**March 15, 2016**

The Regular 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 7:02 p.m.

## SALUTE TO THE AMERICAN FLAG

Mayor Dunleavy led the Salute to the Flag.

## ROLL CALL

*In Attendance:* Mayor: Jonathan Dunleavy

Council Members: Anthony Costa

John D’Amato

Richard Dellaripa

Dawn Hudson

Michael Sondermeyer

Ray Yazdi

Professionals Municipal Clerk: Jane McCarthy, RMC

*Present:* Borough Attorney: Fred Semrau, Esq.

**PUBLIC NOTICE STATEMENT**

Mayor Dunleavy stated that adequate notice of this meeting was posted in the Bloomingdale Municipal Building and provided to The Suburban Trends; The North Jersey Herald & News; and all other local news media on November 28, 2015.

**NON-AGENDA ITEM**

Mayor stated that we have one Non-Agenda item which is a resolution declaring March 29, 2019 as Welcome Home Vietnam Veterans Day.

**EARLY PUBLIC COMMENT**

Councilman Dellaripa opened the meeting to Early Public Comment; seconded by Councilman Costa and carried on voice vote.

Linda Huntley 86 Van Dam Avenue, asked why the payment to Ken Nelson on the bills list came out of the Tilcon escrow.

Mayor stated that this was a COAH drive concept and there were enough funds for this report to the Otteau Group and Reading Group.

Since there was no one else who wished to speak under Early Public Comment, Councilman D’Amato moved that it be closed; seconded by Councilman Sondermeyer and carried on voice vote.

***PUBLIC HEARING ON FIELD IMPROVEMENTS PHASE II –***

***WALTER T. BERGEN SCHOOL***

At this time, Mayor Dunleavy stated that the Borough has applied for a grant for field improvements to the Walter T. Bergen field to include drainage, irrigation, grading and seeding/sod at the Walter T. Bergen Field

Councilman Yazdi moved that the meeting be open to a Public Hearing on the Walter T. Bergen School drainage; seconded Councilman Dellaripa and carried on voice vote,

Drew Tanis, 5 James Avenue, asked if there was a plan for the drainage. Mayor stated that the Borough Engineer will design it and will be submitted as part of the application; it will be similar to a French drain system. We have done some perimeter drainage in the past which has helped, so now we are looking at the planning services. The path will not be excavated; there is a pipe underneath that.

Mr. Tanis spoke in regard to bathrooms and stated that they are not open at night. Mayor stated that they were winterized and someone used them. There was a problem with them being left open. Every sports organization was given a key and someone was supposed to be responsible for locking and opening.

Mr. Tanis stated that he has never seen them open; Mayor stated that they have been but there is no heat in them. Mr. Tanis stated that there are cameras on the building and you would be able to see who is using them and not locking. Mayor felt there isn’t cameras but he will check it out.

Since there was no one else who wished to speak, Councilwoman Hudson moved that it be closed; seconded by Councilman Costa and carried on voice vote.

Mayor noted that we hope to start Phase I this summer.

**REPORTS OF PROFESSIONALS, DEPARTMENT HEADS, COMMITTEES, LIAISONS AND MAYOR’S REPORT**

***Municipal Clerk***

Municipal Clerk stated that the last day to file a party affiliation form is April 13. Last day for voter registration is May 17 and the Clerk’s office will be open until 9 p.m.

***Borough attorney***

Borough attorney stated that we are moving forward with the affordable housing litigation which is before Judge Brogan.

At this time, Borough Attorney introduced Susan Sharpe who is a new associate in his office.

***Library Board of Trustees***

Councilman Sondermeyer stated that May 14 is the dinner dance at the Glenwild clubhouse for fundraiser for the library; flyer will be forthcoming.

***Recreation***

Easter Egg hunt will be at the Walter T. Bergen School on Saturday, March 26 with an Easter Hat contest.

Trout Contest will be April 9 at 10 a.m. at Bogue Pond.

***Mayor’s report***

Mayor stated that a new business in town, Griswald Home Health care, met with him and Councilwoman Hudson and they would like to sponsor a community garden. We are currently looking for the best parcel of land to do this.

**APPROVAL OF CONSENT AGENDA**

Councilman Dellaripa moved to approve the following Consent Agenda:

1. Adoption of Minutes: Mayor and Council Regular Meeting February 16, 2016
2. Request from Bloomingdale Fire Department Ladies Auxiliary to waive fees for their Annual Flower and Bake Sale – Saturday, May 7, 2016
3. Request to close Hamburg Turnpike for Tri Boro Little League Parade April 16, 2016

Councilman Yazdi seconded the motion and it carried on voice vote with all members voting YES.

**PENDING ITEMS**

***Ordinance No. 5-2016: Amending Chapter 92, Zoning B1 Zone.***

Mayor stated that this was referred to the Planning Board who reviewed it and recommended substantial changes which requires the ordinance to be reintroduced.

Councilwoman Hudson moved that Ordinance No. 5-2016 be REINTRODUCED with the changes suggested by the Planning Board for second and final reading and Public Hearing on April 5, 2016 at 7 p.m.; seconded by Councilman Dellaripa and carried on voice vote.

Mayor stated that the Planning Board will meet on March 24, 2016 to review it as per law.

***Second and final reading and Public Hearing on Ordinance No. 7-2016: Amending Bond Ordinance No. 7-2015 in its entirety to appropriate a CDBG grant***

**BOND ORDINANCE AMENDING AND RESTATING IN ENTIRETY BOND ORDINANCE NUMBER 7-2015 FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY ON APRIL 21, 2015 TO INCREASE THE TOTAL APPROPRIATION THEREIN FROM $1,531,645 TO $2,167,953, TO APPROPRIATE A COMMUNITY DEVELOPMENT BLOCK GRANT IN THE AMOUNT OF $119,406 AND TO AMEND AND SUPPLEMENT OTHER PROVISIONS therein** was given second and final reading and consideration for adoption at this time.

The Municipal Clerk read the Public Notice Statement

Councilman Yazdi moved that the ordinance be read by title; seconded by Councilman Dellaripa and carried on vice vote.

The Municipal Clerk read the ordinance by title.

**BOROUGH OF BLOOMINGDALE**

**ORDINANCE NUMBER 7-2016**

**BOND ORDINANCE AMENDING AND RESTATING IN ENTIRETY BOND ORDINANCE NUMBER 7-2015 FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY ON APRIL 21, 2015 TO INCREASE THE TOTAL APPROPRIATION THEREIN FROM $1,531,645 TO $2,167,953, TO APPROPRIATE A COMMUNITY DEVELOPMENT BLOCK GRANT IN THE AMOUNT OF $119,406 AND TO AMEND AND SUPPLEMENT OTHER PROVISIONS THEREIN**

**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 bond ordinance of the Borough of Bloomingdale, in the County of Passaic, State of New Jersey (the “Borough”), heretofore finally adopted by the Borough Council on April 21, 2015, numbered 7-2015 and entitled, **“BOND ORDINANCE PROVIDING FOR VARIOUS WATER UTILITY IMPROVEMENTS AND THE PURCHASE OF WATER UTILITY EQUIPMENT BY THE BOROUGH OF BLOOMINGDALE, APPROPRIATING $1,531,645 THEREFOR, INCLUDING A COMMUNITY DEVELOPMENT BLOCK GRANT IN THE AMOUNT OF $140,245 EXPECTED TO BE RECEIVED FROM THE COUNTY OF PASSAIC, AND AUTHORIZING THE ISSUANCE OF $1,531,645 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF”** (the “Original Ordinance”), is hereby amended and supplemented to the extent and with the effect as set forth below:

(a) The title to the Original Ordinance is hereby amended and restated to be as follows:

**“BOND ORDINANCE PROVIDING FOR VARIOUS WATER UTILITY IMPROVEMENTS AND THE PURCHASE OF WATER UTILITY EQUIPMENT BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, APPROPRIATING $2,167,953 THEREFOR, INCLUDNG COMMUNITY DEVELOPMENT BLOCK GRANTS IN THE AMOUNTS OF $140,245 AND $119,406, RESPECTIVELY, EXPECTED TO BE RECEIVED FROM THE COUNTY OF PASSAIC, AND AUTHORIZING THE ISSUANCE OF $2,167,953 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF”.**

(b) The entire body text of the Original Ordinance is amended and restated to be as follows:

**“SECTION 1.** The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Bloomingdale, in the County of Passaic, State of New Jersey (the “Borough”) as a general improvement. For the said improvement stated in Section 3, there is hereby appropriated the sum of $2,167,953, said sum being inclusive of all appropriations heretofore made therefor, including Community Development Block Grants in the amounts of $140,245 and $119,406, respectively, expected to be received from the County of Passaic. Pursuant to the provisions of N.J.S.A. §40A:2-7(h) and §40A:2-11(c) of the Local Bond Law (N.J.S.A. §40A:2-1 et seq.), no down payment is required as the Borough’s water utility is self-liquidating pursuant to the provisions of N.J.S.A. §40A:2-47(b) .

**SECTION 2.** For the financing of said improvement described in Section 3 hereof, negotiable bonds of the Borough are hereby authorized to be issued in the aggregate principal amount of $2,167,953 pursuant to the Local Bond Law of the State of New Jersey, as amended and supplemented (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvement, negotiable notes of the Borough in an aggregate principal amount not exceeding $2,167,953 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

**SECTION 3.** The improvement hereby authorized and the purpose for the financing of which said obligations are to be issued is the mapping and leak study of all of the water lines throughout the Borough; the purchase of tough book computers to assist with the Borough-wide mapping and leak study; the purchase of water utility equipment, including curb boxes, fire hydrants and pipes; the reconstruction of the water and sewer lines along Ryerson Avenue; and the replacement and installation of water mains along Star Lake Road and Reeve Avenue, and all materials, equipment, structures, appurtenances and work necessary therefor or incidental thereto, all in accordance with the plans and specifications therefor on file in the Office of the Clerk of the Borough and hereby approved.

(a) The estimated maximum amount of bonds or notes to be issued for said purpose is $2,167,953.

(b) The estimated cost of said improvement or purpose is $2,167,953.

**SECTION 4.** 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 improvement and purpose 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. 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.

**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. 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 of the Borough 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 N.J.S.A. §40A:2-8(a). The Chief Financial Officer or the Treasurer is hereby authorized to sell part or all of the notes from time to time at a 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, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The capital budget of the Water Utility of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services 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 purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement which the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of said improvement or purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is forty (40)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 in the Department of Community Affairs of the State of New Jersey, 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 $2,167,953, but such amount shall constitute a deduction from gross debt to the extent permitted by N.J.S.A. §40A:2-44(c), and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding $370,000 for items of expense listed in and permitted under N.J.S.A. §40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement 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 obligations authorized by this bond ordinance. The obligations 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 obligations and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The Borough reasonably expects to reimburse any expenditure toward the costs of the improvement or purpose described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same “Controlled Group” as the Borough, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. 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 improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended and supplemented (the “Code”). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will not be used directly or indirectly (i) to “refund” an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds, “replacement proceeds” within the meaning of Treasury Regulation Section 1.148‑1 of the bonds, or any other bond issue, or (iii) to reimburse the Borough for any expenditure or payment that was originally paid with the proceeds of any obligation of the Borough (other than borrowing by the Borough from one of its own funds or the funds of a member of the same “Controlled Group” within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will be issued in an amount not to exceed $2,167,953. 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 and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

**SECTION 10.** The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

**SECTION 11.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.”

Councilwoman Hudson moved that the meeting be open to a Public Hearing on this ordinance; seconded by Councilman Sondermeyer and carried on voice vote.

Since there was no one who wished to speak under the Public Hearing, Councilman Costa moved that it be closed; seconded by Councilman Yazdi and carried on voice vote.

Councilman Yazdi moved for the adoption of the ordinance; seconded by Councilman D’Amato and carried as per the following roll call: Council Members: Costa; D’Amato; Dellaripa; Hudson; Sondermeyer and Yazdi all YES.

***Second and final reading and Public Hearing of Ordinance No. 8-2016: Amending Chapter XXX, Flood Hazard Protection***

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, amending Chapter XXX, “FLOOD HAZARD PROTECTION,” section 30-5, “Provisions for Flood hazard reduction,” section 30-5.2, “Specific standards,” of the code of the borough of bloomingdale** was given second and final reading and consideration for adoption at this time.

Councilman Yazdi moved that the ordinance be read by title; seconded by Councilwoman Hudson and carried on voice vote.

The Municipal Clerk read the ordinance by title.

**ORDINANCE 8-2016**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, amending Chapter XXX, “FLOOD HAZARD PROTECTION,” section 30-5, “Provisions for Flood hazard reduction,” section 30-5.2, “Specific standards,” of the code of the borough of bloomingdale**

**WHEREAS**, the Borough Engineer has recommended certain revisions to the Borough Code to provide for a freeboard requirement for residential and nonresidential construction; and

**WHEREAS**, the Borough Council seeks to adopt the recommendation of the Borough Engineer.

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

**SECTION 1**. Chapter XXX, “Flood Hazard Protection,” Section 30-5, “Provisions for Flood Hazard Reduction,” Section 30-5.2, “Specific Standards,” of the Code of the Borough of Bloomingdale is hereby amended to read in its entirety as follows:

#### § 30-5.2 Specific Standards.

In all areas of special flood hazards where base flood elevation data have been provided as set forth in subsection 30-3.2, Basis for Establishing the Areas of Special Flood Hazard or in subsection 30-4.3b, Use of Other Base Flood Data, the following standards are required:

a. Residential Construction.

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated two (2) feet above the level of the base flood elevation;

2. Require within any AO Zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two (2) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

b. Nonresidential Construction.

1. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated two (2) feet above the level of the base flood elevation; or

2. Require within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two (2) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures; or together with the attendant utilities and sanitary facilities, shall:

3. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

4. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

5. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in subsection 30-4.3c,2.

c. Manufactured Homes.

1. Manufactured homes shall be anchored in accordance with subsection 30-5.1a,2.

2. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.

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

Councilman Sondermeyer moved to open the meeting to a Public Hearing on this ordinance; seconded by Councilwoman Hudson and carried on voice vote.

Since there was no one who wished to speak under the Public Hearing, Councilwoman Hudson moved that it be closed; seconded by Councilman D’Amato and carried on voice vote.

Councilman D’Amato moved for the adoption of this ordinance; seconded by Councilman Yazdi and carried as per the following roll call: Council Members: D’Amato; Dellaripa; Hudson; Sondermeyer; Yazdi and Costa all YES.

***Second and final reading and Public Hearing on Ordinance No. 9-2016: Fire Prevention and Protection/Suction Points***

***AN ORDINANCE AMENDING CHAPTER 14, FIRE PREVENTION AND***

***PROTECTION, SUBSECTIONS 14-1.6, FIRE OFFICIAL, SUBSECTION A, APPOINTMENT; SECTION 14-2.6, SPECIFICATIONS AND MAINTENANCE OF ACCESS ROAD ADDING SUBSECTION K; AND 14-2.11, VIOLATIONS AND PENALTY, SUBSECTION C, SCHEDULE A, EXISTING AND RECOGNIZED ACCESS ROADS, STANDPIPES AND SUCTION POINTS*** was given second and final reading and consideration for adoption at this time.

Councilman Yazdi moved that the ordinance be read by title; seconded by Councilwoman Hudson and carried on voice vote.

Municipal Clerk read the ordinance by title.

**ORDINANCE #NO. 9-2016**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

**AN ORDINANCE AMENDING CHAPTER 14, FIRE PREVENTION AND**

**PROTECTION, SUBSECTIONS 14-1.6, FIRE OFFICIAL, SUBSECTION A, APPOINTMENT; SECTION 14-2.6, SPECIFICATIONS AND MAINTENANCE OF ACCESS ROAD ADDING SUBSECTION K; AND 14-2.11, VIOLATIONS AND PENALTY, SUBSECTION C, SCHEDULE A, EXISTING AND RECOGNIZED ACCESS ROADS, STANDPIPES AND SUCTION POINTS**

**WHEREAS,** the Borough of Bloomingdale, under the Fire Safety Act, has established codes and regulations in order to protect the safety of its residents, building structures and premises within the boundaries of the municipality; and

**WHEREAS,**  after consulting with the Borough Fire Official, there is a need for modifications to the Fire Prevention Code of the Borough of Bloomingdale; and

**WHEREAS**, these modifications are in the interest of protecting the Borough and providing for a safe community, including but not limited to the enforcement of the Uniform Fire Safety Act.

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

**SECTION 1.** Section 14-1.6, Fire Official, subsection a., Appointment, is hereby amended to read as follows:

1. The local enforcing agency shall be under the direct supervision of a Fire Official, who shall be somebody that meets the qualifications of the position and is recommended by the Chief of the Fire Department..

The remainder of Section 14-1.6 remains unchanged.

**SECTION 2.** Section 14-2.6, Specifications and Maintenance of Access roads is hereby amended to add the following subsection:

k. All specifications may be modified at the recommendation of the Fire Official.

**SECTION 3.** Section 14-2.11c. Schedule A, Existing and Recognized Access Roads, Standpipes and Suction Points is hereby amended to read as follows:

1. Glenwild Lake
2. Glenwild Lake Club House, South Road (suction point)
3. 41-43 Mickens Lane (suction point)
4. Provost Lane (suction point)
5. 58 South Road (at the dam) (suction point)
6. 81-82 South Road (suction point)
7. At the intersection of Demarest Road and South Road (suction point)
8. Pine Tree Road (standpipe – inoperable) (suction point)

The remainder of Schedule A remains unchanged.

**SECTION 4.**All ordinances of the Borough of Bloomingdale, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 5.**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 6.**This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Councilman Sondermeyer moved that the Public Hearing be open on this ordinance; seconded by Councilwoman Hudson and carried on voice vote.

Since no one wished to speak under the Public Hearing, Councilman Yazdi moved that it be closed; seconded by Councilwoman Hudson and carried on voice vote.

Councilman Yazdi moved for the adoption of this ordinance; seconded by Councilman D’Amato and carried as per the following roll all: Council Members: Dellaripa; Hudson; Sondermeyer; Yazdi; Costa and D’Amato all YES.

***Second and final reading and public hearing of ordinance No. 10-2016: Amending Chapter 92, Zoning/Parking, Loading and Automotive Services\*\*\*\****

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, to amend chapter 92, “zoning,” article v, “regulations governing certain uses,” section 92-22, “parking, loading and automative services” of the code of the borough of bloomingdale*** was given second and final reading and consideration for adoption at this time.

Councilman Hudson moved that the ordnance be read title seconded by Councilman Dellaripa and carried on voice vote.

**ORDINANCE 10-2016**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, to amend chapter 92, “zoning,” article v, “regulations governing certain uses,” section 92-22, “parking, loading and automative services” of the code of the borough of bloomingdale**

**BE IT ORDAINED**, by the Mayor and 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 92-22, “Parking, loading and automotive services,” of the Code of the Borough of Bloomingdale is hereby amended to read as follows:

**§ 92-22. Parking, loading and automotive services.**

A. Off-street parking. In all districts in connection with every manufacturing, business, institutional, recreational, and residential or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces open to the users at no charge in accordance with the requirements set forth herein.

(1) Size and access. Each off-street parking space shall have an area of not less than one hundred sixty-two (162) square feet measuring nine feet by eighteen (9 x 18) feet in an area exclusive of access drives or aisles, and shall be of usable shape and condition. Except in the case of dwellings, no parking area provided hereunder shall be established for less than three (3) spaces. There shall be adequate provisions for ingress and egress to all parking spaces. The grade of residential driveways shall not be over fifteen percent (15%), and for all other parking areas the grade shall be ten percent (10%).

Access to off-street parking areas shall be limited to several well-defined locations, and in no case shall there be permitted unrestricted access along the length of the street or alley upon which the parking area abuts. Permits shall be required for curb cuts except for new residential subdivisions.

(2) Number of parking spaces required. The number of off-street parking spaces required shall be as set forth in the Schedule of Regulations in accordance with the definition of "floor area" as set forth in Article XI hereof, provided that any residential district, on any lot having an area of one (1) acre or less, private garage space may be provided for not more than five (5) motor vehicles. Space for one (1) additional motor vehicle may be provided for each one-fifth (1/5) acre by which the area of the lot exceeds one (1) acre; and in any residential district, not more than one-half (1/2) of the garage space provided on any lot shall be used for the housing of commercial motor vehicles. In the case of any building structure or premises the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, in the opinion of the Board of Adjustment, shall apply.

(3) Off-site facilities. All permitted and required accessory off-street parking spaces, open or enclosed, shall be located on the same zone lot as the use to which such spaces are accessory, except that such spaces may be provided elsewhere but shall be provided within a radius of no greater distance than fifteen hundred (1500) feet from that zone lot. For utilization of spaces on property not in the same ownership as the use to which they are accessory, a copy of a lease/license agreement between the user and the property owner allowing the utilization of the spaces must be submitted to the Zoning Officer within ten (10) days of execution of the agreement. If the agreement is terminated for any reason, the user must immediately notify the Zoning Officer of same and terminate all use.

B. Off-street loading.

(1) Size and location. Loading spaces shall be not less than ten (10) feet in width, twenty-five (25) feet in length and fourteen (14) feet in height and may occupy all or any part of any required yard; except that where located adjacent to any residential district, they shall be set back a minimum of six (6) feet from such property line.

C. Joint facilities for parking or loading. Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use and provided that all regulations governing the location of accessory spaces in relation to the use served are adhered to. Further, no accessory space or portion thereof shall serve as a required space for more than one (1) use unless otherwise approved by the appropriate Board in accordance with the purposes and procedure set forth herein and provided by State statute.

D. Development and maintenance of parking and loading areas. Every parcel of land hereafter used as a public or private parking area or loading area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:

(1) Screening and landscaping. Off-street parking areas for more than five (5) vehicles and off-street loading areas shall be effectively screened by a fence or hedge on each side which adjoins or faces another premises. Such fence or hedge shall not be less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition without any advertising thereon. Any space between such fence or hedge and the side lot line adjoining a premises or the front lot line facing a premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition.

(a) No gasoline filling station, parking garage, motor vehicle repair, paint or body shop or any vehicular access thereto shall be located within three hundred (300) feet of the following uses if the property owned or dedicated to such uses is located along the same street and on the same block: schools, playgrounds, churches, hospitals, public libraries and institutions for dependents or for children.

(2) Minimum distances and setbacks. No off-street loading area or parking area or part thereof for more than five (5) vehicles shall be closer than three (3) feet to the adjoining lot line upon which adjoining lot is located any dwelling, school, hospital or other institution for human care. If not in a residential district but adjoining such district, the parking area shall not be located within five (5) feet from the established street right-of-way line within fifty (50) feet of any residential district.

(3) Surfacing. All off-street parking or loading areas shall be surfaced with an asphaltic or Portland cement binder pavement or similar durable and dustless surface which shall be so graded and drained as to dispose of all surface water accumulated within the area and shall be so arranged and marked as to provide for the orderly and safe loading, parking and storage of self-propelled vehicles.

(4) Lighting. Any lighting used to illuminate any off-street parking or loading areas shall be so arranged as to reflect away from the adjoining premises in any residential district.

(5) Modification of requirements. The Board of Adjustment may, on appeal, authorize a modification, reduction or waiver of the foregoing requirements, if it should find that, in the particular case appealed, the peculiar nature of the use or the exceptional situation or condition must justify such action.

E. Service stations and parking garages.

(1) Location of exits and entrances.

(a) Vehicular access to the above automotive uses shall not be closer to the intersection of any two (2) streets' lot lines than fifty (50) feet, nor shall any such use be located within twenty-five (25) feet of any boundary line of any residential district.

(2) Location of appliances or pits. No gasoline filling station or parking garage shall be permitted where any gasoline oil pump or oil-draining pit or visible appliance for any such purpose is located within ten (10) feet of any street lot line, except where such appliance or pit is within a building.

F. Commercial or registered school vehicles in residence districts. The garaging, storing or parking of any commercial or registered school vehicle in excess 12,000 pounds gross vehicle weight registered (GVWR) on any premises within a residential district is prohibited; provided, however, that nothing herein shall prohibit the parking of a commercial vehicle for such reasonable time as may be required for pickup, delivery, maintenance or installation in the regular course of business to residents of such districts. Only one (1) commercial or one (1) registered school vehicle not to exceed 12,000 pounds GVWR shall be permitted per residential dwelling, other than garaged vehicles.

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

Councilman Yazdi move to open the Public Hearing this ordinance; seconded by Councilwoman Hudson and carried on voice vote.

Suzanne Osborne, 26 Maple Avenue, asked does this mean one commercial one school; Mayor replied YES.

Since there was no one else who wished to speak, Councilwoman Hudson moved that it be closed; second by Councilman Dellaripa and carried on voice vote.

Councilman Dellaripa moved that it be adopted; seconded by Councilman Yazdi and carried on voice vote.

**\*\*\* DISCOVERED THAT THIS ORDINANCE WAS PUBLISHED FOR THE APRIL, 5, 2016 COUNCIL MEETING; THEREFORE ORDINANCE WILL BE READOPTED FOR APRIL 5, 2016.**

**INTRODUCTION OF NEW BUSINESS**

***Adoption of Resolution No. 2016-3.9: Payment of bills***

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

Municipal Clerk

**RESOLUTION - #2016 –3.9**

**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

**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: **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;

BILLS LIST PREPAID LIST

CURRENT 1,576,161.18 CURRENT 2,216,963.04

UTILITY 43,797.32 UTILITY 144,793.12

CAPITAL 33,907.38 OPEN SPACE 2,769.21

UTILITY CAPITAL 16,500.00 TRUST ACCOUNT 2,131.50

TRUST 36,005.48 RECYCLING 214.76 DOG 2,982.95 DOG TRUST 000.00

RECREATION 11,937.50 UNEMPLOY 422.70 ROSE FUND 2,548.98 CAPITAL 00,000.00

RECYCLING 675.00 WATER CAPITAL 000.00

UNEMPLOYMENT 0,000.00 RECREATION 00.00

SEWER ASSESSMENT 00.00

TOTAL 1,724,515.79 TOTAL 2,367,294.33

Councilman D’Amato seconded the motion and it carried as per the following roll call: Council Members: Hudson; YES with abstaining from P.O. 1500935; Sondermeyer; Yazdi; Costa; D’Amato and Dellaripa all YES.

***Adoption of Tax Office Resolutions No. 2016-3.10 through 2016-3.12***

Councilwoman Hudson offered the following Resolution and moved for its adoption:

**RESOLUTION #2016 -3.10**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Redemption and Cancellation of Tax Title Lien Certificate #14-00024***

**WHEREAS,** the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that, at the Borough Tax Sale held on December 22, 2014 a lien was sold on,

12 Pleasant View Avenue, Bloomingdale, for delinquent year 2014 Water/Sewer, and

**WHEREAS,** the Governing Body further finds and declares that the foregoing property is also known as Block 5056 Lot 9, owned by John Maloney & Michael Sakosits.; and

**WHEREAS,** the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 14-00024, which was sold to FWDSL & ASSOCIATES LP for a premium of 1,400.00; and

**WHEREAS,** the Governing Body further finds and declares that the LERETA, LLC has requested redemption of TTL # 14-00024 and

**WHEREAS,** the Governing Body further finds and declares that LERETA, LLC has paid all monies due on TTL #14-00034, including supporting affidavits from the lien holder and current taxes, to the Borough of Bloomingdale;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Bloomingdale that the Borough Treasurer be and is hereby authorized to issue checks in the amount of $3,425.46 for the lien redemption and $1,400.00 for the premium, to be made payable to FWDSL & ASSOCIATES LP, PO Box 1035, Somerville, NJ 08876 for the redemption and cancellation of Tax Title Lien Certificate # 14-00024.

1099 = $ 294.90

**RESOLUTION #2016 -3.11**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Redemption and Cancellation of Tax Title Lien Certificate #14-00021***

**WHEREAS,** the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that, at the Borough Tax Sale held on December 22, 2014 a lien was sold on,

40 Hamburg Turnpike, Bloomingdale, for delinquent year 2014 Tax, and

**WHEREAS,** the Governing Body further finds and declares that the foregoing property is also known as Block 5053 Lot 117, owned by Neat Maliki; and

**WHEREAS,** the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 14-00021, which was sold to PUBLIC TAX INVESTMENT for a premium of 7,500.00; and

**WHEREAS,** the Governing Body further finds and declares that LERETA, LLC has requested redemption of TTL # 14-00021, and

**WHEREAS,** the Governing Body further finds and declares that LERETA, LLC has paid all monies due on TTL #14-00021, including supporting affidavits from the lien holder and current taxes, to the Borough of Bloomingdale;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Bloomingdale that the Borough Treasurer be and is hereby authorized to issue checks in the amount of $2,248.56 for the lien redemption and $7,500.00 for the premium, to be made payable to PUBLIC TAX INVESTMENTS, PO Box 1030, Brick, NJ 08723 for the redemption and cancellation of Tax Title Lien Certificate # 14-000121.

1099 = $ 95.73

**RESOLUTION #2016 –3.12**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Overpayments in Tax Office***

**WHEREAS,** the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that Corelogic, and property owner, James Hoffman duplicated payment on 123 Reeve Avenue , Bloomingdale, NJ for the 1st quarter of 2016 on Block 5053 Lot 106;

A refund of overpayment in the amount of $3,646.85 is being returned to property owner, James Hoffman.

**NOW, THEREFORE, BE IT RESOLVED,** that the Treasurer be authorized to issue refundcheck to the following:

James Hoffman

Address: 123 Reeve Avenue

Bloomingdale, NJ 07403

Refund Amount: $3,646.85

Councilman Yazdi seconded the motion and it carried as per the following roll call: Council Members: Sondermeyer; Yazdi; Costa; D’Amato; Dellaripa and Hudson.

***Adoption of Resolution No. 2016-3.13: Authorizing Treatment Works***

***Approval for 97 South Road***

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

**RESOLUTION #2016-3.13**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Treatment Works Approval (TWA) Application***

**WHEREAS,** the Glen Wild Lake Association, Inc./Artan Alla, Bloomingdale, NJ, has submitted a Treatment Works Approval (TWA) application to the New Jersey Department of Environmental protection (NJDEP) for 97 South Road, Block 44; Lot 163.01, in Bloomingdale, NJ, to construct an individual sewage disposal field; and

**WHEREAS**, the Borough of Bloomingdale must approve said TWA-1 Application;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Bloomingdale at their Regular Meeting held on March 15, 2016, approved the Mayor to sign the TWA-1 application.

Councilwoman Hudson seconded the motion and it carried as per the following roll call: Council Members: Yazdi; Costa; D’Amato; Dellaripa; Hudson and Sondermeyer all YES.

**LATE PUBLIC COMMENT**

Councilman Yazdi moved to open the meeting to Late Public Comment; seconded by Councilman Dellaripa and carried on voice vote.

Since there was no one who wished to speak under Late Public Comment; Councilman D’Amato moved that it be closed; seconded by Councilman Yazdi and carried don voice vote.

***Adoption of Resolution No. 2016-3.14: Honoring Welcome Home Vietnam Veterans Day***

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

**RESOLUTION NO. 2016-3.14**

**OF THE GOVERNINB BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

WHEREAS, OUR Nation’s Vietnam War Commemoration gives us the opportunity for all Americans to recognize, honor and thank our Veterans and their families for their service and sacrifices during the Vietnam War from November 1, 1955 0 May 15, 1975; and

WHEREAS, over 9,000 organizations across America have joined with the Department of Defense as a Commemorative Partner to honor our Nation’s Vietnam Veterans, including the National Society Daughters American Revolution; and

WHEREAS, this commemoration includes nine million Americans, with approximately 7.2 million of them living today, and makes no distinction who served in-county, in-theater, or were stationed elsewhere during those 20 years, all answered the call of duty; and

WHEREAS, Veterans’ Affairs Secretary Robert A. McDonald has designated March 29, 2016, the last day that U.S. troops were on the ground in Vietnam, as a day to honor those who have “borne the battle”, and to extend gratitude and appreciation to them and their families;

NOW, THEREFORE, BE IT RESOLVED that I, Mayor Jonathan Dunleavy, Mayor of the Borough of Bloomingdale, along with the Borough Council, do hereby proclaim March 29, 2016, as Welcome Home Vietnam Veteran’s Day in the Borough of Bloomingdale.

Councilman Dellaripa seconded the motion and it carried on voice vote.

***Payment of Bills vote***

Borough attorney advised Mr. Yazdi that he would recuse himself from P.O. 16-00302; therefore he amended his vote to recuse himself from this purchase.

**ADJOURNMENT**

Since there was no further business to be conducted, Councilman D’Amato moved to ADJOURN at 7:40 p.m.; seconded by Councilwoman Hudson and carried on voice vote.

Jane McCarthy, RMC

Municipal Clerk