

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

July 18, 2023

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

Mayor led the **Salute to the Flag**.

Official Roll Call: (taken by the Administrative Assistant)

In Attendance: Mayor John D'Amato
Councilman Dominic Catalano
Councilman Richard Dellaripa
Councilwoman Dawn Hudson
Councilwoman Evelyn Schubert
Councilman Ray Yazdi

Administrative Assistant, Aimee Greenspan
Business Administrator, Michael Sondermeyer
Borough Attorney, Jonathan Testa

Excused: Councilman John Graziano

PUBLIC NOTICE STATEMENT

Mayor D'Amato stated: *This Meeting is called pursuant to the provisions of the Open Public Meetings Law. Adequate notice of this meeting was advertised in the Herald News on January 9, 2023; copies were provided to the local news media and posted continuously in the Municipal Building. A copy of this notice is available to the public and is on file in the office of the Municipal Clerk.*

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

Mayor Request for Motion:

Authorizing the Administrative Assistant, Aimee Greenspan, to temporarily serve as Municipal Clerk for this council meeting

Motion: Dawn Hudson

Second: Ray Yazdi

Voice Vote: motion carried on a voice vote, all members voting AYE in favor; none were opposed

EARLY EXECUTIVE SESSION:

Adoption of Resolution No. 2023-7.15: Motion for Early Executive Session

One matter – Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.

Motion to enter Executive Session: Dawn Hudson

Second: Dominic Catalano

Voice Vote: all members present voting AYE; none were opposed.

|Council resumed in Regular Session|

NON-AGENDA ITEMS

1. **Resolution No. 2023-7.14** Transfer of Firearms (Chief of Police)

2. Approval of Block Party – Charles Street

EARLY PUBLIC COMMENT

Motion was made by HUDSON to open the meeting for public comment; seconded by YAZDI and carried on voice vote all voting AYE.

Linda Huntley – 86 Van Dam Ave, Bloomingdale:

Made the following inquiries:

- Wanted to know what the Executive action was that following the executive session

[Mayor responded **Adoption of Resolution No. 2023-7.13:** Authorize PSA with Methfessel & Werbel, P.C. (Special Counsel Services) which is listed under new business]

The reason for the executive session is to discuss matters of a confidential nature falling within the attorney-client privilege related to the pending civil litigation of Gallagher v. the Borough of Bloomingdale, PAS-L-1326-23, and is therefore excluded from public discussion/deliberation under N.J.S.A. 10:4-12b(7) of the Open Public Meetings Act.”

- Made inquiries on the need to authorize Special Counsel Services

As this relates to the pending civil lawsuit Mrs. Gallagher filed against the Borough, the inquiry was deferred to the Borough Attorney who stated: “Former Borough employee Sherry Gallagher has filed a lawsuit against the Borough alleging that she is owed certain compensation and benefits from the Borough following the end of her employment with the Borough. The lawsuit is pending in New Jersey Superior Court. It is the Borough’s position that Mrs. Gallagher’s claims are incorrect and without basis. The Borough is entitled to defend itself against such claims and has the right to pursue affirmative claims and counterclaims against Mrs. Gallagher in the pending litigation. Out of respect for the legal process and all parties involved, we will not comment any further on this subject matter at this time.”

- Made inquiry as to what the Construction emergency repairs were

Computer systems and firewall

Since there was no one else from the public who wished to speak YAZDI made a motion to close the meeting for public comment, seconded by CATALANO carried on voice vote, all in favor voting AYE.

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

Councilwoman Schubert (Senior Committee, Library Board, BBYC & Tri-Boro First Aid Liaison):

- First Aid
 - 143 Calls/90%
 - FAS: 108 calls 35 paid services – Butler: 50 Bloomingdale: 53 Kinnelon: 28 Mutual Aid: 12
 - They will attend: Walter T. Graduation; Butler Graduation; Safety Town; Kinnelon Fireworks
 - Dueling Piano event Sept. 22nd at 6 pm at Fireman’s Hall - \$65/pp
 - Food trucks for the new fireworks day, Sept. 30th, will be kettle corn and empanada truck
- Senior Center:
 - Charcuterie event last month was successful
 - Tours in Sept.
 - Sleepy Hollow in Oct.

- *Christmas Party \$25 due Nov. 1st*
- Library Events:
 - *Dueling Pianos Apr. 22nd, 2024 at Glenwild Club House*
 - *Will attend Sloan Park Fest. Sept. 8th and Celebration Day, Sept. 23rd*
 - *Wine Tasting Oct. 3rd that also has the One Hope Wine Fundraiser that's open*
- BBYO:
 - *Sign ups opened July 17th*
 - *Practice starts Oct. 1st*
 - *Super Bowl Nov. 18 at Memorial Field*
 - *Looking for Coaches*
 - *August 2nd uniforms will be handed out*

Councilwoman, Dawn Hudson (BOH Liaison)

- Public Events
 - *Sloan Park Festival Sept. 8th 5 pm-9 pm*
 - *Sept. 9th Candle Walk*
 - *Bloomingtondale Celebration Day Bob Kochka 5 K Run/Walk on Sept. 23rd*
 - *Car Show with music and food this coming Sat. 9 am – 3 p.m.*
- Misc.
 - *Linda Bennett received the Gottheimer Hometown Hero award*
 - *Invitation ceremony on July 25th at 11 am*
 - *New website is being worked on*

Business Administrator, Michael Sondermeyer:

- Provided the following updates:
 - *Summer camps are going well*
 - *Tennis courts take 1 month to harden before painting*
 - *2 pickleball courts on each of the tennis courts*
 - *Questioned how to keep it locked and start a sign up.*

Mayor, John D'Amato:

- *3x3 basketball tournament was well run and had lots of participation*
- *More programs to come*
- *Cornhole Tournament*
- *Rain storm brought flooding issues to Van Dam Avenue area. This will be brought to the engineer to look into ways to improve water flow*

CONSENT AGENDA

(Adoption of Resolutions No. 2023-7.1 – 2023-7.11)

Motion: Dawn Hudson

Second: Dominic Catalano

Roll Call Vote: CATALANO (YES), DELLARIPA (YES), HUDSON (YES), SCHUBERT (YES), YAZDI (YES)

CONSENT AGENDA RESOLUTION:

**RESOLUTION NO. 2023-7.1
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

*Accepting, Approving and/or Adopting the Consent Agenda of the
July 18, 2023, Regular Meeting*

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

NOW THEREFORE BE IT RESOLVED that the following resolutions, placed on this agenda by consent, require no discussion and the same having been previously reviewed by each

Governing Body member, be and are hereby adopted in their entirety by the Council of the Borough of Bloomingdale.

- A. Resolution No. 2023-7.2:** TV ScreenAds Renewal Agreement
- B. Resolution No. 2023-7.3:** Appoint Member to Search & Rescue (M. Crowl)
- C. Resolution No. 2023-7.4:** Emergency Repairs (Construction Office)
- D. Resolution No. 2023-7.5:** Authorizing Amendment to Resolution 2023-6.6
[Reappointment of Subcode Inspector / D. Hagberg]
- E. Resolution No. 2023-7.6:** State Aid – NJDOT Ann Street & Elm Street
- F. Resolution No. 2023-7.7:** Online Auction (*property of no useful life/public use*)
- G. Resolution No. 2023-7.8:** Authorize Hire of PT Animal Shelter Staff (S. Vargas)
- H. Resolution No. 2022-7.9:** NJDEP Soil Biennial Certification Inspection at 188 Union Avenue (J.S. Held LLC)
- I. Resolution No. 2022-7.10:** NJDEP Biennial Groundwater Testing & Certification Inspection at 188 Union Avenue (J.S. Held LLC)
- J. Resolution No. 2022-7.11:** Authorizing Borough Treasurer to Certify Availability of Funds as Per N.J.C.A. 5:30-5

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Dellaripa	X			
Graziano				X	Schubert	X			
Hudson	X				Yazdi	X			

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on July 18, 2023.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

PENDING ITEMS

- A. Second/Final Reading & Public Hearing:**
Bond Ordinance No. 21-2023: Special Assessment (Orchard & Wallace Sidewalks)

Administrative Assistant, Aimee Greenspan, read the Public Notice statement.

Councilwoman Hudson moved that the Ordinance be read by title; seconded by Dellaripa and carried on voice vote – all members present voting AYE

The Administrative Assistant read the following Ordinance by title:

**BOROUGH OF BLOOMINGDALE
BOND ORDINANCE NO. 21-2023**

BOND ORDINANCE PROVIDING FOR SIDEWALK IMPROVEMENTS ALONG ORCHARD STREET AND WALLACE AVENUE, IN AND BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY; APPROPRIATING \$250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$237,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF AND THE SPECIAL ASSESSMENT OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as a local improvements to be undertaken by the Borough of Bloomingdale, in the County of Passaic, State of New Jersey (the "Borough"), pursuant to N.J.S.A. 40:56-1 et seq. and N.J.S.A. 40:65-1 et

seq., and the costs of said improvements shall be assessed on those properties specially benefitted thereby. For the improvements or purposes stated in Section 3 hereof, there is hereby appropriated the amount of \$250,000, including the amount of \$12,500 as the down payment for the improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The aforementioned down payment is now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes and to meet the part of the \$250,000 appropriation not provided for by application hereunder of the down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$237,500 pursuant to, and within the limitations prescribed by, the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$237,500 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are for sidewalk improvements along the entire lengths or portions of Orchard Street and Wallace Avenue, including, but not limited to, the construction, reconstruction and/or repair of sidewalks, curbs, driveway aprons and other similar construction along various real properties identified and described in **Schedule A** attached hereto and by this reference hereby incorporated herein, which properties are owned by private persons. The improvements and purposes provided for herein shall also include, but not be limited to, site excavation and restoration, tree and root removal, grass seeding, tree planting and other landscaping improvements, incidental roadway repaving and patching, all engineering and design work, preparation of plans and specifications, permits, bid documents, contract administration, work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes herein is \$237,500.

(c) The estimated total cost of said improvements or purposes is equal to \$250,000, the amount of the appropriation herein made therefor.

(d) The properties to be specially benefitted by these improvements are the properties identified in **Schedule A** attached hereto and by this reference are incorporated herein (collectively, the "Assessed Properties"), which Assessed Properties are also on file in the office of the Borough Clerk and are hereby incorporated in this bond ordinance as if fully set forth herein.

(e) The estimated total cost of the improvements or purposes to be assessed against the Assessed Properties is \$250,000.

(f) The estimated total cost of the improvements or purposes to be contributed and borne by the Borough is \$0, subject the provisions of Section 7(i) hereof.

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 improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received. In the event, however, that any amount so contributed or granted 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 the Local Bond Law. The Chief Financial Officer or the Treasurer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer or the Treasurer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs (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 improvements and purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as local improvements, the costs of which have been or shall be specially assessed on the Assessed Properties, which Assessed Properties shall be specially benefited thereby. An accurate account of the cost of the construction, reconstruction or repair of the sidewalks, curbs, driveway aprons and other similar construction shall be undertaken by the Borough, and such cost shall be assessed upon the several properties fronting the

improvements in proportion to their respective frontage thereon pursuant to and in accordance with N.J.S.A. 40:65-1 et seq.

(b) The Borough will contribute \$0 to the cost of the improvements or purposes described in Section 3 hereof, subject the provisions of Section 7(i) hereof, and the Assessed Properties will contribute \$250,000 to the cost of the improvements or purposes described in Section 3 hereof.

(c) The number of annual installments in which the special assessments may be paid is ten (10) years.

(d) The estimated maximum amount of special assessments shall be \$250,000.

(e) At least ten (10) days prior to such time fixed for public hearing and further consideration for final passage of this bond ordinance, a copy of this bond ordinance, together with a notice of the pendency of this bond ordinance, may be given to the owners of the real estate affected hereby in accordance with N.J.S.A. 40:65-6, and such notice shall contain the time and place, when and where this bond ordinance will be further considered for final passage, in accordance with the provisions of N.J.S.A. 40:65-2 to N.J.S.A. 40:65-6, and such notice must be provided to every person interested in the proposed improvement and whose lands may be affected by this bond ordinance or any assessments which may be made in pursuance hereof. If the above-described notice of the pendency of this bond ordinance is not given in accordance with N.J.S.A. 40:65-6 to the owners of property affected hereby and a hearing is not given to all persons interested in the improvements at the time and place stated in the notice, the Borough Clerk shall cause a notice of the proposed sidewalk, curb, driveway apron and other similar construction improvements to be given to the owner or owners of real estate affected hereby prior to the making of the sidewalk improvements described in Section 3 hereof or the awarding of any contract for such improvements. The Notice shall contain a description of the property affected sufficient to identify it, a description of the improvements, and a statement of the percentage of the cost to be borne by the owner or owners of such real estate, if the cost thereof is to be borne in part by such owners, or a statement that unless the owner or owners complete the improvements within thirty (30) days after service thereof, the Borough will make the improvements at the expense of the owner or owners, if the cost of the improvements is to be borne wholly by the owner or owners of the real estate. Such Notice shall be served in accordance with the provisions of N.J.S.A. 40:65-2 to N.J.S.A. 40:65-6, and the proof of service shall be filed with the officer of the Borough in charge of the records of tax liens of the Borough within ten (10) days after service thereof, but failure to file such proofs shall not invalidate the proceedings if service has been made as hereinbefore provided.

(f) The period of usefulness of the improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is ten (10) years.

(g) 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, 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 \$237,500 and the obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(h) An aggregate amount not exceeding \$30,000 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 purposes or improvements described herein.

(i) If the amount of the assessments on the Assessed Properties is less than \$250,000, then the Borough will contribute the difference between such reduced assessment and the cost of the improvements.

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 expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof are "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on all tax-exempt bonds and notes issued under this ordinance.

SECTION 11. The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough, which are authorized herein, and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough, which are authorized herein, and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the

opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

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

ADOPTED ON FIRST READING
DATED: June 27, 2023

BREEANNA SMITH,
Borough Clerk

ADOPTED ON SECOND READING
DATED: July 18, 2023

BREEANNA SMITH,
Borough Clerk

Public Hearing:

At this time YAZDI made a motion to open the Public Hearing for comment; seconded by CATALANO and carried on a voice vote all voting AYE.

Omar – 617 South Franklin Lakes (owns 27 & 35 Orchard St.)
Made the following inquires:

- Can homeowners solicit private quotes [yes but the work must be DOT standards]
- Is there interest on annual payments over 10 years? [yes]
- General inquiry on the project

Since there was no one else who wished to speak YAZDI made a motion to close the public hearing; motion was seconded by DELLARIPA and carried on voice vote all members voting AYE; none were opposed.

Adoption:

HUDSON made motion for adoption; the motion was seconded by YAZDI and carried per the following roll call vote: DELLARIPA (YES), HUDSON (YES), SCHUBERT (YES), YAZDI (YES), CATALANO (YES)

B. Second/Final Reading & Public Hearing:

Ordinance No. 26-2023: Amend Ch. 92 Zoning (One Family R-40-TH Zone)

Administrative Assistant, Aimee Greenspan, read the Public Notice statement.

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

The Administrative Assistant read the following Ordinance by title:

**ORDINANCE NO 26-2023
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 92 “ZONING”, ARTICLE XII “SCHEDULE OF REGULATIONS”, SECTION 92-48 “R-40-TH ONE-FAMILY RESIDENTIAL AND TOWNHOUSE ZONE” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Borough Code currently sets forth the regulations and requirements related to affordable housing obligations in the Borough; and

WHEREAS, the Borough Ordinance Review Committee has reviewed the Code and recommended certain changes be made in order to ensure the Borough is in compliance with the applicable statutes and regulations governing affordable housing obligations;

WHEREAS, the Borough Council has reviewed and accepted the recommended changes as being in the best interest of the Borough.

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

SECTION 1. Chapter 92 "Zoning", Article XII "Schedule of Regulations", Section 92-48 "R-40-TH One-Family Residential and Townhouse Zone" shall be amended to read as follows:

§ 92-48 R-40-TH One-Family Residential and Townhouse Zone.

The following regulations shall apply in the R-40-TH Zone:

A. Principal permitted uses shall be all uses permitted in the R-40 Zone or, as an alternative, on all sites with a minimum size of 10 acres, townhouse developments consisting of structures with four to six dwelling units attached side by side with related parking and recreation facilities and open spaces, at a density of not over three units per acre.

B. Accessory permitted uses shall be the same as the R-130 Zone under **§92-44B**.

C. Conditional uses to be acted upon by the Planning Board shall be the same as all conditional uses in the R-130 Zone.

D. Development regulations for R-40 Zone uses. For such uses as permitted in the R-40 Zone, the same regulations shall apply in the R-40-TH Zone as to minimum lot size, yards and lot coverage, maximum building height and off-street parking and loading.

E. Development regulations for townhouses.

(1) Minimum site area and frontage. The minimum site area for each development shall be 10 acres, and the minimum frontage on a public street shall be 500 feet. Where individual units are sold such as for condominium ownership, the land shall not be divided into separate lots but shall be combined for purposes of common maintenance.

(2) Height. The maximum height shall be 30 feet, and there shall be not over two stories. No units shall be built with any part below the outside ground level except for basements not used for sleeping purposes.

(3) Density. The maximum density shall be three dwelling units per acre of site area, excluding public streets.

(4) Coverage. Townhouse structures shall cover not more than 10% of the site area excluding public streets.

(5) Number of bedrooms. No townhouse units shall have over three bedrooms, and not over 50% of the dwelling units shall have three bedrooms.

(6) Minimum floor area of units. The minimum floor space within each dwelling unit, exclusive of garages, shall be as follows:

Number of Bedrooms	Minimum Floor Space (square feet)
1	800
2	1,000
3	1,200

(7) Yards: distance between structures. Front, side and rear setbacks from public streets and property lines shall be a minimum of 50 feet. Side yards between structures shall be at least 25 feet, and distances between the front and the rear of structures shall be at least 50 feet. Accessory garages shall be a minimum of 30 feet from townhouse structures unless located within such structures.

(8) Building length. No more than six dwelling units shall be contained in any one continuous structure.

(9) Building location. Townhouse structures shall not be located on land with over a 10% slope, nor shall land within 30 feet of the front and rear of the structures have over a 10% slope in order to assure

adequate outdoor living space. Deep cuts and high fills shall be avoided so as to maintain the natural character of the land as much as possible, as determined by Planning Board site plan review.

(10) Landscaping and recreation space. At least 50% of the site shall consist of landscaped open space exclusive of building area, parking areas and access drives. At least 10% of the site area, which can be included in the foregoing 50%, must be common open space developed for active or passive recreation use of the residents of the townhouse development, including patios, play areas, sitting areas, swimming pools and the like.

(11) Buffer strips. There shall be a buffer strip on all lot lines adjoining another zone district, not including street lines, of at least 15 feet in width which, if wooded, shall remain in its natural state, or, if not, shall be planted with a landscaped visual screen at least six feet in height.

(12) Off-street parking. At least two off-street parking spaces shall be provided for each townhouse unit of one bedroom and 2.25 off-street parking spaces for each unit of two or three bedrooms, to be at least 200 square feet (ten by twenty (10 x 20) feet in size), properly paved and with adequate access. No parking spaces shall be located closer than 10 feet to the front of a townhouse structure, closer than 10 feet to the rear or closer than eight feet to the side, except where parking spaces are located within the building.

(13) Access drives. Access drives shall be at least 10 feet wide for one-way traffic and 25 feet wide for two-way traffic. No access drive shall be located closer than eight feet to a townhouse building, except where parking spaces are located within the building.

(14) Affordable housing.

- (a) A mandatory affordable housing set-aside standard shall apply for any development consisting of five (5) or more new dwelling units.
- (b) The set-aside of affordable units which are to be offered for sale shall be twenty (20) per cent. The set-aside of affordable units which are to be offered for rental shall be fifteen (15) per cent. For developments where the set-aside results in a decimal, .4 and below shall be rounded down and .5 and above shall be rounded up.
- (c) No payments in lieu of the affordable housing set-aside shall be permitted or collected.
- (d) The affordable units shall comply with the Borough's affordable housing regulations in Chapter 12 of the Borough Ordinances. This includes, but is not limited to, affordability controls of not less than thirty (30) years, proper distribution of one, two and three bedroom affordable units, proper distribution of very-low, low and moderate income units, and affirmative marketing.
- (e) This standard does not create any entitlement for a property owner or applicant for a zoning amendment, variance, site plan approval, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.
- (f) The Borough may seek to continue its substantive certification by way of the Superior Court of the State of NJ or a future administrative agency with jurisdiction over the certification process. In the event such a court or administrative agency approves a plan that deviates from the set-aside provisions of this ordinance, then the order of the court or the administrative agency shall prevail.

(15) Planning Board review. Site plan review and approval by the Planning Board will be required for all townhouse uses permitted hereunder.

All other portions of this Section not addressed herein shall remain unchanged.

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

ATTEST:

BOROUGH OF BLOOMINGDALE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

Breeanna Smith, Clerk

By: _____
John D'Amato, Mayor

Public Hearing:

At this time YAZDI made a motion to open the Public Hearing for comment; seconded by CATALANO and carried on a voice vote all voting AYE. Since there was no one who wished to speak HUDSON made a motion to close the public hearing; motion was seconded by CATALANO and carried on voice vote all members voting AYE; none were opposed.

Adoption:

YAZDI made motion for adoption; the motion was seconded by HUDSON and carried per the following roll call vote: HUDSON (YES), SCHUBERT (YES), YAZDI (YES), CATALANO (YES), DELLARIPA (YES)

C. Second/Final Reading & Public Hearing:

Ordinance No. 27-2023: Amend Ch. 92 Zoning (Conditional Uses)

Administrative Assistant, Aimee Greenspan, read the Public Notice statement.

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

The Administrative Assistant read the following Ordinance by title:

**ORDINANCE NO 27-2023
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 92 “ZONING”, ARTICLE V “REGULATIONS GOVERNING CERTAIN USES”, SECTION 92-24 “CONDITIONAL USES” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Borough Code currently sets forth the regulations and requirements related to affordable housing obligations in the Borough; and

WHEREAS, the Borough Ordinance Review Committee has reviewed the Code and recommended certain changes be made in order to ensure the Borough is in compliance with the applicable statutes and regulations governing affordable housing obligations;

WHEREAS, the Borough Council has reviewed and accepted the recommended changes as being in the best interest of the Borough.

NOW THEREFORE BE IT ORDAINED, by the 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 92-24 “Conditional Uses” shall be amended to read as follows:

§92-24 Conditional uses.

Conditional uses, as enumerated in Article **XII**, Schedule of Regulations, shall be permitted only upon authorization by the Planning Board pursuant to **§92-24**, provided that such uses shall be found to comply with the following requirements and other applicable requirements as set forth in this chapter:

A. That the use is a permitted conditional use as set forth in Article **XII**, Schedule of Regulations, hereof.

B. That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.

C. That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

D. That the use will be compatible with adjoining development and the proposed character of the zone district where it is to be located.

E. That adequate landscaping and screening is provided as required in §92-18 and as otherwise provided herein.

F. That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.

G. That the review of the conditional use shall include any required site plan review under this chapter. Applications for existing building structures containing more than one commercial use location and having a previously approved site plan on file in the Construction Office shall not require the submission of a site plan for the Planning Board review.

H. Conditional use standards for animal hospitals, veterinary offices, kennels and animal day-care centers.

(1) Soundproofing of all exterior walls of the building or of the entire perimeter of the space devoted to such use, where a building will contain multiple uses, shall be required.

(2) Where outdoor runs or play areas are proposed, the minimum lot area shall be five acres and the minimum setback of any outdoor run or play area from a property line shall be 200 feet. The outdoor run or play area shall be visually screened from adjoining properties and from other activity areas on the site. Moreover, the outdoor runs or play area shall be located as far as possible from the parking lot and from the main building entrance.

(3) Dog walking areas shall be policed on a regular basis and shall contain cleanup stations stocked with plastic bags and a receptacle for disposing of waste. Appropriate signage shall be posted to ensure client compliance.

I. Conditional use standards for hotels and motels.

(1) The maximum height permitted for a hotel or motel shall be four stories and 50 feet, measured from the average grade around the building to the top of the ridgeline of the roof.

(2) Hotels and motels shall only be permitted as part of a comprehensive development of 20 acres or more consisting of multiple permitted uses within the B-1-A Zone. Freestanding hotels and motels shall not be permitted.

(3) Hotels and motels shall be located at least 100 feet from any residential lot line and shall be set back from the street line at least 50 feet.

(4) Signage for a hotel or motel may be located on one or more exterior walls of the building, provided that said walls do not face a residential area, and said signs may be placed above the twelve-foot height limit for other uses, subject to site plan review. Additionally, one sixteen-square-foot freestanding monument-type sign may be placed at the entrance to the hotel or motel site, provided such freestanding monument-type sign does not exceed a height of four feet above ground level and is set back at least 10 feet from all lot lines.

J. Conditional use standards for cannabis retailers as set forth in §92-66, Permitted cannabis uses.

K. Conditional use standards for cannabis wholesalers as set forth in §92-66, Permitted cannabis uses.

L. Conditional use standards for dwelling units above permitted business uses as set forth in Section 92-55 "B-1 General Business Zone", Section 92-55.1 "B-1-A Commercial Zone" and Section 92-55.2 "Bloomingdale Center District Zone (BCD)".

All other portions of this Section not addressed herein shall remain unchanged.

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

ATTEST:

BOROUGH OF BLOOMINGDALE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

Breeanna Smith, Clerk

By: _____
John D'Amato, Mayor

Public Hearing:

At this time HUDSON made a motion to open the Public Hearing for comment; seconded by YAZDI and carried on a voice vote all voting AYE. Since there was no one who wished to speak HUDSON made a motion to close the public hearing; motion was seconded by YAZDI and carried on voice vote all members voting AYE; none were opposed.

Adoption:

YAZDI made motion for adoption; the motion was seconded by DELLARIPA and carried per the following roll call vote: SCHUBERT (YES), YAZDI (YES), CATALANO (YES), DELLARIPA (YES), HUDSON (YES)

D. Second/Final Reading & Public Hearing:

Ordinance No. 28-2023: Amend Ch. 92 Zoning (Garden Apt Zone R-G)

Administrative Assistant, Aimee Greenspan, read the Public Notice statement.

Councilwoman Hudson moved that the Ordinance be read by title; seconded by Yazdi and carried on voice vote – all members present voting AYE

The Administrative Assistant read the following Ordinance by title:

**ORDINANCE NO. 28-2023
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 92 “ZONING”, ARTICLE XII “SCHEDULE OF REGULATIONS”, SECTION 92-49 “R-G GARDEN APARTMENT ZONE” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Borough Code currently sets forth the regulations and requirements related to affordable housing obligations in the Borough; and

WHEREAS, the Borough Ordinance Review Committee has reviewed the Code and recommended certain changes be made in order to ensure the Borough is in compliance with the applicable statutes and regulations governing affordable housing obligations;

WHEREAS, the Borough Council has reviewed and accepted the recommended changes as being in the best interest of the Borough.

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

SECTION 1. Chapter 92 “Zoning”, Article XII “Schedule of Regulations”, Section 92-49 “R-G Garden Apartment Zone” shall be amended to read as follows:

§92-49 R-G Garden Apartment Zone.

The following regulations shall apply in the R-G Zone:

A. Principal permitted uses shall be garden-type apartments consisting of four or more dwelling units in each structure with related parking and recreation facilities and open spaces or, as an alternative, single-family detached dwellings under the standards and controls of the R-20 Zone.

B. There shall be no accessory permitted uses, except those in the R-20 Zone for single-family detached dwellings.

C. Conditional uses to be acted upon by the Planning Board shall be commercial recreation facilities, such as indoor and outdoor tennis centers, compatible with garden apartment development and appropriate for the use of the garden apartment residents, subject to Planning Board site plan review.

D. Development regulations for garden apartments.

(1) Lot area and frontage. The minimum lot area shall be three acres, and the minimum frontage on a public street shall be 200 feet.

(2) Height. The maximum height shall be 30 feet, and there shall be not over two stories. No apartments shall be built with any part below the outside ground level, except that not over one dwelling unit on a lot may be constructed with up to 50% of floor-to-ceiling height below outside ground level for the exclusive use of a resident building superintendent.

(3) Density. The maximum density shall be 10 apartment units per acre of site area, excluding public streets.

(4) Coverage. Garden apartment structures shall not cover more than 20% of the site area, excluding public streets.

(5) Number of bedrooms. No garden apartments shall have over two bedrooms, and not over 25% of the dwelling units shall contain over one bedroom.

(6) Minimum floor area of apartments. The minimum floor space within single-family dwelling units shall be as follows:

Number of Bedrooms	Minimum Floor Space (square feet)
0 (efficiency apartments)	550
1	650
2	800

(7) Yards. Front, rear and side yard setbacks from public streets and property lines shall be a minimum of 50 feet.

(8) Building length. No more than 20 dwelling units shall be contained in any one continuous structure, and there shall be no more than 12 dwelling units in any unbroken building line. A setback of not less than four feet shall be deemed a satisfactory break in the building line.

(9) Distance between structures; courts. The minimum distance front to front or front to rear shall be 50 feet; the minimum distance end to end shall be 20 feet; and the minimum distance front to side shall be 20 feet, except that the front facade of a building shall not overlap the side wall of an adjoining building by more than eight feet. Interior courts shall be at least 30 feet wide and shall be no deeper than half their width. Accessory garages shall be a minimum of 30 feet from apartment structures, unless located within such apartment structures.

(10) Building location. Garden apartment structures shall not be located in land with over a 10% slope, nor shall land within 20 feet of the front or rear of the structure have over a 10% slope in order to insure adequate circulation space and light and air, unless special justification is shown. Deep cuts and high fills shall be avoided so as to maintain the natural character of the land as much as possible, as determined by Planning Board site plan review.

(11) Landscaping and recreation space. At least 30% of the site area shall consist of landscaped open space, exclusive of building area, parking areas and access drives. At least 10% of the site area, which can be included in the foregoing 30%, must be common open space developed for active or passive recreation use of the residents of the apartment development, including play areas, sitting areas, swimming pools and the like.

(12) Buffer strips. There shall be a buffer strip on all lot lines adjoining another zone district, not including street lines, of at least 15 feet in width which, if wooded, shall remain in its natural state, or, if not, shall be planted with a landscaped visual screen at least six feet in height.

(13) Off-street parking. At least one and one-half (1 1/2) parking spaces shall be provided for each one-bedroom dwelling unit, to be at least 200 square feet (ten by twenty (10 x 20) feet) in size, and two parking spaces for each two-bedroom unit, properly paved and with adequate access. No parking spaces shall be located in required yards facing on public streets. No parking spaces shall be located closer than eight feet to an apartment building, except where parking spaces are located within the building.

(14) Access drives. Access drives shall be at least 10 feet wide for one-way traffic and 25 feet wide for two-way traffic. No access drive shall be located closer than eight feet to an apartment building, except where parking spaces are located within the building.

(15) Affordable housing.

(a) A mandatory affordable housing set-aside standard shall apply for any development consisting of five (5) or more new dwelling units.

(b) The set-aside of affordable units which are to be offered for sale shall be twenty (20) per cent. The set-aside of affordable units which are to be offered for rental shall be fifteen (15) per cent. For developments where the set-aside results in a

decimal, .4 and below shall be rounded down and .5 and above shall be rounded up.

- (c) No payments in lieu of the affordable housing set-aside shall be permitted or collected.
- (d) The affordable units shall comply with the Borough's affordable housing regulations in Chapter 12 of the Borough Ordinances. This includes, but is not limited to, affordability controls of not less than thirty (30) years, proper distribution of one, two and three bedroom affordable units, proper distribution of very-low, low and moderate income units, and affirmative marketing.
- (e) This standard does not create any entitlement for a property owner or applicant for a zoning amendment, variance, site plan approval, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.
- (f) The Borough may seek to continue its substantive certification by way of the Superior Court of the State of NJ or a future administrative agency with jurisdiction over the certification process. In the event such a court or administrative agency approves a plan that deviates from the set-aside provisions of this ordinance, then the order of the court or the administrative agency shall prevail.

(16) Planning Board review. Site plan review and approval by the Planning Board shall be required for all garden apartment uses permitted hereunder.

All other portions of this Section not addressed herein shall remain unchanged.

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

BOROUGH OF BLOOMINGDALE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ATTEST:

Breeanna Smith, Clerk

By: _____
John D'Amato, Mayor

Public Hearing:

At this time YAZDI made a motion to open the Public Hearing for comment; seconded by CATALANO and carried on a voice vote all voting AYE. Since there was no one who wished to speak HUDSON made a motion to close the public hearing; motion was seconded by YAZDI and carried on voice vote all members voting AYE; none were opposed.

Adoption:

YAZDI made motion for adoption; the motion was seconded by CATALANO and carried per the following roll call vote: YAZDI (YES), CATALANO (YES), DELLARIPA (YES), HUDSON (YES), SCHUBERT (YES)

E. Second/Final Reading & Public Hearing:

Ordinance No. 29-2023: Amend Ch. 92 Zoning (In Town Apt & Senior Housing Zone R-M)

Administrative Assistant, Aimee Greenspan, read the Public Notice statement.

Councilwoman Hudson moved that the Ordinance be read by title; seconded by Yazdi and carried on voice vote – all members present voting AYE

The Administrative Assistant read the following Ordinance by title:

**ORDINANCE NO. 29-2023
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 92 “ZONING”, ARTICLE XII “SCHEDULE OF REGULATIONS”, SECTION 92-50 “R-M IN-TOWN APARTMENT AND SENIOR CITIZEN HOUSING ZONE” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Borough Code currently sets forth the regulations and requirements related to affordable housing obligations in the Borough; and

WHEREAS, the Borough Ordinance Review Committee has reviewed the Code and recommended certain changes be made in order to ensure the Borough is in compliance with the applicable statutes and regulations governing affordable housing obligations;

WHEREAS, the Borough Council has reviewed and accepted the recommended changes as being in the best interest of the Borough.

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

SECTION 1. Chapter 92 “Zoning”, Article XII “Schedule of Regulations”, Section 92-50 “R-M In-Town apartment and Senior Citizen Housing Zone” shall be amended to read as follows:

§92-50 R-M In-Town Apartment and Senior Citizen Housing Zone.

The following regulations shall apply in the R-M Zone:

A. Principal permitted uses shall be garden-type apartments consisting of four or more dwelling units in each structure with related parking and recreation facilities and open spaces or, as an alternative, single-family detached dwellings under the standards and controls of the R-10 Zone.

B. There shall be no accessory permitted uses, except those in the R-10 Zone for single-family detached dwellings.

C. Conditional uses to be acted upon by the Planning Board shall be nursing homes and extended care facilities and housing for senior citizens.

D. Development regulations for garden apartments and, as a conditional use, apartments for senior citizens.

(1) Lot area and frontage. The minimum lot area shall be one acre, and the minimum frontage on a public street shall be 100 feet.

(2) Height. The maximum height shall be 30 feet, and there shall be not over two stories. No apartments shall be built with any part below the outside ground level, except that not over one dwelling unit on a lot may be constructed with up to 50% of the floor-to-ceiling height below outside ground level for the exclusive use of a resident building superintendent.

(3) Density. The maximum density shall be 15 units per acre of site area, excluding public streets, except that units designed for and restricted to the exclusive occupancy of senior citizens one or both members per couple are 62 years of age or older shall be permitted to be developed at a density of up to 20 units per acre. Such senior citizen units shall incorporate special design features, such as guard bars in bathtubs, specially located electric outlets and emergency alarms operable from inside rooms.

(4) Coverage. Not more than 25% of the site area, excluding public streets, shall be covered by buildings.

(5) Number of bedrooms. No apartment units shall have over two bedrooms, and not over 25% of the dwelling unit shall contain over one bedroom.

(6) Minimum floor area of apartments. The minimum floor space within each dwelling unit shall be as follows.

Number of Bedrooms	Minimum Floor Space for Garden Apts (sf)	Minimum Floor Space for Senior Citizen Units
0 (efficiency)	550	450
1	650	600
	800	750

(7) Yards. Front, rear and side yard setbacks from public streets and property lines shall be a minimum of 25 feet.

(8) Building length. No more than 20 dwelling units shall be contained in any one continuous structure, and there shall be no more than 12 dwelling units in any unbroken building line. A setback of not less than four feet shall be deemed a satisfactory break in the building line.

(9) Distance between structures; courts. The minimum distance front to front or front to rear shall be 30 feet; the minimum distance end to end, except that the front facade of a building shall not overlap the side wall of an adjoining building by more than eight feet. Interior courts shall be at least 30 feet wide and shall be no deeper than half their width. Accessory garages shall be a minimum of 25 feet from apartment structures, unless located within such apartment structures.

(10) Landscaping and recreation space. At least 25% of the site area shall consist of landscaped open space, exclusive of building area, parking areas and access drives. At least 5% of the site area, which can be included in the foregoing 25%, must be common open space developed for active or passive recreation use of the residents of the apartment development, including sitting area, play areas and the like.

(11) Buffer strips. There should be a buffer strip on all lot lines, not including street lines, of at least five feet in width, which shall be appropriately landscaped or developed with screen planting.

(12) Off-street parking. For garden apartment units, at least one and one-half (1 1/2) parking spaces shall be provided for each one-bedroom dwelling unit and two for each two-bedroom unit. For senior citizen units, there shall be a minimum of zero and five tenths (0.5) parking space per unit, and additional site area shall be reserved within which another zero and five tenths (0.5) parking space per unit can be installed, if this becomes necessary for adequate parking after the buildings are constructed and occupied. Each parking space shall be at least 200 square feet (ten by twenty (10 x 20) feet) in size, properly paved and with adequate access. No parking spaces shall be located in required yards facing on public streets. No parking spaces shall be located closer than five feet to an apartment building, except where parking spaces are located within the building.

(13) Access drives. Access drives shall be at least 10 feet wide for one-way traffic and 20 feet wide for two-way traffic. No access drives shall be located closer than five feet to an apartment building, except where parking spaces are located within the building.

(14) Garden apartment affordable housing.

- (a) A mandatory affordable housing set-aside standard shall apply for any development consisting of five (5) or more new dwelling units.
- (b) The set-aside of affordable units which are to be offered for sale shall be twenty (20) per cent. The set-aside of affordable units which are to be offered for rental shall be fifteen (15) per cent. For developments where the set-aside results in a decimal, .4 and below shall be rounded down and .5 and above shall be rounded up.
- (c) No payments in lieu of the affordable housing set-aside shall be permitted or collected.
- (d) The affordable units shall comply with the Borough's affordable housing regulations in Chapter 12 of the Borough Ordinances. This includes, but is not limited to, affordability controls of not less than thirty (30) years, proper distribution of one, two and three bedroom affordable units, proper distribution of very-low, low and moderate income units, and affirmative marketing.
- (e) This standard does not create any entitlement for a property owner or applicant for a zoning amendment, variance, site plan approval, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.
- (f) The Borough may seek to continue its substantive certification by way of the Superior Court of the State of NJ or a future administrative agency with jurisdiction over the certification process. In the event such a court or administrative agency approves a plan that deviates from the set-aside provisions of this ordinance, then the order of the court or the administrative agency shall prevail.

(15) Planning Board review. Site plan review and approval by the Planning Board shall be required for all apartment uses permitted hereunder.

All other portions of this Section not addressed herein shall remain unchanged.

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

ATTEST:

BOROUGH OF BLOOMINGDALE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

Breeanna Smith, Clerk

By: _____
John D'Amato, Mayor

Public Hearing:

At this time DELLARIPA made a motion to open the Public Hearing for comment; seconded by YAZDI and carried on a voice vote all voting AYE. Since there was no one who wished to speak YAZDI made a motion to close the public hearing; motion was seconded by HUDSON and carried on voice vote all members voting AYE; none were opposed.

Adoption:

YAZDI made motion for adoption; the motion was seconded by HUDSON and carried per the following roll call vote: CATALANO (YES), DELLARIPA (YES), HUDSON (YES), SCHUBERT (YES), YAZDI (YES)

F. Second/Final Reading & Public Hearing:

Ordinance No. 30-2023: Amend Ch. 92 Zoning (General Business Zone B-1)

Administrative Assistant, Aimee Greenspan, read the Public Notice statement.

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

The Administrative Assistant read the following Ordinance by title:

**ORDINANCE NO. 30-2023
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 92 “ZONING”, ARTICLE XII “SCHEDULE OF REGULATIONS”, SECTION 92-55 “B-1 GENERAL BUSINESS ZONE” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Borough Code currently sets forth the regulations and requirements related to affordable housing obligations in the Borough; and

WHEREAS, the Borough Ordinance Review Committee has reviewed the Code and recommended certain changes be made in order to ensure the Borough is in compliance with the applicable statutes and regulations governing affordable housing obligations;

WHEREAS, the Borough Council has reviewed and accepted the recommended changes as being in the best interest of the Borough.

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

SECTION 1. Chapter 92 "Zoning", Article XII "Schedule of Regulations", Section 92-55 "B-1 General Business Zone" shall be amended to read as follows:

§92-55 B-1 General Business Zone.

- C. Conditional uses to be acted upon by the Planning Board, subject to **§92-24**.
- (1) Automobile service stations, including major repairs. (See **§ 92-22E**.)
 - (2) Automobile sales.
 - (3) Motor vehicle repairs, including paint and body shops.
 - (4) Hotels and motels.
 - (5) Bowling alleys and pool halls or billiard parlors.
 - (6) Social halls, lodges, fraternal organizations and clubs.
 - (7) Dwelling units above permitted business uses.
- (a) A mandatory affordable housing set-aside standard shall apply for any development consisting of five (5) or more new dwelling units.
- (b) The set-aside of affordable units which are to be offered for sale shall be twenty (20) per cent. The set-aside of affordable units which are to be offered for rental shall be fifteen (15) per cent. For developments where the set-aside results in a decimal, .4 and below shall be rounded down and .5 and above shall be rounded up.
- (c) No payments in lieu of the affordable housing set-aside shall be permitted or collected.
- (d) The affordable units shall comply with the Borough's affordable housing regulations in Chapter 12 of the Borough Ordinances. This includes, but is not limited to, affordability controls of not less than thirty (30) years, proper distribution of one, two and three bedroom affordable units, proper distribution of very-low, low and moderate income units, and affirmative marketing.
- (e) This standard does not create any entitlement for a property owner or applicant for a zoning amendment, variance, site plan approval, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.
- (f) The Borough may seek to continue its substantive certification by way of the Superior Court of the State of NJ or a future administrative agency with jurisdiction over the certification process. In the event such a court or administrative agency approves a plan that deviates from the set-aside provisions of this ordinance, then the order of the court or the administrative agency shall prevail.
- (8) Cannabis retailers.

All other portions of this Section not addressed herein shall remain unchanged.

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

ATTEST:

BOROUGH OF BLOOMINGDALE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

Breeanna Smith, Clerk

By: _____
John D'Amato, Mayor

Public Hearing:

At this time HUDSON made a motion to open the Public Hearing for comment; seconded by YAZDI and carried on a voice vote all voting AYE. Since there was no one who wished to speak YAZDI made a motion to close the public hearing; motion was seconded by HUDSON and carried on voice vote all members voting AYE; none were opposed.

Adoption:

YAZDI made motion for adoption; the motion was seconded by CATALANO and carried per the following roll call vote: DELLARIPA (YES), HUDSON (YES), SCHUBERT (YES), YAZDI (YES), CATALANO (YES)

G. Second/Final Reading & Public Hearing:

Ordinance No. 31-2023: Amend Ch. 92 Zoning (Commercial Zone B-1-A)

Administrative Assistant, Aimee Greenspan, read the Public Notice statement.

Councilwoman Hudson moved that the Ordinance be read by title; seconded by Dellaripa and carried on voice vote – all members present voting AYE

The Administrative Assistant read the following Ordinance by title:

**ORDINANCE NO. 31-2023
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 92 “ZONING”, ARTICLE XII “SCHEDULE OF REGULATIONS”, SECTION 92-55.1 “B-1-A COMMERCIAL ZONE” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Borough Code currently sets forth the regulations and requirements related to affordable housing obligations in the Borough; and

WHEREAS, the Borough Ordinance Review Committee has reviewed the Code and recommended certain changes be made in order to ensure the Borough is in compliance with the applicable statutes and regulations governing affordable housing obligations;

WHEREAS, the Borough Council has reviewed and accepted the recommended changes as being in the best interest of the Borough.

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

SECTION 1. Chapter 92 “Zoning”, Article XII “Schedule of Regulations”, Section 92-55.1 “B-1-A Commercial Zone” shall be amended to read as follows:

§92-55.1 B-1-A Commercial Zone.

- C. Conditional uses to be acted upon by the Planning Board, subject to Section 92-24.
- (1) Animal hospitals, veterinary offices, kennels and animal day-care centers.
- (2) Hotels and motels.

- (3) Dwelling units above permitted business uses.
- (a) A mandatory affordable housing set-aside standard shall apply for any development consisting of five (5) or more new dwelling units.
 - (b) The set-aside of affordable units which are to be offered for sale shall be twenty (20) per cent. The set-aside of affordable units which are to be offered for rental shall be fifteen (15) per cent. For developments where the set-aside results in a decimal, .4 and below shall be rounded down and .5 and above shall be rounded up.
 - (c) No payments in lieu of the affordable housing set-aside shall be permitted or collected.
 - (d) The affordable units shall comply with the Borough's affordable housing regulations in Chapter 12 of the Borough Ordinances. This includes, but is not limited to, affordability controls of not less than thirty (30) years, proper distribution of one, two and three bedroom affordable units, proper distribution of very-low, low and moderate income units, and affirmative marketing.
 - (e) This standard does not create any entitlement for a property owner or applicant for a zoning amendment, variance, site plan approval, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.
 - (f) The Borough may seek to continue its substantive certification by way of the Superior Court of the State of NJ or a future administrative agency with jurisdiction over the certification process. In the event such a court or administrative agency approves a plan that deviates from the set-aside provisions of this ordinance, then the order of the court or the administrative agency shall prevail.

All other portions of this Section not addressed herein shall remain unchanged.

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

ATTEST:

BOROUGH OF BLOOMINGDALE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

Breeanna Smith, Clerk

By: _____
John D'Amato, Mayor

Public Hearing:

At this time YAZDI made a motion to open the Public Hearing for comment; seconded by DELLARIPA and carried on a voice vote all voting AYE. Since there was no one who wished to speak HUDSON made a motion to close the public hearing; motion was seconded by YAZDI and carried on voice vote all members voting AYE; none were opposed.

Adoption:

YAZDI made motion for adoption; the motion was seconded by CATALANO and carried per the following roll call vote: HUDSON (YES), SCHUBERT (YES), YAZDI (YES), CATALANO (YES), DELLARIPA (YES)

H. Second/Final Reading & Public Hearing:

Ordinance No. 32-2023: Amend Ch. 92 Zoning (BCD Zone)

Administrative Assistant, Aimee Greenspan, read the Public Notice statement.

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

The Administrative Assistant read the following Ordinance by title:

**ORDINANCE NO. 32-2023
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 92 “ZONING”, ARTICLE XII “SCHEDULE OF REGULATIONS”, SECTION 92-55.2 “BLOOMINGDALE CENTER DISTRICT ZONE (BCD)” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Borough Code currently sets forth the regulations and requirements related to affordable housing obligations in the Borough; and

WHEREAS, the Borough Ordinance Review Committee has reviewed the Code and recommended certain changes be made in order to ensure the Borough is in compliance with the applicable statutes and regulations governing affordable housing obligations;

WHEREAS, the Borough Council has reviewed and accepted the recommended changes as being in the best interest of the Borough.

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

SECTION 1. Chapter 92 “Zoning”, Article XII “Schedule of Regulations”, Section 92-55.2 “Bloomingdale Center District Zone (BCD)” shall be amended to read as follows:

§92-55.2 Bloomingdale Center District Zone (BCD)

- C. Conditional uses to be acted upon by the Planning Board, subject to Section 92-24.
- (1) Public uses.
 - (2) Retail automobile showrooms (no show/storage lots).
 - (3) Dog grooming, veterinary offices (no board facilities or kennels).
 - (4) General public parking facilities.
 - (5) Outdoor dining and drinking establishments.
 - (6) Recreational uses.
 - (7) Dwelling units above permitted business uses.
 - (a) A mandatory affordable housing set-aside standard shall apply for any development consisting of five (5) or more new dwelling units.
 - (b) The set-aside of affordable units which are to be offered for sale shall be twenty (20) per cent. The set-aside of affordable units which are to be offered for rental shall be fifteen (15) per cent. For developments where the set-aside results in a decimal, .4 and below shall be rounded down and .5 and above shall be rounded up.
 - (c) No payments in lieu of the affordable housing set-aside shall be permitted or collected.
 - (d) The affordable units shall comply with the Borough’s affordable housing regulations in Chapter 12 of the Borough Ordinances. This includes, but is not limited to, affordability controls of not less than thirty (30) years, proper distribution of one, two and three bedroom affordable units, proper distribution of very-low, low and moderate income units, and affirmative marketing.
 - (e) This standard does not create any entitlement for a property owner or applicant for a zoning amendment, variance, site plan approval, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.
 - (f) The Borough may seek to continue its substantive certification by way of the Superior Court of the State of NJ or a future administrative agency with jurisdiction over the certification process. In the event such a court or administrative agency approves a plan that deviates from the set-aside provisions of this ordinance, then the order of the court or the administrative agency shall prevail.

All other portions of this Section not addressed herein shall remain unchanged.

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

ATTEST:

BOROUGH OF BLOOMINGDALE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

Breeanna Smith, Clerk

By: _____
John D'Amato, Mayor

Public Hearing:

At this time HUDSON made a motion to open the Public Hearing for comment; seconded by YAZDI and carried on a voice vote all voting AYE. Since there was no one who wished to speak YAZDI made a motion to close the public hearing; motion was seconded by DELLARIPA and carried on voice vote all members voting AYE; none were opposed.

Adoption:

HUDSON made motion for adoption; the motion was seconded by CATALANO and carried per the following roll call vote: SCHUBERT (YES), YAZDI (YES), CATALANO (YES), DELLARIPA (YES), HUDSON (YES)

I. Second/Final Reading & Public Hearing:

Ordinance No. 34-2023: Amend Ch 19 Solid Waste Management

Administrative Assistant, Aimee Greenspan, read the Public Notice statement.

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

The Administrative Assistant read the following Ordinance by title:

**ORDINANCE 34-2023
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 19 "SOLID WASTE MANAGEMENT" OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Borough Code currently sets forth regulations, standards and procedures related to solid waste management efforts throughout the Borough; and

~~**WHEREAS**, the Borough Ordinance Review Committee has reviewed the Code and recommended certain changes be made in order to address private contractor collection services;~~

WHEREAS, the Borough Council has reviewed and accepted the recommended changes as being in the best interest of the Borough.

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

SECTION 1. Chapter 19 "Solid Waste Management", Section 19-2.3 "Exceptions to Prohibition" shall be amended to read as follows:

§19-2.3 Exceptions to Prohibition.

Exceptions are as follows:

- a. Permitted temporary demolition containers and private contractor flexible refuse containers.
- b. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

All other portions of this Section not addressed herein shall remain unchanged.

SECTION 2. Chapter 19 "Solid Waste Management", Section 19-4.1 "Terms Defined" shall be amended to read as follows:

§19-4.1 Terms Defined.

REFUSE CONTAINER

Any container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage containers, recyclable materials containers, plastic trash bags and private contractor flexible containers.

SOLID WASTE

Includes all garbage and rubbish normally placed at the curb for collection on a regular schedule or all material placed in a private contractor flexible refuse container.

All other portions of this Section not addressed herein shall remain unchanged.

SECTION 3. Chapter 19 "Solid Waste Management" shall be amended to add a new Section 19-6.0 "Residential Private Contractor Collection" to read as follows:

§19-6.0 Residential Private Contractor Collection.

§19-6.1 Permitted Placement.

Private contractor flexible refuse containers shall be permitted in front yard areas, front-facing driveway areas, side yard and side-facing driveway areas abutting a public thoroughfare for no more than fourteen (14) days.

§19-6.2 Prohibited Materials.

Food waste shall not be permitted in private contractor flexible refuse containers.

§19-6.3 Obstruction of Public Travel by Private Contractor Flexible Refuse Containers.

No private contractor flexible refuse container shall be placed in any gutter or road or on any walk, sidewalk or public thoroughfare so as to interfere with public travel.

§19-6.4 Violations and Penalties.

Any person(s) who is found to be in violation of this section shall be subject to a fine of not less than \$100 and not more than \$500. One (1) written warning shall be issued to non-complying residents or property owners prior to issuance of a summons and imposition of fines.

§19-6.5 Enforcement.

This section shall be enforced by the Code Enforcement Officer of the Borough of Bloomingdale.

SECTION 4. All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

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

ATTEST:

BOROUGH OF BLOOMINGDALE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

Breeanna Smith, Clerk

By: _____
John D'Amato, Mayor

Public Hearing:

At this time HUDSON made a motion to open the Public Hearing for comment; seconded by CATALANO and carried on a voice vote all voting AYE. Since there was no one who wished to speak YAZDI made a motion to close the public hearing; motion was seconded by HUDSON and carried on voice vote all members voting AYE; none were opposed.

Adoption:

YAZDI made motion for adoption; the motion was seconded by DELLARIPA and carried per the following roll call vote: YAZDI (YES), CATALANO (YES), DELLARIPA (YES), HUDSON (YES), SCHUBERT (YES)

****For the record, this ordinance was amended at introduction (on June 27th). The ordinance review committee recommended that private contract flexible refuse containers shall be permitted for no more than 7 days. The Governing Body did not accept the recommendation and amended the ordinance to read: Private contract flexible refuse containers shall be permitted in front yard areas, front-facing driveway areas, side yard and side-facing driveway area abutting a public thoroughfare for no more than ~~seven (7)~~ fourteen (14) days.*

NEW BUSINESS

A. Adoption of Resolution No. 2023-7.12: Municipal Obligations

Motion: Dawn Hudson

Second: Richard Dellaripa

Roll Call Vote: CATALANO (YES), DELLARIPA (YES), HUDSON (YES), SCHUBERT (YES), YAZDI (YES)

B. Adoption of Resolution No. 2023-7.13: Authorize PSA with Methfessel & Werbel, P.C. (Special Counsel Services)

Motion: Ray Yazdi

Second: Dawn Hudson

Roll Call Vote: DELLARIPA (YES), HUDSON (YES), SCHUBERT (YES), YAZDI (YES), CATALANO (YES)

C. Introduction of Ordinance No. 35-2023: Authorize Conveyance of Snow Plow to the Borough of Oakland

A motion was made by YAZDI to introduce the Ordinance by title; second and final reading/ public hearing will be on August 15, 2023 at 7PM; the motion was seconded by CATALANO and carried on the following voice vote: all members present voting AYE, in favor; none were opposed.

The Administrative Assistant read by Title:

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AUTHORIZING THE CONVEYANCE OF THE BOROUGH'S ONE (1) SNOW PLOW TO THE BOROUGH OF OAKLAND FOR TOTAL CONSIDERATION OF \$5,000

D. Introduction of Ordinance No. 36-2023: Amend Ch. 15 Property Maintenance (Lead-Based Paint Inspections for Rental Properties)

A motion was made by CATALANO to introduce the Ordinance by title; second and final reading/ public hearing will be on August 15, 2023 at 7PM; the motion was seconded by YAZDI and carried on the following voice vote: all members present voting AYE, in favor; none were opposed.

The Administrative Assistant read by Title:

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING THE BOROUGH CODE TO ESTABLISH REGULATIONS FOR STATE-MANDATED LEAD-BASED PAINT TESTING FOR RENTAL PROPERTIES

LATE PUBLIC COMMENT:

HUDSON opened the meeting to late public comment; seconded by CATALANO and carried on voice vote, all in favor voting AYE.

It was remembered that there were non-agenda items so CATALANO moved that late public comment be closed; second by DELLARIPA and carried on voice vote all members voting (AYE), none were opposed.

NON-AGENDA ITEMS:

1. Resolution No. 2023-7.14 Transfer of Firearms (Chief of Police)

Motion: Dawn Hudson

Second: Ray Yazdi

Roll Call Vote: HUDSON (YES), SCHUBERT (YES), YAZDI (YES), CATALANO (YES), DELLARIPA (YES)

2. Approval of Block Party – Charles Street

Voice Vote: all members present voting AYE; none were opposed.

*Discussion was had that the application was updated to include notifying residents in the affected area and confirmed that notifications cannot be placed inside mailboxes.

LATE PUBLIC COMMENT (2nd Time):

HUDSON opened the meeting to late public comment; seconded by YAZDI and carried on voice vote, all in favor voting AYE.

- Linda Huntley – 86 Van Dam Avenue, Bloomingdale
 - Repeated her concern over the need to authorize Special Counsel Services

Since there was no one else who wished to speak HUDSON moved that it be closed; second by YAZDI and carried on voice vote all members voting (AYE), none were opposed.

GOVERNING BODY SCHEDULE

A. Regular Meeting – August 15, 2023 7PM

B. Workshop Meeting – September 5, 2023 7PM

C. Regular Meeting – September 19, 2023 7PM

D. Workshop Meeting – October 3, 2023 7PM

ADJOURNMENT:

Since there was no further business to be conducted, HUDSON moved to adjourn at 8:19 PM; seconded by YAZDI and carried on voice vote with all Council Members voting AYE.

Draft by: Aimee Greenspan

Review by: Breeanna Smith

July 18, 2023 RESOLUTIONS

**RESOLUTION NO. 2023-7.2
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Catalano	X				Dellaripa	X			
Graziano				X	Schubert	X			
Hudson	X				Yazdi	X			

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on July 18, 2023.

 Breeanna Smith, RMC
 Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2023-7.4
 OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**DECLARING AN EMERGENCY – FOR PURPOSES OF AWARDING A CONTRACT(S)
 FOR IMMEDIATE REPAIRS OF THE BOROUGH INTERNET SYSTEM
 (CONSTRUCTION OFFICE)**

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares an emergency situation has developed with the internet system at the Construction Office; and

WHEREAS, the Governing Body further finds and declares that this poses an imminent threat to the public health, safety and welfare of an emergent nature that warrants immediate remedial action; and

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

WHEREAS, the Governing Body further finds and declares that the Administration, acting in the reasonable belief that an emergency affecting the public health, safety and welfare requires immediate remedial action without public advertisement for services;

WHEREAS, the Governing Body further finds and declares that the Administration, has appropriately recommended that the internet equipment repairs be remedied through the emergency award of contract to the following vendors:

LAW SOFT, INC.

WHEREAS, the emergency costs are not exceed \$6,554 and the CFO has certified the availability of funds;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby declare the existence of a public emergency warranting remediation through emergency contract awards to the above-mentioned vendors.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Dellaripa	X			
Graziano				X	Schubert	X			
Hudson	X				Yazdi	X			

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on July 18, 2023.

 Breeanna Smith, RMC
 Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2023-7.5
 OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

***RESOLUTION TO AMEND RESOLUTION NO. 2023-6.6 TO
 CORRECT SALARY***

RESOLUTION OF THE BOROUGH OF BLOOMINGDALE,
 COUNTY OF PASSAIC AND STATE OF NEW JERSEY RE-

**APPOINTING DANIEL HAGBERG AS BUILDING SUBCODE
OFFICIAL AND BUILDING INSPECTOR**

WHEREAS, there exists a need to fill the positions of Building Subcode Official and Building Inspector; and

WHEREAS, Daniel Hagberg meets the requirements for service as Building Subcode Official and Building Inspector and previously served in this capacity; and

WHEREAS, the Borough wishes to re-appoint Daniel Hagberg to the positions of part-time Building Subcode Official and part-time Building Inspector; and

WHEREAS, the term of this contract shall be for a four year statutory term as Building Subcode Official effective June 1, 2023 until May 31, 2027; and

WHEREAS, Mr. Hagberg shall receive an annual salary of ~~\$35,000~~ \$37,885.00 for his position as part-time Building Subcode Official with the responsibilities of part-time Building Inspector.

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 Daniel Hagberg is hereby appointed as the part-time Building Subcode Official with the responsibilities of a part-time Building Inspector for the Borough of Bloomingdale.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Dellaripa	X			
Graziano				X	Schubert	X			
Hudson	X				Yazdi	X			

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on July 18, 2023.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2023-7.6
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

***APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT
AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION
FOR THE ANN STREET AND ELM STREET IMPROVEMENTS***

WHEREAS, the Bloomingdale Mayor and Council desire to construct road improvements to the entire lengths of Ann Street and Elm Street, including: upgrades to stormwater facilities; pavement resurfacing; replacement of curbs along both sides of the road where required; traffic control signs; and, long-life traffic striping; and,

WHEREAS, 2024 Municipal Aid funds are available through the New Jersey Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Bloomingdale Borough, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, the Mayor and Clerk are hereby authorized to submit an electronic grant application, identified as MA-2024-Ann Street & Elm Street Improvements-00599, to the New Jersey Department of Transportation on behalf of Bloomingdale Borough.

BE IT FURTHER RESOLVED, the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Bloomingdale Borough and that their signature constitutes

acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

My signature and the Clerk's seal serve to acknowledge the above resolution and constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement as authorized by the resolution above.

ATTEST AND AFFIX SEAL _____
Clerk Presiding Officer
Breeanna Smith, RMC John D' Amato, Mayor

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Dellaripa	X			
Graziano				X	Schubert	X			
Hudson	X				Yazdi	X			

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on July 18, 2023.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2023-7.7
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**AUTHORIZING SALE OF SURPLUS PERSONAL PROPERTY BY USE OF
ONLINE AUCTION – GOVDEALS.COM PURSUANT TO N.J.S.A. 40A:11-36**

WHEREAS, the Borough of Bloomingdale has title to the following property:

- Bicycles [to be sold as a lot, not separate (20)]
- 2006 Ford F350 with 8'6 Boss snow plow and Tommy Gate Vin#1FTWF31PX6EC23454
- 2006 Ford F350 with 9' snow plow and tool box in the bed Vin# 1FTWX33586EA41115
- 2007 Miller Dialarc 250 AC/DC Welder
- 1999 Chevy C7500 Altec Bucket Vin# 1GBL7H1C6XJ106140
- 1996 New Holland 555E Backhoe Vin#31001991
- 2017 Solar Tech, Silent Sentinel Arrow Board Vin# 4GM1A0913H1528855
- 2011 Ford Crown Vic. with backseat cage Vin# 2FABP7BVXBX169894
- 2009 Ford Crown Vic. with backseat cage Vin# 2FAHP71V89X134065
- 2006 BMW 525xi Vin# WBANF33537CS39898

WHEREAS, based upon the condition & the repairs necessary, the aforementioned property is of no useful life and is no longer needed for public use; and

WHEREAS, the Borough wishes to dispose of the aforementioned property, which is municipal public property; and

WHEREAS, the Borough of Bloomindale desires to list personal property for sale via an online auction hosted by GovDeals.com, which sale is going to be conducted pursuant to Local Finance Notice 2008-9; and

WHEREAS, the terms and conditions of the agreement that will be entered into with the vendor are available on the vendor's website and available in the Borough Clerk's office.

NOW THEREFORE, BE IT RESOLVED by the Mayor and 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 sell the above listed vehicle described above in an online auction hosted by GovDeals.com.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Dellaripa	X			
Graziano				X	Schubert	X			
Hudson	X				Yazdi	X			

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on July 18, 2023.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2023-7.8
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Authorizing Hiring of Part-time Shelter Help in the Animal Control Department

WHEREAS, there is a need to hire part-time help for the Animal Shelter;

WHEREAS, Lisa Perry, the Animal Control Director, has recommended Sabrina Vargas for this position, and

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale, does hereby authorize the following:

1. Sabrina Vargas is hereby hired as part-time Animal Shelter Staff at a salary of \$14.13 per hour, not to exceed 29 hours/week.
2. The effective, retro-active date of hire is July 10, 2023.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Dellaripa	X			
Graziano				X	Schubert	X			
Hudson	X				Yazdi	X			

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on July 18, 2023.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2023-7.9
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC,
AND STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A NON-FAIR AND
OPEN PROFESSIONAL SERVICE CONTRACT FOR THE NJDEP SOIL BIENNIAL
CERTIFICATION INSPECTION AT 188 UNION AVENUE (DPW)**

WHEREAS, the Borough of Bloomingdale has a need to appoint a Professional Services Contract as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Local Public Contracts law (N.J.S.A. 40A:11-1, et. seq) requires that the Resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be awarded for public inspection; and

WHEREAS, the Borough Engineer recommends J.S. HELD LLC to provide services as they relate to the Borough’s NJDEP Soil Biennial Certification Inspection for 188 Union Avenue (Department of Public Works) as outlined in their May 22, 2023 proposal; and

WHEREAS, J.S. HELD LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Borough of Bloomingdale with the elected officials in the previous one year, and that the contract will prohibit the firm of J.S. HELD LLC. from making any reportable contributions through the term of the contract; and

WHEREAS, the Borough Treasurer has certified the availability of funds as evidenced in the annexed certification in an amount not to exceed \$1,800.00; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Bloomingdale, County of Passaic, State of New Jersey authorizes the Mayor and Municipal Clerk to enter into a contract with J.S. HELD LLC of 5 Marine View Plaza Suite 401, Hoboken, NJ 07030; and

BE IT FURTHER RESOLVED, that the contract, resolution and other pertinent documents shall remain on file in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the Borough’s legal newspaper.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Dellaripa	X			
Graziano				X	Schubert	X			
Hudson	X				Yazdi	X			

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on July 18, 2023.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2023-7.10
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT FOR THE NJDEP BIENNIAL GROUNDWATER TESTING & CERTIFICATION AT 188 UNION AVENUE (DPW)

WHEREAS, the Borough of Bloomingdale has a need to appoint a Professional Services Contract as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Local Public Contracts law (N.J.S.A. 40A:11-1, et. seq) requires that the Resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be awarded for public inspection; and

WHEREAS, the Borough Engineer recommends J.S. HELD LLC to provide services as they relate to the Borough’s NJDEP Biennial Groundwater Testing & Certification for 188 Union Avenue (Department of Public Works) as outlined in their May 22, 2023 proposal; and

WHEREAS, J.S. HELD LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Borough of Bloomingdale with the elected officials in the previous one year, and that the contract will prohibit the firm of J.S. HELD LLC. from making any reportable contributions through the term of the contract; and

WHEREAS, the Borough Treasurer has certified the availability of funds as evidenced in the annexed certification in an amount not to exceed \$5,980.00; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Bloomingdale, County of Passaic, State of New Jersey authorizes the Mayor and Municipal Clerk to enter into a contract with J.S. HELD LLC of 5 Marine View Plaza Suite 401, Hoboken, NJ 07030; and

BE IT FURTHER RESOLVED, that the contract, resolution and other pertinent documents shall remain on file in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the Borough's legal newspaper.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Dellaripa	X			
Graziano				X	Schubert	X			
Hudson	X				Yazdi	X			

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on July 18, 2023.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2023-7.11
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION AUTHORIZING THE BOROUGH TREASURER TO CERTIFY THE
AVAILABILITY OF FUNDS AS PER N.J.C.A. 5:30-5**

WHEREAS, per N.J.C.A. 5:30-5.3 the chief financial officer of a local unit, appointed pursuant to N.J.S.A. 40A:9-140.1 et seq. or N.J.S.A. 40A:9-28.1 et seq., shall be responsible for determining the availability of sufficient funds for all contracts and amendments thereto; and

WHEREAS, Governing Bodies of all local units shall designate by resolution an individual to serve as the certifying finance officer to be responsible for determining the availability of sufficient funds for all contract and amendments thereto; and

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale, county of Passaic, state of New Jersey does hereby authorize the following:

1. The Chief Financial Officer and Borough Treasurer are permitted to certify the availability of funds for the purposes of awarding or authorizing a contract.
2. The Municipal Clerk shall ensure the written certification of available funds is provided to the Governing Body and shall be affixed to the approving resolution.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Dellaripa	X			
Graziano				X	Schubert	X			
Hudson	X				Yazdi	X			

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on July 18, 2023.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2023-7.12
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

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;

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:

<u>BILLS LIST</u>		<u>PREPAID</u>	
<u>LIST</u>			
CURRENT	\$1,937,954.51	CURRENT	\$ 919,388.14
UTILITY	\$93,929.50	UTILITY	\$ 22,151.37
CAPITAL	\$343,749.99	OPEN SPACE	
CAPITAL UTILITY	\$9,276.20	TRUST ACCOUNT	\$ 4,360.00
TRUST	\$8,547.00	RECYCLING	\$ 421.36
DOG TRUST	\$21.60	DOG TRUST	
RECREATION	\$1,695.90	UNEMPLOYMENT	\$ 216.71
ROSE FUND	\$9,856.07	CAPITAL	
RECYCLING	\$0.00	WATER CAPITAL	
UNEMPLOYMENT	\$7.32	RECREATION	\$ 9,450.25
CAP ASSESSMENT	\$1,026.26	CAPITAL ASSESSMENT	
TOTAL	\$2,406,064.35	TOTAL	\$955,987.83

Record of Council Vote on Passage

COUNCILPERSON	AYE	NAY	Abstain	Absent	COUNCILPERSON	AYE	NAY	Abstain	Absent
Hudson	X				Schubert	X			
Catalano	X				Graziano				X
Dellaripa	X				Yazdi	X			

recusals are listed in the official minutes

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on Tuesday, July 18, 2023.

Breeanna Smith, R.M.C.
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2023-7.13
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES

CONTRACT WITHOUT COMPETITIVE BIDDING TO METHFESSEL & WERBEL, P.C. TO PROVIDE SPECIAL COUNSEL SERVICES FOR THE BOROUGH

WHEREAS, there exists a need for Special Counsel services to be rendered to the Borough of Bloomingdale; and

WHEREAS, the Borough wishes to retain Methfessel & Werbel, P.C. to perform such services; and

WHEREAS, the maximum amount of for services under this contract shall not exceed \$15,000.00 at a rate of \$160 per hour for all attorneys and \$65 per hour for all paralegals; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. §40A:11-1 *et seq.*) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself be available for public inspection.

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

Section 1. The contract with Methfessel & Werbel, P.C. is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. §40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.

Section 2. Methfessel & Werbel, P.C. shall provide Special Counsel services to the Borough as set forth in its proposal of June 23, 2023.

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

Section 4. A copy of this Resolution shall be provided to the Borough's Chief Financial Officer, and to Eric Harrison, Esq. of Methfessel & Werbel, P.C. 2025 Lincoln Highway, Suite 200, P.O. Box 3012, Edison NJ 08818, for their information and guidance.

This Resolution shall take effect immediately.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Dellaripa	X			
Graziano				X	Schubert	X			
Hudson	X				Yazdi	X			

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on July 18, 2023.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2023-7.14
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AUTHORIZING THE TRANSFER OF FIREARMS TO THE CHIEF OF POLICE & AGREEMENT FOR SAME

WHEREAS, the Borough of Bloomingdale (hereinafter, "the Borough ") desires to transfer certain firearms to the current Chief of Police (hereinafter, "the Chief") (and together, "the Parties"); and

WHEREAS, the Borough through such transfer seeks to formalize such transfer, and effectuate a hold harmless provision and further to reflect it shall not be responsible for the future, use transfer or transmission of such firearms; and

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

1. The Mayor & Municipal Clerk are authorized to enter into a contract with Chief of Police, Joseph Borell, for the transfer of firearms.
2. The agreement shall remain on file in the office of the Municipal Clerk.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Dellaripa	X			
Graziano				X	Schubert	X			
Hudson	X				Yazdi	X			

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on July 18, 2023.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2023-7.15
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Council of the Borough of Bloomingdale on the 18th day of July, 2023 that:

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

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Dellaripa	X			
Graziano				X	Schubert	X			
Hudson	X				Yazdi	X			

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on July 18, 2023.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale