

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

**January 21, 2025**

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 David Bronkhurst  
Councilman Dominic Catalano  
Councilman John Graziano  
Councilwoman Dawn Hudson  
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 9, 2025; 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.*

**EARLY EXECUTIVE SESSION**

**Adoption of Resolution No. 2025-1.98A:** Motion for Early Executive Session

**One Matter** – Personnel

**One Matter** – Atty/Client [Special Counsel (Gallagher V. Bloomingdale)]\* (*this item was moved up from Executive Session*)

**Motion** to enter executive session: Dawn Hudson

**Second:** Ray Yazdi

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

[entered at 7:03PM]

[resumed in open session at 7:37PM]

**Consideration of Executive Session Business:**

At the conclusion of closed session, the Mayor asked for a motion to authorize the Chief of Police to proceed with the promotional process and schedule a sergeants examination.

**Motion:** Dawn Hudson

**Second:** Ray Yazdi

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

## **EARLY PUBLIC COMMENT**

Motion was made by YAZDI to open the meeting for public comment; seconded by BRONKHURST and carried on voice vote all voting AYE. Since there was no one 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, ROSE Fund & Tri-Boro First Aid Liaison):**

- Library Board of Trustees
  - Art Class January 27<sup>th</sup> (age 5-11, 6-7PM)
  - Bloomingdaletales Book Club Feb 12<sup>th</sup>
  - The ABC Murder Club Feb 18<sup>th</sup>
  - Stephen Kind Book Club March 3<sup>rd</sup>
  - True Crime Chat (2<sup>nd</sup> Thursday of every month via zoom)
  - Storytime Thursday 10:30AM
  - Porch Leaner (Paint & Sip Fundraiser) February 23<sup>rd</sup> 1-5PM at firemans hall \$55/person
  - Designer Handbag Bingo
  - Dueling Pianos TBD
  - \*\*\*\*\*Details for all programs are available on the Library website
- Tri-Boro First Aid Squad
  - 1759 YTD calls (as of December 2024)
  - Feb 1<sup>st</sup> Installation Diner
  - Feb 11<sup>th</sup> Wendy's dine-to-donate fundraiser
  - Craft Fair date TBD
  - Seeking volunteers
  - Medical equipment available to the community
- Senior Advisory Committee/Center:
  - 'Make-A-Will' Event at Senior Center February 7<sup>th</sup> (by appointment)
  - Center open daily from 9AM-1PM
  - Monthly calendar and nutrition menu available on website
- RevolutionNJ:
  - Tom Riley to hold discussion of Federal Hill
  - Bloomingdale Museum

### **Councilman, John Graziano (EDC Chairman)**

- Noted the Bloomingdale Supermarket will re-open despite rumors that they are permanently closed
- Thanked Jen Ellis for her many contributions to the EDC

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

- 2025 Public Event calendar is available
- February 25<sup>th</sup> – Ramadan Crescent Lighting
- Borough Closed – February 17<sup>th</sup> Presidents Day
- Rabies Clinic March 1<sup>st</sup> – DPW Garage, Riverdale
- Rave & Recycle Coach signup available on website
- Health Department transition with Passaic County is going well
- Acknowledged Eric Tuason for his service (25 years) to the Bloomingdale Fire Department

**Council President, Ray Yazdi (Budget Committee) no report**

**Councilman, David Bronkhurst (BOE liaison, Ordinance Review Committee Member) no report**

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

**Business Administrator, Michael Sondermeyer**

- Submission of the following grant applications:
  - *LRIG – Delazier Playground*
  - *Passaic Cty Open Space – Delazier bathroom reno & backstop replacement*
  - *CDBG – TBD (brief discussion amongst members)*
- Heat is not functioning properly at Senior Center, temporary fixes have been made further consideration of the council is needed

**Municipal Clerk, Breeanna Smith:** *no report*

**Borough Attorney, Dawn Sullivan:** *no report*

**Mayor John D’Amato:**

- BOE Referendum / Special Election March 11, 2025 (addition to WTB / vacate SRD) Close the SRD school & once decommissioned, the property would be put out to public bid. The mayor noted the Council has no control over the subject matter, this is a project of the Board of Education not the Council. However, the council supports the referendum. The current zone is ‘public’. The mayor noted there is no intention at this time to build ‘2,000 apartments’ the Facebook comments regarding this are not true.
- Thanked Jen Ellis for her time dedicated to the Economic Development Commission
- Thanked Monica Story for her time dedicated to the Recreation Commission

## **CONSENT AGENDA**

*(Adoption of Resolutions No. 2025-1.98 – 2025-1.107)*

**Motion:** Dominic Catalano

**Second:** John Graziano

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

### **RESOLUTION NO. 2025-1.98 OF THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE**

*Accepting, Approving and/or Adopting the Consent Agenda of the  
January 21, 2025 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:**

- December 17, 2024 – Regular Meeting
- December 17, 2024 – Executive Session
- January 7, 2025 - Reorganization Meeting

**B. Motion to accept the following resignations:**

- Fire Department Member: Eric Tuason
- EDC member: Jennifer Ellis
- Recreation Member: Monica Story
- Full Time DPW Laborer: Dylan Miller

**C. Resolution No. 2025-1.99:** Authorize Purchase of Bucket Truck from Butler

**D. Resolution No. 2025-1.100:** Appts to Recreation Commission (M. Zaccone & J. Redondo)

**E. Resolution No. 2025-1.101:** Accept Maintenance Bond & Authorize Final Payment to Reggio Construction (Orchard & Wallace Project)

**F. Resolution No. 2025-1.102:** Accepting LFN 2024-20

**G. Resolution No. 2025-1.103:** Supporting Amendment of The Fair Housing Act

**H. Resolution No. 2025-1.104:** Appointment to EDC (J. Hagin)

- I. Resolution No. 2025-1.105:** Promote Full Time DPW Laborer (Laman)
- J. Resolution No. 2025-1.106:** Approve Tax Exemption for Disabled Veteran
- K. Resolution No. 2025-1.107:** Redemption/Cancellation of Tax Lien

*Record of Council Vote on Passage*

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Bronkhurst	X				Hudson	X			
Catalano	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 January 21, 2025.

\_\_\_\_\_  
Brecanna Smith, RMC  
Municipal Clerk, Borough of Bloomingdale

**PENDING BUSINESS**

**A. NJ DEP GREEN ACRES GRANT (Bogue Pond Playground)**

*For efficiency, Council acted on all resolutions with one vote*

- **Adoption of Resolution No. 2025-1.108:** NJDEP Green Acres Enabling Resolution
- **Adoption of Resolution No. 2025-1.109:** Authorizing Contract with Ben Shaffer Recreation through ESCNJ (Playground site preparation, installation & equipment)
- **Adoption of Resolution No. 2025-1.110:** Authorizing Contract with Ben Shaffer Recreation through ESCNJ (Playground surfacing)  
**Motion:** Dominic Catalano  
**Second:** David Bronkhurst  
**Roll Call Vote:** GRAZIANO (YES), HUDSON (YES) SCHUBERT (YES), YAZDI (YES), BRONKHURST (YES), CATALANO (YES)

**NEW BUSINESS**

**A. Adoption of Resolution No. 2025-1.111:** Transfer of Appropriations

**Motion:** Ray Yazdi

**Second:** Dawn Hudson

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

**B. Adoption of Resolution No. 2025-1.112:** Municipal Obligations

**Motion:** Ray Yazdi

**Second:** David Bronkhurst

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

**C. Adoption of Resolution No. 2025-1.113:** Authorization of Bond Note Sale

**Motion:** Ray Yazdi

**Second:** John Graziano

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

**D. Adoption of Resolution No. 2025-1.114:** Resolution Adopting Bloomingdale's Affordable Housing Present & Prospective Need Obligation

**Motion:** Dawn Hudson

**Second:** Ray Yazdi

**Discussion:** *Borough Attorney highlighted upcoming obligations of the Borough regarding the new affordable housing act. Councilwoman Hudson noted that while she intends to vote 'YES' to meet statutory requirements, she does not support the unreasonable obligation of affordable housing placed on the Borough. Members held discussions regarding the matter. (details are within the resolution)*

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

**E. Introduction of Ordinance No. 1-2025:** Amending Ch. 5 (Animal Control)

A motion was made by HUDSON to introduce the Ordinance by title; second and final reading/ public hearing will be on February 4, 2025 at 7PM; the motion was seconded by YAZDI and carried on the following voice vote: all members present voting AYE, in favor; none were opposed.

The Municipal Clerk read by Title:

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 5 “ANIMAL CONTROL”, SECTION 5-9 “DEFILING OR DAMAGING PROPERTY; NUISANCES; RUNNING AT LARGE” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE**

**F. Introduction of Ordinance No. 2-2025:** Amending Ch. 92 (BCD)

A motion was made by GRAZIANO to introduce the Ordinance by title; second and final reading/ public hearing will be on March 4, 2025 at 7PM; the motion was seconded by BRONKHURST and carried on the following voice vote: all members present voting AYE, in favor; none were opposed.

The Municipal Clerk read by Title:

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 92 “ZONING” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE**

**G. Introduction of Ordinance No. 3-2025:** Acquisition of Portion of 5073/71

A motion was made by YAZDI to introduce the Ordinance by title; second and final reading/ public hearing will be on February 4, 2025 at 7PM; the motion was seconded by BRONKHURST and carried on the following voice vote: all members present voting AYE, in favor; none were opposed.

The Municipal Clerk read by Title:

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF A PORTION OF BLOCK 5073, LOT 71 FROM M&T AT UNION AVE. BLOOMINGDALE, LLC**

**H. Introduction of Ordinance No. 4-2025:** Authorizing the Sale of a Portion of the Property Known as Holster Court

A motion was made by HUDSON to introduce the Ordinance by title; second and final reading/ public hearing will be on February 4, 2025 at 7PM; the motion was seconded by CATALANO and carried on the following voice vote: all members present voting AYE, in favor; none were opposed.

The Municipal Clerk read by Title:

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SALE OF A PORTION OF THE PROPERTY KNOWN AS HOLSTER COURT IN BLOOMINGDALE, NEW JERSEY**

**LATE PUBLIC COMMENT:**

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

Melinda Simpson – 91 Star Lake Road, Bloomingdale  
Made the following inquiries:

- Concerns with sale of SRD the potential for the property becoming exempt & inquired as to how the Council can ensure the property generates revenue for taxpayers. Expressed further concern regarding different types of future businesses (ex. Smoke shops)  
*Mayor added responsive comments regarding processes of public bidding, rezoning, planning board, potential developments etc.*

Richard Dellaripa – 96 Riverview Road, Pompton Lakes, NJ  
Made the following inquiries:

- Noted Facebook discussion regarding amendment to affordable housing. It was clarified that one resolution (2025-1.103) supports amending the unrealistic forth round obligations & resolution (2025-1.114) commits Bloomingdale to the mandated obligation of the forth round.  
*Borough Attorney further clarified the intent of both resolutions.*

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

**GOVERNING BODY SCHEDULE**

- A. February 4, 2025 – Workshop Meeting**
- B. February 18, 2025 – Regular Meeting**
- C. March 4, 2025 – Workshop Meeting**

**ADJOURNMENT:**

Since there was no further business to be conducted, HUDSON moved to adjourn at 8:24PM; seconded by YAZDI and carried on voice vote with all Council Members voting AYE.

Breeanna Smith, RMC  
Municipal Clerk

**January 21, 2025 RESOLUTIONS**

**RESOLUTION NO. 2025-1.98A  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**MOTION FOR EARLY EXECUTIVE SESSION**

**WHEREAS**, prior to the conclusion of this Council Meeting, the Governing Body shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s) (b):

1. Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
2. A matter in which the release of information would impair a right to receive funds from the Government of the United States.
3. Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
4. A collective bargaining agreement including negotiations.
5. Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
6. Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.

7. Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
8. Personnel matters.
9. Deliberations occurring after a public hearing that may result in penalties.

❖ *The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).*

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Bloomingdale, pursuant to the Open Public Meetings of the State of New Jersey, as follows:

- 1) The Borough Council shall hold an early closed session from which the public shall be excluded on January 21, 2025.
- 2) The general nature of the subjects to be discussed at said closed session shall be related to N.J.S.A. 10:4-12(b): (8) Personnel Matters & (7) Attorney/Client Privilege regarding Special Counsel (Gallagher)

***Record of Council Vote on Passage***

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

**RESOLUTION NO. 2025-1.98  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

***Accepting, Approving and/or Adopting the Consent Agenda of the  
January 21, 2025 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.

**L. Motion to approve minutes:**

- December 17, 2024 – Regular Meeting
- December 17, 2024 – Executive Session
- January 7, 2025 - Reorganization Meeting

**M. Motion to accept the following resignations:**

- Fire Department Member: Eric Tuason
- EDC member: Jennifer Ellis
- Recreation Member: Monica Story
- Full Time DPW Laborer: Dylan Miller

**N. Resolution No. 2025-1.99:** Authorize Purchase of Bucket Truck from Butler

**O. Resolution No. 2025-1.100:** Appts to Recreation Commission (M. Zacccone & J. Redondo)

**P. Resolution No. 2025-1.101:** Accept Maintenance Bond & Authorize Final Payment to Reggio Construction (Orchard & Wallace Project)

**Q. Resolution No. 2025-1.102:** Accepting LFN 2024-20

**R. Resolution No. 2025-1.103:** Supporting Amendment of The Fair Housing Act

**S. Resolution No. 2025-1.104:** Appointment to EDC (J. Hagin)

**T. Resolution No. 2025-1.105:** Promote Full Time DPW Laborer (Laman)

**U. Resolution No. 2025-1.106:** Approve Tax Exemption for Disabled Veteran

**V. Resolution No. 2025-1.107:** Redemption/Cancellation of Tax Lien

***Record of Council Vote on Passage***

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
----------------	-----	-----	---------	--------	----------------	-----	-----	---------	--------

Bronkhurst	X				Hudson	X			
Catalano	X				Schubert	X			
Graziano	X				Yazdi	X			

**RESOLUTION NO. 2025-1.99  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**AUTHORIZING PAYMENT TO THE BOROUGH OF BUTLER FOR 2006 FORD F-750  
SOLD IN AS IS CONDITION**

**WHEREAS**, there exists an opportunity for the Borough of Bloomingdale to purchase a 2006 Ford F-750 from the Borough of Butler to be used by and added to the Department of Public Works fleet, and;

**WHEREAS**, the Borough of Butler will sell a 2006 Ford F-750, VIN No# 3FRXF75T47V512325; sold in as is condition, to the Borough of Bloomingdale; and

**WHEREAS**, the amount to be paid to the Borough of Butler has been reviewed by the DPW Superintendent, DPW Mechanic Foreman and the Business Administrator; all have recommended that \$10,000.00 be paid to the Borough of Butler for this vehicle;

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

1. The appropriate municipal officials are hereby authorized to accept these terms and pay the Borough of Butler \$10,000.00 for

**AND BE IT FURTHER RESOLVED**, that payment be paid in full upon receipt of the aforementioned items.

*Record of Council Vote on Passage*

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

**RESOLUTION NO. 2025-1.100  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**APPOINTMENTS TO THE RECREATION COMMISSION**

**BE IT RESOLVED** by the Borough Council of the Borough of Bloomingdale, that they do provide, advice and consent to the appointment of the following members to the Recreation Commission, effective January 1, 2025:

Recreation Member	5-year (Expires 12/31/2029)	Matthew Zaccone
Recreation Member	5-year (Unexpired 12/31/2025)	Jessy Redondo

*Record of Council Vote on Passage*

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

**RESOLUTION NO. 2025-1.101  
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 ORCHARD STREET & WALLACE AVENUE ROADWAY IMPROVEMENT PROJECT**

**WHEREAS**, the contractor, Reggio Construction Inc., has requested a release of the performance bond and final payment for the work performed in connection with the Orchard Street & Wallace Avenue Roadway Improvement 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 \$24,074.23 be made, and the maintenance bond be accepted once approved by the Borough Attorney; and

**WHEREAS** the Borough Attorney, Jeffery Frankenburger, 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 \$24,074.23, be released to the contractor.
2. The availability funds for the final payment are certified in Resolution No. 2023-10.24.
3. The Borough Council does hereby accept the Maintenance Bond in the amount of \$54,889.05 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
Bronkhurst	X				Hudson	X			
Catalano	X				Schubert	X			
Graziano	X				Yazdi	X			

**RESOLUTION NO. 2025-1.102  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC, STATE OF NEW JERSEY ACKNOWLEDGING LFN 2024-20**

**WHEREAS**, the Division of Local Government Services has released Local Finance Notice (LFN) 2024-20 on December 18, 2024 relating to CY 2025 Budget Matters; and

**WHEREAS**, as authorized by N.J.S.A. 40A:4-5.1, the Local Finance Board approved statutory budget deadline revisions which modify the statutory dates for introduction, adoption, and Mayor/Council Faulkner Act and related budget transmissions; and

**WHEREAS**, to avail itself of the revised dates, the governing body must adopt a resolution by no later than March 31, 2025 to extend the adoption date of the 2025 budget and increase temporary budget appropriations as may be necessary due to the extension.

**NOW THEREFORE BE IT RESOLVED** the Governing Body of the Borough of Bloomingdale does hereby acknowledge LFN 2024-20 & may avail itself to the budget deadline extension if deemed necessary.

**BE IT FURTHER RESOLVED** if there is a need to increase temporary budget appropriations, the Governing Body will do so via Resolution.

***Record of Council Vote on Passage***

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

**RESOLUTION NO. 2025-1.103  
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 SUPPORTING AMENDMENT OF THE FAIR HOUSING ACT (FHA) AS PROPOSED BY THE NEW JERSEY INSTITUTE OF LOCAL GOVERNMENT ATTORNEYS (NJILGA)**

**WHEREAS**, the current standards embodied in the New Jersey Fair Housing Act (“FHA”) impose unrealistic burdens on municipalities as demonstrated by the fact that the FHA calls for the imposition of a statewide affordable housing obligation of 84,698 just for Round 4 on municipalities that issued only 99,956 Certificates of Occupancy for all housing units in the 2010-2020 period that was used to establish prospective need obligations for Round 4; and

**WHEREAS**, the imposition of unrealistic obligations does not advance the realistic opportunity for the construction of more affordable housing, but instead encourages opposition and litigation; and

**WHEREAS**, the imposition of excessive obligations disincentivizes municipalities to comply voluntarily with the Mount Laurel doctrine – an overarching goal of all three branches of government. Unrealistic housing obligations force municipalities to overdevelop with inclusionary housing, thereby causing resistance to affordable housing; and

**WHEREAS**, compliance with the obligation proposed by the Department of Community Affairs places the cost of the obligation on the shoulders of municipal taxpayers to implement measures to address the secondary impacts of overdevelopment; and

**WHEREAS**, even-handed justice requires that the obligations imposed by our laws must be realistic in order to justify imposing an obligation of constitutional dimension on municipalities to create a realistic opportunity for affordable housing; and

**WHEREAS**, the unrealistic obligations imposed by the current laws can be easily addressed by redefining the manner in which the regional need is calculated to be faithful to a principle embodied in the FHA despite its many changes over almost forty years; and

**WHEREAS**, more specifically, the FHA has consistently defined the prospective need to include “a projection of housing needs based on development and growth which is *reasonably likely to occur* in a region or a municipality, as the case may be, as a result of actual determination of public and private entities” N.J.S.A. 52:27D-304(j); and

**WHEREAS**, a determination of the number of new residential housing units, adjusted to remove tear down/rebuilds, represents a far more solid foundation to project “development and growth which is *reasonably likely to occur*” than the FHA’s current formula, which is based on “household change,” a nebulous and undefined term; and

**WHEREAS**, establishing prospective need for affordable units based on 20 percent of residential housing units *actually constructed* over a prior ten-year period accords with New Jersey’s long-standing policies of empowering municipalities to cure the abuse of exclusionary zoning with traditional inclusionary zoning; and

**WHEREAS**, the demand for market-rate housing is a reasonable basis for determining whether and to what extent a realistic opportunity for the creation of affordable housing may exist, and the issuance of Certificates of Occupancy for new residential units is a reliable indicator of such demand; and

**WHEREAS**, a standard aimed at ensuring that the number of affordable housing units in our state will increase commensurately with the number of market units constructed will put the doctrine on a sustainable trajectory that will avoid the tendency of municipalities to oppose implementation of affordable housing obligations; and

**WHEREAS**, the New Jersey Institute of Local Government Attorneys ("NJILGA") has expressed its support for an amendment to the FHA by which "development and growth which is *reasonably likely to occur*" would be based upon the net number of new housing units constructed over each ten-year period for which the state's affordable housing rounds are established; and

**WHEREAS**, for the above reasons, the Borough Council of the Borough of Bloomingdale has determined that its prospective need, and the prospective need for all New Jersey municipalities for the fourth round and all future rounds of affordable housing obligations, should be calculated using NJILGA's proposed net housing unit based on Certificates of Occupancy as a methodology rather than the current FHA methodology based on "household change"; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey, that the New Jersey Legislature is hereby requested to enact the amendment to the Fair Housing Act that has been recommended by the New Jersey Institute of Local Government Attorneys;

**AND BE IT FURTHER RESOLVED**, that the Clerk of the Borough of Bloomingdale is also hereby directed to send a copy of this signed, dated Resolution within five (5) days after its adoption, by mail and email to the following additional listed persons and entities:

New Jersey Institute of Local Government Attorneys  
P.O. Box 5389  
Clinton, New Jersey 08809  
Attention: J. Peter Jost, Esq.  
Executive Director  
jpeter@jpllegal.com

Senator Joseph Pennacchio  
170 Changebridge Road, Unit A-1  
Montville, New Jersey 07045

Assemblyman Brian Bergen  
5 East Main Street, Suite 22B  
Denville, NJ 07834

Assemblyman Jay Webber  
160 Littleton Road, Suite 204  
Parsippany, New Jersey 07054

***Record of Council Vote on Passage***

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

**RESOLUTION NO. 2025-1.104  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**APPOINTMENT(S) TO THE ECONOMIC DEVELOPMENT  
COMMISSION**



**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Bloomingdale that they hereby accept the Tax Assessor’s approval of the claim for a 100% property tax exempt for Vincent Rosalisa of 95 Knolls Road; and authorize the Tax Collector to cancel taxes as appropriate.

***Record of Council Vote on Passage***

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

**RESOLUTION NO. 2025-1.107  
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) [*prior to issuance of certificate*]; 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
23-00006	12/11/2024	3007/8	\$11,584.74 Certificate \$30,400.00 Premium <b>\$41,984.74 Total</b>	Trystone Capital Assets LLC PO Box 1030 Brick, NJ 08723	\$1,908.51

***Record of Council Vote on Passage***

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

**RESOLUTION NO. 2025-1.108**

**STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
GREEN ACRES PROGRAM**

**ENABLING RESOLUTION**

**WHEREAS**, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

**WHEREAS**, the Borough of Bloomingdale desires to further the public interest by obtaining a Green Acres grant of \$750,000 from the State to fund the following project(s):

**#1601-24-008 Bogue Pond Park Inclusive Playground**

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE THAT:**

1. The Mayor of the above-named body or board is hereby authorized to execute an agreement and any amendment(s) thereto with the State known as 1601-24-008 Bogue Pond Park Inclusive Playground, and;
2. The applicant agrees to provide its matching share to the Green Acres funding, if a match is required, in the amount of \$469,600, and;
3. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project, and;
4. This resolution shall take effect immediately.

**CERTIFICATION**

I, Breeanna Smith, Municipal Clerk do hereby certify that the foregoing is a true copy of a resolution adopted by the Governing Body of the Borough of Bloomingdale at a meeting held on the 21<sup>st</sup> day of January 2025.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
*Breeanna Smith, Municipal Clerk*

***Record of Council Vote on Passage***

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

**RESOLUTION NO. 2025-1.109  
 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 TO BEN SHAFFER RECREATION FOR BOGUE POND PLAYGROUND UNDER ESCNJ CO-OP #65MCECCPS**

**WHEREAS**, the Governing Body was awarded \$750,000.00 through the New Jersey Department of Environmental Protection Greens Acres funding for an inclusive playground at Bogue Pond Park; and

**WHEREAS**, playground equipment, installation and site preparation may be acquired from Ben Shaffer Recreation of Lake Hopatcong, New Jersey through ESCNJ Bid No. 24/25-01 for Playground Equipment, Site Furnishings, outdoor circuit training equipment and related products; and

**WHEREAS**, the maximum amount of this contract shall not exceed \$481,907.30 and the Chief Financial Officer or their designee has certified the availability funds as annexed in the attached certification; and

**WHEREAS**, public bids are not required when the purchase is made through a cooperative pricing system in accordance with N.J.S.A. 40A:11-11(6) of the Local Public Contracts Law.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey, that a contract to Ben Shaffer Recreation hereby awarded in accordance with the terms and conditions contained in ESCNJ CO-OP #65MCECCPS Bid No. 24/25-01.

***Record of Council Vote on Passage***

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

**RESOLUTION NO. 2025-1.110  
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 TO BEN SHAFFER RECREATION FOR BOGUE POND  
PLAYGROUND SURFACING UNDER ESCNJ CO-OP #65MCECCPS**

**WHEREAS**, the Governing Body was awarded \$750,000.00 through the New Jersey Department of Environmental Protection Greens Acres funding for an inclusive playground at Bogue Pond Park; and

**WHEREAS**, playground surfacing materials may be acquired from Ben Shaffer Recreation of Lake Hopatcong, New Jersey through ESCNJ Bid No. 24/25-01 for Playground Equipment, Site Furnishings, outdoor circuit training equipment and related products; and

**WHEREAS**, the maximum amount of this contract shall not exceed \$284,282.50 and the Chief Financial Officer or their designee has certified the availability funds as annexed in the attached certification; and

**WHEREAS**, public bids are not required when the purchase is made through a cooperative pricing system in accordance with N.J.S.A. 40A:11-11(6) of the Local Public Contracts Law.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey, that a contract to Ben Shaffer Recreation hereby awarded in accordance with the terms and conditions contained in ESCNJ CO-OP #65MCECCPS Bid No. 24/25-01.

***Record of Council Vote on Passage***

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

**RESOLUTION NO. 2025-1.111  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**Authorizing the Transfer of 2024 Appropriations Reserves**

**WHEREAS**, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the fiscal year are available, until lapsed at the closed of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances to those which are expected to be insufficient during the first three months of the succeeding year;

**WHEREAS**, the Governing Body further finds and declares that the Treasurer has determined that the following transfers are both necessary and appropriate; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Bloomingdale that the Borough Treasurer is hereby authorized to make the following transfers in the amount of \$37,000 be made between the 2024 Budget Appropriation Reserves as follows:

<b>From:</b>		
Engineering O/E		\$ 10,000.00
Construction O/E		\$ 10,000.00
Shelter S/W		\$ 10,000.00
Recreation O/E		\$ 4,000.00
Celebration of Public Events O/E		\$ 4,000.00
<b>TOTAL</b>		<b>\$ 38,000.00</b>
<b>To:</b>		
Group Insurance O/E		\$ 28,000.00
Streets & Roads O/E		\$ 10,000.00
<b>TOTAL</b>		<b>\$ 38,000.00</b>

*Record of Council Vote on Passage*

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

**RESOLUTION NO. 2025-1.112  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

*Authorizing Payment of Municipal Obligations*

**WHEREAS**, the Governing Body ("Governing Body") of the Borough of Bloomingdale ("Borough") finds and declares that certain municipal obligations have come due and are now payable; and

**WHEREAS**, the Governing Body further finds and declares that said obligations have been itemized on the annexed schedules, which are hereby deemed part of this Resolution;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby authorize payment of said municipal obligations, in accordance with the recommendations of the Chief Financial Officer and the Borough Treasurer, from the following accounts and in the following amounts:

<u>BILLS LIST</u>		<u>PREPAID</u>	
<u>LIST</u>			
CURRENT	\$1,763,045.91	CURRENT	\$496,522.70
UTILITY	\$9,490.27	UTILITY	\$98,194.82
CAPITAL	\$64,438.74	OPEN SPACE	
CAPITAL UTILITY	\$0.00	TRUST ACCOUNT	
TRUST	\$45,828.74	RECYCLING	\$432.72
DOG TRUST	\$3,566.98	DOG TRUST	
RECREATION	\$0.00	UNEMPLOYMENT	\$306.53
ROSE FUND	\$4,227.45	CAPITAL	\$124,434.00
RECYCLING	\$420.00	WATER CAPITAL	
UNEMPLOYMENT	\$76.48	RECREATION	
AFFORDABLE HOUSING	\$73.50	CAPITAL ASSESSMENT	
<b>TOTAL</b>	<b>\$1,891,168.07</b>	<b>TOTAL</b>	<b>\$719,890.77</b>

*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, January 21, 2025.

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

**BOROUGH OF BLOOMINGDALE  
RESOLUTION NO. 2025-1.113**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, IN THE  
COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING  
BOROUGH OFFICIALS TO UNDERTAKE CERTAIN ACTIONS IN  
CONNECTION WITH THE ISSUANCE AND SALE OF NOT TO EXCEED  
\$5,138,000 BOND ANTICIPATION NOTES, SERIES 2025**

**WHEREAS**, pursuant to, and in accordance with, (i) the Local Bond Law of the State of New Jersey, N.J.S.A. 40A:2-1 *et seq.*, as amended and supplemented (the "Local Bond Law"); and (ii) various bond ordinances duly adopted by the Borough Council of the Borough of Bloomingdale,

in the County of Passaic, State of New Jersey (the “Borough”), approved by the Mayor, and published as required by law (the “Bond Ordinances”), the Borough is seeking to authorize the sale and issuance of not to exceed \$5,138,000 aggregate principal amount of Bond Anticipation Notes, Series 2025 (the “Notes”);

**WHEREAS**, The Notes are being issued to (i) refund, on a current basis, a \$2,011,767 principal portion of prior bond anticipation notes issued in the aggregate principal amount of \$2,331,000 on February 15, 2024 and maturing on February 14, 2025 (the “Prior Notes”) (the remaining balance of the Prior Notes will be paid with cash on hand and other sources in the amount of \$319,233), and (ii) temporarily finance the costs of various capital improvements and acquisitions in and by the Borough in the amount of \$3,126,233, including paying the costs associated with the issuance of the Notes;

**WHEREAS**, the Borough, in order to issue the Notes at competitive market rates, seeks to, among other things, authorize the preparation and distribution of a Preliminary Official Statement (as hereinafter defined) and an Official Statement (as hereinafter defined); and

**WHEREAS**, the Borough, also seeks to, among other things, authorize the preparation, execution and delivery of, as applicable, the Notes, a Continuing Disclosure Certificate (as hereinafter defined), and, as applicable, any other documents, certificates, agreements, and instruments required for the authorization, sale, issuance, execution and delivery of the Notes.

**BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY** as follows:

Section 1. The recitals set forth above are incorporated herein as if fully set forth herein.

Section 2. The Borough is hereby authorized to issue not to exceed \$5,138,000 aggregate principal amount of Bond Anticipation Notes, Series 2025 (the “Notes”).

Section 3. The Chief Financial Officer is hereby authorized, in accordance with the Bond Ordinances, to sell the Notes on a competitive basis and award the Notes to a bidder based upon a conforming and acceptable bid of the lowest net interest cost or true interest cost, as shall be determined by the Chief Financial Officer. The Chief Financial Officer is also authorized, at his discretion, in accordance with the applicable provisions of the Bond Ordinances, to offer and sell the Notes on a negotiated basis.

Section 4. The distribution by the Borough of a Preliminary Official Statement (the “Preliminary Official Statement”) to be used in connection with the marketing and sale of the Notes is hereby approved. The Mayor, Borough Administrator and Chief Financial Officer of the Borough (each an “Authorized Officer(s)”) are each hereby authorized and directed, on behalf of the Borough, to execute and deliver a certificate that “deems final” the Preliminary Official Statement in accordance with the Rule (as herein defined).

After the sale of the Notes, the Preliminary Official Statement shall be modified to reflect the effect of the sale of the Notes and any other revisions not inconsistent with the substance thereof; and said Preliminary Official Statement, deemed “final” by an Authorized Officer in accordance with the Rule, as so modified, shall constitute the final Official Statement (the “Official Statement”). The Authorized Officers are each hereby authorized and directed on behalf of the Borough to execute and deliver said Official Statement.

Section 5. All actions taken to date by the Authorized Officers, employees, professionals and agents of the Borough with respect to the authorization, sale, issuance, execution and delivery of the Notes, including, but not limited to, as applicable, submissions and applications to rating agencies and the distribution and dissemination of the Preliminary Official Statement and Notice of Sale for the Notes are hereby approved, ratified, adopted and confirmed, and each Authorized Officer is hereby authorized and directed to execute and deliver the Notes and, as applicable, any such agreements, documents, certificates, instruments or submissions required for the authorization, sale, issuance, execution and delivery of the Notes, and the Clerk is hereby authorized

and directed to attest to the signatures of the Authorized Officers and to affix, imprint or reproduce the seal of the Borough on such Notes and, as applicable, on any such agreements, documents, certificates, instruments, or submissions related to the authorization, sale, issuance, execution and delivery of the Notes.

Section 6. All other details or requirements of, as applicable, the Bond Ordinances and the Local Bond Law shall be determined and approved by an Authorized Officer of the Borough, upon consultation with Wilentz, Goldman & Spitzer, P.A., Bond Counsel to the Borough (“Bond Counsel”), Samuel Klein & Company, LLP, Auditor to the Borough (“Auditor”), and Phoenix Advisors, LLC, Municipal Advisor to the Borough (“Municipal Advisor”), and such approvals are to be conclusively evidenced by his or her execution of the Notes as provided herein or on any other document, certificate, instrument, or agreement related to the authorization, sale, issuance, execution and delivery of the Notes.

Section 7. The Borough hereby covenants and agrees to comply with the secondary market disclosure requirements of Rule 15c2-12, as amended (the “Rule”), promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended, and agrees to covenant to such compliance, as required, in a Continuing Disclosure Certificate (the “Continuing Disclosure Certificate”) related to the Notes. In connection therewith, an Authorized Officer of the Borough, in consultation with Bond Counsel, the Auditor, and the Municipal Advisor to the Borough, is hereby authorized and directed to enter into and execute the Continuing Disclosure Certificate, evidencing the contractual undertaking of the Borough to comply with the requirements of the Rule, and to deliver the Continuing Disclosure Certificate in connection with the offer and sale of the Notes. Notwithstanding the foregoing, failure of the Borough to comply with the Continuing Disclosure Certificate shall not be considered a default on the Notes; however, any Noteholder may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance, to cause the Borough to comply with its obligations hereunder and there under. The Authorized Officers, and any professionals or agents of the Borough acting on its behalf, are each hereby authorized and directed to execute and deliver, as applicable, all certificates, documents, instruments, and agreements in connection therewith and, if necessary, to file budgetary, financial and operating data on an annual basis and notices of certain enumerated events as required to comply with, and in accordance with, the provisions of the Rule.

Section 8. The Chief Financial Officer of the Borough is hereby authorized and directed, upon consultation with Bond Counsel, the Auditor, and the Municipal Advisor to the Borough, to, if applicable, submit information and financial data to one or more rating agencies to obtain a rating on the Notes.

Section 9. This resolution shall take effect immediately.

***Record of Council Vote on Passage***

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