**September 20, 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 7:05 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

Ray Yazdi

Absent: Councilman: Michael Sondermeyer (Excused)

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 two Non-Agenda items which are: Resolution for Eagle Scout and an approval of the Fire Department boot drive.

**PRESENTATION BY BLOOMINGDALE ECONOMIC DEVELOPMENT COMMISSION**

At this time, Paul Lahman, John Graziano and Suzzane Osborne, members of the Economic Development Commission were in attendance to discuss the recent survey done by the Economic Development Commission.

Mayor Dunleavy thanked the Committee for the hard work.

At this time, the members went over the 10 question survey which was sent to the residents of the Borough to obtain opinions on their likes, dislikes, consumer preferences and opinions on the economic direction for the Borough.

Mr. Lahman noted that the results were used by the EDC to develop a strategy for economic development and formulate action plans for consideration by the Borough Council.

Some of the comments were:

* Residents overwhelmingly agree that Main Street should be the focus for economic development
* Concerned over high taxes
* Disapproval of expansion of the quarry on Federal Hill
* As per survey results, commission feels more crosswalks are needed and make them more visible
* Police patrolling Main Street on foot
* Borough should proactively approach Developers to bring awareness to the opportunities available for development on Main Street and Union Avenue.
* Institute an Architectural Review Board to achieve the “Small town” genre
* Review sign and light ordinance
* Include a page on the website as to more information about the town

In regard to having the Borough declared “an area in need of redevelopment, we need to adopt an ordinance and maximum is $25,000 for improvements; this will be a Main Street Vision Plan and we will propose it to a developer. Mayor will reach out to the Police Department re patrolling Main Street and to the County for crosswalks.

As far as speed limits, this is a county road.

Mayor thanked the Commission for their work and commented on Pompton Lakes “coupon program” and noted that the Commission should speak with business owners to talk these ideas over.

**EARLY PUBLIC COMMENT**

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

Linda Huntley, 86 Van Dam Avenue, noted that she is glad to see the Mayor and Council are going to use the Vision Plan which was previously done but the Governing Body did not declare Main Street an area in need of redevelopment.

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 Costa and carried on voice vote. aBSENT: Councilman Sondermeyer

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

***Community Garden***

Councilwoman Hudson stated that the Community Garden project is coming along and hope to have an opening in early spring.

***Bob Kochka 5k run***

Councilman D’Amato noted that this will be held this weekend and also there is a car show on Friday evening.

***Pride Day***

Mayor noted that Pride Day is this Saturday and encouraged all to attend.

***Municipal Alliance***

Noted that the Alliance is looking for more members.

***Mayor’s Report***

Mayor Dunleavy reported on the following:

* Ryerson Avenue paving completed as well as Oak Street
* Star Lake Road project will now get more aggressive
* Flood mitigation projects are underway
* Sloan Park – hope to go out to bid by the end of October
* Beginning the paving of Kampfe Lake tomorrow
* Generator project moving along

**PENDING ITEMS**

***Second and final reading and public hearing of Ordinance No. 22-2016: Amending Chapter 32, Entitled “Soil and Soil Removal”***

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF***

***PASSAIC AND STATE OF NEW JERSEY AMENDING CHAPTER 32, ENTITLED***

***“SOIL AND SOIL REMOVAL”, SUB-CHAPTER 32-2.8(4), “APPLICATION FEE;***

***RESUBMSSIONS”*** was given second and final reading and consideration for adoption at this time.

Municipal Clerk read Public Notice Statement.

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

**ORDINANCE NO. 22-2016**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF**

**PASSAIC AND STATE OF NEW JERSEY AMENDING CHAPTER 32, ENTITLED**

**“SOIL AND SOIL REMOVAL”, SUB-CHAPTER 32-2.8(4), “APPLICATION FEE;**

**RESUBMSSIONS”**

 **WHEREAS**, the Borough of Bloomingdale recognizes that soil removal and disturbance requires significant oversight and regulations so that the activity will be conducted in a manner to protect the health, safety and welfare of the residents of the Borough; and

 **WHEREAS**, the Borough has adopted additional opportunities for soil and soil removal in the context of quarrying within the Borough; and

 **WHEREAS**, the Borough has also adopted additional regulations and expanded hours of operations for quarrying activities which will result in additional Borough oversight and costs.

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Bloomingdale that the Borough, in order to provide the necessary oversight to assure compliance, hereby amends Chapter 32-2.8(4) entitled “Application Fees; Resubmissions”, Subsection 4 to read as follows:

**SECTION ONE:** The Code of the Borough of Bloomingdale is hereby amended to amend the following Section:

**“32-2.8(4)** All quarrying and/or soil and soil removal operations which exists on any portion of any property within the Borough, shall file an annual license application along with the submission of a fee in the amount of $1,666 per acre of land for the premises that which quarrying activities occur during any portion of a calendar year. The license application and corresponding fee shall be submitted to the Borough Clerk by February 1st on an annual basis. The Borough shall review the license application and be authorized to approve same so long as the license applicant complies with all Federal, State and local regulations including the payment of the annual licensing fee. This shall not apply to non-quarrying activities such as residential development.

The license application fee of $1,666 per acre shall increase by 2% for each year thereafter the adoption of this Ordinance.

For 2016, the license fee shall be in effect for the fourth quarter from October 1, 2016 through December 31, 2016 and the annual fee shall be prorated.

**SECTION 2.**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 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 immediately upon final passage, approval, and publication as required by law.

Councilman Costa moved to open the meeting to a Public Hearing on this ordinance; seconded by Councilman Yazdi 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 D’Amato and carried on vice vote.

Councilman Costa moved for the adoption of this ordinance; seconded by Councilwoman Hudson.

Councilman Yazdi asked that in the seventh paragraph, the license application fee of $1,666 per acre shall increase 3% for each year thereafter rather than 2%.

Discussion followed and Councilman Costa moved to amend his motion for the adoption of the ordinance with this change; seconded by Councilwoman Hudson and carried as per the following roll call: Council members: Costa; D’Amato; Dellaripa; Hudson and Yazdi all YES. Absent: Councilman Sondermeyer

***Second and final reading and public hearing of Ordinance No. 24-2016: Prohibit smoking inside of all Municipal Buildings and Vehicles and within a 25 ft. radius of all Municipal Buildings Entrances and exits***

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF***

***PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER III, “POLICE REGULATIONS,” TO MODIFY THE DEFINITION OF TOBACCO AND TO PROHIBIT SMOKING INSIDE OF ALL MUNICIPAL BUILDINGS AND VEHICLES, AND WITHIN A 25-FOOT RADIUS OF ALL MUNICIPAL BUILDING ENTRANCES AND EXITS*** was given second and final reading and consideration for adoption at this time.

Municipal Clerk read Public Notice Statement.

Councilman D’Amato moved that the ordinance be read by title; seconded by Councilman Yazdi and carried on voice vote.

**ORDINANCE NO. 24-2016**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF**

**PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER III, “POLICE REGULATIONS,” TO MODIFY THE DEFINITION OF TOBACCO AND TO PROHIBIT SMOKING INSIDE OF ALL MUNICIPAL BUILDINGS AND VEHICLES, AND WITHIN A 25-FOOT RADIUS OF ALL MUNICIPAL BUILDING ENTRANCES AND EXITS.**

**WHEREAS,** pursuant to N.J.S.A. 40:48-2, any municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules, and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

**WHEREAS,** the State has expressly authorized municipalities to enact strict ordinances regulating smoking under N.J.S.A. 26:3D-63; and

**WHEREAS**, N.J.S.A. 2C:33-13b also provides that the owner and/or operator of a public place such as public parks and recreational areas, may prohibit smoking on such property; and

**WHEREAS**, the Borough desires to prohibit smoking inside of all municipal buildings and vehicles, and within a 25-foot radius of all municipal building entrances and exits; and

**WHEREAS,** the Borough desires to modify the definition of “Tobacco” to included electronic smoking devices

.

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

**SECTION 1:** Chapter 3-9, “Prohibition Against Possession and Use of Tobacco by

Minors,” Section 3-9.2, “Definitions,” of the Borough Code shall be amended to read as follows:

**3-9.2 Definitions.**

For purposes of this section:

**Minor** shall mean any person under the age of eighteen (18) years of age.

**Public Place** shall mean:

1. Any building or enclosed structure located within the Borough of Bloomingdale that is open to the pubic; and
2. Any street, road, sidewalk, walkway, park, playground, Borough recreational facility, school ground or open space located within the Borough of Bloomingdale that is open to the public.

**Tobacco** shall mean any product that is made from the tobacco plant for the purpose of being smoked, inhaled, or chewed by a person, including, but not limited to, cigars, chewing tobacco, pipe tobacco, snuff, and cigarettes in any form, including electronic smoking devices.

**SECTION 2.** The title of Chapter 3-10, “Use of Tobacco Prohibited on Recreational

Facilities Owned or Leased to the Borough,” of the Borough Code shall be amended to read as follows:

**§ 3-10 PROHIBITION OF SMOKING IN PUBLIC PLACES; USE OF TOBACOO**

**PROHIBITED ON RECREATIONAL FACILITIES OWNED BY OR LEASED TO**

**THE BOROUGH.**

**SECTION 3.** Section 3-10.1, “Prohibition,” of the Borough Code shall be amended to read as follows:

**§ 3-10.1 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**ENCLOSED AREA** shall mean all areas between a floor and ceiling, extending to the outer perimeter walls of a structure.

**PARKS AND RECREATION FACILITIES** shall include all public parks, playgrounds, and ball fields publicly owned or leased by the Borough of Bloomingdale (“Borough”) and all property owned or leased by the Borough upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities such as parking areas, driveways, or dive aisles.

**MUNICIPAL BUILDINGS** shall include all structures owned, leased, rented and/or operated by the Borough and/or occupied by Borough employees and used for official business of the Borough

**SMOKING** shall mean the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter of substance that contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

**3-10.2    PROHIBITION OF SMOKING IN PUBLIC PLACES.**

1. Smoking shall be prohibited in all Borough Municipal Buildings as defined herein. No-Smoking signs of the international no-smoking signal (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently, and conspicuously posted at each Municipal Building entrance (front/rear) and within each closed area where smoking is prohibited by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol that contrast in color with the sign, indicating that smoking is prohibited therein.
2. Smoking shall be prohibited with a twenty-five (25) foot radius of the front entrance/exit of all Municipal Buildings. No-Smoking signs of the international no-smoking signal (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently, and conspicuously posted at each Municipal Building entrance (front/rear) and within each closed area where smoking is prohibited by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol that contrast in color with the sign, indicating that smoking is prohibited therein.
3. Smoking shall be prohibited in all public parks and recreation facilities owned or leased by the Borough and all property owned or leased by the Borough upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facility such as parking areas, driveway, or div aisles, which have been designated with no-smoking signs. No-Smoking signs of the international no-smoking signal (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently, and conspicuously posted at each Municipal Building entrance (front/rear) and within each closed area where smoking is prohibited by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol that contrast in color with the sign, indicating that smoking is prohibited therein.
4. Smoking shall be prohibited in any motor vehicle registered to the Borough.

**3-10.3    Enforcement.**

       The enforcement authority of this chapter shall be the Police of the Borough of Bloomingdale.

**3-10.4    Violations and Penalties**

A violation of this section shall be punishable for each violation with a minimum fine of fifty ($50.00) dollars, not to exceed $200.00. (Ord. No. 3-2004 § III)

**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.

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

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

Councilman Costa 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; Yazdi and Costa all YES. ABSENT: Councilman Sondermeyer

***Reintroduction of Ordinance No. 21-2016: “M-Q-1” Light Industrial and Quarry Zone***

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO AMEND SECTION 92–58 OF THE BOROUGH CODE, ENTITLED “M-1-Q LIGHT INDUSTRIAL AND QUARRY ZONE*”** was reintroduced by title by Councilman Yazdi who moved that second and final reading and Public Hearing will be held on October 4, 2016 at 7 p.m.; seconded by Councilman Dellaripa and carried on voice vote with all Council members present voting YES. ABSENT: Councilman Sondermeyer

**INTRODUCTION OF NEW BUSINESS**

***Adoption of Resolution No. 2016-9.5: Payment of bills***

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

**RESOLUTION - #2016 –9.5**

**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 1,524,921.34 CURRENT 589,784.42

UTILITY 486,834.34 UTILITY 39,400.49

CAPITAL 71,083.97 OPEN SPACE 2,769.21

UTILITY CAPITAL 268,127.60 TRUST ACCOUNT 17,167.00

TRUST 4,715.78 RECYCLING 613.64 DOG 2,122.55 DOG TRUST 786.38

RECREATION 5,375.67 UNEMPLOY 61.45

ROSE FUND 10,613.45 CAPITAL 9,091.81

RECYCLING 000.00 WATER CAPITAL 000.00

UNEMPLOYMENT 202.00 RECREATION 00.00

SEWER ASSESSMENT 00.00

TOTAL 2,373,996.70 TOTAL 659,674.40

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

***Adoption of Resolution No. 2016-9.6: Chapter 159 Drunk Drive Enforcement Fund***

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

# **RESOLUTION NO. 2016-9.6**

# **OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

## *Authorizing the Insertion into the FY2016 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 FY2016 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 FY2016 Municipal Budget of an item of revenue in the sum of $4,643.70, 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 $4,643.70 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 three (3) certified copies of this Resolution be forwarded to the Office of the Director of Local Government Services, within the State of New Jersey Department of Community Affairs, for this purpose.

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

***Appointment of Jennifer Altfield as a Member of the Environmental Commission***

Councilman Costa moved to appoint Jennifer Altfield as a member of the Environmental Commission for a three-year unexpired term; expiring 12/31/17 (formerly held by June Paralis); seconded by Councilman D’Amato and carried as per the following roll call: Council Members: Yazdi; Costa; D’Amato; Dellaripa and Hudson all YES.

***Introduction of Ordinance No.25-2016: Changing of zoning map from R20 to R10 in Glenwild Lake***

***AN ORDINANCE TO AMEND THE BOROUGH OF BLOOMINGDALE ZONING MAP FROM R20 TO R10 IN A PRIVATE LAKE ASSOCIATION*** was introduced by title by Councilman D’Amato who moved that second and final reading and Public Hearing be held on October 18, 2016 at 7 p.m.; seconded by Councilman Yazdi and carried on voice vote with all Council Members present voting YES. ABSENT: Councilman Sondermeyer

***Adoption of Resolution No. 2016-9.7: Employment Practices Liability Program***

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

**RESOLUTION #2016-9.7**

**OF THE GOVERNING BODY**

 **OF THE BOROUGH OF BLOOMINGDALE**

***ADOPTING THE REVISED PERSONNEL POLICIES AND PROCEDURES MANUAL/HANDBOOK AS OF OCTOBER 1, 2016***

 **WHEREAS**, the Borough is presently a participating member of the Municipal Excess Liability Fund (“MEL”) and the Morris County Joint Insurance Fund (“MJIF”); and

**WHEREAS**, in order to satisfy the MEL’s Model Employment Practices Risk Control Program, the Borough must certain changes and updates to its Personnel Policies and Procedures/Employee Handbook; and

**WHEREAS**, the Borough Attorney has reviewed these proposed changes and recommends that the Borough incorporate these changes and updates in its Personnel Policies and Procedures/Employee Handbook as recommended by the MEL.

 **NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Bloomingdale, County of Passaic and State of New Jersey the following updates to the Borough’s Personnel Policies and Procedures/Employee Handbook are hereby adopted with the following revisions as of October 1, 2016:

1. Modification to Anti-Discrimination Policy/Americans with Disabilities Act to include New Jersey Pregnant Worker’s Fairness Act
2. Modification to the Social Media and the Communication Media Policies
3. Addition of requiring the completion of form I-9 for new hires
4. Inclusion of the Conscientious Employee Protection Act notice
5. Revision to Employment Application Procedures

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 and Yazdi all YES. ABSENT: Councilman Sondermeyer

***Adoption of Resolutions No. 2016-9.8 and 2016-8.9: Tax Office Resolutions***

Councilman Yazdi offered the following resolutions and moved for their adoption:

**RESOLUTION #2016 –9.8**

**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 3rd quarter of 2016 on Block 5053 Lot 106;

A refund of overpayment in the amount of $3,828.27 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: $3,828.27

**RESOLUTION #2016 –9.9**

**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, overapid payment on 26 Oak Street, Bloomingdale, NJ for the 3rd quarter of 2016 property taxes on Block 5066 Lot 38;

A refund of overpayment in the amount of $1047.06 is being returned to Corelogic

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

 Corelogic

 Address: Att: Tax Refunds

 1 Corelogic Way

 DFW 1-3

 West Lake, TX 76262

 Refund Amount: $1,047.06

Councilman Dellaripa seconded the motion and it carried on vice vote with all Council Members present voting YES. ABSENT: Councilman Sondermeyer

***Adoption of Resolution 2016-9.10: Eagle Scout***

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

RESOLUTION #2016-9.10

 OF THE GOVERNING BODY

OF THE BOROUGH OF BLOOMINGDALE

**WHEREAS,** David Nicholas Synol has participated in the Boy Scouts of America, a national organization founded in 1910 for the purpose of assisting young boys develop character, citizenship and physical and mental fitness through training in wood, field and handicraft activities and community service; and

**WHEREAS,** David Nicholas Synol has graduated within the organization by achieving successive ranks and merit badges through his successful completion of activities intended to foster the purpose of the Boy Scouts of America, and has attained the high rank of Eagle Scout as a result; and

**WHEREAS,** the Governing Body of the Borough of Bloomingdale finds and declares that David Nicholas Synol has brought honor to his community, his family and himself through his attainment of the high rank of Eagle Scout and has distinguished himself as an example to others of what it means to be a Scout;

# NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby recognize and congratulate David Nicholas Synol on his attainment of the high rank of Eagle Scout; does commend to him continued participation in civic and scouting activities as a means of fulfilling his status as an Eagle Scout; and does extend to him best wishes in all of his future endeavors; and

**BE IT FURTHER RESOLVED,** that the Governing Body of the Borough of Bloomingdale hereby declare October 1, 2016 ***“DAVID NICHOLAS SYNOL DAY”*** in the Borough of Bloomingdale.

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

***Adoption of Resolution No. 2016-9.11: Fire Department boot drive***

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

RESOLVED, that the Bloomingdale Fire Department has requested to hold a “boot drive” on October 22, 2016 from 9 a.m. to 3 p.m.; and

BE IT RESOVLED that the Police Chief has reviewed and has no objection to the request;

NOW, THEREFORE, BE IT RESOLVED that approval is given to the Bloomingdale Fire Department to hold a boot drive on October 22, 2016 from 9 a.m. to 3 p.m.

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

**LATE PUBLIC COMMENT**

Councilman Costa moved that the meeting be open for late public comment; seconded by Councilwoman Hudson and carried on voice vote with all Concil Members present voting YES. ABSENT: Councilman Sondermeyer

Since there was no one who wished to speak under Late Public Comment, Councilman D’Amato moved that it be closed; seconded by Councilman Costa and carried on voice vote with all Council Members present voting YES. ABSENT: Councilman Sondermeyer

***Authorization for Executive Session***

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

**RESOLUTION**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***MOTION FOR EXECUTIVE SESSION***

**BE IT RESOLVED** by the Governing Body of the Borough of Bloomingdale on the 20th day of September 2016 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.

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

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

( ) (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 D’Amato seconded the motion and it carried on voice vote with all Council Members present voting YES. ABSENT: Councilman Sondermeyer

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

**RECONVENED**

Mayor Dunleavy reconvened the meeting at 8:56 p.m. and noted that no action was taken during the Executive Session.

**ADJOURNMENT**

Since there was no further business to be conducted, Councilwoman Hudson moved to ADJOURN at 8:56 p.m.; seconded by Councilman D’Amato and it carried on voice vote with all Council Members present voting YES. ABSENT: Councilman Sondermeyer

 Jane McCarthy, RMC

 Municipal Clerk