

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

September 7, 2021

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

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

Official Roll Call: (taken by the Borough Clerk)

In Attendance: Councilman John D'Amato
Councilman Richard Dellaripa
Councilman John Graziano
Councilwoman Dawn Hudson
Councilman Drew Juhlin
Councilman Ray Yazdi

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

PUBLIC NOTICE STATEMENT

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

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

EARLY PUBLIC COMMENT:

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

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

Councilman Graziano (EDC Liaison/Commissioner/ CRC Commissioner):

- *Cannabis Regulatory Commission: recommendation has been made to allow for one micro-cultivator & 2% tax for the municipality, the board also seeks council approval to make recommendations to the ordinance review committee (council provided consent)*
- *Second Summer Friday – September 10 at 5:30PM (Sloan Park)*
- *Pride Day – September 25*

Councilwoman Hudson (BOH Liaison):

- *Candlelight Memorial – 9/11 at Sloan Park*
- *Bob Kochka 5K – September 25*
- *Townwide Paper Shredding – October 16*

- *Board of Health – Covid testing & vaccine information available through Passaic County, booster shots are available if you meet the criteria*

Acting Mayor / Council President John D’Amato:

- *Renaming of Friendship Park to “Mayor Dunleavy Memorial Park” September 17 at 5:30PM this will now be used as a dog park*
- *Gave thanks to DPW, OEM, Fire Dept, Police Dept, Boro Administrator, Animal Control & all first responders for their response during recent storm (Tropical Storm Ida). The restoration of Sloan Park & floor mitigation proved successful during recent storm as the river did not flood downtown.*

Business Administrator, Michael Sondermeyer:

- *Water Main breaks: Park Ave, Catherine Street & Knolls Road/Jeffrey Drive*
- *Amending resolution listed on the consent agenda to repair sinkholes – this emergency cost exceeded what was originally authorized*
- *Ordinance Review Committee – noise ordinance is listed on the agenda the purpose is limiting times a contractor can use power tools; the committee is also working on “permitted materials” for the BCD zone (to be listed on future agenda); working on cannabis ordinance*

CONSENT AGENDA

(Adoption of Resolutions No. 2021-9.1 – 2021-9.6)

Motion: Ray Yazdi

Second: Richard Dellaripa

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

RESOLUTION NO. 2021-9.1
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE

*Accepting, Approving and/or Adopting the Consent Agenda of the
September 7, 2021 Workshop Meeting*

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

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

A. Approval of Minutes:

- Regular Meeting – August 17, 2021

B. Proclamation of State of Emergency – Tropical Storm Ida

C. Resolution No. 2021-9.2: Authorizing the Cancellation of Grant Balances

D. Resolution No. 2021-9.3: Extend Sick Leave for Borough Employee

E. Resolution No. 2021-9.4: Pride Day Vendors

F. Resolution No. 2021-9.5: Declare an Emergency (Water Main Breaks)

G. Resolution No. 2021-9.6: Amending Reso 2021-8.5 Declaring an Emergency (Sinkhole repairs)

Consent Agenda Resolutions:

PROCLAMATION OF STATE OF EMERGENCY
TO ALL CITIZENS AND PERSONS WITHIN THE BOROUGH OF BLOOMINGDALE
AND TO ALL DEPARTMENTS, DIVISIONS AND BUREAUS OF THE MUNICIPAL

GOVERNMENT OF THE BOROUGH OF BLOOMINGDALE:

WHEREAS, pursuant to the powers vested in me by (Chapter 251 of the laws of 1942, as amended and supplemented, **N.J.S.A. App. A:9-30 et seq.; N.J.S.A. 40:48-1 (6)**, and ordinances enacted pursuant thereto; **N.J.S.A. 2C:33-1 et seq., Executive Order 259** and by ordinances adopted by the Borough of Bloomingdale, I have declared that a **STATE OF EMERGENCY** exists within the Borough of Bloomingdale caused by the impact of Tropical Storm Ida; and

WHEREAS, the aforesaid laws authorize the promulgation of such orders, rules, and regulations as are necessary to meet the various problems which have or may be presented by such an emergency; and

WHEREAS, by reason of the severe weather conditions including strong winds, reports of tornadoes, and heavy and sustained rain fall which accompanied Tropical Storm Ida, the damage to property, the downed trees and power lines throughout the Borough, the roadway flooding and the need for government operations to address staffing capabilities to ensure essential operational needs are met in order to mitigate factors which may further adversely affect the health, safety, and welfare of the people of the Borough of Bloomingdale and exacerbate and worsen existing conditions a declaration of a State of Emergency is necessary; and

WHEREAS, pursuant to **N.J.S.A. App. A:9-33.1**, entitled "Emergency Powers of Government," a disaster is defined as an unusual incident resulting from natural or unnatural causes which endangers the health or safety of residents; and

WHEREAS, it has been determined that the Borough of Bloomingdale should be declared a disaster area in light of the impact of Tropical Storm Ida, therefore it is necessary for the Borough to take certain measures to ensure that the authorities will be unhampered in their efforts to maintain law and order as well as an orderly flow of traffic, and in order to protect the persons and property of the residents affected by the conditions and finally that governmental operations including but not limited to the conduct of public meetings shall be substantially altered; and

WHEREAS, all lands within the boundaries of the Borough of Bloomingdale, as a result of the substantial impact of Tropical Storm Ida, are hereby designated as disaster areas, in accordance with the "Emergency Powers of Government."

NOW, THEREFORE, IN ACCORDANCE WITH the aforesaid laws, we do hereby promulgate and declare a State of Emergency within the Borough of Bloomingdale.

**RESOLUTION NO. 2021-9.2
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

AUTHORIZING CANCELLATION OF RECEIVE & RESERVE BALANCES

WHEREAS, receivable and reserve balances exist for public and private grants which are required to be cancelled by resolution; and

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale that the following grant receivable and reserve balances be cancelled:

| <u>Title</u> | <u>Grant Receivable</u> | <u>Reserve Balance</u> |
|-------------------------------|-------------------------|------------------------|
| Municipal Alliance Grant 2018 | \$ 6,743.99 | \$ 6,633.97 |
| Municipal Alliance Grant 2019 | \$ 27,794.70 | \$ 27,861.14 |
| Municipal Alliance Grant 2020 | \$ 4,620.63 | \$ 4,620.63 |

**RESOLUTION NO. 2021-9.3
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Extend Paid Sick Leave to Borough Employee

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

WHEREAS, the Governing Body further finds and declares that the Employee has been out of work on paid sick leave as of July 27, 2021; 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 extend paid sick leave to Borough Employee, James Mara, during the period of October 6, 2021 through December 1, 2021; and

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

**RESOLUTION NO. 2021-9.4
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION AUTHORIZING VENDORS FOR BOROUGH’S PUBLIC EVENT
‘PRIDE DAY’ SEPTEMBER 25, 2021**

WHEREAS, the Borough of Bloomingdale will host “Pride Day” on September 25, 2021 with a rain date of September 26, 2021; and

WHEREAS, the Borough Administrator and Public Event Committee recommend the use of the following vendors:

**MRT RENTAL DBA BIG MARK’S (rides)
SUPERSONIC ENTERTAINMENT (music/DJ)**

WHEREAS, MRT Rental DBA Big Mark and Supersonic Entertainment (“Vendors”) have each submitted estimates for provision of the requested services for Pride Day; and

WHEREAS, pursuant to N.J.S.A. 40A:11-3, the estimated cost for each Vendor’s services is below the bid threshold and contracts may be awarded without bidding; and

WHEREAS, the Borough wishes to enter into contracts with the Vendors to perform such services at Pride Day; and

WHEREAS, the Vendors have agreed to provide the requested services during Pride Day pursuant to their proposals; and

WHEREAS, each Vendor has provided the Borough with a Certificate of Insurance evidencing coverage for the day of the event.

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. Contracts with MRT Rental DBA Big Mark’s and Supersonic Entertainment are awarded without competitive bidding in accordance with N.J.S.A. 40A:11-3(a)

of the Local Public Contracts Law because the contracts are for services to be performed for amounts below the bid threshold.

Section 2. The Vendors shall perform the respective services at Pride Day on September 25, 2021.

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

Section 4. A copy of this Resolution shall be provided to Donna Mollineaux Chief Financial Officer, and to MRT Rental DBA Big Mike's of 256 Maxim Road in Howell, NJ 07731 and Supersonic Entertainment of P.O. Box 125 in Riverdale, NJ 07457 for their information and guidance.

**RESOLUTION NO. 2021-9.5
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**DECLARING AN EMERGENCY – FOR PURPOSES OF AWARDING CONTRACTS
FOR THE IMMEDIATE REPAIR OF WATER MAIN BREAKS ON BOROUGH
ROADWAYS (CATHERINE ST, KNOLLS RD & PARK AVE)**

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 various Borough roadways; and

WHEREAS, the Governing Body further finds and declares this of an emergent nature affecting the public health, safety and/or welfare and warrants immediate remedial action; and

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

WHEREAS, the Public Works Department, acting in the reasonable belief, identifies that an emergency described herein exists which requires immediate remedial action & the need for invoking **N.J.S.A. 40A:11-6 Emergency Contracts**; and

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

**Barrett Construction
FSC Leak Detection, Inc.
Frank Semeraro Construction Co.**

WHEREAS, the emergency costs are not to exceed \$10,000.00 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 immediate remediation through emergency contract awards to **Barrett Construction, FSC Leak Detection, Inc, and Frank Semeraro Construction Co.** The contract(s) are hereby awarded as necessary to respond to the emergent needs described herein.

**RESOLUTION NO. 2021-9.6
OF THE GOVERNING BODY OF**

THE BOROUGH OF BLOOMINGDALE

RESOLUTION TO AMEND 2021-8.5 ‘DECLARING AN EMERGENCY – FOR PURPOSES OF AWARING CONTRACTS FOR THE IMMEDIATE REPAIR OF SINKS HOLES ON BOROUGH ROADS’ INCREASING CONTRACT FROM \$7,000 to \$13,300

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares an emergency situation has developed concerning sinkholes on Borough roadways; and

WHEREAS, the Governing Body further finds and declares this of an emergent nature affecting the public health, safety and/or welfare and warrants immediate remedial action; and

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

WHEREAS, the Public Works Department, acting in the reasonable belief, identifies that an emergency described herein exists which requires immediate remedial action & the need for invoking **N.J.S.A. 40A:11-6 Emergency Contracts**; and

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

L Becker & Sons Inc

WHEREAS, the emergency costs are not to exceed \$13,300.00 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 immediate remediation through emergency contract awards to **L. Becker & Sons Inc**. The contract(s) are hereby awarded as necessary to respond to the emergent needs described herein.

PENDING ITEMS:

A. Second/Final Reading & Public Hearing:

Bond Ordinance No. 18-2021: Various Capital Improvements

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

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

The Municipal Clerk read the following Ordinance by title:

**BOROUGH OF BLOOMINGDALE
BOND ORDINANCE NO. 18-2021**

BOND ORDINANCE PROVIDING FOR VARIOUS 2021 CAPITAL ACQUISITIONS AND IMPROVEMENTS, BY AND IN THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY; APPROPRIATING \$1,970,000 THEREFOR AND AUTHORIZING THE

**ISSUANCE OF \$1,429,000 BONDS OR NOTES OF THE
BOROUGH TO FINANCE PART OF THE COST THEREOF**

**BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE
BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW
JERSEY** (not less than two-thirds of all members thereof affirmatively concurring), **AS
FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Bloomingdale, in the County of Passaic, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$1,970,000, which sum includes a \$505,000 grant expected to be received from the State of New Jersey Department of Transportation (the "DOT Grant"), and \$36,000 as the amount of down payment for said improvement or purpose as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of an appropriation in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes. Pursuant to N.J.S.A. 40A:2-11(c) of the Local Bond Law, no down payment is required for the improvement or purpose set forth in Section 3(a)(i) hereof, as such project is being funded by the DOT Grant.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$1,970,000 appropriation not provided for by application hereunder of said down payment or the DOT Grant, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,429,000 pursuant to, and within the limitations prescribed by, the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$1,429,000 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the

financing of which said obligations are to be issued include, but are not limited to, the following:

| <u>Description</u> | <u>Appropriation</u> | <u>Authorization</u> | <u>Down Payment</u> | <u>Useful Life</u> |
|---|--|----------------------|---------------------|--------------------|
| (i) Reconstruction and improvements to, as applicable, the entire lengths or portions of various roads located within the Borough, including but not limited to, Andrew Place, Glen Road and Vale Road; and | \$1,220,000 (including the DOT Grant) | \$ 715,000 | \$0 | 10 years |
| (ii) Removal of the existing salt shed and construction of a new salt shed in the Borough. | <u>\$ 750,000</u> | <u>\$ 714,000</u> | <u>\$36,000</u> | 15 years |
| Total: | <u>\$1,970,000</u> | <u>\$1,429,000</u> | <u>\$36,000</u> | |

(b) Such improvements or purposes set forth in Section 3(a) shall also include, but are not limited to, as applicable, demolition and excavation, paving, resurfacing and reconstruction of the roadways, roadway painting and striping, replacing the castings on catch basins and manholes, the repairing and/or removal and installation of sidewalks, driveway aprons, curbing, retaining walls, curb ramps, guardrails, and concrete improvements, and all other related improvements, design work, preparation of plans and specifications, permits, bid documents, contract administration, work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$1,429,000.

(d) The aggregate estimated cost of said improvements or purposes is \$1,970,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payment for said improvements or purposes in the amount of \$36,000 and the DOT Grant.

SECTION 4. Except for the Grants, in the event the United States of America, the State of New Jersey, and/or the County of Passaic make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County

of Passaic. Except for the Grants, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Passaic shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer or the Treasurer of the Borough, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer or the Treasurer. The Chief Financial Officer or the Treasurer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer or the Treasurer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer or the Treasurer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer or the Treasurer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget or Budgets of the Borough are hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by

the Local Finance Board showing full detail of the amended Capital Budget or Budgets and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 12.49 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$1,429,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$205,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable

property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an “abusive arbitrage device” under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the “Code”). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of “replacement proceeds”, including “sinking funds”, “pledged funds” or funds subject to a “negative pledge” (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Borough other than amounts deposited into a “bona fide debt service fund” (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$1,429,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is “placed in service” (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough, which are authorized herein, and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough, and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all federally tax exempt bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

Public Hearing:

At this time HUDSON 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 GRAZIANO 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: DELLARIPA (YES), GRAZIANO (YES), HUDSON (YES), JUHLIN (YES), YAZDI (YES), D'AMATO (YES)

B. Second/Final Reading & Public Hearing:

Ordinance No. 19-2021: Establish Ch. 37 (100% Disabled Veteran)

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

Councilman DELLARIPA 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. 19-2021
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, ESTABLISHING
CHAPTER 37 OF THE BOROUGH CODE TO ESTABLISH ARTICLE I,
“100% DISABLED VETERAN TAX REFUNDS”**

WHEREAS, pursuant to N.J.S.A. 54:4-3.30, the dwelling house and the lot whereupon the same is erected, of any citizen and resident of this State, honorably discharged or released under honorable circumstances, from active service, in time of war, in any branch of the Armed Forces of the United States, who has been or shall be declared by the United States Veterans Administration or its successor to have a service-connected disability declared by the United States Veterans Administration or its successor to be a total or 100 percent permanent disability, and not so evaluated solely because of hospitalization or surgery and recuperation, sustained through enemy action, or accident, or resulting from disease contracted while in such active service, shall be exempt from taxation on proper claim made therefor; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.31, upon review and approval of the required documentation by the municipal tax assessor, the assessor shall allow said exemption from taxation for the tax year in which the claim was filed; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.32, the governing body of each municipality, by appropriate resolution, may return all taxes collected on property from prior years which would have been exempt had proper claim been timely made in writing; and

WHEREAS, the statutory intent to grant discretion to the governing body of every municipality has been affirmed by court decisions that have held that a municipality has discretion to grant or deny a taxpayer a retroactive refund of property taxes that has been paid from the effective date of the disability as determined by the United States Department of Veterans Affairs as set forth in N.J.S.A. 54:4-3.32; and

WHEREAS, the Borough Council desires to establish a formal policy providing that a retroactive refund of property taxes as set forth in N.J.S.A. 54:4-3.32 shall be limited to the current year of the submission of a proper claim to the tax assessor as required by N.J.S.A. 54:4-30.

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 37 of the Code of the Borough of Bloomingdale is hereby amended and supplemented to establish Article I, “100% Disabled Veteran Tax Refunds,” which shall read in its entirety as follows:

Article I, 100% Disabled Veteran Tax Refunds

A refund of property taxes pursuant to N.J.S.A. 54:4-3.32 shall be granted provided that the applicant submits a complete application to the tax assessor as required by N.J.S.A. 54:4-3.30. A retroactive refund of property taxes as set forth in N.J.S.A. 54:4-3.32 shall be limited to the date of the submission of a proper claim to the Tax Assessor as required by N.J.S.A. 54:4-3.30.

SECTION 2. All Ordinances of the Borough of Bloomingdale that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

Public Hearing:

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

Adoption:

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

NEW BUSINESS:

- A. Introduction of Bond Ordinance No. 21-2021:** Amending Bond Ordinance 19-2020 (to increase Section 20 costs)

A motion was made by GRAZIANO to introduce the Ordinance by title; second and final reading/ public hearing will be on October 5, 2021 at 7PM; the motion was seconded by YAZDI and carried on the following voice vote: all members voting AYE, in favor; none were opposed.

The Municipal Clerk read by Title:

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 19-2020 FINALLY ADOPTED ON JULY 21, 2020, BY THE BOROUGH COUNCIL OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO INCREASE COSTS PROVIDED IN N.J.S.A. 40A:2-20 BY \$60,315.92 FROM \$115,000 TO \$175,315.92

- B. Introduction of Bond Ordinance No. 22-2021: Special Assessment** (Andrews Place)

A motion was made by GRAZIANO to introduce the Ordinance by title; second and final reading/ public hearing will be on October 5, 2021 at 7PM; the motion was seconded by DELLARIPA and carried on the following voice vote: all members voting AYE, in favor; none were opposed.

The Municipal Clerk read by Title:

BOND ORDINANCE PROVIDING FOR SIDEWALK IMPROVEMENTS ALONG THE ENTIRE LENGTH OF ANDREW PLACE, IN AND BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY; APPROPRIATING \$160,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$152,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF AND THE SPECIAL ASSESSMENT OF THE COST THEREOF

- C. Introduction of Ordinance No. 23-2021: Amend Ch. 3 Police Regulations** (noise)

A motion was made by DELLARIPA to introduce the Ordinance by title; second and final reading/ public hearing will be on October 5, 2021 at 7PM; the motion was seconded by YAZDI and carried on the following voice vote: all members voting AYE, in favor; none were opposed.

The Municipal Clerk read by Title:

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 3 “POLICE REGULATIONS” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

Discussion:

Business Administrator added comment – upon adoption of this ordinance, the board of health will need to prepare an ordinance to amend their code as well.

LATE PUBLIC COMMENT

YAZDI opened the meeting to late public comment; seconded by GRAZIANO and carried on voice vote, all in favor voting AYE. Since there was no one who wished to speak HUDSON moved that it be closed; second by DELLARIPA and carried on voice vote all members voting (AYE), none were opposed.

MOTION FOR EXECUTIVE SESSION

(Adoption of Resolution No. 2021-9.7)

Motion: Dawn Hudson

Second: Ray Yazdi

Voice Vote: all in favor voting AYE; none were opposed

Discussion: *no action will be taken after executive session*

**RESOLUTION NO. 2021-9.7
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Council of the Borough of Bloomingdale on the 7th day of September 2021 that:

- ❖ Prior to the conclusion of this Workshop Meeting, the Governing Body shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.
 - () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (x) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - **Two Matters – Personnel**
 - **Police Department Promotions**
 - **DPW Staffing**
 - () b. (8) Personnel matters.
 - () b. (9) Deliberations after a public hearing that may result in penalties.

- ❖ The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Enter Executive Session: 7:29PM

Resume Open Session: 7:51PM

GOVERNING BODY SCHEDULE:

- A. 9/11 Candlelight Walk – September 11th 7PM (Sloan Park)
- B. Regular Meeting – September 21, 2021 7PM (Fireman’s Hall) (*brief meeting followed by a swearing ceremony for the Police Department*)
- C. Pride Day – September 25, 2021
- D. Regular Meeting – October 5, 2021 7PM
- E. 50th Anniversary of WTB – October 24th

ADJOURNMENT:

Since there was no further business to be conducted, HUDSON moved to adjourn at 7:51PM; seconded by YAZDI and carried on voice vote with all Council Members voting AYE.

Breeanna Calabro, RMC
Municipal Clerk