**WORK SESSION**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

**October 3, 2017**

The Work Session 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 7:00 p.m.

## SALUTE TO THE AMERICAN FLAG

Mayor Dunleavy led the Salute to the Flag followed by a moment of silence for the victims in the Las Vegas tragedy.

## ROLL CALL

*In Attendance:* Mayor: Jonathan Dunleavy

Council President: Dawn Hudson

Council Members: Anthony Costa

John D’Amato

Richard Dellaripa

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 December 28, 2016.

**NON-AGENDA**

Mayor stated that there will be four non-agenda items:

* Accept resignation of Robert Hagberg from the Department of Public Works
* Accept resignation of Nicole Irving as Animal Shelter Asst. and authorization to hire a new shelter staff person
* Authorization to enter into an interlocal agreement with the Borough of Kinnelon for construction review of old permits
* Authorization to extend the hiring of Fred Cook until the end of the year

**EARLY PUBLIC COMMENT**

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

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

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

**Municipal Clerk**

***Voter Registration***

Municipal Clerk noted the last day to register to vote is October 17, 2017 and the Clerk’s Office will be open until 9 p.m. that evening.

***Shredding***

Noted that the paper shredding will be held on Saturday, October 14 from 9-12 noon behind the Senior Center for Bloomingdale residents

**Mayor and Council**

***Donations for flood victims***

Councilman D’Amato thanked the residents for their generosity in donations to the victims of the flooding in Puerto Rico.

***Walk with the Mayor***

Mayor Dunleavy stated that the next “Walk with the Mayor” will be on October 19 at 7 p.m. at the Walter T. Bergen School.

***Board of Education***

Councilman Dellaripa stated that the Board of Ed adopted their goals for this coming year; they are doing a thorough review of their current administrative structure.

***Bid Opening for Van Dam Avenue***

Bids were opened and have been sent to the Borough Attorney for review; we hope to award at the next meeting.

***Color Run***

Mayor stated that along with the Stigma Free Program and with Kathy Monahan of the DECCA project, there will be a Color Run on October 15.

***Municipal Parking Lot***

Mayor stated the municipal parking lot will be paved tomorrow.

***Health Insurance***

Mayor stated that our premiums are reducing b 4-1/2% and possible a $15,000 dividend. This is due to a positive claim history.

**APPROVAL OF CONSENT AGENDA**

Councilman Costa moved to approve the following Consent Agenda:

1. Approval of Mayor and Council minutes: Regular Meeting September 19, 2017

Councilwoman Hudson seconded the motion and it carried on voice vote with all members voting YES.

**PENDING ITEMS**

**Adoption of Resolution No. 2017-10.1: Authorizing designated municipal employees to utilize Borough vehicles in the performance of their duties**

**Councilman D’Amato offered the following resolution an moved for its adoption:**

**RESOLUTION No. 2017-10.1**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Designated Municipal Employees to Utilize Assigned Borough Vehicles in the Performance of Their Duties***

**WHEREAS,** the Governing Body of the Borough of Bloomingdale is committed to ensuring that residents are provided with quality services and a safe community to the extent practicable ; and

**WHEREAS,** the Chief of Police, Fire Chief, Assistant Fire Chief, Superintendent of the Department of Public Works, Construction Code Official, Emergency Management Coordinator; Animal Control Officers and Water Utility Foreman provide services to residents on a twenty-four hour per day, seven days per week, on call basis; and

**WHEREAS,** the services provided by these designated individuals require the use of Borough-owned, Borough-insured vehicles in the performance of their duties; and

**WHEREAS**, previously the Governing Body adopted resolution 2017-1.56 setting forth a policy of usage of Borough vehicles. This resolution supersedes such action; and

**WHEREAS,** the Governing Body has determined that permitting these designated individuals to maintain in their possession a Borough-owned, Borough-insured vehicle will maximize the services provided to residents and promote safety and the general welfare within the Borough and in those municipalities with which the Borough has entered into shares services agreements for provision of certain services; and

**WHEREAS,** the use of the assigned vehicles is limited to official Borough business only and not for personal use, thereby prohibiting abuse of access to the Borough-owned vehicles.

**WHEREAS**, the Governing Body recognizes that the Fire Chief and Assistant Chief are invaluable volunteers and first responders for the Borough and accordingly, both the Fire Chief and Assistant Chief shall be permitted to use Borough vehicles for their personal use while he/she is on call. The vehicle is not to be used for transportation to and from their place of employment. The personal use must be conducted within the confines of the Borough of Bloomingdale and surrounding mutual aid towns of Pompton Lakes, Butler, Kinnelon, Riverdale, Wanaque, Apshawa, and Pequannock. There shall be no limit on the use of the vehicle for matters associated with firematics such as attending meetings, training, and conferences in order to carry out the duties of Fire Chief and Assistant Chief; and

**WHEREAS**, with respect to the vehicles for the Fire Chief and Assistant Chief, the Fire Chief may designate other members of the Fire Department/Fire Police, as appropriate, to use the vehicle for a designated firematic purpose, however, under no circumstances is anyone other than the Fire Chief, Assistant Chief, and fire personnel be permitted in the Fire Chief and Assistant Chief vehicle.

***NOW, THEREFORE, BE IT RESOLVED*** that the Governing Body of the Borough of Bloomingdale does hereby authorize the assignment of Borough-owned, Borough-insured vehicles to the following designated Borough employees: (1) Chief of Police; (2) Fire Chief and Assistant Fire Chief; (3) Superintendent of the Department of Public Works; (4) Construction Code Official; and (5) Animal Control Officers; (1) Emergency Management Coordinator; Water Utility Foreman; and

***BE IT FURTHER RESOLVED*** that the Fire Chief and Assistant Fire Chief vehicles used in accordance with the terms of this resolution set forth above, and the above references Borough employees are permitted to maintain in their possession the assigned Borough-owned vehicles on a twenty-four hour per day, seven days per week basis for the purpose of performing Borough business only, it being expressly prohibited that the assigned vehicles be used for personal use.

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

(Noted that this will be on the Reorganization meeting each year)

**INTRODUCTION OF NEW BUSINESS**

***Adoption of Resolution No. 2017-10.2: Chapter 159 Drunk Driving Enforcement***

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

# **RESOLUTION NO. 2017-10.2**

# **OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

## Authorizing the Insertion into the FY2017 Municipal Budget Pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) of a Special Item of Revenue in the Form of a State of New Jersey Drunk Driving Enforcement Fund (DDEF) Program

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

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

**WHEREAS,** the Governing Body further finds and declares that it is in the best interests of the citizens of the Borough to request approval of the insertion into the Borough’s FY2017 Municipal Budget of an item of revenue based upon a grant secured by the Borough from the State of New Jersey;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby request that the Director of the Division of Local Government Services, within the State of New Jersey Department of Community Affairs, approve the insertion into the Borough’s FY2017 Municipal Budget of an item of revenue in the sum of $3,154.10, which item is now available as revenue in the form of a State of New Jersey Current Fund – DDEF Program; and

**BE IT FURTHER RESOLVED** that a like sum of $3,154.10 be and the same is hereby appropriated under the caption:

*Public and Private Revenues Offset with Appropriations DDEF Program*

**AND BE IT FURTHER RESOLVED** that the Chief Financial Officer will electronically file with the Director of Local Government Services, within the State of New Jersey Department of Community Affairs, in accordance with LFN 2014-11.

Councilman D’Amato seconded the motion and it carried on voice vote with all Council Members voting YES.

***Adoption of Resolution No. 2017-10.3: Authorizing Planning Board review of***

***redevelopment studies***

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

**RESOLUTION #2017-10.3**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***Amending Resolution 2017-6.13 Authorizing review by the Planning Board of a Redevelopment Study of Main Street and Redevelopment Study of the Meer Tract by CME Associates dated May 2017***

***WHEREAS,*** the Governing Body of the Borough of Bloomingdale by way of Resolution 2017-6.13 requested the Planning Board to undertake a preliminary investigation to determine whether certain properties in said resolution meet the statutory criteria to be designated a “Non-Condemnation Area in Need of Redevelopment” pursuant to the Local Redevelopment Housing Law; and

***WHEREAS***, the Redevelopment Needs Study included the property known as the “Meer Tract” identified as Block 5105, Lot 14 on the Tax Map of the Borough of Bloomingdale; and

***WHEREAS***, the Planning Board has recently authorized the subdivision of Block 5105, Lot 14 into two separate lots: Block 5105, Lot 14.01 which is approximately 33 acres in size and has been identified as a property for a potential affordable housing site within the Borough; the other lot from this subdivision is known as Block 5105, Lot 14.02 which is approximately 145 acres in size which the Council does not believe such land should be considered for a Redevelopment Study.

***NOW, THEREFORE, BE IT RESOLVED*** by the Council of the Borough of Bloomingdale that Resolution 2017-6.13 which requests the Planning Board to undertake a preliminary investigation to determine whether the following areas meet the statutory criteria to be a designated “Non-Condemnation Area in Need of Redevelopment” pursuant to the local redevelopment housing law be amended as follows:

a. Block 5105, Lot 14 is hereby removed from the Redevelopment Need Study/Meer Tract in that the property has been subdivided and the Block and Lot no longer exists on the Tax Map;

b. Block 5105, Lot 14.01 (formerly a portion of Block 5105, Lot 14) is hereby requested to be part of the preliminary investigation of the Planning Board known as the Redevelopment Needs Study; and

c. Block 5105, Lot 14.02 (formerly a portion of Block 5105, Lot 14) is hereby omitted from the Redevelopment Needs Study.

***BE IT FURTHER RESOLVED*** that all other direction set forth in the resolution 2017-6.13 hereby remains in full force and effect.

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to the Planning Board for their consideration.

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

***Adoption of Resolution No. 2017-10.4: Policy requiring Tax Assessor to notify the Mayor and Council and CFO of all Tax Appeals***

Councilman D’Amato offered the following resolution and moved for its adoption:

**RESOLUTION #2017 -10.4**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

**ESTABLISHING A WRITTEN POLICY REQUIRING THE TAX ASSESSOR TO NOTIFY THE MAYOR AND COUNCIL AND THE CHIEF FINANCIAL OFFICER (CFO) OF ALL TAX APPEALS**

Whereas, the Tax Assessor is charged with monitoring all tax appeals filed on Borough properties; and

Whereas, the Tax Assessor submits an annual tax appeals report in accordance with NJ State Statutes; and

Whereas, the State of New Jersey 2017 Best Practice Survey desires each municipality to establish a written policy requiring the Tax Assessor to notify the Chief Financial Officer (CFO) and Governing Body of all tax appeals upon filing, but no later than June 1st each year; and

Whereas, the Borough of Bloomingdale wishes to formalize the existing tax appeal notification process by the Tax Assessor; and

Whereas, this resolution shall serve as written policy requiring the Tax Assessor to report all tax appeals;

Now, therefore, be it resolves, that the Borough of Bloomingdale Tax Assessor shall submit to the Mayor, Borough Council and the Chief Financial Officers (CFO) notification of all tax appeals upon filing, but no later than June 1st each year.

Councilman Dellaripa seconded the motion.

Mayor stated that in our Best Practice recommendations, it was noted that we need an actual policy in place to do this. This will be on the Reorganization meeting each year.

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

***Adoption of resolution authorizing interlocal agreement with the Township of Mansfield for Chief Financial Officer***

Councilwoman Hudson moved to TABLE this; seconded by Councilman D’Amato and carried on vice vote.

***Adoption of Resolution No. 2017-10.5: Acceptance of Resignation of***

***Robert Hagberg as DPW employee***

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

**RESOLUTION NO. 2017 -**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ACCEPTING RESIGNATION OF ROBERT F. HAGBERG and AUTHORIZING SETTLEMENT AGREEMENT**

**WHEREAS**,on September 26, 2017 Bloomingdale DPW Laborer Robert F. Hagberg (“RFH”) submitted an irrevocable letter of resignation effective September 26, 2017 (the “Resignation”) in accordance with the terms and conditions of a Settlement Agreement and Release executed by RFH on same date (the “Agreement”); and

**WHEREAS**, the Bloomingdale Borough Council has reviewed the Agreement in connection with the Resignation which Agreement is in accordance with the terms set forth by legal counsel; and

**WHEREAS**, the Bloomingdale Borough Council believes that the resignation of RFH in accordance with Agreement is in the best interests of the Borough.

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

1. The Mayor and Borough Council hereby approve of the Agreement;
2. The Mayor and Borough Council hereby accept the Resignation; and
3. The Borough of Bloomingdale hereby authorizes the Mayor and Borough Clerk to take whatever steps necessary to finalize the Agreement including the execution of the Agreement.

This Resolution shall take effect immediately.

Councilman Dellaripa seconded the motion and it carried on voice vote with all Council Members voting YES.

***Adoption of Resolution No. 2017-10.6: Authorization to enter into an interlocal with the Borough of Kinnelon for construction review of old permits***

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

**RESOLUTION #2017-10.6**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing an Interlocal Agreement with the Borough of Kinnelon for existing permit management services***

WHEREAS, on June 16, 2009, the Governing Body adopted a Resolution wherein the Governing Body declares its intention to expand the scope of its existing interlocal agreements for the sharing of public services and programs with other governmental units; and

WHEREAS, the Governing Body has learned that the Borough of Kinnelon requires a Field Inspector under the provisions of N.J.A.C. 5:23 to do existing permit management, which services can be provided by the Borough of Bloomingdale through its Construction Department pursuant to an interlocal service agreement; and

WHEREAS, the Governing Body finds and declares that such services fall within the scope of the Interlocal Service Act, N.J.S.A. 40:8A-1, et. Seq, which authorizes a municipality to contract with another governmental entity for the provision of service that a municipality is empowered to ender under state law; and

WHEREAS, the Governing Body further finds and declares that authorization of an interlocal service agreement for management of existing permits with the Borough of Kinnelon would implement the Governing Body’s declared intention of expanding the scope of its existing interlocal agreements, which would be in the best interests of the fiscal health and integrity of the Borough’s municipal government and the citizenry thereby;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize any and all appropriate municipal officials to execute interlocal service agreement with the Borough of Kinnelon for permit management services subject to review by the Mayor, Borough Attorney as to the form and content of said agreements

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

***Authorization to extend the part-time help of Fred Cook***

Councilman Sondermeyer moved to extend the part-time summer help hiring of Fred Cook at $10/hr. until the end of the year; seconded by Councilman Dellaripa carried on voice vote with all Council Members voting YES.

***Acceptance of resignation of Nicole Irving as ACO as Animal Shelter Assistant***

Councilman Costa moved to accept the resignation of Nicole Irving s Animal Shelter Assistant; seconded by Councilman Sondermeyer and carried on voice vote.

**LATE PUBLIC COMMENT**

Councilwoman Hudson moved to open the meeting to Late Public Comment; seconded by Councilman D’Amato 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 Councilwoman Hudson and carried on voice vote.

**LATE EXECUTIVE SESSION**

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

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***MOTION FOR EXECUTIVE SESSION***

**BE IT RESOLVED** by the Township Council of the Borough of Bloomingdale on the 3rd day of October 2017 that:

1. Prior to the conclusion of this **Official 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):

( ) (1) Confidential or excluded matters, by express provision of Federal law or

State statute or rule of court.

( ) (2) A matter in which the release of information would impair a right to receive

funds from the Government of the United States.

( ) (3) Material the disclosure of which constitutes an unwarranted invasion of

individual privacy.

( ) (4) A collective bargaining agreement including negotiations.

( ) (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.

( ) (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) (7) Pending or anticipated litigation or contract negotiations other than in

subsection b. (4) herein or matters falling within the attorney-client privilege.

(x ) (8) Personnel matters.

( ) (9) Deliberations after a public hearing that may result in penalties.

2. 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).

Councilman Dellaripa seconded the motion and it carried on voice vote with all council members voting yes.

(At this time, the Mayor and Council went into Executive Session)

**RECONVENED**

Mayor Dunleavy reconvened the meeting at 8:21 p.m. and note that no action was taken during the Executive Session.

***Adoption of Resolution No. 2017-10.7: Hiring of DPW Laborers***

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

**RESOLUTION #2017-10.7**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***Authorization for Hiring of DPW Employees***

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Borough of Bloomingdale authorization is given for the hiring of the following DPW laborer’s as per the conditions of the Blue Collar Contract:

Ian Hogan Effective 10/23/17

Dan Gerhardt Effective 10/23/17

Rob Buscher Effective 10/30/17

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

***Adoption of Resolution NO. 2017-10.8: Authorizing Interlocal Agreement for CFO services with Mansfield***

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

**RESOLUTION NO. 2017 – 10.8**

RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY **approving and AUTHORIZING a SHARED SERVICES agreement between the BOROUGH OF BLOOMINGDALE and TOWNSHIP OF MANSFIELD**

WHEREAS, the Township of Mansfield has a need for a Chief Financial Officer; and

WHEREAS, the Chief Financial Officer for the Borough of Bloomingdale, Donna Mollineaux, is a Chief Financial Officer holding the designation of Certified Municipal Finance Officer; and

WHEREAS, Donna Mollineaux is available to assist the Township of Mansfield with performance and provision of the requirements of the Chief Financial Officer position per statutes and guidelines; and

WHEREAS, Donna Mollineaux will receive annual compensation in the amount of $55,000, or $13,750 per calendar quarter, for performance under the Interlocal Shared Services Agreement; and

WHEREAS, Donna Mollineaux will receive compensation in the amount of $13,750 for 2017 for performance under the Interlocal Shared Services Agreement; and

WHEREAS, in enacting the “Uniform Shared Services and Consolidation Act,” N.J.S.A. §40A:65-1 *et seq.*, the New Jersey Legislature has permitted municipalities to enter into agreements to provide or receive services to/from one another as a means to reduce municipal expenses; and

WHEREAS, accordingly, the Borough of Bloomingdale and the Township of Mansfield desire to enter into this Interlocal Shared Services Agreement (“Agreement”) through which Donna Mollineaux shall serve as Chief Financial Officer for the Borough of Bloomingdale and the Township of Mansfield.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey that the Mayor and Borough Clerk are hereby authorized to execute an Interlocal Shared Services Agreement with the Township of Mansfield for Chief Financial Officer services; and

BE IT FURTHER RESOLVED that the Interlocal Shared Services Agreement shall take effect upon the adoption of appropriate resolutions by all the parties thereto, and execution of agreements authorized thereunder as set forth in the agreement.

This Resolution shall take effect immediately.

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

**ADJOURNMENT**

Since there was no further business to be conducted, Councilwoman Hudson moved to ADJOURN at 8:22 p.m.; seconded by Councilman Sondermeyer and carried on voice vote.

Jane McCarthy, RMC

Municipal Clerk