

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

April 16, 2024

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 7:01 PM.

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

Official Roll Call: (taken by the Municipal Clerk)

In Attendance:

Mayor John D'Amato
Councilman Dominic Catalano [entered at 7:16PM]
Councilman Richard Dellaripa
Councilman John Graziano
Councilwoman Dawn Hudson
Councilwoman Evelyn Schubert
Councilman Ray Yazdi [entered at 7:02PM]

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

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 12, 2024; 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.

NON-AGENDA ITEMS

1. Resolution No. 2024-4.15: Authorizing grant application the Environmental Commission
2. Resolution No. 2024-4.16 Appointment to Recreation Commission (L. Smith)

EARLY PUBLIC COMMENT

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

Linda Huntley – 86 Van Dam Ave, Bloomingdale

Made the following inquiries:

- Public sale of Glade Road

Minutes: April 16, 2024

Approval Date: May 7, 2024

Discussion: *This is approximately 6 acres of Borough owned property, the borough desires to make this property available for public sale. Sale conditions to include roadway improvements.*

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

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

Councilwoman Evelyn Schubert

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

- Library Board of Trustees
 - Dueling Pianos – May 4th
 - Queen’s Tea – May 18th
 - Paint & Sip – November 3rd
 - ‘Read to a Dog’ 4th Tuesday of every month
 - ABC Murder Book Club
 - Adult Craft night / crocheting 101
 - Earth Day Craft with Ms. Kristen April 22nd & 23rd
 - *****Details for all programs are available on the Library website
 - The library held ‘Solar Eclipse Watch Party’ and provided solar glasses for the residents
- Tri-Boro First Aid Squad
 - 145 total calls for March, 36 of which were Bloomingdale; YTD 403
- BBYC:
 - Football & Cheer registration is open for 2024 season; closes August 31
 - Clothing & Shoe Fund Drive – May 11th 10AM to 2PM at Richard Butler Lot
 - Dine to donate at Wendy’s
- Senior Advisory Committee/Center:
 - Senior Resource Group May 16th – bagel breakfast to be served; complimentary hearing evaluations
 - Upcoming trips on website [OCMD Trip May 28-31st]
 - Turtle Back Zoo trip is being planned
 - Walking cub to begin in May
 - E-Z Pass discount available for Seniors
 - Monthly calendar and nutrition menu available on website

Councilman Ray Yazdi (Budget Committee) No report

Councilwoman, Dawn Hudson (BOH Liaison, Public Event Committee)

- BOH:
 - Health Officer working on proposed ordinances
- Public Events:
 - Little League Opening Day April 20th
 - Town/River Clean-up May 18th
 - Memorial Day Parade – May 27th
 - Town wide garage sale – June 1st
- Thank you to Fire Department for their help with community garden plots & clean up
- Topsoil & mulch – available at the Senior Center, self pick-up only; deliveries will resume once construction is complete at the DPW yard

- Hydrant flushing posted on website
- Rave & Recycle Coach sign up available on Borough Website

Council President, John Graziano (EDC Chairman) No report

Councilman, Dominic Catalano (Planning Board Member, Recreation Liaison) No report

Councilman, Richard Dellaripa (ROSE Fund Member, Budget Committee) No report

Business Administrator, Michael Sondermeyer

- Orchard /Wallace improvements have begun
- Committee is working on budget, hoping to introduce in May
- Veterans Resource & Wellness Fair – May 8th at the VFW, Butler

Mayor, John D'Amato:

- Condolences for the passing of Margaret Reda, former principal of the Martha B. Day School for 37 years

CONSENT AGENDA

(Adoption of Resolutions No. 2024-4.9 – 2024-4.12)

Motion: Ray Yazdi

Second: Rich Dellaripa

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

RESOLUTION NO. 2024-4.9 OF THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE

*Accepting, Approving and/or Adopting the Consent Agenda of the
April 16, 2024, Council 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. Motion to approve minutes:

- March 19, 2024 – Executive Session
- April 2, 2024 – Workshop Meeting
- April 2, 2024 Executive Session

B. Motion to Accept Resignation of Fire Department Members:

- *Randy McMaster, Jr.*
- *Carmin Curcio*

C. News Release: Motorcycle Safety Awareness Month - May

D. Resolution No. 2024-4.10: NJDCA Local Recreation Improvement Grant Application

- E. **Resolution No. 2024-4.11:** Tax Lien Redemption
- F. **Resolution No. 2024-4.12:** Public Event Vendor [MRT Rental / Big Marks]

PENDING ITEMS

A. Second/Final Reading & Public Hearing:

Ordinance No. 6-2024: Amending Ch. 2-80 Municipal Fees (Police Duty Rates)

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

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

The Municipal Clerk read the following Ordinance by title:

ORDINANCE NO. 6-2024 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 2 “ADMINISTRATION”, ARTICLE VIII “POLICIES AND PROCEDURES”, SECTION 2-80 “FEES CHARGED FOR MUNICIPAL SERVICES” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Borough Code currently sets forth certain fees for municipal services; and

WHEREAS, the Governing Body has approved a collective bargaining agreement between the Borough and Bloomingdale PBA that changes the extra duty rates for officers; and

WHEREAS, the administration requests the fees be amended to match the collective bargaining agreement for extra duty rates as appropriate; and

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 2 “Administration”, Article VIII “Policies and Procedures”, Section 2-80 “Fees Charged for Municipal Services” item p. shall be amended as follows:

§2-80 Fees Charged for Municipal Services.

- p. Extra duty rate outside of the Police Department
 1. Borough non-police work: \$75/hour
 2. Non-municipal/Private contractors: \$100/hour plus administration fee of 25%
 3. County: \$50 to \$85 plus administration fee for County of \$5 to \$50

All other portions of this Section 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.

Minutes: April 16, 2024
Approval Date: May 7, 2024

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

SECTION 4. This law shall take effect immediately upon final passage, approval and publication as required by law.

PUBLIC NOTICE

**ORDINANCE NO. 6-2024
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 2 “ADMINISTRATION”, ARTICLE VIII “POLICIES AND PROCEDURES”, SECTION 2-80 “FEES CHARGED FOR MUNICIPAL SERVICES” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at an Official Meeting of the Governing Body of the Borough of Bloomingdale, County of Passaic, State of New Jersey held in the Municipal Building on April 2, 2024, and the same shall come up for final passage at an Official Meeting of the Governing Body to be held on April 16, 2024 at 7PM, at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance. Copies of this Ordinance are available in the Clerk’s Office located at 101 Hamburg Turnpike, Bloomingdale, New Jersey.

Purpose/Summary of Ordinance No. 6-2024:

WHEREAS, the Governing Body has approved a collective bargaining agreement between the Borough and Bloomingdale PBA that changes the extra duty rates for officers. The Administration requests the fees be adjusted to reflect the same. The recommendation includes amending Chapter 2 “Administration” section 2-80 fees charged for municipal services.

Breeanna Smith, RMC
Municipal Clerk

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

Adoption:

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

B. Second/Final Reading & Public Hearing:

Ordinance No. 7-2024: Amending Ch. 31A Stormwater Control Requirements

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

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

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO. 7-2024
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 31A “STORMWATER CONTROL REQUIREMENTS” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Borough Code contains regulations and definitions associated with the control of stormwater throughout the Borough; and

WHEREAS, the New Jersey Department of Environmental Protection (“NJ DEP”) has adopted amendments to the Stormwater Management regulations found at N.J.A.C. 7:8; and

WHEREAS, as a result of the amendments, the NJ DEP has developed a model ordinance to ensure municipalities have adopted ordinances which are consistent with the NJ DEP’s stormwater management statutes and regulations as amended; and

WHEREAS, a review of the Code determined that the Borough should amend the Code to incorporate the NJ DEP’s model ordinance changes; and

WHEREAS, the Borough Engineer and Ordinance Review Committee have reviewed and recommended that the Code be amended; and

WHEREAS, the Borough Council has reviewed and approved of the recommended amendment.

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

SECTION 1. Chapter 31A “Stormwater Control Requirements”, Section 31A-1.2 “Applicability” shall be amended to read as follows:

§ 31A-1.2 Applicability.

- a. This chapter shall be applicable to the following major developments:
 1. Nonresidential major developments; and
 2. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
- b. This chapter shall also be applicable to all major developments undertaken by the Borough of Bloomingdale.
- c. An application required by ordinance pursuant to b above that has been submitted prior to **April 16, 2024**, shall be subject to the stormwater management requirements in effect on **April 15, 2024**.
- d. An application required by ordinance for approval pursuant to (b)1 above that has been submitted on or after March 2, 2021, but prior to **April 16, 2024**, shall be subject to the stormwater management requirements in effect on April 15, 2024.

e. Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023, shall be subject to the stormwater management requirements in effect prior to July 17, 2023.

Any and all portions of this Section not addressed herein remain as is, with no amendments or changes.

SECTION 2. Chapter 31A “Stormwater Control Requirements”, Section 31A-2 “Definitions” shall be amended to add two new definitions to read as follows:

PUBLIC ROADWAY OR RAILROAD

A pathway for use by motor vehicles or trains that is intended for public use and is constructed by, or on behalf of, a public transportation entity. A public roadway or railroad does not include a roadway or railroad constructed as part of a private development, regardless of whether the roadway or railroad is ultimately to be dedicated to and/or maintained by a governmental entity.

PUBLIC TRANSPORTATION ENTITY

A Federal, State, county, or municipal government, an independent State authority, or a statutorily authorized public-private partnership program pursuant to P.L. 2018, c. 90 (N.J.S.A. 40A:11-52 et seq.), that performs a public roadway or railroad project that includes new construction, expansion, reconstruction, or improvement of a public roadway or railroad.

Any and all portions of this Section not addressed herein remain as is, with no amendments or changes.

SECTION 3. Chapter 31A “Stormwater Control Requirements”, Section 31A-4 “Stormwater Management Requirements for Major Developments”, subsection e shall be amended to read as follows:

e. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in § 31A-4o, p, q and r. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2(f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at <https://dep.nj.gov/stormwater/bmp-manual/>.

Any and all portions of this Subsection not addressed herein remain as is, with no amendments or changes.

SECTION 4. Chapter 31A “Stormwater Control Requirements”, Section 31A-4 “Stormwater Management Requirements for Major Developments”, subsection p shall be amended to read as follows:

- p. Groundwater Recharge Standards.
1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
 2. The design engineer shall, using the assumptions and factors for stormwater

runoff and groundwater recharge calculations at § 31A-5, either:

- (a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100% of the average annual pre-construction groundwater recharge volume for the site; or
 - (b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected two-year storm, as defined and determined by this ordinance, is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to Subsection p4 below.
 4. The following types of stormwater shall not be recharged:
 - (a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - (b) Industrial stormwater exposed to source material. "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Any and all portions of this Subsection not addressed herein remain as is, with no amendments or changes.

SECTION 5. Chapter 31A "Stormwater Control Requirements", Section 31A-4 "Stormwater Management Requirements for Major Developments", subsection r shall be amended to read as follows:

- r. Stormwater Runoff Quantity Standards.
 1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
 2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at § 31A-5, complete one of the following:
 - (a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section V.C and D, respectively, of this ordinance, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - (b) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10-, and 100-year storm events, as defined and determined pursuant to Section V.C and D, respectively, of this ordinance, and that the increased volume or change in timing of stormwater runoff will

not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

- (c) Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section V.C and D, respectively, of this ordinance, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

Any and all portions of this Subsection not addressed herein remain as is, with no amendments or changes.

SECTION 6. Chapter 31A "Stormwater Control Requirements", Section 31A-5 "Calculation of Stormwater Runoff and Groundwater Discharge" shall be amended to read as follows:

a. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using the following method:

The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

<https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422>

or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873

2. For the purpose of calculating curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "curve number" applies to the NRCS methodology above at Section V.A.1. A curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

4. In computing stormwater runoff from all design storms, the design engineer shall

consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 - Urban Hydrology for Small Watersheds or other methods may be employed.

5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

b. Groundwater recharge may be calculated in accordance with the following:

1. The New Jersey Geological Survey Report GSR-32: A Method for Evaluating Groundwater Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:
<https://www.nj.gov/dep/njgs/pricelst/greport/gsr32.pdf>
or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

2. The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items 1 and 2 below:

- (a) The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:

https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj; and

- (b) The applicant shall utilize Table 5: Current Precipitation Adjustment Factors below, which sets forth the applicable multiplier for the drainage area(s) of the site, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 5: Current Precipitation Adjustment Factors

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Atlantic	1.01	1.02	1.03
Bergen	1.01	1.03	1.06
Burlington	0.99	1.01	1.04
Camden	1.03	1.04	1.05
Cape May	1.03	1.03	1.04
Cumberland	1.03	1.03	1.01
Essex	1.01	1.03	1.06
Gloucester	1.05	1.06	1.06

<u>Hudson</u>	<u>1.03</u>	<u>1.05</u>	<u>1.09</u>
<u>Hunterdon</u>	<u>1.02</u>	<u>1.05</u>	<u>1.13</u>
<u>Mercer</u>	<u>1.01</u>	<u>1.02</u>	<u>1.04</u>
<u>Middlesex</u>	<u>1.00</u>	<u>1.01</u>	<u>1.03</u>
<u>Monmouth</u>	<u>1.00</u>	<u>1.01</u>	<u>1.02</u>
<u>Morris</u>	<u>1.01</u>	<u>1.03</u>	<u>1.06</u>
<u>Ocean</u>	<u>1.00</u>	<u>1.01</u>	<u>1.03</u>
<u>Passaic</u>	<u>1.00</u>	<u>1.02</u>	<u>1.05</u>
<u>Salem</u>	<u>1.02</u>	<u>1.03</u>	<u>1.03</u>
<u>Somerset</u>	<u>1.00</u>	<u>1.03</u>	<u>1.09</u>
<u>Sussex</u>	<u>1.03</u>	<u>1.04</u>	<u>1.07</u>
<u>Union</u>	<u>1.01</u>	<u>1.03</u>	<u>1.06</u>
<u>Warren</u>	<u>1.02</u>	<u>1.07</u>	<u>1.15</u>

3. Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service's Atlas 14 Point Precipitation Frequency Estimates pursuant to (c)1 above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Change Factors

<u>County</u>	<u>Future Precipitation Change Factors</u>		
	<u>2-year Design Storm</u>	<u>10-year Design Storm</u>	<u>10-year Design Storm</u>
<u>Atlantic</u>	<u>1.22</u>	<u>1.24</u>	<u>1.39</u>
<u>Bergen</u>	<u>1.20</u>	<u>1.23</u>	<u>1.37</u>
<u>Burlington</u>	<u>1.17</u>	<u>1.18</u>	<u>1.32</u>
<u>Camden</u>	<u>1.18</u>	<u>1.22</u>	<u>1.39</u>
<u>Cape May</u>	<u>1.21</u>	<u>1.24</u>	<u>1.32</u>
<u>Cumberland</u>	<u>1.20</u>	<u>1.21</u>	<u>1.39</u>
<u>Essex</u>	<u>1.19</u>	<u>1.22</u>	<u>1.33</u>
<u>Gloucester</u>	<u>1.19</u>	<u>1.23</u>	<u>1.41</u>
<u>Hudson</u>	<u>1.19</u>	<u>1.19</u>	<u>1.23</u>
<u>Hunterdon</u>	<u>1.19</u>	<u>1.23</u>	<u>1.42</u>
<u>Mercer</u>	<u>1.16</u>	<u>1.17</u>	<u>1.36</u>
<u>Middlesex</u>	<u>1.19</u>	<u>1.21</u>	<u>1.33</u>

<u>Monmouth</u>	<u>1.19</u>	<u>1.19</u>	<u>1.26</u>
<u>Morris</u>	<u>1.23</u>	<u>1.28</u>	<u>1.46</u>
<u>Ocean</u>	<u>1.18</u>	<u>1.19</u>	<u>1.24</u>
<u>Passaic</u>	<u>1.21</u>	<u>1.27</u>	<u>1.50</u>
<u>Salem</u>	<u>1.20</u>	<u>1.23</u>	<u>1.32</u>
<u>Somerset</u>	<u>1.19</u>	<u>1.24</u>	<u>1.48</u>
<u>Sussex</u>	<u>1.24</u>	<u>1.29</u>	<u>1.50</u>
<u>Union</u>	<u>1.20</u>	<u>1.23</u>	<u>1.35</u>
<u>Warren</u>	<u>1.20</u>	<u>1.25</u>	<u>1.37</u>

Any and all portions of this Section not addressed herein remain as is, with no amendments or changes.

SECTION 7. Chapter 31A “Stormwater Control Requirements”, Section 31A-6 “Sources for Technical Guidance” shall be amended to read as follows:

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department’s website at:

<https://dep.nj.gov/stormwater/bmp-manual/>.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
2. Additional maintenance guidance is available on the Department’s website at: <https://dep.nj.gov/stormwater/maintenance-guidance/>.

- B. Submissions required for review by the Department should be mailed to:

The Division of Watershed Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code 501-02A, PO Box 420, Trenton, New Jersey 08625-0420.

Any and all portions of this Section not addressed herein remain as is, with no amendments or changes.

SECTION 8. Chapter 31A “Stormwater Control Requirements”, Section 31A-8 “Safety Standards for Stormwater Management Basins”, subsection c shall be amended to read as follows:

- c. Requirements for Trash Racks, Overflow Grates and Escape Provisions.

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - (a) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - (b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - (c) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be

- computed on the basis of the net area of opening through the rack; and
- (d) The trash rack shall be constructed of rigid, durable, and corrosion-resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
- (a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - (b) The overflow grate spacing shall be no greater than two inches across the smallest dimension.
 - (c) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion-resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
3. Stormwater management BMPs shall include escape provisions as follows:
- (a) If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to § 31A-8c, a freestanding outlet structure may be exempted from this requirement;
 - (b) Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than 2 1/2 feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately 2 1/2 feet below the permanent water surface, and the second step shall be located one to 1 1/2 feet above the permanent water surface. See § 31A-8e for an illustration of safety ledges in a stormwater management BMP; and
 - (c) In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

Any and all portions of this Subsection not addressed herein remain as is, with no amendments or changes.

SECTION 9. This Ordinance may be renumbered for codification purposes.

SECTION 10. All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 11. 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 12. 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 NOTICE

**ORDINANCE NO. 7-2024
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 31A “STORMWATER CONTROL REQUIREMENTS” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at an Official Meeting of the Governing Body of the Borough of Bloomingdale, County of Passaic, State of New Jersey held in the Municipal Building on April 2, 2024, and the same shall come up for final passage at an Official Meeting of the Governing Body to be held on April 16, 2024 at 7PM, at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance. Copies of this Ordinance are available in the Clerk’s Office located at 101 Hamburg Turnpike, Bloomingdale, New Jersey.

Purpose/Summary of Ordinance No. 7-2024:

WHEREAS, the New Jersey Department of Environmental Protection (“NJ DEP”) has adopted amendments to the Stormwater Management regulations found at N.J.A.C. 7:8. As a result of the amendments, the NJ DEP has developed a model ordinance to ensure municipalities have adopted ordinances which are consistent with the NJ DEP’s stormwater management statutes and regulations. The Borough Engineer and Ordinance Review Committee have reviewed and recommended that the Code be amended. The recommendation includes amending Chapter 31A “Stormwater Control Requirements”.

Breeanna Smith, RMC
Municipal Clerk

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:

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

C. Second/Final Reading & Public Hearing:

Ordinance No. 8-2024: Amending Ch. 23 Shade Trees

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

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

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO. 8-2024
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 23 “SHADE TREES” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Borough Code contains regulations and definitions associated with the removal of trees throughout the Borough; and

WHEREAS, the New Jersey Department of Environmental Protection (“NJ DEP”) has developed a model tree removal-replacement ordinance to ensure municipalities have adopted ordinances which are consistent with the NJ DEP’s stormwater management statutes and regulations; and

WHEREAS, a review of the Code determined that the Borough should amend the Code to incorporate the NJ DEP’s model ordinance; and

WHEREAS, the Borough Engineer and Ordinance Review Committee have reviewed and recommended that the Code be amended; and

WHEREAS, the Borough Council has reviewed and approved of the recommended amendment.

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

SECTION 1. Chapter 23 “Shade Trees ” shall be amended to read as follows:

§23-1 SHADE TREES.

§23-1.1 Purpose.

An ordinance to establish requirements for tree removal and replacement in the Borough of Bloomingdale to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

The purpose of this section is to discourage indiscriminate and excessive removal, cutting and destruction of trees, which has caused environmental damage and adversely affected property values, to prevent soil erosion and stream pollution and silting, to augment flood control, to restrict the cutting of trees to a minimum during construction, to reduce dust and air pollution, to preserve wildlife habitat, to beautify the streets and to reforest the municipality by encouraging the planting of trees wherever and whenever possible.

§23-1.2 Definitions.

For the purpose of this Chapter, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The use of the word "shall" means the requirement is always mandatory and not merely directory.

A. “Applicant” means any “person”, as defined below, who applies for approval to remove trees regulated under this Chapter.

B. “Critical Root Radius (CRR)” – means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at

breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6" DBH would have a $CRR = 6" \times 1.5' = 9'$.

C. "Diameter at Breast Height (DBH)" means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree.

D. "Hazard Tree" means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.

1. Has an infectious disease or insect infestation;
2. Is dead or dying;
3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
5. Is determined to be a threat to public health, safety, and/or welfare by at least one of the following: Certified Arborist, Licensed tree expert (LTE), Bloomingdale Property Maintenance Officer, EEO, Superintendent of Public Works, Borough Engineer, or Borough Official.

E. "Person" means any individual, resident, corporation, utility, company, partnership, firm, or association.

F. "Planting strip" means the part of a street right-of-way between the public right-of-way adjacent to the portion of the street reserved for vehicular traffic the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

G. "Resident" means an individual who resides on the residential property where a tree(s) regulated by this Chapter is removed or proposed to be removed.

H. "Street Tree" means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to the portion of the street reserved for vehicular traffic. (according to tax map). This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.

I. "Tree" means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.

J. "Tree Caliper" means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

K. "Tree removal" means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

L. "Environmental Enforcement Officer" (EEO) shall mean the Bloomingdale Zoning Official or his duly appointed designee, who may, on his own initiative or on the complaint of any individual, take action hereunder to ensure compliance with this chapter. He may request expert assistance, subject to the approval of the governing body.

§23-1.3 Regulated activities.

A. Application Process:

1. Any person planning to remove a street tree with DBH of 2.5" or more or any non-street tree with DBH of 6" or more on their property shall submit a Tree Removal Application to the construction official. No tree shall be removed until municipal officials have reviewed and approved the removal.
2. For larger scale clearing projects a tree survey is required to be submitted as part of the application to determine number, sizes, and exemptions of trees for the assessment of fees.

B. Tree Removal and Planting Plan.

1. An approved tree removal and planting plan is required prior to approval of a subdivision, site plan or building permit or prior to the removal of any tree not excepted in subsection **23-1.4**. The EEO shall make an on-site inspection within 14 days of submission of the plan and all trees to be cut are to be clearly identified with tagging by the plan applicant at the time the plan is submitted.
2. No certificate of occupancy shall be issued unless tree removal and planting have been in accordance with the approved plan or a bond posted guaranteeing proper planting and removal.
3. Data required for a tree removal and planting plan shall include:
 - a. The Tax Map, lot and block number.
 - b. The area of tract, and the location of streams, wetlands, streets and woods.
 - c. Slopes over 15%.
 - d. The type of tree-cutting, clear or selective.
 - e. Removal in relation to buildings, roads and septic systems and sewer lines, present and proposed.
 - f. A list of trees to be planted.
 - g. The map of surrounding properties showing wooded areas and features.
4. The tree removal and planting plan shall be prepared by the applicant on forms to be prepared and supplied by the EEO.

C. Criteria for Plan Approval.

1. Trees may be removed within five feet of the edge of pavement of drives and parking areas.
2. Trees may be removed from proposed building foundations as follows:
 - a. 40 feet as front and backyard setback.
 - b. 20 feet as side and backyard setback.
3. Tree removal is prohibited where the existing trees form part of a planned greenbelt or buffer.
4. Any tree used in a required planting or to replace a damaged tree must be at least two and one-half (2 1/2) inches in diameter and must be nursery stock, balled and burlapped.
5. Trees in the area between the street line and setback line of the buildings shall be preserved to the greatest extent possible.
6. The removal of trees from any environmentally sensitive area or slopes over 15%

is prohibited as it will contribute to extra runoff of surface water, erosion and silting, unless other means, approved by the Hudson Essex Passaic Soil Conservation District, are provided to prevent runoff and erosion.

7. Any grading must protect standing trees from machine operation, soil storage or material storage by a distance equal to or greater than the drip line of the tree. Any tree damaged to the extent that such damage may cause disease or death to the tree must be replaced. Temporary construction fences delineating clear-cut setbacks are required for tree protection.
8. Trees may be removed to allow for backfill or soil removal, provided that the same amount of wooded area is replaced when fill is settled.
9. Unless otherwise proven necessary, staging areas for machinery, equipment, supplies, materials, etc., shall be within a cleared building area in order to prevent damage to trees designated to be saved.
10. If, upon a building site inspection, the EEO finds that trees have been removed without regard for this section, no building permit shall be issued until the alleged violation has been prosecuted and disposed of in Municipal Court.
11. Should the EEO discover violations of the section following the issuance of a building permit, a stop-work order will be issued until the matter is disposed of in Municipal Court.

D. Tree Replacement Requirements

1. Any person who removes one or more street tree(s) with a DBH of 2.5" or more, unless exempt under Section 23-1.4, shall be subject to the requirements of the Tree Replacement Requirements Table below.
2. Any person, other than a resident, who removes one or more tree(s) with a DBH of 6" or more per lot, unless exempt under Section 23-1.4, shall be subject to the requirements of the Tree Replacement Requirements Table. The species type and diversity of replacement trees on the owners lot will be up to the homeowner. The municipality will decide species type and diversity of replacement trees planted on Borough property. (as per chapter 20-13.1 of Borough code). No person shall plant a poplar, linden, willow, catalpa, silver maple or swamp maple tree within the lines of any street or within 25 feet of the lines of any street or highway in the Borough or within 25 feet of any municipal utility easement.
3. Replacement tree(s) shall:
 - a. Be replaced in kind with a tree that has an equal or greater DBH than tree removed or meet the Tree Replacement Criteria in the table below;
 - b. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the municipality;
 - c. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and
 - d. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Tree Replacement Requirements Table:

Category	Tree removal (DBH)	Tree Replacement Criteria (See Appendix A)	Application Fee
1	DBH of 2.5" (for street trees) or 6" (for non-street trees) to 12.99"	Replant 1 tree with a minimum tree caliper of 1.5" for each tree removed	\$50.00
2	DBH of 13" to 22.99"	Replant 2 trees with minimum tree calipers of	\$50.00

		1.5" for each tree removed	
3	DBH of 23" to 32.99"	Replant 3 trees with minimum tree calipers of 1.5" for each tree removed	\$50.00
4	DBH of 33" or greater	Replant 4 trees with minimum tree calipers of 1.5" for each tree removed	\$50.00

E. Replacement Alternatives:

1. If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:
 - a. Plant replacement trees in a separate area(s) approved by the municipality.
 - b. Pay a fee of \$150.00 per tree removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.

§23-1.4 Exemptions.

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided in writing, by a certified licensed arborist paid for by homeowner, to the municipality by all persons claiming an exemption except where noted otherwise.

- A. Tree farms in active operation, nurseries, fruit orchards, and garden centers;
- B. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality;
- C. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
- D. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;
- E. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
- F. Hazard trees may be removed with no Arborist Justification, provided written approval is granted by the EEO.
- G. Any tree growing in a public right-of-way.
- H. Any tree growing in the following areas on a lot containing a building. No Arborist Justification is needed provided written approval by the EEO is granted.
 - a. Within 40 feet of the front wall and the rear wall of the structure.
 - b. Within 20 feet of either side wall of the structure.
 - c. Within five feet of any paved surface.

- d. On or above any existing or proposed utility lines or septic system, provided that requisite permits are obtained.
 - e. On or above any surfaces which are being prepared for the immediate extension of pavement expansion, of recreation areas, installation of swimming pools, installation of outdoor sheds or garden enhancement; provided, however, that no tree shall be removed until and unless a necessary requisite permit is obtained for the construction activity.
- I. Likely to endanger life or property as determined by an Arborist or the EEO.
- J. Dead or diseased trees may be removed with no Arborist Justification, provided written approval is granted by the EEO.
- K. Trees on the premises of nurseries and garden centers.
- L. Tree farms may remove up to but not more than 30% of trees from their entire tract, provided that a forest management plan, approved by the New Jersey Department of Environmental Protection, Bureau of Forestry or other professional forester has been submitted to the EEO.
- M. Removal of one tree per residential lot per year. No Arborist Justification needed, provided written approval is granted by the EEO.
- N. The Oak Tree situated in front of Borough Hall may be removed only upon a determination by an arborist that the tree is diseased or unsafe and an affirmative vote by a majority of the Borough Council that the tree should be removed, except in cases of emergency where public safety necessitates the removal of the Oak Tree.

§ 23-1.5 Enforcement

This Chapter shall be enforced by the Borough of Bloomingdale EEO and/or other designated Municipal Official during the course of ordinary enforcement duties.

§23-1.6 (Reserved)

§ 23-1.7 Fees; Costs.

- a. A fee schedule shall be on file in the Office of the EEO for the purpose of adequately covering the administrative costs of this section. The fee shall be included with the plan submitted. Where needed and not otherwise provided, an escrow account will be established to cover expenses associated with regard to any expert assistance retained by the Borough. The amount of the escrow shall be set by the EEO.
- b. The owner or applicant shall reimburse the Borough for all costs of expert advice obtained in connection with the application for an approved plan which may exceed the fee schedule.

§ 23-1.8 Violations and Penalties.

Any person violating any provisions of this section shall, upon conviction, be liable to the penalty stated in Chapter 1, Section 1-5 of the Revised General Ordinances of the Borough of Bloomingdale.

SECTION 2. This Ordinance may be renumbered for codification purposes.

SECTION 3. All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 4. 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 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

PUBLIC NOTICE

**ORDINANCE NO. 8-2024
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 23 “SHADE TREES” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at an Official Meeting of the Governing Body of the Borough of Bloomingdale, County of Passaic, State of New Jersey held in the Municipal Building on April 2, 2024, and the same shall come up for final passage at an Official Meeting of the Governing Body to be held on April 16, 2024 at 7PM, at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance. Copies of this Ordinance are available in the Clerk’s Office located at 101 Hamburg Turnpike, Bloomingdale, New Jersey.

Purpose/Summary of Ordinance No. 8-2024:

WHEREAS, the New Jersey Department of Environmental Protection (“NJ DEP”) has developed a model tree removal-replacement ordinance to ensure municipalities have adopted ordinances which are consistent with the NJDEP’s stormwater management statutes and regulations. A review of the Code determined that the Borough should amend the Code to incorporate the NJDEP model ordinance, also recommended by the Borough Engineer. The recommendation includes amending Chapter 23 “Shade Trees’.

Breeanna Smith, RMC
Municipal Clerk

BOROUGH OF BLOOMINGDALE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ATTEST:

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

Adoption:

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

D. Second/Final Reading & Public Hearing:
Ordinance No. 9-2024: Salary Ordinance

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

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

The Municipal Clerk read the following Ordinance by title:

ORDINANCE NO. 9-
2024 OF THE
GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE

AN ORDINANCE ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY AND COMPENSATION FOR CATEGORIES AND TITLES OF OFFICERS, NON-CONTRACTUAL EMPLOYEES AND CONTRACTUAL EMPLOYEES OF THE BOROUGH OF BLOOMINGDALE

Purpose: State law requires the adoption of an ordinance establishing a range of salaries for certain Borough positions. The proposed ordinance categorizes positions by department or part/full-time status and thus may reflect a higher maximum salary range for some part-time or non-contractual positions because of other positions comprising the category.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Bloomingdale, County of Passaic, State of New Jersey, as follows:

- 1) The annual salaries and compensation of the Officers and Employees of the Borough of Bloomingdale shall fall within the ranges as follows:

CATEGORY/TITLE	MINIMUM	MAXIMUM
GOVERNING BODY		
Mayor	\$ 1.00	\$ 2,000.00
Full-time Mayor	1.00	\$125,000.00
Council Member	1.00	1,500.00
ADMINISTRATIVE STAFF		
Borough Administrator	\$10,000.00	\$160,000.00
Municipal Clerk		
Borough Attorney		
Assistant Borough Attorney		
Grant/Accreditation Manager	\$ 1.00	\$ 40,000.00

Minutes: April 16, 2024
Approval Date: May 7, 2024

DEPARTMENT/DIVISION HEADS/STAFF	\$ 1.00	\$180,000.00
Construction/Building Official		
Superintendent of Public Works		
Chief Financial Officer		
Tax Collector		
Treasurer		
Water/Sewer Superintendent		
Assistant DPW Superintendent		
Recreation Director		
Senior Citizen Center Coordinator		
Animal Control Coordinator		
Coordinator-Other		
Tax Assessor		
Municipal Recreation Field Consultant		
Certified Public Works Manager/Field Consultant		
Recreation Program Director		
Recreation Staff Director		
Recreation Senior Staff		
Recreation Registrar		
Assistant to the CFO		
Assistant CFO		
Shelter Manager		
Shelter Staff		
Deputy Registrar		
Assistant to Administrator		
DPW Office Assistant		
Assistant Treasurer		
POLICE DEPARTMENT	\$10,000.00	\$250,000.00
Police Chief		
Captain	\$145,000.00	\$195,000.00
Lieutenant	\$131,116.00	\$185,000.00
Sergeant	\$123,769.00	\$175,000.00
Patrol officer	\$40,606.00	\$165,000.00
Academy	\$40,606.00	\$130,000.00
Post Academy	\$46,406.00	\$130,000.00
MUNICIPAL COURT	\$ 1,000.00	\$80,000.00
Judge		
Municipal Court Administrator		
P/T MUNICIPAL COURT	\$ 1.00	\$35,000.00
Prosecutor		
Public Defender		
Violations Clerk		
Deputy Municipal Court Administrator		
CODE/SUB-CODE/LICENSED OFFICIALS	\$ 50.00	\$92,000.00
Electrical Inspector		
Fire Sub-code Official		
Plumbing Sub-code Official		
Property Maintenance Officer		
C.C.O Inspector		
Sewer Licensed Operator		
Water Licensed Operator		
Fire Official		
Fire Prevention Bureau Secretary		
Building Subcode Official		

Minutes: April 16, 2024
Approval Date: May 7, 2024

F/T LIBRARY STAFF	\$25,000.00	\$97,000.00
Library Director		
Asst. Library Director		
Senior Library Assistant		
P/T NON-HOURLY STAFF	\$ 1.00	\$65,000.00
Assessment Search Officer		
Planning Board Secretary		
Election Officer		
Tax Search Officer		
Summer Camp Director		

P/T HOURLY STAFF	\$ 7.15/Hr.	\$ 40.00/Hr.
Head Children's Librarian		
Junior Library Assistant		
Library Assistant		
Library Page		
Principal Library Assistant		
Summer Recreation Counselor		
Summer Recreation Maintenance		
Summer Recreation Supervisor		
Police Special Officer		
DPW Seasonal		
Part-time Shelter Help	\$ 9.00	\$ 30.00/hr.
F/T WHITE COLLAR	\$20,000.00	\$100,000.00
Animal Control Officer		
Police Dispatcher		
Finance/Tax Office Assistant		
Sr. TACO		
TACO (Technical Assistant to the Construction Official)		
Deputy Clerk		
P/T WHITE COLLAR	\$10.00/HR	\$60.00/HR
Secretary to Police Department		
Secretary to Zoning Board		
Secretary to Planning Board		
Office Assistant to Construction Office		
Police Dispatcher		
Crossing Guards		
Police Secretary		
Deputy Clerk		
Tax Assessor Clerk		
Animal Control Canvasser		
Animal Control Officer		
Deputy Court Administrator		
DEPARTMENT OF PUBLIC WORKS		
Laborer	\$41,329.00	\$95,000.00
Driver	\$42,680.00	\$95,000.00
Equipment Operator	\$42,680.00	\$95,000.00
Mechanic	\$47,793.00	\$100,000.00
Crew	\$50,609.00	\$105,000.00
Foreman	\$57,166.00	\$110,000.00
Driver/Laborer	\$42,680.00	\$95,000.00

Pursuant to the Fair Labor Standards Act, the Borough Clerk, Borough Administrator, Chief Financial Officer, Treasurer, Tax Collector, Construction/Building Official, Superintendent of Public Works, Water/Sewer Superintendent, Police Chief, Municipal Court Administrator and the Animal Control Coordinator shall not be compensated over and above their regular salaries for overtime.

2) LONGEVITY

The only employees who shall receive longevity payments, are those employees afforded the same through ordinance, a fully ratified collective bargaining agreement, or any other employment agreement or those other employees who are receiving a longevity payment on the date that this ordinance is adopted, subject to the restrictions set forth below.

For all Department Heads hired before January 1, 2014 shall follow the White-Collar Collective Bargaining Agreement that is effective at the time of this Ordinance adoption and will follow all subsequent contracts. No individuals other than those set forth in this Section entitled 2) Longevity, shall be entitled to any longevity payment.

3) SALARIES

Salaries shall be paid bi-weekly with the following exceptions:

- a) Quarterly: Council Members; Public Defender; Fire Official; and Fire Prevention Bureau Secretary.
 - b) Hourly employees shall be paid when vouchers are submitted for services rendered.
 - c) Upon adequate notice given to the Borough Administrator and the office responsible for processing Borough payroll, full-time employees may receive vacation pay in advance.
- 4) None of the provisions contained herein shall be construed as establishing a one-year term of employment. All such officers and employees, other than those elected or appointed pursuant to any statute providing otherwise, shall be subject to removal, except where otherwise provided by applicable statute.
- 5) This Ordinance shall take effect after the final passage and publication as required by law and all other ordinances inconsistent hereby are repealed.

BOROUGH OF BLOOMINGDALE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ATTEST:

Breeanna Smith, Clerk

By: _____
John D'Amato, Mayor

PUBLIC NOTICE

**ORDINANCE NO. 9-2024
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

AN ORDINANCE ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY AND COMPENSATION FOR CATEGORIES AND TITLES OF OFFICERS, NON-CONTRACTUAL EMPLOYEES AND CONTRACTUAL EMPLOYEES OF THE BOROUGH OF BLOOMINGDALE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at an Official Meeting of the Governing Body of the Borough of Bloomingdale, County of Passaic, State of New Jersey held in the Municipal Building on April 2, 2024, and the same shall come up for final passage at an Official Meeting of the Governing Body to be held on April 16, 2024 at 7PM, at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance. Copies of this Ordinance are available in the Clerk's Office located at 101 Hamburg Turnpike, Bloomingdale, New Jersey.

Purpose/Summary of Ordinance No. 9-2024:

WHEREAS, the Salary Ordinance of the Borough establishes a minimum and maximum range of salary and compensation for categories and titles of officers, non-contractual employees and contractual employees. There is a need to increase salary ranges to match collective bargaining agreements.

Breeanna Smith, RMC
Municipal Clerk

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 DELLARIPA and carried per the following roll call vote: SCHUBERT (YES), YAZDI (YES), CATALANO (YES), DELLARIPA (YES), GRAZIANO (YES), HUDSON (YES)

NEW BUSINESS

A. Adoption of Resolution No. 2024-4.13: Municipal Obligations

Motion: Ray Yazdi

Second: Rich Dellaripa

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

B. Adoption of Resolution No. 2024-4.14: Authorize Public Land Sale (Glade Road 3038/1)

Motion: Ray Yazdi

Second: Dawn Hudson

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

NON-AGENDA

1. Resolution No. 2024-4.15: Authorizing grant application the Environmental Commission

Motion: Ray Yazdi

Second: Rich Dellaripa

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

2. Resolution No. 2024-4.16 Appointment to Recreation Commission (L. Smith)

Motion: Dawn Hudson

Second: Ray Yazdi

Voice Vote: all in favor voting 'AYE', none were opposed

LATE PUBLIC COMMENT:

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

GOVERNING BODY SCHEDULE

- A. May 7, 2024 – Workshop Meeting
- B. May 21, 2024 – Regular Meeting
- C. June 11, 2024 – Workshop Meeting

ADJOURNMENT:

Since there was no further business to be conducted, HUDSON moved to adjourn at 7:34PM; seconded by GRAZIANO and carried on voice vote with all Council Members voting AYE.

Breanna Smith, RMC
Municipal Clerk

April 16, 2024 RESOLUTIONS

**RESOLUTION NO. 2024-4.10
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

AUTHORIZING GRANT APPLICATION FOR NJ DCA LOCAL RECREATION IMPROVEMENTS

WHEREAS, the Borough of Bloomingdale desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$100,000 to carry out a project to create an exercise station at Walter T. Bergen Field.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale, County of Passaic, State of New Jersey:

1. that the Borough of Bloomingdale does hereby authorize the application for such a grant; and,
2. recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Bloomingdale and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

Michael Sondermeyer

Borough Administrator

Breanna Smith

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			
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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 April 16, 2024.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2024-4.11
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REDEMPTION AND CANCELLATION OF TAX TITLE LIEN CERTIFICATES

WHEREAS, the Tax Collector has reported receiving the amounts shown below for the redemption of the respective lien(s); and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale that the proper officers be and are hereby authorized and directed to pay the indicated amount to the holder of the lien certificate as hereinafter shown below:

Certificate No.	Certificate Date	Block / Lot	Reimbursement Amount	Pay to Lien Holder	FORM-1099
19-00003	12/15/20	5095/2	\$52,619.95 Certificate \$63,300.00 Premium \$115,919.95 Total	Greymorr LLC BMO 85 PO Box 1414 Minneapolis, MN 55480	\$13,755.55

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 April 16, 2024.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2024-4.12
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

RESOLUTION AUTHORIZING VENDOR FOR BOROUGH’S PUBLIC EVENT(S) BLOOMINGDALE FIREWORKS JUNE 29, 2024 & ‘BLOOMINGDALE CELEBRATION DAY’ SEPTEMBER 21, 2024

WHEREAS, the Borough of Bloomingdale will host the following public events during the 2024 calendar year, “Bloomingdale Fireworks” (June 29th) & “Bloomingdale Celebration Day” (September 21st); and

WHEREAS, the Borough Administrator and Public Events Committee recommend the use of the following vendor(s):

MRT RENTAL DBA BIG MARK’S (rides)

WHEREAS, MRT Rental DBA Big Mark (“Vendor”) has submitted estimates for provision of the requested services for Borough’s public events; and

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

WHEREAS, the Borough wishes to enter into contracts with the Vendor to perform such services at the Bloomingdale Fireworks & Bloomingdale Celebration Day public events; and

WHEREAS, the Vendor has agreed to provide the requested services, at no cost to the Borough, during the aforementioned Borough public events pursuant to their proposals; and

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

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. A contract with MRT Rental DBA Big Mark’s is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-3(a) of the Local Public Contracts Law because the contracts are for services to be performed for amounts below the bid threshold.

Section 2. The Vendor shall perform the respective services at ‘Bloomingdale Fireworks’ on June 29th and at ‘Bloomingdale Celebration Day’ on September 21st.

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 Finance Department, and to MRT Rental DBA Big Mike’s of 256 Maxim Road in Howell, NJ 07731 for their information and guidance.

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 April 16, 2024.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2024-4.13
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>LIST</u>	<u>BILLS LIST</u>	<u>PREPAID</u>	
CURRENT	\$3,475,189.15	CURRENT	\$1,862,569.65
UTILITY	\$567,118.11	UTILITY	\$58,152.29
CAPITAL	\$4,440.00	OPEN SPACE	
CAPITAL UTILITY	\$0.00	TRUST ACCOUNT	\$2,080.00
TRUST	\$173,442.95	RECYCLING	\$283.60
DOG TRUST	\$524.80	DOG TRUST	
RECREATION	\$10,827.70	UNEMPLOYMENT	\$449.93
ROSE FUND	\$6,528.48	CAPITAL	
RECYCLING	\$4,500.00	WATER CAPITAL	
UNEMPLOYMENT	\$8,799.00	RECREATION	\$226.45
AFFORDABLE HOUSING	\$0.00	CAPITAL ASSESSMENT	
TOTAL	\$4,251,370.19	TOTAL	\$1,923,761.92

Record of Council Vote on Passage

COUNCILPERSON	AYE	NAY	Abstain	Absent	COUNCILPERSON	AYE	NAY	Abstain	Absent
Catalano	X				Dellaripa	X			
Graziano	X				Schubert	X			
Hudson	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, April 16, 2024.

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

**RESOLUTION NO. 2024-4.14
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF CERTAIN LANDS AND PROPERTIES WHICH ARE NO LONGER NEEDED FOR PUBLIC USE BY THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Borough of Bloomingdale is the owner of certain lands and premises within the Borough of Bloomingdale, specifically Block 3038, Lot 1, Glade Road, consisting of approximately 6.78 acres of vacant land (“Property”); and

WHEREAS, the Mayor and Borough Council of the Borough of Bloomingdale does hereby determine that the Property, which is further set forth in Schedule A, is no longer needed for public use; and

WHEREAS, the Borough of Bloomingdale desires to make the Property available for public sale.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Bloomingdale as follows:

1. The Borough of Bloomingdale hereby declares that the land and property set forth in Schedule A is no longer needed for public use and should be sold in accordance with appropriate statutes of the State of New Jersey.
2. The Borough Council of the Borough of Bloomingdale hereby authorizes the Borough Clerk to offer for sale to the highest bidder by open public sale at auction the property set forth in Schedule A and made a part hereof.
3. The public sale shall take place at the Bloomingdale Borough Municipal Building, 101 Hamburg Turnpike, Bloomingdale, New Jersey, on May 7, 2024 at 6:30 p.m. or as soon thereafter as the matter can be heard and publicly announced, provided the sale is not cancelled.
4. The public sale, if not cancelled, shall take place by open public sale at auction to the highest bidder.
5. The minimum bid for the property is \$10,000.
6. The successful bidder at the time of the sale must present cash or a check or money order, payable to the Borough of Bloomingdale, in an amount of 50% of the winning bid. This deposit shall be non-refundable. The balance of the purchase price shall be paid to the Borough no later than sixty (60) days following the acceptance by the Borough and the tender of marketable title to the purchaser and submitted to the Borough. The purchaser shall be entitled to possession immediately following closing of title.
7. The Borough makes no representation as to the title or any other aspects of the land to be sold.
8. The successful bidder shall be responsible for the Borough’s reasonable attorney’s fees for the preparation of bid documents and closing of title in an amount that is estimated not to exceed \$5,000. In addition, the bidder will be responsible for establishing an engineering escrow for the review of road improvements.
9. The Borough reserves the right to accept or reject any and all bids at the public sale and not to award to the highest bidder. Such decision will be made by the Borough Council at a Public Meeting within 30 days from the date of such sale.
10. In the event the Borough of Bloomingdale is unable to convey clear and marketable title, insurable at regular rates by a title insurance company authorized to do business in the State of New Jersey, the Borough shall forthwith return to the purchaser the deposit and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the Borough shall extinguish any claims the said purchaser may have against the Borough of Bloomingdale in connection with the quality of title conveyed.
11. The conveyance of the Property by the Borough shall be made by way of a Quit Claim Deed, unless an adequate title binder prepared at the expense of the Buyer is forwarded to

the Borough prior to the conveyance and discloses that the Borough holds marketable title in which case a Bargain and Sale Deed with Covenants Against Grantor’s Acts will be the form of conveyance. The Borough will include within its deed a metes and bounds description based upon a survey if a survey and metes and bounds description is obtained by the Buyer.

- 12. The Borough Council of the Borough of Bloomingdale reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bidder deemed to be in the best interests of the Borough.
- 13. The successful bidder shall have 30 days to perform a perc test. If the property is unsuitable for a septic system, the successful bidder may cancel the contract however 50% of the bid price shall be non-refundable.
- 14. The following conditions will apply to the sale of the Property and be part of any Contract of Sale between the Borough and the successful Buyer:
 - 1. Glade Road being widened to 24’ in straight aways and 30’ at radius
 - 2. Glade Road to be re-graded to attain minimum 2% cross slope
 - 3. Glade Road to be constructed over existing milled surface with minimum 4” DGA Stone
 - 4. Glade Road to be constructed with 3” Stabilized Base Course Mix 19M64 compacted
 - 5. Glade Road to be constructed with 2” Surface Course Mix 9.5 M64 compacted
 - A. All permits are the responsibility of the Buyer
 - B. All surveys and As-Builts as required are the responsibility of the Buyer
 - C. Upon acceptance of an approved site plan and roadway construction, the Borough will accept the dedication of the roadway as long as it meets the Borough road standards.
- 15. The Borough will not represent, warrant, or guarantee the right to build on or improve the Property. The Property will be subject to all federal, state, local laws and ordinances.
- 16. A public notice of sale shall be published in the Borough’s official newspaper at least once a week for two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the conditions of this sale in accordance with N.J.S.A. 40A:12-13(a).
- 17. The resolution shall take effect immediately.

Attachment A

Block	Lot	Approximate Acreage	Zone	Location	Suggested Minimum Bid
3038	1	6.78	R-20	Glade Road	\$10,000

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 April 16, 2024.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

