and cannabis related items shall be offered for sale. The cannabis wholesaler shall acquire for resale each month no more than one-thousand (1,000) pounds of usable cannabis in dried form or the equivalent amount in any other form of manufactured cannabis product or cannabis resin, or any combination thereof.
- k. Cannabis Product Waste Disposal. A cannabis product waste disposal plan shall be submitted detailing measures to eliminate access to cannabis product.
- l. Authorized Representative Contact. A plan shall be submitted detailing measures to facilitate quick resolution to issues or concerns and identifying the individual who the community and the Borough of Bloomingdale can contact to report said issues or concerns. The method of community contact shall be clearly identified. The Borough of Bloomingdale Police Department and the Borough Administrator at all times shall be provided with up-to-date contact information to include direct telephone, cell phone and email. The authorized representative or designee shall be available twenty-four (24) hours daily to serve as the primary person of contact and shall have full authority to make decisions on behalf of the cannabis wholesale establishment in the event of an emergency. Said authorized representative or designee shall be responsible to respond to events inclusive of criminal activity, public safety, emergency services, adverse odor or suspected violation of applicable State of New Jersey law or Borough of Bloomingdale ordinance.
- m. All vehicles owned or leased by the cannabis wholesaler and used in the wholesaling of cannabis or related products shall be stored or parked in a lot that is enclosed by fencing with a gate that shall at all times be locked, except for when vehicles are entering or leaving the enclosed vehicle storage area. Employee and customer parking shall be located in a separate area of the site.

All other portions of this Article not addressed herein shall remain unchanged.

SECTION 5. Any article, section, paragraph, subsection, clause, or other provision of the Borough Code inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION 6. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 7. This Ordinance shall take effect upon its passage and publication as provided by law.

Public Hearing:

At this time GRAZIANO 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 speak HUDSON made a motion to close the public hearing; motion was seconded by YAZDI and carried on voice vote all members voting AYE; none were opposed.

Planning Board Recommendation:

Per the Planning Board secretary - *Please be advised that at their July 27, 2022 regular public meeting, a motion was made by Comm. Greenberg, 2nd by Comm. Hammaker recommending that the Mayor and Council adopt Ordinance No. 14-2022 Amending Chapter 92 Zoning, as it is found to be consistent with the Master Plan and Borough Zoning code. The motion carried with an 11-1 vote.*

Adoption:

GRAZIANO made motion for adoption; the motion was seconded by YAZDI and carried per the following roll call vote: GRAZIANO (YES), HUDSON (YES), SCHUBERT (NO), YAZDI (YES), CATALANO (YES)

C. Second/Final Reading & Public Hearing:

Ordinance No. 15-2022: Amending Ch. 92 Zoning (M-1-Q Light Industrial & Quarry Zone)

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

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

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO. 15-2022
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 92 “ZONING”, ARTICLE XII “SCHEDULE OF REGULATIONS”, SECTION 92-58 “M-1-Q LIGHT INDUSTRIAL AND QUARRY ZONE” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Borough Code currently sets forth zoning standards and restrictions throughout the Borough, including those governing permitted uses within the M-1-Q Light Industrial and Quarry Zone; and

WHEREAS, the Borough Ordinance Review Committee has reviewed the Code and recommended certain changes be made in order to clarify permitted uses within the M-1-Q Light Industrial and Quarry Zone;

WHEREAS, the Borough Council has reviewed and accepted the recommended changes as being in the best interest of the Borough.

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 92 “Zoning”, Article XII “Schedule of Regulations”, Section 92-58 “Light Industrial and Quarry Zone” shall be amended to read as follows:

§92-58 Light Industrial and Quarry Zone.

The following regulations shall apply in the M-1-Q Zone:

- A. Uses.
 - (1) Permitted uses. Permitted uses shall be the same as in the M-1 Zone, plus commercial quarrying and excavating.
 - (2) Accessory permitted uses. Accessory permitted uses shall be concrete batch plants and asphalt plants.
- B. Development regulations shall be the same as in the M-I Zone, for uses permitted in that zone. For commercial quarrying and excavation, see § 92-25.
- C. Hours of operation for commercial quarrying and excavation.

- (1) Shipping and transportation are permitted 8:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 12 Noon Saturday, excluding Sunday, Memorial Day, Labor Day, Independence Day, Thanksgiving, Christmas and New Year's Day. If access to the site is from Union Avenue, Wanaque, shipping and transportation shall be permitted at all hours.
 - (2) Ancillary and support functions, such as material movement within the site and maintenance activities are permitted at all hours.
 - (3) Drilling is permitted between the hours of 7:00 a.m. and 5:00 p.m., excluding, Sunday, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas and New Year's Day.
 - (4) Blasting is permitted between the hours of 8:00 a.m. and 5:00 p.m., excluding Saturday, Sunday, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas and New Year's Day.
 - (5) Material processing, such as stone crushing, is permitted 5:00 a.m. to 9:00 p.m. Monday through Saturday, excluding Sunday, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas and New Year's Day.
 - (6) Asphalt processing is permitted at all hours.
 - (7) Concrete recycle operations is permitted 5:00 a.m. to 7:00 p.m. Monday through Saturday, excluding Sunday, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas and New Year's Day.
- D. Hours and days of operation for concrete batch plants.
- (1) Reload trucks shall not enter the site prior to 7:00 a.m. and shall leave the site no later than 4:30 p.m.
 - (2) Materials delivery trucks shall not enter the site prior to 8:00 a.m. and shall leave the site no later than 4:30 p.m.
 - (3) Operations at concrete batch plants shall not be started prior to 7:00 a.m. and shall be shut down no later than 4:30 p.m.
 - (4) Concrete batch plants shall be permitted to operate Monday through Saturday, excluding Sunday and the following holidays: Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and New Year's Day. Saturday operating hours shall be limited to 7:00 a.m through 1:00 p.m.

All operations activity must be in compliance with all noise regulation provisions of N.J.S.A. 13:1G-1 et seq. and N.J.A.C. 7:29-1 et seq.

All other portions of this Section not addressed herein shall 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 Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Public Hearing:

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

Linda Huntley, 86 Van Dam Avenue, Bloomingdale:

Made the following inquires:

- What the town is getting for allowing Tilcon to have concrete plants as this was not going to be a permitted use in Bloomingdale, only permitted near Pompton Lakes entrance. Why is this being done & what is the impact on the residents

(Mayor, Borough Engineer, Borough Administrator, members & Linda discussed. The concrete plant is not in Pompton Lakes, it was always in Bloomingdale. It was noted the concrete batch plant is already there & was approved as a permitted accessory use 2 years ago [October 2020] by the Planning Board; the ordinance just adds this an accessory use. Once approved as an accessory use an application before the planning board is not required. The professionals & members discussed this is permitted use for the quarry site & going before the Planning Board repeatedly would be redundant. There is no change in the impact on residents. Ms. Huntley was in objection.)

Since there was no one else who wished to speak HUDSON made a motion to close the public hearing; motion was seconded by YAZDI and carried on voice vote all members voting AYE; none were opposed.

Council Discussion:

Councilman Juhlin clarified the intent of the ordinance. The ordinance authorizes concrete batch plants and asphalt plants as accessory permitted uses. It was noted the batch plant is existing by the ‘Pompton Lakes’ entrance. *If* there is ever an entrance by the Burger King [on Union Avenue] they would be permitted to move the batch plant to this entrance.

Borough Engineer added this ordinance does not allow the concrete plant to move ‘wherever’ / this ordinance permits the accessory use and alleviates the need to come before the Planning Board for a use variance. It’s reasonable that a quarry would produce asphalt and concrete. If the plant were to be relocated, Tilcon would still need to come before the board for final site plan approval & go through proper processes. All the concerns would be addressed by the Planning Board. In addition to this, every 5 years Tilcon applies for a soil mining permit with the Governing Body.

Planning Board Recommendation:

Per the Planning Board secretary - *Please be advised that at their July 27, 2022 regular public meeting, a motion was made by Comm. Croop, 2nd by Comm. Steenstra recommending that the Mayor and Council adopt Ordinance No. 15-2022 Amending Chapter 92 Zoning, as it is found to be consistent with the Master Plan and Borough Zoning code. The motion carried with an 12-0 vote.*

Adoption:

HUDSON made motion for adoption; the motion was seconded by GRAZIANO and carried per the following roll call vote: HUDSON (YES), JUHLIN (ABSTAIN), SCHUBERT (YES), YAZDI (YES), CATALANO (YES), GRAZIANO (YES)

D. Second/Final Reading & Public Hearing:

Ordinance No. 18-2022: Amend Ch. 11-9 (Vacant & Abandoned Properties)

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

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

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO 18-2022
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING CHAPTER 11 “BUILDING AND HOUSING”, SECTION 11-9 “VACANT AND ABANDONED PROPERTIES” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, pursuant to N.J.S.A. 40:48-1 et seq. the New Jersey Legislature delegated to municipalities the responsibility to promulgate regulations designed to promote the public health, safety, and welfare of its citizens; and

WHEREAS, properties in foreclosure proceedings can involve properties that are vacant and abandoned or have an increased risk of becoming vacant and abandoned during the foreclosure proceeding; and

WHEREAS, vacant and abandoned properties in foreclosure create a greater risk of blight and can create a wide range of problems for the communities in which they are located. These problems can include fostering criminal activity, creating public health problems, depressing neighboring property values and reducing revenues for municipalities, and otherwise diminishing the quality of life for residents and business operators in those areas; and

WHEREAS, because of the increased risk of blight created by properties in foreclosure, it is important that the Borough possess tools to identify such properties, monitor their status, and mitigate the risk that they become vacant and abandoned and, if vacant and abandoned, lead to blight; and

WHEREAS, the State of New Jersey has enacted statutes intended to assist municipalities in addressing such risks, including requiring that municipalities receive notice of the initiation of a foreclosure

action in court in connection with residential properties and authorizing a public officer in a municipality to take certain action against properties that have been abandoned for more than six months; and

WHEREAS, a property registration program provides a valuable tool to confronting the risk of blight created by properties on which foreclosure proceedings have been initiated and such properties that become vacant and abandoned; and

WHEREAS, it is in the best interest of the Borough to operate such a program to address the risk of blight; and

WHEREAS, the Borough Council has determined that it is necessary and appropriate, and in the best interest of the health, safety and welfare of the Borough of Bloomingdale's residents and members of the public who visit, travel, or conduct business in the Borough of Bloomingdale, to amend the Borough's Code regarding vacant and abandoned properties; and

WHEREAS, the Borough Code currently sets forth regulations and fees related to vacant and abandoned properties throughout the Borough; and

WHEREAS, it is recommended that Section 11-9 be repealed in its entirety and replaced with a new Section 11-9 as set forth below; and

WHEREAS, the Borough Council has reviewed and accepted the recommended changes as being in the best interest of the Borough.

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 11 "Building and Housing", Section 11-9 "Vacant and Abandoned Properties" shall be amended to read as follows:

§ 11-9 REGISTRATION OF FORECLOSING MORTGAGES AND VACANT PROPERTY.

§ 11-9.1 Purpose and Intent.

It is the purpose and intent of the Council to establish a process to address the deterioration, crime, and decline in value of Borough neighborhoods caused by property with foreclosing or foreclosed mortgages located within the Borough, and to identify, regulate, limit and reduce the number of these properties located within the Borough. It has been determined that owner-occupied structures are generally better maintained when compared to vacant structures, even with a diligent off-site property owner. Vacant structures or structures owned by individuals who are economically strained and unable to meet their mortgage obligations are often not properly or diligently maintained, which contribute to blight, declined property values, and have a negative impact on social perception of the residential areas where they are located. It is the Council's further intent to establish a registration program as a mechanism to help protect neighborhoods from becoming blighted through the lack of adequate maintenance of properties that are in foreclosure or foreclosed, and to provide a mechanism to avert foreclosure actions through timely intervention, education, or counseling of property owners.

§ 11-9.2 Definitions.

The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

CREDITOR

A mortgagee or an agent or assignee of a mortgagee, such as the servicer, who has filed a complaint in the Superior Court seeking to foreclose upon a residential or commercial mortgage. If the entity seeking to foreclose upon the residential or commercial mortgage changes as a result of an assignment, transfer, or otherwise after the filing of the foreclosure complaint in the Superior Court, the new entity shall be deemed the Creditor for purposes of this section. For purposes of this section, a Creditor shall not include the State, a political subdivision of the State, a State, county, or local government entity, or their agent or assignee, such as the servicer.

DEFAULT

Shall mean the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.

ENFORCEMENT OFFICER

Any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person authorized by the Borough to enforce the applicable code(s).

EVIDENCE OF VACANCY

Any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due utility notices and/or disconnected utilities; accumulation of trash junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the

accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passersby, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable code.

FORECLOSURE or FORECLOSURE ACTION

The legal process by which a mortgagee, or other lien holder, terminates or attempts to terminate a property owner's equitable right of redemption to obtain legal and equitable title to the real property pledged as security for a debt or the real property subject to the lien. The legal process is not concluded until the property obtained by the mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

MORTGAGEE

The creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the real property, excluding governmental entities.

OWNER

Every person, entity, or mortgagee, who alone or severally with others, has legal or equitable title to any real property as defined by this section; has legal care, charge, or control of any such property; is in possession or control of any such property; and/or is vested with possession or control of any such property. The property manager shall not be considered the owner.

PROPERTY MANAGER

Any party designated by the owner as responsible for inspecting, maintaining and securing the property as required in this section.

REAL PROPERTY

Any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the Borough limits.

REGISTRABLE PROPERTY

a. Any real property located in the Borough, whether vacant or occupied, that is encumbered by a mortgage subject to an ongoing foreclosure action by the mortgagee or trustee, has been the subject of a foreclosure action by a mortgagee or trustee and a judgment has been entered, or has been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a "foreclosure" property as "registrable" shall remain in place until such time as the property is sold to a nonrelated bona fide purchaser in an arm's length transaction or the foreclosure action has been dismissed; or

b. Any property that is vacant for more than 30 days or any cancellation of utility or service, whichever occurs first.

REGISTRY

A web-based electronic database of searchable real property records, used by the Borough to allow mortgagees and owners the opportunity to register properties and pay applicable fees as required in this section.

RESPONSIBLE PARTY

The title holder of a vacant and abandoned property or a Creditor responsible for the maintenance of a property.

SEMIANNUAL REGISTRATION

Six months from the date of the first action that requires registration, as determined by the Borough, or its designee, and every subsequent six months. The date of the initial registration may be different than the date of the first action that required registration.

STREET ADDRESS

An address at which a natural person who is the Responsible Party or an authorized agent actually resides or actively uses for business purposes, and shall include a street name or rural delivery route.

UTILITIES AND SERVICES

Any utility and/or service that is essential for a building to be habitable and/or perform a service necessary to comply with all Borough codes. This includes, but is not limited to, electrical, gas, water, sewer, lawn maintenance, pool maintenance, and snow removal.

VACANT AND ABANDONED PROPERTY

Any residential or commercial building which is not legally occupied by an owner, a mortgagor or tenant, which is in such condition that it cannot be legally reoccupied, and two or more of the conditions in exist:

- (1) Overgrown or neglected vegetation;
- (2) The accumulation of newspapers, circulars, flyers, or mail on the property;
- (3) Disconnected gas, electric, or water utility services to the property;
- (4) The accumulation of hazardous, noxious, or unhealthy substances or materials on the property;

- (5) The accumulation of junk, litter, trash, or debris on the property;
- (6) The absence of window treatments such as blinds, curtains, or shutters;
- (7) The absence of furnishings and personal items;
- (8) Statements of neighbors, delivery persons, or government employees indicating that the property is vacant and abandoned;
- (9) Windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken, and unrepaired;
- (10) Doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (11) A risk to the health, safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- (12) An uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- (13) The mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
- (14) A written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property; or
- (15) Any other reasonable indicia of abandonment.

§ 11-9.3 Applicability and Jurisdiction.

This section applies to foreclosing, foreclosed, and vacant property within the Borough.

§ 11-9.4 Establishment of Registry.

Pursuant to the provisions of § 11-8.2 the Borough, or its designee, shall establish a registry cataloging each registrable property within the Borough, containing the information required by this section.

§ 11-9.5 Certificate of Registration for Vacant and Abandoned Property

- (a) The Responsible Party for a vacant and abandoned property shall file a certificate of registration with the Clerk of the Borough within 90 days after the property becomes vacant and abandoned or within 30 days after the Responsible Party assumes ownership of or responsibility for an already vacant and abandoned property, whichever is later.
- (b) The certificate of registration shall be filed on forms prescribed by the Clerk and shall contain:
 - (1) the name, street address, and telephone number of a natural person who resides or maintains an office within the State and who is either the responsible party or an authorized agent designated by the Responsible Party to receive notices and complaints of property maintenance and code violations on behalf of the Responsible Party.
 - (2) the name, street address, and telephone number of the person responsible for maintaining the property, if different; and
 - (3) evidence of any liability insurance
- (c) A Responsible Party for a vacant and abandoned property shall file an amended certificate of registration within 30 days after any change in the information required to be included thereon.
- (d) A certificate of registration shall remain valid for one year and shall be renewed on an annual basis if the property remains vacant and abandoned.
- (e) An annual fee of \$250 for a certificate of registration for a vacant and abandoned property shall be paid to the Clerk.
- (f) If there is an outstanding property maintenance or code violation on a vacant and abandoned property that remains unabated at the time of renewal, the Responsible Party shall pay an additional fee of \$500.
- (g) If there is an outstanding property maintenance or code violation on a vacant and abandoned property that remains unabated at the time of a subsequent renewal, the Responsible Party shall pay an additional fee of \$750.

§11-9.6 Duties of Responsible Party

- (a) Forty-five (45) days after the Borough notifies the Responsible Party that the property is vacant and abandoned and until the property is reoccupied, the Responsible Party for a vacant and abandoned property, shall:
 - 1. Enclose and secure the property against unauthorized entry;
 - 2. Post a sign affixed to the inside of the property and visible to the public indicating the name, address, and telephone number of the Responsible Party, any authorized agent designated by the responsible party for the purpose of receiving service of process, and the person responsible for maintaining the property if different
 - 3. Acquire and otherwise maintain liability insurance by procuring a vacancy policy, covering any damage to any person or any property caused by any physical condition of the property.
- (b) This section shall not be construed to diminish any property maintenance responsibilities of property owners who are not subject to the provisions of this section.

§11-9.7 Residential or Commercial Foreclosures

- (a) The Creditor filing a summons and complaint in an action to foreclose shall, in addition to the notice provided to the municipality pursuant to N.J.S.A. 46:10B-51 register the residential or commercial property with the Borough's Property Registration Program as a property in foreclosure.
- (b) Registration as a Property in Foreclosure. The Creditor must provide the municipality with:
 - 1. The information pursuant to §11-9.3(b);
 - 2. The date the summons and complaint in an action to foreclose on a mortgage was filed against the subject property, the court in which it was filed, and the docket number of the filing; and
 - 3. Identify whether the property is vacant and abandoned in accordance with the definition in §11-9.1; and

4. If there is any change in the name, address, or telephone number for a representative, agent, or individual authorized to accept service on behalf of a Creditor required to register pursuant to the Property Registration Program following the filing of the summons and complaint, the Creditor shall update the Property Registration Program within 10 days of the change in that information; and
 5. If there is any change in the property's status, update the property registration with Borough's Property Registration Program to reflect the change; and
 6. If the Creditor is located out-of-State, the information of an in-State representative or agent to act for the foreclosing Creditor.
- (c) The Creditor filing a summons and complaint in an action to foreclose shall be responsible for the care, maintenance, security, and upkeep of the exterior of the property if the property is vacant and abandoned at any time while the property is registered with the Borough's Property Registration Program.
- (d) A foreclosed property is considered vacant and abandoned if it meets the definition of §11-9.1.
- (e) In the case of a violation for failure to provide care, maintenance, security, and upkeep of the exterior of vacant and abandoned property, such notice shall require the person or entity to correct the violation within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety.
- (f) Fees. The Creditor will pay a semi-annual registration fee of:
1. \$500 per property semi-annually for any property that is required to be registered because a summons and complaint in an action to foreclose was filed by the Creditor.
 2. An additional \$1,000 per property semi-annually if the property is vacant or abandoned when the summons and complaint in an action to foreclose is filed or becomes vacant and abandoned pursuant to the definition in the ordinance at any time thereafter while the property is in foreclosure.
 3. The registration fee shall be due by July 31st
- (g) Any fines imposed pursuant to this section shall commence 31 days following receipt of the notice of violation, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.
- (h) Penalties for Out-of-State Creditors. An out-of-State Creditor who fails to appoint an in-State representative or agent after the 10th day of the period set forth in N.J.S.A. 46:10B-51 shall be subject to a fine of \$2,500 for each day of the violation.
- (i) 20% of any money collected pursuant to this section shall be utilized by the municipality for code enforcement purposes.

§11-9.8 Provisions Only Applicable to Commercial Properties

- (a) For the purposes of this section only, "Creditor" means a State chartered bank, savings bank, savings and loan association or credit union, any person required to be licensed under the provisions of the "New Jersey Residential Mortgage Lending Act," 17:11C-51 through N.J.S.A. 17:11C-89, and any entity acting on behalf of the Creditor named in the debt obligation including, but not limited to, servicers. For purposes of this section, a Creditor shall not include the State, a political subdivision of the State, or a State, county, or local government entity, or their agent or assignee, such as the servicer.
- (b) A Creditor serving a summons and complaint in an action to foreclose on a mortgage on commercial property shall, within 10 days of serving the summons and complaint, notify the Borough Clerk and the Mayor that a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property.
- (c) The notice shall contain the full name, address, and telephone number for the representative of the Creditor who is responsible for receiving complaints of property maintenance and code violations and the full name and contact information for any person or entity retained by the Creditor or a representative of the Creditor to be responsible for any care, maintenance, security, or upkeep of the property.
- (d) The notice may contain information about more than one property, and shall be provided by mail and electronic mail communication.
- (e) The Borough Clerk shall forward a copy of the notice to the enforcement officer or shall otherwise provide it to any other local official responsible for administration of any property maintenance or public nuisance code.
- (f) The notice shall also include the street address, lot, and block number of the property.

- (g) If there is any change in the name, address, or telephone number for a representative, agent, or individual authorized to accept service on behalf of a Creditor required to be provided in a notice pursuant to this paragraph following the filing of the summons and complaint, the Creditor shall provide a notice to the Borough Clerk containing the updated name, address, or telephone number within 10 days of the change in that information.
- (h) If the owner of a commercial property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a commercial property becomes vacant at any point subsequent to the Creditor's filing the summons and complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the Creditor or any other third party, and the exterior of the property is found to be a nuisance or in violation of any applicable State or local code, the Clerk shall notify the Creditor or the representative or agent.
- (i) The Borough shall include a description of the conditions that gave rise to the violation with the notice of violation and shall provide a period of not less than 30 days from the Creditor's receipt of the notice for the Creditor to remedy the violation.
- (j) If the Creditor fails to remedy the violation within that time period, the Borough may impose penalties allowed for the violation of municipal ordinances.
- (k) If the Borough expends public funds in order to abate a nuisance or correct a violation on a commercial property in situations in which the Creditor was given notice pursuant to the provisions of subsection (h) of this section but failed to abate the nuisance or correct the violation as directed, the municipality shall have the same recourse against the Creditor as it would have against the title owner of the property, including but not limited to the recourse provided under N.J.S.A. 55:19-100.

§ 11-9.9 Maintenance Requirements.

- a. Properties subject to this section shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items that give the appearance that the property is abandoned.
- b. Registrable property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- c. Front, side, and rear yards, including landscaping, of registrable property shall be maintained in accordance with the applicable code(s) at the time registration is required.
- d. Registrable yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- e. Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- f. Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- g. Failure of the mortgagee, owner, and transferees to properly maintain the property as required by this section may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable code of the Borough. Pursuant to a finding and determination by the Borough Sheriff, Magistrate or a court of competent jurisdiction, the Borough may take the necessary action to ensure compliance with this section.
- h. In addition to the above, the property is required to be maintained in accordance with the applicable code(s) of the Borough.

§ 11-9.10 Security Requirements.

- a. Properties subject to these sections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- b. A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by re-glazing of the window.
- c. If a property is registrable, and the property has become vacant or blighted, a property manager shall be designated by the mortgagee and/or owner to perform the work necessary to bring the property into compliance with the applicable code(s), and the property manager must perform regular inspections to verify compliance with the requirements of this section, and any other applicable laws.
- d. In addition to the above, the property is required to be secured in accordance with the applicable code(s) of the Borough.
- e. When a property subject to this section becomes vacant, it shall be posted with the name and twenty-four-hour contact telephone number of the property manager. The property manager shall be available to be contacted by the Borough Monday through Friday between 9:00 a.m. and 5:00 p.m., legal holidays excepted. The sign shall be placed in a window facing the street and shall be visible from the street. The posting shall be no less than 18 inches by 24 inches and shall be of a

font that is legible from a distance of 45 feet. The posting shall contain the following language with supporting information:

THIS PROPERTY IS MANAGED BY
AND IS INSPECTED ON A REGULAR BASIS.
THE PROPERTY MANAGER CAN BE CONTACTED
BY TELEPHONE AT
OR BY EMAIL AT

- f. The posting required in Subsection e above shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street, or if no such area exists, on a stake of sufficient size to support the posting in a location that is at all times visible from the street to the front of the property but not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials.
- g. Failure of the mortgagee and/or property owner of record to properly inspect and secure a property subject to this section, and post and maintain the signage noted in this section, is a violation and shall be subject to enforcement by any of the enforcement means available to the Borough. The Borough may take the necessary action to ensure compliance with this section, and recover costs and expenses in support thereof.

§ 11-9.11 Provisions Supplemental.

The provisions of this section are cumulative with and in addition to other available remedies. Nothing contained in this section shall prohibit the Borough from collecting on fees, fines, and penalties in any lawful manner; or enforcing its codes by any other means, including, but not limited to, injunction, abatement, or as otherwise provided by law or ordinance.

§ 11-9.12 Public Nuisance.

All registrable property is at risk of being a public nuisance and if vacant or blighted can constitute a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of the Borough.

§ 11-9.13 Additional Authority.

- a. If the enforcement officer has reason to believe that a property subject to the provisions of this section is posing a serious threat to the public health, safety, and welfare, the code enforcement officer may temporarily secure the property at the expense of the mortgagee or owner, and may bring the violations before the code enforcement, Council or special magistrate as soon as possible to address the conditions of the property. Nothing herein shall limit the Borough from abating any nuisance or unsafe condition by any other legal means available to it.
- b. The Sheriff, code enforcement, Council or special magistrate shall have the authority to require the mortgagee or owner affected by this section to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- c. If there is a finding that the condition of the property is posing a serious threat to the public health, safety, and welfare, then the Sheriff, code enforcement, Council or special magistrate may direct the Borough to abate the violations and charge the mortgagee or owner with the cost of the abatement.
- d. If the mortgagee or owner does not reimburse the Borough for the cost of temporarily securing the property, or of any abatement directed by the Sheriff, code enforcement officer, code enforcement, Council or special magistrate, within 30 days of the Borough sending the mortgagee or owner the invoice then the Borough may lien the property with such cost, along with an administrative fee as determined in the Borough's fee ordinance to recover the administrative personnel services. In addition to filing a lien the Borough may pursue financial penalties against the mortgagee or owner.
- e. The Borough may contract with an entity to implement this section, and, if so, any reference to the enforcement officer herein shall include the entity the Borough contract with for that purpose.

§ 11-9.14 Opposing, Obstructing Enforcement Officer; Penalty.

Whoever opposes obstructs or resists any Enforcement Officer or any person authorized by the enforcement office in the discharge of duties as provided in this section shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

§ 11-9.15 Immunity of Enforcement Officer.

Any Enforcement Officer or any person authorized by the Borough to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed by this section.

§ 11-9.16 Penalties.

- (a) Unless otherwise provided for in this section, a violation of this section is declared unlawful.

- (b) A Responsible Party that violates any provision of this section or any ordinance adopted pursuant hereto, shall be liable to a penalty of not less than \$500 and not more than \$1,000; which penalty may continue to be imposed and collected.

Each day that a violation continues shall constitute an additional, separate, and distinct offense.

§ 11-9.17 Amendments.

Registration fees and penalties outlined in this section may be modified by resolution, administrative order, or an amendment to this section, passed and adopted by the Council.

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 Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Public Hearing:

At this time YAZDI made a motion to open the Public Hearing for comment; seconded by GRAZIANO and carried on a voice vote all voting AYE. Since there was no one who wished to speak HUDSON made a motion to close the public hearing; motion was seconded by YAZDI and carried on voice vote all members voting AYE; none were opposed.

Adoption:

YAZDI made motion for adoption; the motion was seconded by HUDSON and carried per the following roll call vote: JUHLIN (YES), SCHUBERT (YES), YAZDI (YES), CATALANO (YES), GRAZIANO (YES), HUDSON (YES)

E. Second/Final Reading & Public Hearing:

Ordinance No. 19-2022: Various Capital Improvements

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

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

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO. 19-2022
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

ORDINANCE APPROPRIATING \$261,000.00 AVAILABLE FROM THE GENERAL CAPITAL RESERVE FUND AND \$60,000.00 FROM THE COUNTY OF PASSAIC CDBG GRANT TO PROVIDE FOR VARIOUS IMPROVEMENTS DESCRIBED HEREIN IN AND BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY AS FOLLOWS:

Section 1. \$60,000.00 is available from the County of Passaic CDBG Grant and \$261,000.00 is available from the Capital Reserve Fund to provide for the following purposes:

<u>Description of Purpose</u>	<u>Amount</u>
Senior Pavilion and Path Project	\$ 130,000.00
Police and Fire Department Equipment	\$ 31,000.00

Department of Public Works Equipment	\$135,000.00
Improvements to Borough Facilities	\$ 25,000.00
TOTAL:	\$ 321,000.00

Section 2. The capital budget of the Borough of Bloomingdale is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith.

Section 3. This ordinance shall take effect ten days after final publication hereof as provided by N.J.S.A. 40:49-9.

Public Hearing:

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

Linda Huntley, 86 Van Dam Avenue, Bloomingdale:

Made the following inquires:

- Police/Fire Dept Equipment
- DPW Equipment
- Improvements to Borough Facilities
- Life expectancy of the equipment to be purchased

Since there was no one who wished to speak HUDSON made a motion to close the public hearing; motion was seconded by CATALANO and carried on voice vote all members voting AYE; none were opposed.

Adoption:

YAZDI made motion for adoption; the motion was seconded by HUDSON and carried per the following roll call vote: SCHUBERT (YES), YAZDI (YES), CATALANO (YES), GRAZIANO (YES), HUDSON (YES), JUHLIN (YES)

INTRODUCTION OF NEW BUSINESS:

A. Adoption of Resolution No. 2022-8.16: Payment of Municipal Obligations

Motion: Ray Yazdi

Second: John Graziano

Roll Call Vote: YAZDI (YES), CATALANO (YES), GRAZIANO (YES), HUDSON (YES), JUHLIN (YES), SCHUBERT (YES)

B. Adoption of Resolution No. 2022-8.17: Authorizing Site Work / Restoration of Woodlot Road Retention Basin (DMK Services, LLC)

Motion: Ray Yazdi

Second: John Graziano

Council Discussion: At some point the Borough took ownership of this land/retention basin. DPW was not aware this was Borough property therefore it hadn't been maintained. Once these services are performed as recommended by the Borough Engineer, the DPW will maintain the retention basin.

Roll Call Vote: CATALANO (YES), GRAZIANO (YES), HUDSON (YES), JUHLIN (YES), SCHUBERT (YES), YAZDI (YES)

C. Adoption of Resolution No. 2022-8.18: Authorizing Purchase of DPW Mechanical Lifts (State Contract)

Motion: Dawn Hudson

Second: Ray Yazdi

Council Discussion: Graziano inquired as to the need of this purpose. The Borough mechanics service the garbage trucks, the fire trucks & other towns vehicles. The current lifts don't have the capacity to lift these vehicles. The lifts are necessary to assist in the daily operations of the DPW mechanics. It's a vital instrument to fulfill these services. The lifts allow more of a height clearance & are desirable for safety. These will allow the mechanics to work on multiple

vehicles at the same time allowing for more efficiency. Confirmation this is a set of 4. Members were encouraged to visit the DPW garage and see the necessity themselves [in person].

Roll Call Vote: GRAZIANO (NO), HUDSON (YES), JUHLIN (YES), SCHUBERT (YES), YAZDI (YES), CATALANO (YES)

D. Introduction of Bond Ordinance No. 21-2022: Special Assessment (Hilltop Terrace Sidewalks)

A motion was made by YAZDI to introduce the Ordinance by title; second and final reading/ public hearing will be on September 6, 2022 at 7PM; the motion was seconded by GRAZIANO and carried on the following voice vote: all members present voting AYE, in favor; none were opposed.

The Municipal Clerk read by Title:

BOND ORDINANCE PROVIDING FOR SIDEWALK IMPROVEMENTS ALONG THE ENTIRE LENGTH OF HILLTOP TERRACE, IN AND BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY; APPROPRIATING \$275,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$261,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF AND THE SPECIAL ASSESSMENT OF THE COST THEREOF

E. Introduction of Ordinance No. 22-2022: Amend Ch. 2 (Class III Officer)

A motion was made by HUDSON to introduce the Ordinance by title; second and final reading/ public hearing will be on September 6, 2022 at 7PM; the motion was seconded by YAZDI and carried on the following voice vote: all members present voting AYE, in favor; none were opposed.

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 2 “ADMINISTRATION”, ARTICLE V “DEPARTMENTS ESTABLISHED” TO ADD SECTION 2-43 “SPECIAL LAW ENFORCEMENT OFFICER CLASS III” TO THE CODE OF THE BOROUGH OF BLOOMINGDALE

Council Discussion: Councilman Juhlin on the timeline of hiring a Class III officer. The intention is to have someone start by October of this year.

F. Introduction of Ordinance No. 23-2022: Amend Salary Ordinance (Class III Officer)

A motion was made by HUDSON to introduce the Ordinance by title; second and final reading/ public hearing will be on September 6, 2022 at 7PM; the motion was seconded by YAZDI and carried on the following voice vote: all members present voting AYE, in favor; none were opposed.

The Municipal Clerk read by Title:

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING ORDINANCE 1-2022 “AN ORDINANCE ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY AND COMPENSATION FOR CATEGORIES AND TITLES OF OFFICERS, NON-CONTRACTUAL EMPLOYEES AND CONTRACTUAL EMPLOYEES OF THE BOROUGH OF BLOOMINGDALE” TO INCLUDE THE SLEO CLASS III POSITION

LATE PUBLIC COMMENT:

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

Brian Spellman, 103 Natalie Court, Bloomingdale
made the following inquires:

- Suggested the Borough needs 6 [mechanical] lifts [as opposed to 4] & the floor of the DPW garage be checked to see if it can handle the weight of the lifts
- Woodlot retention basin & fencing, confirmation DPW will maintain
- Weeds at Sloan Park

Since there was no one else who wished to speak YAZDI moved that it be closed; second by HUDSON and carried on voice vote all members voting (AYE), none were opposed.

GOVERNING BODY SCHEDULE

- A. Workshop Meeting – September 6, 2022 7PM**
- B. Sloan Park Festival – September 9, 2022**
- C. Candlelight Walk – September 11, 2022 7PM (Butler)**
- D. Regular Meeting – September 20, 2022 7PM**

ADJOURNMENT:

Since there was no further business to be conducted, HUDSON moved to adjourn at 8:02PM; seconded by YAZDI and carried on voice vote with all Council Members voting AYE.

Breeanna Smith, RMC
Municipal Clerk

AUGUST 16, 2022 RESOLUTIONS

**RESOLUTION NO. 2022-8.2
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**DECLARING AN EMERGENCY – FOR PURPOSES OF AWARDING A
CONTRACT(S) FOR IMMEDIATE REPAIRS OF WATER MAIN BREAKS ON
RAFKIND ROAD**

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares an emergency situation has developed with water main breaks on Rafkind Road; 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;

WHEREAS, the Governing Body further finds and declares that the Department of Public Works, has appropriately recommended that the water main repairs be remedied through the award to the following vendors:

**Barret Construction
Capitol Supply Construction
Bob Tuit Paving & Landscaping
FSC Leak Detection, Inc.**

WHEREAS, the emergency costs are not exceed \$10,100.00 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 the completion of the water main repairs on Rafkind Road as soon as possible and does hereby award said project to the entities mentioned above.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Juhlin	X			
Graziano	X				Schubert	X			
Hudson	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 August 16, 2022.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2022-8.3
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**DECLARING AN EMERGENCY – FOR PURPOSES OF AWARDING A CONTRACT(S)
FOR IMMEDIATE REPAIRS OF PUMP LINE AT THE NATALIE COURT PUMP
STATION**

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares an emergency situation has developed with the lines at the Natalie Court pump station; 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;

WHEREAS, the Governing Body further finds and declares that the Department of Public Works, has appropriately recommended that the pump line repairs be remedied through the award to the following vendors:

**Barret Construction
Capitol Supply Construction
Bob Tuit Paving & Landscaping
FSC Leak Detection, Inc.**

WHEREAS, the emergency costs are not exceed \$4,800.00 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 the completion of the pump line repairs at Natalie Court pump station as soon as possible and does hereby award said project to the entities mentioned above.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Juhlin	X			
Graziano	X				Schubert	X			
Hudson	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 August 16, 2022.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2022-8.4
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**DECLARING AN EMERGENCY – FOR PURPOSES OF AWARDING A
CONTRACT(S) FOR IMMEDIATE REPAIRS OF A WATER MAIN BREAK ON
VREELAND AVENUE**

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares an emergency situation has developed with a water main break on Vreeland Avenue; 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;

WHEREAS, the Governing Body further finds and declares that the Department of Public Works, has appropriately recommended that the water main repairs be remedied through the award to the following vendors:

**Barret Construction
David Zuidema**

WHEREAS, the emergency costs are not exceed \$4,980.00 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 the completion

of the water main repairs on Vreeland Avenue as soon as possible and does hereby award said project to the entities mentioned above.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Juhlin	X			
Graziano	X				Schubert	X			
Hudson	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 August 16, 2022.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2022-8.5
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED
STATE CONTRACT VENDORS FOR CONTRACTING UNITS
PURSUANT TO N.J.S.A. 40A:11-12a**

WHEREAS, the Borough of Bloomingdale, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Borough of Bloomingdale has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Borough of Bloomingdale intends to enter into contracts with the attached Referenced State Contract Vendors through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts;

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Bloomingdale authorizes the Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors on the attached list, pursuant to all conditions of the individual State contracts; and

BE IT FURTHER RESOLVED, that the governing body of the Borough of Bloomingdale pursuant to N.J.A.C. 5:30-5.5(b), the Chief Financial has certified the availability of funds in the annexed certification in an amount not to exceed \$10,000.00; and

BE IT FURTHER RESOLVED, that the duration of the contracts between the Borough of Bloomingdale and the Referenced State Contract Vendors shall be from January 1, 2022 to December 31, 2022.

Referenced State Contract Vendors

<u>Commodity/Service</u>	<u>Vendor</u>	<u>State Contract #</u>
Tires	Tire Tech & Auto Repair Center Oakland, NJ 07436	T-Number: M80000 13-r- 22770

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Juhlin	X			
Graziano	X				Schubert	X			
Hudson	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 August 16, 2022.

 Breeanna Smith, RMC
 Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2022-8.6
 OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**AUTHORIZING THE BOROUGH TO GO OUT FOR PUBLIC BID FOR THE
 SENIOR PAVILION PROJECT**

WHEREAS, the Borough of Bloomingdale has received a grant award from the Passaic County FY2021 Community Development Block Grant (CDBG) for the construction of the Bloomingdale Senior Center Pavilion project in the amount of \$60,000.00; and

WHEREAS, the Mayor, Borough Administrator, and Finance Department recommend the Borough Engineer, Thomas Boorady, proceed with the bidding process of the aforementioned project; and

WHEREAS, the Municipal Clerk will give notice that sealed proposals will be received by the Borough at fixed date and time to be determined; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize the Mayor, Borough Administrator, Borough Engineer and the Municipal Clerk to move forward with the public bidding process as it relates to the construction of the Bloomingdale Senior Center Pavilion project;

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

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Juhlin	X			
Graziano	X				Schubert	X			
Hudson	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 August 16, 2022.

 Breeanna Smith, RMC
 Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2022-8.7
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**AUTHORIZING THE BOROUGH TO GO OUT FOR PUBLIC BID FOR THE
MA-2022-ORCHARD STREET PROJECT**

WHEREAS, the Borough of Bloomingdale has received a grant award from the New Jersey Department of Transportation (NJDOT) Fiscal Year 2022 Municipal Aid Program for the roadway preservation of Orchard Street in the amount of \$274,541.00; and

WHEREAS, the Mayor, Borough Administrator, and Finance Department recommend the Borough Engineer, Thomas Boorady, proceed with the bidding process of the aforementioned project; and

WHEREAS, the Municipal Clerk will give notice that sealed proposals will be received by the Borough at fixed date and time to be determined; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize the Mayor, Borough Administrator, Borough Engineer and the Municipal Clerk to move forward with the public bidding process as it relates to the roadway preservation of Orchard Street project;

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

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Juhlin	X			
Graziano	X				Schubert	X			
Hudson	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 August 16, 2022.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2022-8.8
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**AUTHORIZING THE BOROUGH TO GO OUT FOR PUBLIC BID FOR THE
REPLACEMENT OF WATER MAIN VALVES**

WHEREAS, the Borough of Bloomingdale has received a grant award from the Passaic County FY2020 Community Development Block Grant (CDBG) to support the replacement of water main valves at the intersections of Reeve Avenue & Leary Avenue in the amount of \$65,000.00; and

WHEREAS, the Mayor, Borough Administrator, and Finance Department recommend the Borough Engineer, Thomas Boorady, proceed with the bidding process of the aforementioned project; and

WHEREAS, the Municipal Clerk will give notice that sealed proposals will be received by the Borough at fixed date and time to be determined; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize the Mayor, Borough Administrator, Borough Engineer and the Municipal Clerk to move forward with the public bidding process as it relates to the replacement of water main valves at the intersections of Reeve Avenue & Leary Avenue project;

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

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Juhlin	X			
Graziano	X				Schubert	X			
Hudson	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 August 16, 2022.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2022-8.9
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Authorizing Hiring of Part-time Shelter Help in the Animal Control Department

WHEREAS, there is a need to hire part-time help for the Animal Shelter;

WHEREAS, Lisa Perry, the Animal Control Director has determined that Jenna Halaw is qualified for this position, and

NOW THEREFORE, BE IT RESOLVED that Jenna Halaw be hired as part-time Animal Shelter Staff at a salary of \$15.00 per hour, not to exceed 28 hours/week to begin on or about August 16, 2022.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Juhlin	X			
Graziano	X				Schubert	X			
Hudson	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 August 16, 2022.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2022-8.10
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**RENEWAL OF MEMBERSHIP IN THE MORRIS COUNTY
MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the Morris County Municipal Joint Insurance Fund (hereinafter the Fund) is a duly chartered Municipal Insurance Fund as authorized by NJSA 40A:10-36 et seq., and;

WHEREAS, the Borough of Bloomingdale is currently a member of said fund; and

WHEREAS, said membership terminates as of December 31, 2022, unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the municipality desires to renew said membership;

NOW THEREFORE, BE IT RESOLVED:

1. **Bloomingdale Borough** agrees to renew its membership in the Morris County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules, and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.

- The Governing Body shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Morris County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Juhlin	X			
Graziano	X				Schubert	X			
Hudson	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 August 16, 2022.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

AGREEMENT TO RENEW MEMBERSHIP IN THE MORRIS COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Morris County Municipal Joint Insurance Fund (hereinafter the Fund) is a duly chartered Municipal Insurance Fund as authorized by NJSA 40A:10-36 et seq., and;

WHEREAS, is currently a member of said Fund, and;

WHEREAS, effective December 31, 2022, said membership will expire unless earlier renewed, and;

WHEREAS, the Governing Body of **Bloomingdale Borough** has resolved to renew said membership;

NOW THEREFORE, it is agreed as follows:

- Bloomingdale Borough** hereby renews its membership in the Morris County Municipal Joint Insurance Fund for a three (3) year period, beginning January 1, 2023 and ending January 1, 2026*.
- Bloomingdale Borough** hereby ratifies and reaffirms the Indemnity and Trust Agreement, Bylaws and other organizational and operational documents of the Morris County Municipal Joint Insurance Fund as from time to time amended and altered by the Department of Banking and Insurance in accordance with the Applicable Statutes and administrative regulations as if each and every one of said documents were re-executed contemporaneously herewith.
- Bloomingdale Borough** agrees to be a participating member of the Fund for the period herein provided for and to comply with all of the rules and regulations and obligations associated with said membership.

*12:01 am

- In consideration of the continuing membership of **Bloomingdale Borough** in the Morris County Municipal Joint Insurance Fund agrees, subject to the continuing approval of the Commissioner of Insurance, to accept the renewal application of **Bloomingdale Borough**.
- Executed the _____ day of _____, 2022 as the lawful and binding act and deed of **Bloomingdale Borough**, which execution has been duly authorized by public vote of the governing body.

MAYOR

DATE

ATTEST

MORRIS COUNTY MUNICIPAL JOINT
INSURANCE FUND

**RESOLUTION NO. 2022-8.11
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**Resolution Requesting Approval of Items of Revenue and Appropriations
Pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948)
*2022 Clean Communities 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 when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; 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 2022 Municipal Budget an item of revenue based upon a grant secured by the Borough from the State of New Jersey;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale in the County of Passaic, New Jersey, hereby requests that the Director of the Division of Local Government Services, approve the insertion of an item of revenue into the Borough’s 2022 Municipal Budget in the sum of **\$15,565.32**, which item is now available from the NJDEP Clean Communities Grant Funding; and

BE IT FURTHER RESOLVED that a like sum of **\$15,565.32** be and the same is hereby appropriated under the caption:

*Public and Private Revenues Offset with Appropriations
2022 NJ Clean Communities 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.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Juhlin	X			
Graziano	X				Schubert	X			
Hudson	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 August 16, 2022.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2022-8.12
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**Resolution Requesting Approval of Items of Revenue and Appropriations
Pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948)
*2022 Drive Sober or Get Pulled Over - Labor Day Crackdown***

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 when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; 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 2022 Municipal Budget an item of revenue based upon a grant secured by the Borough from the State of New Jersey;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale in the County of Passaic, New Jersey, hereby requests that the Director of the Division of Local Government Services, approve the insertion of an item of revenue into the Borough's 2022 Municipal Budget in the sum of **\$7,000.00**, which item is now available from the State of New Jersey Grant Funding; and

BE IT FURTHER RESOLVED that a like sum of **\$7,000.00** be and the same is hereby appropriated under the caption:

*Public and Private Revenues Offset with Appropriations
2022 Drive Sober or Get Pulled Over
Labor Day Crackdown*

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

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Juhlin	X			
Graziano	X				Schubert	X			
Hudson	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 August 16, 2022.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2022-8.13
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

*Resolution of the Borough of Bloomingdale, County of Passaic and State of New Jersey,
Authorizing a Garage Sale at the Senior Center*

WHEREAS, section 92-26.3 (Signs) and section 2-80 (Fees) of the Borough Code provides for garage sales within the Borough and regulations and fees; and

WHEREAS, the Bloomingdale Senior Center will hold a garage sale on October 1, 2022 (rain date of Sunday 10/2/2022) in the Senior Center Parking Lot, and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby permit the Bloomingdale Senior Center to hold a garage sale on Saturday, October 1, 2022 (rain date Sunday 10/2/2022); and

BE IT FURTHER RESOLVED the Borough Council does hereby authorize the Municipal Clerk to waive the licensing and sign fees for these dates.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Juhlin	X			
Graziano	X				Schubert	X			
Hudson	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 August 16, 2022.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2022-8.14
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Resolution Approving the Corrective Action Plan for 2021

WHEREAS, all municipalities operating under the Local Fiscal Affairs Law must prepare and submit a Corrective Action Plan as part of their annual audit process; and

WHEREAS, the Borough of Bloomingdale has by Resolution accepted the 2021 audit as prepared and presented by the Borough Auditors; and

WHEREAS, Donna M. Mollineaux, the Chief Financial Officer for the Borough of Bloomingdale has prepared a Corrective Action Plan to address the findings and recommendations in the 2021 audit report, including state, federal, and general findings as well as the status of all prior year findings and recommendations; and

WHEREAS, copies of same have been presented to the Mayor and Council;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby approve the attached hereto, Corrective Action Plan for the 2021 Audit Report, as prepared and recommended by the Chief Financial Officer, and direct the appropriate municipal officials to undertake its immediate implementation. The Municipal Clerk is hereby directed to submit the approved Corrective Action Plan to the Division of Local Government Services.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Juhlin	X			
Graziano	X				Schubert	X			
Hudson	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 August 16, 2022.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**CORRECTIVE ACTION PLAN 2021
Borough of Bloomingdale
Passaic County, NJ**

1. RECOMMENDATION- That departmental collection procedures be reviewed for the Animal Control, and the Senior Citizen to ensure compliance with deposit provisions of N.J.S.A. 40A:5-15.

CORRECTIVE ACTION- The Assistant to the CFO and the CFO will continue to work with the departments for compliance.

RESPONSIBILITY OF THE ACO AND SENIOR CITIZEN, THE FINANCE OFFICE

IMPLEMENTATION DATE: Immediately and ongoing

2. RECOMMENDATION- That the date of collection by the Senior Citizen Center be posted in the cash receipts books and that all applications for senior citizen trips be available for audit review.

- That all fees collected by the Senior Citizen Center be identified as to source in the cash receipts book.
- That applications for senior citizen trips be available for audit review.

CORRECTIVE ACTION- We will meet with the Senior Citizen Coordinator and review the cash receipts book and the Assistant CFO will follow up on a monthly basis.

RESPONSIBILITY OF THE SENIOR CITIZEN COORDINATOR AND THE FINANCE OFFICE

IMPLEMENTATION DATE: Immediately and Ongoing

3. RECOMMENDATION- That the general ledger establish and maintain control accounts for taxes receivable.

CORRECTIVE ACTION- The CFO will work with the Tax Collector for proper reporting and posting to ensure compliance.

RESPONSIBILITY OF THE TAX COLLECTOR AND CFO

IMPLEMENTATION DATE: Ongoing

4. RECOMMENDATION- That certain Federal and State Grants be reviewed and appropriate action taken as to their disposition.

CORRECTIVE ACTION- The Finance Office has been and will continue to dispose of aged grants receivable and reserves.

RESPONSIBILITY OF THE FINANCE DEPARTMENT

IMPLEMENTATION DATE: Ongoing

**RESOLUTION NO. 2022-8.15
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Authorizing Municipal Court to Receive Uncashed Refunds

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) has been advised by Municipal Court Administrator, Lachelle Lenoir (“Court Administrator”) in a August 9, 2022 Memorandum to Business Administrator, Mike Sondermeyer, that certain refunds issued by the Bloomingdale Municipal Court (“Court”) have remained uncashed for a period exceeding six months; and

WHEREAS, the Governing Body finds and declares that it is in the best interests of the citizens of the Borough and of the Court to implement the recommendation of the Court Administrator and Business Administrator, that the Court should be authorized to receive these refunds so that they may be disbursed from the Court’s General Account and Bail Account;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale that the Bloomingdale Municipal court be and is hereby authorized to receive the refunds identified in the Municipal Court Administrator’s August 9, 2022 Memorandum to the Business Administrator so that they may be disbursed from the following Accounts:

Municipal Court General Account:

Check #:	Date Issued:	Amount:	Payee:
3757	12/09/2021	\$75.00	Mohammed Abudaya

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Juhlin	X			
Graziano	X				Schubert	X			
Hudson	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 August 16, 2022.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2022-8.16
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

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;

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:

<u>BILLS LIST</u>		<u>PREPAID</u>	
<u>LIST</u>			
CURRENT		CURRENT	
UTILITY	\$3,549,304.12	UTILITY	
CAPITAL	\$69,101.60	OPEN SPACE	
CAPITAL UTILITY	\$132,634.04	TRUST ACCOUNT	\$0.00
TRUST	\$15,222.72	RECYCLING	\$0.00
DOG TRUST	\$6,327.77	DOG TRUST	
RECREATION	\$1,966.41	UNEMPLOYMENT	\$0.00
ROSE FUND	\$7,268.17	CAPITAL	
RECYCLING	\$6,922.50	WATER CAPITAL	
UNEMPLOYMENT	\$0.00	RECREATION	\$0.00
AFFORDABLE HOUSING	\$89.00	CAPITAL ASSESSMENT	\$0.00
TOTAL	\$0.00	TOTAL	
	\$3,788,836.33		\$0.00

Record of Council Vote on Passage \$0.00

COUNCILPERSON	AYE	NAY	Abstain	Absent	COUNCILPERSON	AYE	NAY	Abstain	Absent
Hudson	X				Schubert	X			
Catalano	X				Graziano	X			
Juhlin	X				Yazdi	X			

recusals are listed in the official minutes

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 Tuesday, August 16, 2022.

Breeanna Smith, R.M.C.
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2022-8.17
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 DMK SERVICES, LLC TO PROVIDE SITE WORK & RESTORATION SERVICES FOR THE BOROUGH

WHEREAS, there exists a need for professional site work services to be rendered to the Borough of Bloomingdale in connection with the Woodlot Road retention basin restoration and 51; and

WHEREAS, the Borough wishes to retain DMK Services, LLC to perform such services; and

WHEREAS, the maximum amount for services under this contract shall not exceed \$39,000.00; and

WHEREAS, funds are available for this purpose as certified by the Chief Financial Officer in the annexed certification of funds; 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 DMK Services, LLC 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. DMK Services, LLC shall provide professional surveying services to the Borough as set forth in its estimate of July 14, 2022.

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 DMK Services, LLC, 80 Schuyler Avenue, Pompton Lakes, New Jersey 07442, for their information and guidance.

This Resolution shall take effect immediately.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Juhlin	X			
Graziano	X				Schubert	X			
Hudson	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 August 16, 2022.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2022-8.18
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED
STATE CONTRACT VENDORS FOR CONTRACTING UNITS
PURSUANT TO N.J.S.A. 40A:11-12a**

WHEREAS, the Borough of Bloomingdale, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Borough of Bloomingdale has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Borough of Bloomingdale intends to enter into contracts with the attached Referenced State Contract Vendors through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts;

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Bloomingdale authorizes the Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors on the attached list, pursuant to all conditions of the individual State contracts; and

BE IT FURTHER RESOLVED, that the governing body of the Borough of Bloomingdale pursuant to N.J.A.C. 5:30-5.5(b), the Chief Financial has certified the availability of funds in the annexed certification in an amount not to exceed \$75,000.00; and

BE IT FURTHER RESOLVED, that the duration of the contracts between the Borough of Bloomingdale and the Referenced State Contract Vendors shall be from January 1, 2022 to December 31, 2022.

Referenced State Contract Vendors

<u>Commodity/Service</u>	<u>Vendor</u>	<u>State Contract #</u>
DPW Vehicle Lifts	Hoffman Services Inc. 55-57 East Bigelow Street Newark, NJ 07114	22-FLEET- 01984

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Juhlin	X			
Graziano		X			Schubert	X			
Hudson	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 August 16, 2022.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale