

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

September 3, 2019

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

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

Roll Call:

In Attendance:

Mayor Jonathan Dunleavy
Councilman Anthony Costa
Councilman John D'Amato
Councilman Richard Dellaripa
Councilwoman Dawn Hudson
Councilman Michael Sondermeyer
Councilman Ray Yazdi
Municipal Clerk, Breeanna Calabro
Borough Attorney, Fred Semrau, Esq.

PUBLIC NOTICE STATEMENT

Mayor Dunleavy stated that adequate notice of this meeting was advertised in the Herald News on December 23, 2018; 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.

PRESENTATIONS:

A. Swearing in of Municipal Judge – Dana D'Angelo

Dana has been with the Boro for 25 years serving as Public Defender. He was sworn by Superior Court Judge Joseph Portelli & joined by his family. He is to fill the unexpired three year term effective September 1, 2019 expiring December 31, 2021.

B. Swearing in of Public Defender – David Amadio

David, a Bloomingdale resident, was sworn in by Municipal Judge D'Angelo & joined by his family. He is to fill the unexpired one year term effective September 1, 2019 expiring December 31, 2019.

Recess: 7:17PM

Resume: 7:21PM

EARLY EXECUTIVE SESSION: N/A

NON-AGENDA ITEMS:

- **Resolution No. 2019-9.7:** Predevelopment Agreement with M&T Realty Partners

EARLY PUBLIC COMMENT:

Motion was made by SONDERMEYER to open the meeting for public comment; seconded by DELLARIPA and carried per voice vote all members voting AYE.

- **Robert Flynn – 30 Elm Street**

Introduced himself to council - JCP&L Regional Consultant for Bloomingdale areas – Kampfe Lake & Snake Den Road

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

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

- *No reports given*

RESOLUTION NO. 2019-9.1 CONSENT AGENDA

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

**RESOLUTION NO. 2019-9.1
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

*Accepting, Approving and/or Adopting the Consent Agenda of the
September 3, 2019 Regular Meeting*

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

THEREFORE BE IT RESOLVED, that the following resolutions, placed on this agenda by consent, require no discussion and the same having been previously reviewed by each Governing Body member, be and are hereby adopted in their entirety by the Mayor and Council of the Borough of Bloomingdale.

- A. **Resolution No. 2019-9.2:** Declaring an Emergency (Glenwild Ave)
- B. **Resolution No. 2019-9.3:** Appointing C. Walthour to OEM & Ordinance Review
- C. **Resolution No. 2019-9.4:** Paid Sick Leave for Borough Employee
- D. **Resolution No. 2019-9.5:** Extend Temporary Appointment of Fire Subcode Official

Discussion:

Resolution 2019-8.8 will be pulled from the consent agenda. The council will not take action. Per Borough Attorney, Buy Board National Cooperative does not following the proper bidding procedure for their vendors which is required in order for the Borough to use this co-op. The Borough will not be joining.

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

Consent Agenda Resolutions:

**RESOLUTION NO. 2019-9.2
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**DECLARING AN EMERGENCY – FOR PURPOSES OF AWARDING A CONTRACT
FOR EMERGENCY WATER MAIN REPAIRS ON GLENWILD AVE**

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

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 Utility Department, 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 Utility Department, has correctly recommended that the aforementioned water main repairs be remedied through the award to the following:

**Barrett Construction
Advanced Plumbing and Drain**

WHEREAS, the emergency costs are not exceed \$4,325 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 as soon as possible and does hereby award said project to the entities mentioned above.

**RESOLUTION NO. 2019-9.3
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Resolution of the Borough of Bloomingdale, County of Passaic and State of New Jersey, Appointing Chris Walthour to Local Emergency Planning Council & Ordinance Review Committee

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale hereby appoints Chris Walthour to the following boards effective September 3, 2019:

Local Emergency Plan Council	Term Expiring December 31, 2019
Ordinance Review Committee	Term Expiring December 31, 2019

**RESOLUTION NO. 2019-9.4
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE
Granting Paid Sick Leave to Borough Employee**

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

WHEREAS, the Governing Body further finds and declares that the Employee will be out of work on paid sick leave as of September 4, 2019 and

WHEREAS, the Governing Body further finds and declares that the Employee has sick leave days accrued that could be used for salary compensation during the duration of his paid sick leave;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby grant paid sick leave to Borough Employee, Paul Halkias, during the period of September 4, 2019 through November 1, 2019; and

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

**RESOLUTION NO. 2019-9.5
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Authorizing Extended Appointment of a Temporary Fire Sub Code Official

WHEREAS, there exists a need for a temporary Fire Sub Code Official for the Borough of Bloomingdale;

NOW BE IT RESOLVED, that Thomas Dillion's temporary appointment be extended from September 4, 2019 through October 8, 2019.

NEW BUSINESS:

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

**RESOLUTION NO. 2019-9.6
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**A RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF
BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY
AUTHORIZING THE SALE OF CERTAIN LANDS AND PROPERTIES WHICH ARE
NO LONGER NEEDED FOR PUBLIC USE BY THE BOROUGH**

WHEREAS, the Borough of Bloomingdale is the owner of certain lands and premises within the Borough of Bloomingdale identified as Block 5105 Lot 16 and depicted on Schedule A attached hereto; and

WHEREAS, the Mayor and Borough Council of Bloomingdale does hereby determine that the said lands and properties set forth in Schedule A are no longer needed for public use; and

WHEREAS, the Borough of Bloomingdale desires to make available for public sale lands, with the right of prior refusal to be afforded to adjacent property owners pursuant to N.J.S.A. 40A:12-13.2.

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

1. The Borough of Bloomingdale hereby declares that the lands and premises set forth in **Schedule A** are no longer needed for public use and should be sold in accordance with appropriate statutes of the State of New Jersey.
2. The governing body of the Borough of Bloomingdale hereby authorizes the Borough Clerk to offer for sale to the highest bidder by open public sale at auction the property set forth in **Schedule A** attached hereto and made a part hereof.
3. The public sale shall take place at the Borough Hall, 101 Hamburg Turnpike, Bloomingdale, NJ on October 8, 2019 at 6:30 p.m. or as soon thereafter as the matter can be heard and publicly announced, provided the sale is not cancelled.
4. The public sale, if not cancelled, shall take place by open public sale at auction to the highest bidder.
5. The successful bidder at the time of the sale must present cash or a check or a money order, **payable to the Borough of Bloomingdale**, in an amount that equals ten percent (10%) of the sales price. This deposit shall be non-refundable. The balance of the purchase price shall be paid to the Borough no later than sixty (60) days following the acceptance by the Borough and the tender of marketable title to the purchaser and submitted to the Borough. The purchaser shall be entitled to possession immediately following the closing of title.
6. The Borough makes no representation as to the title or any other aspects of the land to be sold.
7. At closing of title, purchaser shall also pay to the Borough a buyer's premium in the amount of ten percent (10%) of the bid amount.

8. The Borough reserves the right to accept or reject any and all bids at the public sale and not to award to the highest bidder. Such decision will be made by the Borough Council at a Public Meeting within 30 days from the date of such sale.
9. In the event the Borough is unable to convey clear and marketable title, insurable at regular rates by a title insurance company authorized to do business in the State of New Jersey, the Borough shall forthwith return to the purchaser the deposit and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the Borough shall extinguish any claims the said purchaser may have against Hardyston Borough in connection with the quality of title conveyed.
10. All conveyances by the Borough shall be made by way of a Quit Claim Deed, unless an adequate title binder prepared at the expense of the purchaser is forwarded to the Borough prior to the conveyance and discloses that the Borough holds marketable title in which case a Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance. The Borough will include with its deed a metes and bounds description based upon a survey if a survey and metes and bounds description is obtained by the purchaser.
11. The governing body of the Borough of Bloomingdale reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bidder deemed to be in the best interests of the Borough.
12. In the case that the property being offered is an under-sized lot, adjoining property owners shall be given the first right to bid. If purchased by an adjoining property owner, the under-sized property shall merge into the purchaser's current lot. Furthermore, the property shall not be further subdivided as the conveyance is being made to accommodate the adjoining property owner as to his/her current residence, not for subdivision purposes.
13. If no adjoining property owners bid, the bidding will be opened to the public. The Borough will not represent, warrant or guarantee the right to build on or improve any of the properties listed for sale. All properties will be subject to all Federal, State, Local Laws and Ordinances.
14. A public notice of sale shall be published in the Borough's official newspaper at least once a week for two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the condition of this sale in accordance with N.J.S.A. 40A:12-13(a).
15. The minimum bid for this property shall start at \$3,000.
16. The resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.

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

B. Introduction of Ordinance No. 24-2019: Amend Municipal Fees (Accident Reports)

A motion was made by HUDSON to introduce the Ordinance by title; second and final reading/ public hearing will be on September 17, 2019 at 7PM; the motion was seconded by SONDERMEYER and carried per on voice vote all members voting AYE.

Discussion by the Mayor:

Police reports will be available now online. Anyone requesting a report online will pay a \$5.00 fee

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 VIII "POLICIES AND PROCEDURES", SECTION 2-80 "FEES CHARGED FOR MUNICIPAL SERVICES" OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

NON-AGENDA:

Councilman COSTA offered the following resolution:

**RESOLUTION NO. 2019-9.7
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 PREDEVELOPMENT AGREEMENT BETWEEN THE BOROUGH OF BLOOMINGDALE AND M&T REALTY PARTNERS

WHEREAS, the Borough of Bloomingdale previously has sought to develop, in conjunction with its affordable housing project, the property formerly known as the "Meer Tract" and may formerly be known as Block 105, Lot 14 on the Borough tax map; and

WHEREAS, the Borough wishes to negotiate with M&T Realty Partners for a redevelopment agreement which would include the development of the former Meer Tract as well as potentially redevelopment in portions of the downtown area within the Borough.

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:

The Governing Body authorizes a predevelopment agreement which provides for the Borough and M&T Realty Partners with offices at 1260 Stelton Road, Piscataway, NJ 08854, with the right over a 120 day period to negotiate a potential redevelopment agreement for the area of property formerly known as the Meer Tract and Block 105, Lot 14 as well as certain portions of the downtown area; and

BE IT FURTHER RESOLVED that the agreement shall expire after 120 days without any further obligation of the Borough in connection with this matter.

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

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

LATE PUBLIC COMMENT:

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

Since there was no one who wished to speak, HUDSON moved that it be closed; seconded by DELLARIPA and carried on voice vote.

GOVERNING BODY SCHEDULE:

- A. 911 Ceremony
- B. Regular Meeting – September 17, 2019 7PM
- C. Workshop Meeting – October 8, 2019 7PM
- D. Regular Meeting – October 22, 2019

ADJOURNMENT:

Since there was no further business to be conducted, COSTA moved to adjourn at 7:26PM; seconded by D'AMATO and carried on voice vote with all Council Members present voting AYE.

Breanna Calabro, RMC
Municipal Clerk