

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

November 19, 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 7:00 PM.

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

Official Roll Call: (taken by the Municipal Clerk)

In Attendance: Mayor John D'Amato
Councilman David Bronkhurst
Councilman Dominic Catalano (*entered at 7:18PM*)
Councilman John Graziano
Councilwoman Dawn Hudson (*excused*)
Councilwoman Evelyn Schubert
Councilman Ray Yazdi

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:

1. **Resolution No. 2024-11.20:** AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT WITH DEFENDANTS IN LITIGATION ENTITLED BOROUGH OF BLOOMINGDALE VS. AGNOLI ENGINEERING LLC ET. AL. (DOCKET NO. PAS-L-2642-23)

EARLY PUBLIC COMMENT

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

PRESENTATIONS

A. *Recognition of former Councilman, Richard Dellaripa*

Richard Dellaripa has resigned from his council seat. The Mayor acknowledged him for his many contributions to the Borough:

Councilmember 2013-2021, 2023-2024
Council President 2015
Budget Committee Member 2013-2021, 2023-2024
Public Outreach Committee Member 2021-2024

Flood Committee Member 2015-2021, 2023-2024
Shared Service Committee Member 2024
ROSE Committee member 2022
Board of Education Liaison 2013-2021
Municipal Drug Alliance Liaison 2013-2021

B. *Recognition of Bloomingdale Search & Rescue Team*

The Mayor, Chief Greenwood, and Team Leader Sam Scaturro recognized the Bloomingdale Search & Rescue team. ‘Citizens Lifesaving Award’ were presented to Al Saint Jacques, David Becker, Ben Scaturro, Kathleen Torsney, Michael Crowl, & Sgt. Steven Smith

C. *Welcome of new council member, David Bronkhurst (who was selected to fill the unexpired council term expiring December 31, 2025)*

-brief pause of the meeting while members of the public exited-

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

Councilwoman Evelyn Schubert

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

- Library Board of Trustees
 - Giving Week Crafts
 - Adult Programs:
 - ABC Murder Book Club
 - Stephen King Book Club
 - Cook book Club
 - *****Details for all programs are available on the Library website
- Tri-Boro First Aid Squad
 - 1460 YTC calls
 - Seeking new members; recruitment Open House on November 24, 2024
 - Medical equipment available to the community
- BBYC:
 - State Group Semifinal at Cedar Grove 11/22 at 7PM (must purchase tickets online)
- Senior Advisory Committee/Center:
 - NYE at The Staten – La Greci’s 12/31/2024
 - Center open daily from 9AM-1PM
 - Monthly calendar and nutrition menu available on website

Councilman, Ray Yazdi (Budget Committee) no report

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

Council President, John Graziano (EDC Chairman)

- EDC – Holiday Stroll schedule for December 14 from 4:30PM-7PM

Councilman, Dominic Catalano (BEC liaison, Recreation liaison, Planning Board member) no report

Business Administrator, Michael Sondermeyer

- DPW Salt Storage Shed is 90% complete
- The Clerk published a notice of intent to purchase a sweeper; this will be on the next agenda to approve the purchase

Mayor John D’Amato: all open fires are currently banned in NJ due to extremely dry conditions. Mandatory statewide stage 3 fire restrictions

Municipal Clerk, Breeanna Smith: no report

CONSENT AGENDA

(Adoption of Resolutions No. 2024-11.6 – 2024-11.16)

Motion: John Graziano

Second: Ray Yazdi

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

**RESOLUTION NO. 2024-11.6
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

*Accepting, Approving and/or Adopting the Consent Agenda of the
November 19, 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.

D. Motion to approve minutes:

- October 15, 2024 – Regular Meeting
- November 1, 2024 – Workshop Meeting
- November 12, 2024 – Special Meeting

E. Proclamation: *Recognizing the Contributions of Board Workers for the 2024 General Election*

F. Resolution No. 2024-11.7: Recreation member (J. Redondo)

G. Resolution No. 2024-11.8: Grant Paid Sick Leave to Borough Employee

H. Resolution No. 2024-11.9: Return Planning Board Escrow

I. Resolution No. 2024-11.10: Participation in LEAP Implementation Grant

J. Resolution No. 2024-11.11: Approval of Tax Lien Redemptions

K. Resolution No. 2024-11.12: Accept Maintenance Bond & Release Final Payment (Mike Fitzpatrick – Senior Pavillion)

L. Resolution No. 2024-11.13: EcolSciences – Site Investigation of Bogue Pond Playground

M. Resolution No. 2024-11.14: Appointment of Municipal Housing Liaison

N. Resolution No. 2024-11.15: Authorize Extension of Solid Waste Disposal Contract (Gaeta Recycling, Co.)

O. Resolution No. 2024-11.16: Authorize Notice to Bidders for Solid Waste Disposal Services

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Hudson				X
Bronkhurst	X				Schubert	X			
Graziano	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 November 19, 2024.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

PENDING ITEMS

A. Second/Final Reading & Public Hearing:

Ordinance No. 18-2024: Amend Ch. 17 Water Section 6.1 Charges & Fees

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

Councilman GRAZIANO moved that the Ordinance be 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. 18-2024
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE TO AMEND CHAPTER 17, ENTITLED “WATER” SECTIONS 5.3 ‘CHARGE FOR REINSTALLATION’ AND SECTION 6.1 ‘CHARGES AND FEES’ OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Department of Public Works has informed the Borough Administration there is a need to revise the fees charged for the installation of new water meters to reflect the actual costs of the meters today.

WHEREAS, the Borough Council has determined that said installation charge was intended to cover the actual cost of the meter at the time of installation and needs to be updated.

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. Section 17-5.3 “Charge for Reinstallation” shall be amended as follows (~~strikeouts~~ are removed, **BOLD** font is added):

The charge for reinstallation or change of a meter, when removed because it is damaged in any way by the negligence of the customer, shall be in accordance with the rates as shown in Subsection **17-6.1 j.** ~~17-5.2.~~

SECTION 2. Section 17-6.1 “Charges and Fees” shall be amended as follows (~~strikeouts~~ are removed, **BOLD** font is added):

- j. New Service Meter Installation Charge. There shall be a charge for the setting of new service meters as follows. ~~except for 1 1/2 inch or larger which will require inspection and seal of the meter only.~~ Said installation charge shall be the actual cost of the meter at the time of installation.

Size of Meter	Installation Charge
5/8 inch	\$307.00 \$175 plus overtime charges
3/4 inch	\$377.00 \$225 plus overtime charges
1 inch	\$462.00 \$350 plus overtime charges
1 1/2 inch	\$972.00 \$400 plus overtime charges
2 inch	\$1,127.00 \$450 plus overtime charges

In addition, there shall be an inspection fee of \$75 ~~per hour or \$565 per day~~ for compliance with the provisions of this section for each inspection required by the Borough. ~~Over eight hours in one day will be paid at the overtime rate.~~

All other portions of this Chapter remain unchanged.

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 law 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, Borough Clerk

By: _____
John D'Amato, Mayor

Public Hearing:

At this time GRAZIANO 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 GRAZIANO 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 GRAZIANO and carried per the following roll call vote: CATALANO (YES), GRAZIANO (YES), SCHUBERT (YES), YAZDI (YES), BRONKHURST (YES)

B. Second/Final Reading & Public Hearing:

Ordinance No. 19-2024: Vacate Portion of Holster Court

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

GRAZIANO moved that the Ordinance be 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. 19-2024
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, AUTHORIZING THE VACATION OF A PORTION OF A ROAD KNOWN AS HOLSTER COURT BY THE BOROUGH OF BLOOMINGDALE

WHEREAS, there exists in the Borough of Bloomingdale, Passaic County, New Jersey, a road known as Holster Court as shown on the Official Tax Map of the Borough of Bloomingdale; and

WHEREAS, the Borough Council accepted the dedication of Holster Court through adoption of Ordinance 17-2024 in order to formalize the Borough's ownership of the road; and

WHEREAS, a request for the Borough to vacate a small portion of Holster Court has been made and said portion is more fully described in the metes and bounds description and map, attached hereto collectively as **Exhibit A**; and

WHEREAS, the Borough Engineer has reviewed the request, the map and the metes and bounds description; and

WHEREAS, upon examination of the request to vacate, the Borough Engineer does recommend that the portion of Holster Court may be vacated by the Borough; and

WHEREAS, the Borough Council of the Borough of Bloomingdale does hereby determine that the aforementioned portion of Holster Court is not needed as a public roadway and is not needed for public purposes; and

WHEREAS, N.J.S.A. 40:67-19 authorizes the Borough to release and extinguish the public's rights in said portion of Holster Court.

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

1. The public rights and interests in a portion of Holster Court, as more fully described in **Exhibit A**, attached hereto, is hereby vacated, abandoned and released by the Borough of Bloomingdale.
2. By virtue of such release of such dedication, the Borough's interest in the land, as a matter of law, is extinguished and abandoned.
3. The appropriate municipal officials are hereby authorized to execute any collateral documents necessary to effectuate the purposes of this vacation ordinance.
4. The Borough Tax Assessor shall hereby assign this portion of Holster Court an individual Block and Lot number.
5. Said portion of Holster Court to be sold to adjacent property owner.
6. In accordance with N.J.S.A. 40:67-19 and 40:49-6, at least seven (7) days prior to the time fixed for the consideration of this Ordinance for final passage, a copy of this Ordinance, together with a notice of its introduction and the time and place when and where the Ordinance will be further considered for final passage, shall be provided to the owners of all real property, as shown on the current tax map duplicates, located adjacent to Holster Court (a list which shall be provided by the Tax Assessor).
7. The Borough Clerk shall within sixty (60) days after such Ordinance becomes effective, file a copy of said Ordinance together with a copy of proof of publication thereof with the Clerk of Passaic County so that same may be recorded and the County Clerk shall comply in all respects with the requirements of N.J.S.A. 40:67-21.

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

*****EXHIBIT 'A' TO BE ADDED*****

Public Hearing:

At this time GRAZIANO 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 GRAZIANO made a motion to close the public hearing; motion was seconded by BRONKHURST and carried on voice vote all members voting AYE; none were opposed.

Adoption:

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

C. Second/Final Reading & Public Hearing:

Bond Ordinance No. 20-2024: Bogue Pond Playground

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

GRAZIANO moved that the Ordinance be 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:

**BOROUGH OF BLOOMINGDALE
ORDINANCE NO. 20-2024**

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO BOGUE POND PARK, BY AND IN THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY; APPROPRIATING \$1,219,600 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$19,600 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART 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 general improvements or purposes to be undertaken by the Borough of Bloomingdale, in the County of Passaic, State of New Jersey (the “Borough”). For said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$1,219,600, said sum being inclusive of grants in the aggregate amount of \$1,200,000 received, or expected to be received, from (i) the County of Passaic, New Jersey from its County Open Space Trust Fund in the amount of \$450,000 (the “County Open Space Grant”), and (ii) the New Jersey Department of Environmental Protection through its Green Acres Program in the amount of \$750,000 (the “Green Acres Grant”, and together with the County Open Space Grant, the “Grants”). Pursuant to N.J.S.A. 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the “Local Bond Law”), no down payment is required for the improvements or purposes set forth in Section 3 hereof, as such project is being funded by the Green Acres Grant, which grant is provided by or on behalf of the State of New Jersey.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$1,219,600 appropriation not provided for by said Grants, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of not exceeding \$19,600 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 of not exceeding \$19,600 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, said Local Bond Law.

SECTION 3. The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are for various improvements and upgrades to the playground at Bogue Pond Park, including the purchase and installation of equipment, fencing, and flooring, the installation of ADA accessible pathways, and an environmental impact assessment. All such improvements or purposes described above shall include the following, as applicable, surveying, construction planning, engineering and design work, preparation of plans and

specifications, permits, bid documents, construction inspection and contract administration, environmental testing and remediation, and also all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

(a) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$19,600.

(b) The estimated cost of said improvements or purposes is \$1,219,600, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of \$1,200,000, which is the amount of the Grants available for said improvements or purposes.

SECTION 4. Except for the Grants, 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 or 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 from the United States of America, the State of New Jersey, and/or the County of Passaic. Except for the Grants, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Passaic shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date or as otherwise authorized by the Local Bond Law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer of the Borough. The Chief Financial Officer of the Borough shall determine all matters in connection with the bond anticipation notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer of the Borough upon the notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. § 40A:2-8.1. The Chief Financial Officer of the Borough is hereby authorized to sell part or all of the bond anticipation notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer of the Borough is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the bond anticipation notes so sold, the price obtained, and the name of the purchaser.

SECTION 6. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, within the New Jersey Department of Community Affairs, 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 bond anticipation notes provided for in this bond ordinance by \$19,600 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An amount not exceeding \$80,000 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 in Section 3 hereof.

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 principal 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 Regulation Section 1.150-2.

SECTION 10. 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 of the Borough 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 11. 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 bonds and bond anticipation notes issued under this bond ordinance on a tax-exempt basis.

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: November 1, 2024

BREEANNA SMITH,
Borough Clerk

ADOPTED ON SECOND READING

DATED: November 19, 2024

BREEANNA SMITH,
Borough Clerk

Public Hearing:

At this time GRAZIANO 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 GRAZIANO 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:

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

NEW BUSINESS

A. Adoption of Resolution No. 2024-11.17: Municipal Obligations

Motion: David Bronkhurst

Second: John Graziano

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

B. Adoption of Resolution No. 2024-11.18: Award Catherine & Bailey Road Improvements

Motion: Dominic Catalano

Second: David Bronkhurst

Roll Call Vote: BRONKHURST (YES), CATALANO (YES)
GRAZIANO (RECUSE), SCHUBERT (YES), YAZDI (RECUSE)

**Graziano & Yazdi exited the council chambers during the vote. Schubert initially recused from the vote. The Mayor explained the Borough was awarded a grant in the amount of approximately \$416,000.00. Schubert then changed her vote to 'YES'. The resolution passed.*

C. Adoption of Resolution No. 2024-11.19: John Street Maintenance Agreement / K. Ermilio

Motion: John Graziano

Second: Ray Yazdi

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

D. Adoption of Resolution No. 2024-11.___: Emergency Notification System (Nixel by Everbridge, Inc.)

Motion to table: Ray Yazdi

Second: David Bronkhurst

Voice vote: all in favor voting AYE, except CATALANO (NO)

NON-AGENDA:

- 1. Resolution No. 2024-11.20: AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT WITH DEFENDANTS IN LITIGATION ENTITLED BOROUGH OF BLOOMINGDALE VS. AGNOLI ENGINEERING LLC ET. AL. (DOCKET NO. PAS-L-2642-23)**

Motion: Ray Yazdi

Second: John Graziano

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

LATE PUBLIC COMMENT:

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

GOVERNING BODY SCHEDULE

A. December 17, 2024 - Regular Meeting

ADJOURNMENT:

Since there was no further business to be conducted, YAZDI moved to adjourn at 7:40PM; seconded by GRAZIANO and carried on voice vote with all Council Members voting AYE.

Breeanna Smith, RMC
Municipal Clerk

**RESOLUTION NO. 2024-11.9
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION AUTHORIZING THE RETURN OF UNUSED PLANNING BOARD
ESCROW FUNDS**

WHEREAS, the Municipal Land Use Law allows for the collection of escrow deposits, Cash Bonds, and accumulated interest, and

WHEREAS, the Borough of Bloomingdale has received escrow deposits for Review, Inspection fees and Cash Bonds for planning board applications, and

WHEREAS, the Planning Board Professionals have certified that the applications and/or projects listed below have been completed and closed; and

WHEREAS, the Planning Board Professionals further recommend that the remaining unused escrow balances of the following applications be returned to the applicant:

APPLICATION #:	APPLICANT NAME:
Application #709	Karl's Stumble Inn, Inc.
Application #677	Frank Iattarelli
Application #665	GL Group, Inc.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Bloomingdale, County of Passaic, State of New Jersey does hereby authorize the Planning Board Secretary to release the unused balances in the above-mentioned Escrow Funds.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Hudson				X
Bronkhurst	X				Schubert	X			
Graziano	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 November 19, 2024.

Brecanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2024-11.10
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**PARTICIPANT'S RESOLUTION
LEAP IMPLEMENTATION GRANT**

WHEREAS, the State of New Jersey has appropriated funds for Shared Services and School District Consolidation Study and Implementation Grants to assist local units with the study, development, and implementation of new shared and regional services; and

WHEREAS, the Department of Community Affairs, Division of Local Government Services (DLGS) is tasked with administering these grant funds through the Local Efficiency Achievement Program (LEAP); and

WHEREAS, LEAP Implementation Grants exist to support costs associated with shared service implementation to ensure that meaningful, efficiency generating initiatives are not hindered by short term transitional expenses; and

WHEREAS, the County of Passaic and the Borough of Bloomingdale propose to enter into a shared services agreement, but face certain expenses associated with implementation that present a burden to the local units; and

WHEREAS, the purpose of this shared services agreement is to provide low-cost, fiber-optic internet services to municipally-owned properties in Passaic County which will benefit the residents of all participating local units; and

WHEREAS, the County of Passaic has agreed to be the lead agency in this program and will submit the application to DLGS on behalf of all participating units; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale, that the Borough of Bloomingdale does hereby join with the County of Passaic in applying for a LEAP Implementation Grant in the amount of \$400,000 to support implementation of this shared service.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Hudson				X
Bronkhurst	X				Schubert	X			
Graziano	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 November 19, 2024.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2024-11.11
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
21-00006	12/28/2022	5065/19	\$ 3,139.99 Certificate <u>\$17,200.00 Premium</u> \$20,339.99 Total	C & E Tax Lien Fund I PO Box 5021 Philadelphia, PA 19111	\$506.61
21-00008	12/28/2022	5071/44	\$ 413.83 Certificate <u>\$1,600.00 Premium</u> \$2,013.83 Total	Bala Partners LLC PO Box 303 Pottersville, NJ 07979	\$6.80

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Hudson				X
Bronkhurst	X				Schubert	X			
Graziano	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 November 19, 2024.

Brecanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2024-11.12
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

A RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AUTHORIZING THE RELEASE OF PERFORMANCE BOND, ACCEPTANCE OF MAINTENANCE BOND AND AUTHORIZE FINAL PAYMENT FOR THE WORK PERFORMED IN CONNECTION WITH THE SENIOR PAVILION PROJECT

WHEREAS, the contractor, Mike Fitzpatrick Contractors, Inc., has requested a release of the performance bond and final payment for the work performed in connection with the Senior Pavilion project, in the Borough of Bloomingdale; and

WHEREAS, the Engineer, Thomas Boorady, has reviewed the request, confirmed the project has been completed to satisfaction and therefore recommends that the final payment, in the total amount of \$2,180.00 be made, and the maintenance bond be accepted once approved by the Borough Attorney; and

WHEREAS the Borough Attorney, Dawn Sullivan, has been deemed the Maintenance Bond to be satisfactory; and

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

1. The Borough Council does hereby authorize that the performance bond and final payment, in the amount of \$2,180.00, be released to the contractor.
2. The availability funds for the final payment are certified in Resolution No. 2023-11.13.
3. The Borough Council does hereby accept the Maintenance Bond in the amount of \$10,900.00 which will remain on file in the Municipal Clerk’s office.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Hudson				X
Bronkhurst	X				Schubert	X			
Graziano	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 November 19, 2024.

Brecanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2024-11.13
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 ECOLSCIENCES, INC. TO PROVIDE A SITE INVESTIGATION OF BOGUE POND PROPERTY

WHEREAS, the Borough of Bloomingdale has been awarded \$750,000 from the NJDEP Green Acres funding for an inclusive playground at Bogue Pond Park; and

WHEREAS, the Borough previously authorized EcolScience to prepare a preliminary assessment report (Reso 2024-10.24) and it has been further recommended the Borough conducts additional site investigations of the Bogue Pond property; and

WHEREAS, the Borough Engineer recommends the Borough retain EcolSciences, Inc. to complete the site investigation; and

WHEREAS, the maximum amount for services under this contract shall not exceed \$5,700.00 as per the November 13, 2024 proposal; and

WHEREAS, the Chief Financial Officer [*or their designee*] has certified the available of funds as evidenced in the annex certification; 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 EcolSciences, Inc. 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. EcolSciences, Inc. shall provide services to the Borough as set forth in its proposal dated November 13, 2024.

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 EcolSciences, Inc., of 75 Fleetwood Drive Suite 250, Rockaway, NJ 07866, 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				Hudson				X
Bronkhurst	X				Schubert	X			
Graziano	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 November 19, 2024.

Brecanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2024-11.14
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

APPOINTMENT OF MUNICIPAL HOUSING LIAISON

WHEREAS, pursuant to P.L. 2024, c.2, the Borough of Bloomingdale is required to appoint a Municipal Housing Liaison for the oversight of administration of Bloomingdale's affordable housing program to enforce the requirements of the law and N.J.A.C. 5:80-26.1 et. seq.; and

WHEREAS, Borough of Bloomingdale has amended Chapter 12 entitled “Municipal Housing Liaison” to provide for the appointment of a Municipal Housing Liaison to administer Bloomingdale’s affordable housing program.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of Borough of Bloomingdale in the County of Passaic, and the State of New Jersey that Michael Sondermeyer is hereby appointed by the Governing Body of Borough of Bloomingdale as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with Sections 12-1.4 of the Borough Code.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Hudson				X
Bronkhurst	X				Schubert	X			
Graziano	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 November 19, 2024.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2024-11.15
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

WHEREAS, by way of Resolution 2019-12.5, duly adopted on December 17, 2019, the Borough of Bloomingdale awarded a contract to Gaeta Recycling Co., Inc. for the disposal of solid waste for a term of five (5) years commencing on January 1, 2020 and ending on December 31, 2024; and

WHEREAS, N.J.S.A. 40A:11-15 allows a municipality to enter into a contract for the collection and disposal of municipal solid waste and recyclable material for a term not exceeding in the aggregate five years; and

WHEREAS, the Borough is in the process of soliciting bids for a new solid waste disposal contract, but will not be able to accept bids until January 28, 2025 due to statutory deadlines; and

WHEREAS, Gaeta Recycling Co., Inc. has agreed to extend the contract to February 28, 2025 to allow the Borough time to complete the bidding process;

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 Borough does hereby approve the extension of the contract with Gaeta Recycling Co., Inc. for solid waste disposal services until February 28, 2025, at a rate of \$83.00 per ton.
2. The Chief Financial Officer, or their designee, has certified the availability of funds in the attached certification.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Hudson				X
Bronkhurst	X				Schubert	X			
Graziano	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 November 19, 2024.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2024-11.16
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**AUTHORIZING THE BOROUGH TO GO OUT FOR BID FOR THE DISPOSAL OF
SOLID WASTE**

WHEREAS, the Borough of Bloomingdale has identified a need for a Disposal of Solid Waste agreement; and

WHEREAS, the goods and services price are anticipated to exceed the current bid threshold, and is therefore required to be bid under a formal process pursuant to Local Public Contract Law N.J.S.A. 40A:11-3 et seq.;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey, does hereby authorize the appropriate Borough officials to proceed with the formal bidding process.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Hudson				X
Bronkhurst	X				Schubert	X			
Graziano	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 November 19, 2024.

Brecanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2024-11.17
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	\$1,769,531.22	CURRENT	\$787,020.61
UTILITY	\$54,066.64	UTILITY	\$34,550.09
CAPITAL	\$62,767.74	OPEN SPACE	
CAPITAL UTILITY	\$0.00	TRUST ACCOUNT	\$7,500.00
TRUST	\$37,518.88	RECYCLING	\$1,415.56
DOG TRUST	\$1,111.46	DOG TRUST	
RECREATION	\$5,690.00	UNEMPLOYMENT	\$130.73

ROSE FUND	\$10,487.54	CAPITAL	
RECYCLING	\$1,750.00	WATER CAPITAL	
UNEMPLOYMENT	\$8,049.59	RECREATION	
AFFORDABLE HOUSING	\$0.00	CAPITAL ASSESSMENT	
TOTAL	\$1,950,973.07	TOTAL	\$830,616.99

Record of Council Vote on Passage

COUNCILPERSON	AYE	NAY	Abstain	Absent	COUNCILPERSON	AYE	NAY	Abstain	Absent
Catalano	X				Bronkhurst	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, November 19, 2024.

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

**RESOLUTION NO. 2024-11.18
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 CONTRACT FOR ROADWAY IMPROVEMENTS FOR BAILEY AVENUE
& CATHERINE STREET PROJECT TO NEW PRINCE CONCRETE
CONSTRUCTION COMPANY INC.**

WHEREAS, the Borough of Bloomingdale was awarded \$416,130.00 in grant funding from the New Jersey Department of Transportation (municipal aid application 2023); and

WHEREAS, the Municipal Clerk received sealed competitive bids on November 13, 2024 for performance of the Roadway Improvements to Bailey Avenue & Catherine Street project; and

WHEREAS, eleven (11) sealed bids were received and opened on November 13, 2024, in accordance with the bid specifications:

- | | |
|--|-----------------|
| 1) New Prince Concrete Const. Co. Inc. | \$ 640,885.75 |
| 2) Cifelli & Son General Contracting, Inc. | \$ 715,095.00 |
| 3) Riverview Paving, Inc. | \$ 729,487.55 |
| 4) 4 Clean-Up, Inc. | \$ 733,057.10 |
| 5) KM Construction Corp. | \$ 768,559.00 |
| 6) AJM Contractors, Inc | \$ 775,160.00 |
| 7) Marini Brothers Construction | \$ 787,780.00 |
| 8) Mike Fitzpatrick Contractors | \$ 863,488.00 |
| 9) DLS Contracting | \$ 885,345.00 |
| 10) Cedar Contracting Co. | \$ 914,075.35 |
| 11) D. Torluccio Landscaping | \$ 1,657,401.00 |

; and

WHEREAS, said bids have been duly reviewed and analyzed by the Borough Engineer and the Borough Attorney; and

WHEREAS, the Local Public Contracts Law requires that competitive bidding contracts be awarded to the lowest, responsible, responsive bidder; and

WHEREAS, the bid received from New Prince Concrete Const. Co. Inc. in the total amount of \$640,885.75 has been found to be acceptable and in compliance with the provisions of N.J.S.A. §40A:11-23.5 and the specifications as written; and

WHEREAS, the Chief Financial Officer and/or their designee has certified that sufficient funds are available for this contract.

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 Borough Council hereby awards a contract to New Prince Concrete Construction Co. Inc., of 215 Elleen Terrace, Hackensack, NJ 07601 for the Road Improvements to Bailey Avenue & Catherine Street project in accordance with the bid specifications in the total amount of \$640,885.75.

2. The Mayor and Borough Clerk are hereby authorized and directed to execute a contract with New Prince Concrete Construction Co. Inc in accordance with its bid for the Road Improvements to Bailey Avenue & Catherine Street project.

3. The Borough’s Chief Financial Officer or their designee has certified the availability of funds for this contract.

4. This resolution and contract shall be available for public inspection in the office of the Borough Clerk.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Bronkhurst	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 November 19, 2024.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2024-11.19
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC,
STATE OF NEW JERSEY AUTHORIZING A MAINTENANCE AGREEMENT FOR
JOHN STREET**

WHEREAS, the Borough is the owner of a paper road commonly known as John Street, in the Borough of Bloomingdale, Passaic County, New Jersey; and

WHEREAS, the Borough has agreed to allow resident to park on John Street, at all times, year-round, in exchange for Resident’s agreement to maintain John Street; and

WHEREAS, the Borough Council has determined it is in the best interest of the Borough to authorize an agreement between the Borough of Bloomingdale and Keith Ermilio of 119 Vreeland Ave; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey, does hereby approve the annexed agreement for the maintenance of John Street between the Borough of Bloomingdale and Keith Ermilio of 119 Vreeland Avenue.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Hudson				X
Bronkhurst	X				Schubert	X			
Graziano	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 November 19, 2024.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

AGREEMENT

THIS AGREEMENT made this ____ day of _____, 2024 by and between the BOROUGH OF BLOOMINGDALE, a municipal corporation of the State of New Jersey (hereinafter "Borough") located at 101 Hamburg Turnpike, Bloomingdale, New Jersey 07403 and KEITH ERMILIO, whose residence is located at 119 Vreeland Avenue, Bloomingdale, New Jersey 07403 (hereinafter "Resident");

WITNESSETH:

WHEREAS, the Borough is the owner of a paper road commonly known as John Street, in the Borough of Bloomingdale, Passaic County, New Jersey; and

WHEREAS, the Borough has agreed to allow resident to park on John Street, at all times, year-round, in exchange for Resident's agreement to maintain John Street.

NOW THEREFORE, it is hereby agreed by and between the parties hereto, as follows:

1. The Borough hereby permits Resident to park a maximum of two (2) passenger automobiles on John Street, at all times, year-round, without a permit.
2. Resident agrees that any automobiles parked on John Street shall be working automobiles. Resident further agrees that no maintenance of any motor vehicles shall occur on John Street.
3. Resident hereby agrees to maintain John Street in exchange for the right to park on John Street, said maintenance to include snow removal, salting and/or sanding, clearing of debris, and maintenance of any storm sewers or basins.
4. Resident agrees that the use hereby granted shall be limited exclusively to the parking of a maximum of two (2) passenger automobiles.
5. Resident agrees that the Borough shall remain owner of John Street and that this Agreement conveys no ownership rights upon Resident.
6. Resident agrees that it will indemnify the Borough from all claims and causes of action whatsoever in law and in equity which may arise out of, or as a consequence of the negligence of Resident, or its authorized agents, servants or employees, in engaging in any activities associated with maintenance of John Street.
7. This Agreement shall be effective between the Borough and Resident only. This Agreement shall terminate upon the Resident's move from 119 Vreeland Avenue or death.
8. This Agreement may be terminated by either party upon 30 days' written notice to the other party.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

KEITH ERMILIO

Witness: _____

By: _____
Keith Ermilio

BOROUGH OF BLOOMINGDALE

Witness: _____

By: _____

Breeanna Smith, Clerk

John D’Amato, Mayor

**RESOLUTION NO. 2024-11.20
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT WITH DEFENDANTS IN LITIGATION ENTITLED BOROUGH OF BLOOMINGDALE VS. AGNOLI ENGINEERING LLC ET. AL. (DOCKET NO. PAS-L-2642-23).

WHEREAS, the Borough of Bloomingdale entered into a professional services contract with Agnoli Engineering, LLC, and

WHEREAS, in accordance with its obligations under said professional services contract, the Borough of Bloomingdale remitted payment to Agnoli Engineering, LLC; and

WHEREAS, the Borough pursued a return of said payment by filing a complaint in the New Jersey Superior Court entitled Borough of Bloomingdale vs. Agnoli Engineering LLC et. al. (PAS-L-2642-23); and

WHEREAS, after filing suit, the parties have since reached a settlement to amicably resolve the matter for the Council’s consideration, the terms of which call for the payment of \$20,000.00 to the Borough by no later than December 30, 2024; and

WHEREAS, the Borough Council and Borough Attorney recommend the settlement of this matter.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Administrator and Council of the Borough of Bloomingdale, County of Passaic, State of New Jersey, that the Mayor or Mayor’s designees are hereby authorized to execute a settlement agreement in the case Borough of Bloomingdale vs. Agnoli Engineering LLC et. al. (PAS-L-2642-23) in accordance with the terms as set forth above in this Resolution.

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				Hudson				X
Bronkhurst	X				Schubert	X			
Graziano	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 November 19, 2024.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale