REGULAR MEETING OF THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE

May 21, 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 was excused from the meeting therefore the meeting was called to order by Council President John Graziano at 7:00 PM.

Council President, John Graziano led the Salute to the Flag.

Official Roll Call: (taken by the Municipal Clerk)

In Attendance: Councilman John Graziano

Councilman Dominic Catalano Councilman Richard Dellaripa Councilwoman Dawn Hudson Councilwoman Evelyn Schubert

Councilman Ray Yazdi

Municipal Clerk, Breeanna Smith

Business Administrator, Michael Sondermeyer

Borough Attorney, Dawn Sullivan

PUBLIC NOTICE STATEMENT

Councilman Graziano stated: This Meeting is called pursuant to the provisions of the Open Public Meetings Law. Adequate notice of this meeting was advertised in the Herald News on January 12, 2024; copies were provided to the local news media and posted continuously in the Municipal Building. A copy of this notice is available to the public and is on file in the office of the Municipal Clerk.

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

NON-AGENDA ITEMS

1. Resolution No. 2024-5.26: Award of a Non-Fair And Open Professional Service Contract To Key Tech Laboratories For Concrete Core Sampling & Analysis (Orchard Street)

EARLY PUBLIC COMMENT

Motion was made by HUDSON to open the meeting for public comment; seconded by CATALANO 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, BBYC & Tri-Boro First Aid Liaison):

- <u>Library Board of Trustees</u>
 - Queen's Tea May 30th \$40.00 at High SociTea House in Wayne
 - Paint & Sip November 3rd
 - 'Read to a Dog' 4th Tuesday of every month
 - Adult Craft night May 29th at 7PM at the Senior Center \$5.00 supply fee
 - *******Details for all programs are available on the Library website
- <u>Tri-Boro First Aid Squad</u>

- 141 total calls for April, 34 of which were Bloomingdale;
- 'An Evening of Mediumship" (Spiritual Mediums) June 28 Tickets are \$35.00
- BBYC:
 - Football & Cheer registration is open for 2024 season; closes August 31
- Senior Advisory Committee/Center:
 - Thank you to Krystal Serrano of the Bloomingdale Health Center for her partnership with the Bloomingdale seniors
 - Upcoming trips on website [OCMD Trip May 28-31st]
 - Turtle Back Zoo trip is schedule for September 27th
 - E-Z Pass discount available for Seniors
 - Monthly calendar and nutrition menu available on website
- Misc:
 - Vietnam Veterans Memorial Wall in Wayne Township; dedication ceremony was held at the Public Safety Academy [300 Oldham Road]

Councilman Ray Yazdi (Budget Committee) No report

Councilwoman Dawn Hudson (BOH Liaison, Public Event Committee)

- **BOH**: no report
- **Public Events:**
 - Town/River Clean-up was a success, thank you to all who participated

 - Memorial Day Parade May 27th; line up in Bloomingdale
 Town wide garage sale June 1st; email clerk's office to sign up
 - June 29 Fireworks at 6PM at WTB
- Rave & Recycle Coach sign up available on Borough Website

Council President, John Graziano (EDC Chairman)

- Misc:
 - Thanked all who participated in the Town/River Clean up on May 18th
 - Sloan Park Festival hosted by the EDC is June 8th 3PM-9PM, there will be two bands and lots of vendors
 - Condolences to the Bendel Family for their loss of Kevin Bendel (husband of former EDC member, Lisa)

Councilman, Dominic Catalano (Planning Board Member, Recreation Liaison)

- Recreation:
 - Adult Yoga June 5th 7PM \$20.00
 - Summer Camp registration is open Camp runs June 24th – August 9th

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

Business Administrator, Michael Sondermeyer

• Salt Shed & Senior Pavilion projects are in the works. waiting on delivery of shed

CONSENT AGENDA

(Adoption of Resolutions No. 2024-5.15 – 2024-5.22)

Motion: Dominic Catalano Second: Rich Dellaripa

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

(YES), *SCHUBERT (YES), YAZDI (YES)

*Graziano voted 'abstain' from Reso 2024-5.18: Hire of Recreation Day Camp Staff *Schubert voted 'abstain' from Reso 2024-5.17: Support of OPRA Reform Bill

RESOLUTION NO. 2024-5.15 OF THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE

Accepting, Approving and/or Adopting the Consent Agenda of the May 21, 2024 Council Meeting

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

NOW THEREFORE BE IT RESOLVED that the following resolutions, placed on this agenda by consent, require no discussion and the same having been previously reviewed by each Governing Body member, be and are hereby adopted in their entirety by the Council of the Borough of Bloomingdale.

A. Motion to approve minutes:

- May 7, 2024 Executive Session
- B. Resolution No. 2024-5.16: Certification of Equal Employment Opportunity
- C. Resolution No. 2024-5.17: Support of OPRA Reform Bill
- **D. Resolution No. 2024-5.18:** Hire of Recreation Day Camp Staff
- E. Resolution No. 2024-5.19: Authorizing Refund of Overpayment
- **F. Resolution No. 2024-5.20:** Awarding State Contract to SHI International Corp for Spatial Data Logic License
- **G. Resolution No. 2024-5.21:** Return of Landscaping Bond from Planning Board Application #675
- H. Resolution No. 2024-5.22: Emergency Repair (Reeve Ave. Inlet and Sinkhole)

Record of Council Vote on Passage

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

^{*}Recusals Listed in minutes

PENDING ITEMS

A. Second/Final Reading & Public Hearing:

Ordinance No. 11-2024: Amend Ch. 7 Traffic

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

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

The Municipal Clerk read the following Ordinance by title:

ORDINANCE NO. 11-2024 OF THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 7 "TRAFFIC", SECTION 7-11 "PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS" & SECTION 7-17 OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Borough Code currently sets forth regarding areas throughout the Borough where parking is prohibited; and

WHEREAS, the Borough Police Department has recommended certain additional areas be included in the prohibited parking section of the Code and trucks over the weight of 4 tons be excluded from all borough owned streets/roadways; and

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

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

SECTION 1. Chapter 7 "Traffic", Section 7-11 "Parking Prohibited at All Times on Certain Streets" shall be <u>amended to include</u> the following:

§ 7-11 PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS.

NAME OF STREET	SIDE	LOCATION
Wallace Avenue	East	Between Ballston Street &
		Orchard Street

SECTION 2. Chapter 7 "Traffic", Section 7-17 "TRUCKS OVER DESIGNATED WEIGHT EXCLUDED FROM CERTAIN STREETS" shall be amended to read as follows the following:

§ 7-17 TRUCKS OVER 4 TONS WEIGHT ARE EXCLUDED FROM ALL BOROUGH OWNED STREETS.

Trucks over the registered gross weight of 4 tons are hereby excluded from the streets or parts of streets described except for the pick up and delivery of materials on such streets.

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

SECTION 2. All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

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

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

ATTEST:	COUNTY OF PASSAIC STATE OF NEW JERSEY
	By:
Breeanna Smith, Clerk	John D'Amato, Mayor

PUBLIC NOTICE

ORDINANCE NO. 11-2024 OF THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 7 "TRAFFIC", SECTION 7-11 "PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS" & SECTION 7-17 OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at an Official Meeting of the Governing Body of the Borough of Bloomingdale, County of Passaic, State of New Jersey held in the Municipal Building on May 7, 2024, and the same shall come up for final passage at an Official Meeting of the Governing Body to be held on May 21, 2024 at 7PM, at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance. Copies of this Ordinance are available in the Clerk's Office located at 101 Hamburg Turnpike, Bloomingdale, New Jersey.

Purpose/Summary of Ordinance No. 11-2024:

WHEREAS, the Borough Police Department has recommended certain additional areas be included in the prohibited parking section of the Code and trucks over the weight of 4 tons be excluded from all borough owned streets/roadways. The recommendation includes amending Chapter 7 Traffic: Section 7-11 & Section 7-17

Breeanna Smith, RMC Municipal Clerk

Public Hearing:

At this time HUDSON made a motion to open the Public Hearing for comment; seconded by YAZDI and carried on a voice vote all voting AYE. Since there was no one who wished to speak

DELLARIPA made a motion to close the public hearing; motion was seconded by CATALANO and carried on voice vote all members voting AYE; none were opposed.

Adoption:

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

B. Adoption of Resolution No. 2024-5.23 Accepting Bid from Public Land Sale (3038/1 – Glade Road)

Motion: Dawn Hudson Second: Ray Yazdi

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

(YES), CATALANO (YES), DELLARIPA (YES)

NEW BUSINESS

A. Adoption of Resolution No. 2024-5.24: Municipal Obligations

Motion: Ray Yazdi Second: Rich Dellaripa

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

(YES), DELLARIPA (YES), GRAZIANO (YES)

*Hudson voted to abstain from PO 24-00457 [vendor – Mike Hudson]

B. Adoption of Resolution No. 2024-5.25: Authorizing the Issuance of A Not To Exceed \$696,943.80 Bond Anticipation Note

Motion: Ray Yazdi Second: Rich Dellaripa

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

(YES), GRAZIANO (YES), HUDSON (YES)

C. Introduction of Ordinance No. 12-2024: Reconstruction of Catherine Street and Bailey Avenue

A motion was made by HUDSON to read and introduce the Ordinance by title; second and final reading/ public hearing will be on June 11, 2024 at 7PM; the motion was seconded by CATALANO. The presiding officer called for a voice vote members present voted AYE, except for Councilman Graziano & Councilman Yazdi who clarified they <u>abstain</u> from the vote; none were opposed.

Business Administrator, Michael Sondermeyer, gave an explanation that the project will include the road, curbs & storm drains. The project needs to be awarded by November 2024

The Municipal Clerk read by Title:

BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF CATHERINE STREET AND BAILEY AVENUE, BY AND IN THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY; APPROPRIATING \$805,000 THEREFOR (INCLUSIVE OF A STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$416,130) AND AUTHORIZING THE ISSUANCE OF \$805,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF

NON-AGENDA

1. Resolution No. 2024-5.26: Core Sampling (Orchard St) KEY TECH

Motion: Dominic Catalano

Second: Ray Yazdi

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

(YES), HUDSON (YES), SCHUBERT (YES)

LATE PUBLIC COMMENT:

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

GOVERNING BODY SCHEDULE

- A. June 5, 2024- Police Department Swearing in Ceremony
- B. June 11, 2024 Workshop Meeting
- C. June 25, 2024 Regular Meeting
- D. July 16, 2024 Regular Meeting

ADJOURNMENT:

Since there was no further business to be conducted, HUDSON moved to adjourn at 7:23PM; seconded by YAZDI and carried on voice vote with all Council Members voting AYE.

Breeanna Smith, RMC Municipal Clerk

May 21, 2024 RESOLUTIONS

RESOLUTION NO. 2024-5.16 OF THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE

GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the *governing body* of the *Borough of Bloomingdale*, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Record of Council Vote on Passage

Record of counted to the out I assuge											
COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent		
Catalano	X				Dellaripa	X					
Graziano	X				Schubert	X					
Hudson	X				Yazdi	X					

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on May 21, 2024.

GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S

"Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES NO PHOTO COPIES OF SIGNATURES

STATE OF NEW JERSEY COUNTY OF PASSAIC

We, members of the governing body of the *Borough of Bloomingdale* being duly sworn according to law, upon our oath depose and say:

- 1. We are duly elected (or appointed) members of the *Governing Body* of the *Borough of Bloomingdale* in the county of *Passaic*;
- 2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012);
- 3. We are familiar with the local unit's hiring practices as they pertain to the consideration of an individual's criminal history;
- 4. We certify that the local unit's hiring practices comply with the above-referenced enforcement guidance.

(L.S.)	(L.S.)
(L.S.)	(L.S.)

Sworn to and subscribed before me this 21st day of May, 2024 Notary Public of New Jersey

Clerk	

The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be executed before a municipality or county can submit its approved budget to the Division of Local Government Services. The executed certificate and the adopted resolution must be kept on file and available for inspection.

RESOLUTION NO. 2024-5.17 OF THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE

CALLING FOR THE MODERNIZATION OF THE OPEN PUBLIC RECORDS ACT (OPRA) AND THE SWIFT PASSAGE OF S-2930/A-4045

WHEREAS, in the 2002 "lame duck" session the Open Public Records Act (OPRA) was approved to make government records, "readily accessible for inspection, copying, or examination by the citizens of this State, with certain exceptions, for the protection of the public interest" while protecting "a citizen's right to a reasonable expectation of privacy"; and

WHEREAS, as local leaders we reaffirm our support and commitment to open and transparent government and public access to records, at the same time, we strongly support necessary reforms; and

WHEREAS, in the twenty years since the enactment of OPRA and with the advent of new technologies, we have witnessed unintended consequences and, in some cases, abuses of OPRA that place an unfair burden on local governments and taxpayers; and

WHEREAS, municipal staff and budgets are increasingly utilized to accommodate the requestors and commercial entities who inundate municipalities with public records requests to the extent that in some instances, additional personnel are hired primarily to handle such requests; and

WHEREAS, OPRA has become broadly construed in favor of access and the requestor who prevails in any proceeding in appealing a denial of access of records is permitted to collect exorbitant attorney's fees, which impacts the taxpayers and municipalities who must pay these fees; and

WHEREAS, municipalities have seen outside businesses and interests who abuse OPRA for marketing and commercial gains while utilizing municipal employees paid by the taxpayers for this benefit; and

WHEREAS, due to court decisions over the years, reasonable expectations of privacy have been diminished when it comes to the balance of transparency and OPRA perpetuates for-profit datamining, unsolicited marketing, and uncontrolled publications of records on internet search engines specifically designed to circumvent and bypass what few protective measures currently exist under OPRA, all while allowing the requestor to remain cloaked in anonymity, should they choose to exercise that option; and

WHEREAS, when commercial entities are constantly emailing OPRA requests looking for the latest lists of dogs licensed that month, inground pool permits issued, solar roof permits issued, etc., it causes our residents to not want to license their dogs, comply with permits, or interact with the municipality because they don't want to lose their privacy and/or have their information tracked and monetized for commercial purposes; and

WHEREAS, reforms to modernize OPRA are long overdue, among them: the need to address requests by commercial entities that utilize public records and the services of local government employees to generate profits, mandatory prevailing attorney fees, which created a cottage industry, and to add language so that such fees are based on facts and circumstances and not an automatic granting; and

WHEREAS, Senators Sarlo and Bucco and Assemblyman Danielsen and Assemblywoman Flynn have introduced S-2930/A-4045, which makes commonsense reforms that do not hinder residents or journalists from using OPRA to access public records, but will protect citizens' personal information from disclosure, addresses the burdensome commercial requests and provide discretion when awarding prevailing attorney fees;

NOW, THEREFORE, BE IT RESOLVED, the governing body of the Borough of Bloomingdale in the County of Passaic respectfully request the adoption of much-needed reforms to modernize and strengthen the legislative intent of the Open Public Records Act (OPRA) and urges the swift passage of S-2930/A-4045; and

BE IT FURTHER RESOLVED, as local leaders, we reaffirm our support and commitment to open and transparent government and public access to records but at the same time, we strongly support necessary reforms; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Senate President Scutari, Assembly Speaker Coughlin, Senator Joseph Pennacchio, Assemblyman Brian Bergen, Assemblyman Jay Webber, Governor Murphy and the New Jersey League of Municipalities.

Record of Council Vote on Passage

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

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on May 21, 2024.

Breeanna Smith, RMC

Municipal Clerk, Borough of Bloomingdale

RESOLUTION NO. 2024-5.18 OF THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE

Authorization for Seasonal Summer Help for Recreation Department

WHEREAS, there exists a need for seasonal help within the Recreation Department during the summer months for day camp; and

WHEREAS, the Recreation Director & Borough Administrator recommend that the authorization be given to hire the following individuals for Bloomingdale's 2024 Summer Day Camp program, help as per the Salary Ordinance:

Senior Staff (paid for 10 weeks June 10, 2024 – August 16, 2024)Kailey Fitzpatrick – Camp Director\$1,000/weekJimmy Russnak – Senior Counselor\$18/hourLuce Amirault – Senior Counselor\$18/hour

*Caitlin Monahan – Substitute Senior Counselor \$18/hour [as needed]

Counselors (paid for 8 weeks June 24, 2024 – August 16, 2024

Matthew Barile

Samantha Barile

Maren Budd

Emily Costello

William Friscoe

Quinn Juhlin

Kassidy Kovacevich

Madison Malone

Edy Martinez

Madison Meyers

Wyatt Maxwell

Kaitlin Ozroszlany

Sara Petrera

Joshua Reilly

Misleyn Renta

Chloe Tomaselli

Rose Tomaselli

Unless otherwise noted, all counselors will be paid \$14.00 per hour

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale that the persons named herein be hired as Summer Recreation Staff as outlined in the Salary Ordinance.

Record of Council Vote on Passage

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

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Breeanna Smith, RMC

Municipal Clerk, Borough of Bloomingdale

RESOLUTION NO. 2024-5.19 OF THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE

RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF OVERPAYMENT(S)

WHEREAS, there appears on the tax records overpayments as shown below and the Tax Collector recommends the refund of such overpayment.

NOW, THEREFORE, BE IT RESOLVED that the proper officers be and they are hereby authorized and directed to issue checks refunding such overpayment as shown below:

REASON:

Incorrect Payment
 Duplicate Payment
 Senior Citizen
 Veteran Deduction
 Homestead Rebate
 Tax Appeal County Board
 Tax Appeal State Tax Court
 100% Disabled Veteran
 Replacement Check
 Tax Exempt

Block/Lot	Name	Amount	Year	Reason
5105 / 34	Robert Barry Klein	\$2,388.84	2024	8
	76 Van Dam Avenue			
	Bloomingdale, NJ 07403			
4049 / 163	24 Asset Management	\$6,440.11	2024	2
	13155 SW 42 nd Street Ste 200			
	Miami, FL 33175			

Record of Council Vote on Passage

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

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on May 21, 2024.

Breeanna Smith, RMC

RESOLUTION NO. 2024-5.20 OF THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE

RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS FOR CONTRACTING UNITS PURSUANT TO N.J.S.A. 40A:11-12a

WHEREAS, the Borough of Bloomingdale, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Borough of Bloomingdale has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Borough of Bloomingdale intends to enter into contracts with the attached Referenced State Contract Vendors through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts;

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Bloomingdale authorizes the Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors on the attached list, pursuant to all conditions of the individual State contracts; and

BE IT FURTHER RESOLVED, that the Governing Body of the Borough of Bloomingdale pursuant to N.J.A.C. 5:30-5.5(b), the Chief Financial Officer or their designee has certified the availability of funds in the annexed certification in an amount not to exceed \$22,500.00; and

BE IT FURTHER RESOLVED, that the duration of the contracts between the Borough of Bloomingdale and the Referenced State Contract Vendors shall be from May 21, 2024 to December 31, 2024.

Referenced State Contract Vendors

Commodity/ServiceVendorState Contract #Spatial Data –Dell Marketing L.P.T3121 SoftwareMunicipal Management1 Dell WayReseller ServicesSoftwareRound Rock, TXState Contract # 20-TELE-01510

Record of Council Vote on Passage

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

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on May 21, 2024.

Breeanna Smith, RMC

RESOLUTION NO. 2024-5.21 OF THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE

RELEASE OF LANDSCAPING BOND FOR PLANNING BOARD APPLICATION #675 TASTEFULLY BRITISH C/O SCOTT MALONEY

WHEREAS, Planning Board application #675 was approved by the board on March 20, 2019; and

WHEREAS the Borough Engineer recommends that Planning Board secretary release the landscaping bond for Tastefully British in regard to application #675 in the amount of \$25,000.00; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale that they do hereby authorize the following:

- 1. The Planning Board secretary to release the \$25,000.00 landscaping bond to Tastefully British [Scott Maloney].
- 2. This resolution shall take effect immediately.

Record of Council Vote on Passage

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

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on May 21, 2024.

Breeanna Smith, RMC

Municipal Clerk, Borough of Bloomingdale

RESOLUTION NO. 2024-5.22 OF THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE

DECLARING AN EMERGENCY – FOR PURPOSES OF AWARDING A CONTRACT(S) FOR IMMEDIATE REPLACEMENT OF A STORM DRAIN INLET AND SINKHOLE REPAIR

WHEREAS, the Governing Body ("Governing Body") of the Borough of Bloomingdale ("Borough") finds and declares an emergency situation has developed with the storm drain inlet and sinkhole at 158 Reeve Ave.; and

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

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

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

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

Mike Fitzpatrick Contractors

WHEREAS, the emergency costs are not exceed \$16,820 and the CFO, or their designee, has certified the availability of funds;

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

Record of Council Vote on Passage

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

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on May 21, 2024.

Breeanna Smith, RMC

Municipal Clerk, Borough of Bloomingdale

RESOLUTION NO. 2024-5.23 OF THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE

RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC, STATE OF NEW JERSEY ACCEPTING A BID FOR THE SALE OF CERTAIN MUNICIPAL LAND AND PROPERTY FROM THE PUBLIC LAND SALE HELD ON MAY 7, 2024

WHEREAS, on May 7, 2024 the sale of municipal property known as Block 3038, Lot 1, which is no longer needed by the Borough in accordance with Resolution No. 2024-4.14, was conducted in person at the Borough Municipal Building; and

WHEREAS, Tidland Realty, LLC was the successful bidder on said property at a total purchase price of \$10,000; and

WHEREAS, the Borough Attorney recommends that the Governing Body accept said bid.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bloomingdale that the bid of Tidland Realty, LLC for the property known as Block 3038, Lot 1 in the amount of \$10,000 is hereby accepted.

BE IT FURTHER RESOLVED that the terms of such acceptance are set forth in the Contract for Sale of Real Estate and Resolution 2024-4.14.

This Resolution shall take effect immediately.

Record of Council Vote on Passage

			<u> </u>						
COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Dellaripa	X			
Graziano	X				Schubert	X			
Hudson	X				Yazdi	X			

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on May 21, 2024.

Breeanna Smith, RMC

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now payable, and	u								
WHEREAS,	the Go	verning	Body	further	finds and declares	that s	aid obli	gations !	have
been itemized on	the an	nexed s	chedule	s, whic	ch are hereby deer	ned p	art of th	is Reso	lution;
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COUNCILPERSON		NAY	Abstain	Absent			NAY	Abstain	Absent
Catalano	X				Dellaripa	X		1	
Graziano Hudson	X X*				Schubert Yazdi	X X	+		
recusals are listed in		ial minut	es		1 azul	Λ			
I hereby certify that	the foreg	oing is a t	rue copy	of a Res	olution adopted by the	e Gover	ning Body	y of the	
Borough of Blooming	gdale at a	n Official	Meeting	held on	Tuesday, May 21, 202	24.			
Breeanna Smith, R.M									

RESOLUTION NO. 2024-5.25 OF THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE

RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO UNDERTAKE CERTAIN ACTIONS IN CONNECTION WITH THE ISSUANCE OF A NOT TO EXCEED \$696,943.80 BOND ANTICIPATION NOTE

WHEREAS, the Borough of Bloomingdale, in the County of Passaic, State of New Jersey (the "Borough") is seeking to issue a not to exceed \$696,943.80 Bond Anticipation Note (the "Note") to temporarily finance the costs of the purchase of a fire truck for the Fire Department in and for the Borough; and

WHEREAS, the Borough desires to issue and sale the Note to the Municipal Utility Capital Fund of the Borough; and

WHEREAS, such Note shall bear interest at a rate of zero per centum (0.00%) per annum, shall be dated May 22, 2024 and shall mature on February 14, 2025; and

WHEREAS, the Borough seeks to authorize the issuance of the Note to the Municipal Utility Capital Fund of the Borough.

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. Pursuant to and in accordance with Bond Ordinance Number 37-2023 finally adopted on October 3, 2023 (the "Bond Ordinance") (such Bond Ordinance having been duly adopted by the Borough Council of the Borough, approved by the Mayor and published as required by law), a Bond Anticipation Note of the Borough in an aggregate principal amount not to exceed \$696,943.80 (the "Note") shall be issued for the purpose of temporarily financing the costs of the purchase of a fire truck for the Fire Department in and for the Borough.

Section 2. The Note is authorized to be issued to the Municipal Utility Capital Fund of the Borough.

Section 3. The Note shall be dated May 22, 2024 and shall mature on February 14, 2025, shall bear interest from its date, which interest shall be at a rate of zero per centum (0.00%) per annum, and shall be in the form attached hereto as <u>Exhibit A</u>.

Section 4. The Note shall be subject to prepayment by the Borough at any time prior to its stated date of maturity.

Section 5. The Note shall be executed by the Mayor and the Chief Financial Officer of the Borough and the official seal shall be thereunto affixed, imprinted or reproduced and attested to by the Clerk of the Borough. To the extent not otherwise determined by the Bond Ordinance or this resolution, it is hereby delegated to the Chief Financial Officer of the Borough the authority to determine all matters in connection with the issuance, sale, execution and delivery of the Note, and the signature of the Chief Financial Officer upon the Note shall be conclusive evidence as to all such determinations. The Chief Financial Officer is also hereby authorized to sell part or all of the Note from time to time at a public or private sale and to deliver it to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from its date to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council at the meeting next succeeding the date when any sale or delivery of the Note pursuant to this resolution is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the Note so sold, the price obtained and the name of the purchaser. The Chief Financial Officer is hereby authorized and directed to deliver any certificates, documents, instruments or agreements necessary in connection with the issuance of the Note.

Section 6. The authorization, execution, and issuance of the Note and any certificates, documents, instruments or agreements related to the issuance of the Note by Borough officials is hereby authorized, *nunc pro tunc*, and any and all prior actions taken by Borough officials in connection with such authorization, execution and issuance of the Note and any related documents and certificates are hereby ratified and confirmed, *nunc pro tunc*.

Section 7. This resolution shall take effect immediately.

Upon motion of YAZDI, seconded by DELLARIPA, the foregoing resolution was adopted by the affirmative vote of the majority of the Borough Council of the Borough at a regular meeting of the Borough Council duly called and held on the 21st day of May, 2024 by the following vote:

AYES: YAZDI, CATALANO, DELLARIPA, GRAZIANO, HUDSON & SCHUBERT

NAYS: n/a

ABSENTEES: n/a

EXHIBIT A

FORM OF NOTE

BAN 2024-2 \$696,943.80

Borough of Bloomingdale, In the County of Passaic, State of New Jersey United States of America

BOND ANTICIPATION NOTE

The Borough of Bloomingdale, in the County of Passaic, State of New Jersey (the "Borough"), for value received, hereby acknowledges itself to be indebted and promises to pay to the Municipal Utility Capital Fund of the Borough, the registered owner hereof or its registered assigns, on the 14th day of February, 2025, the principal sum of SIX HUNDRED NINETY-SIX THOUSAND NINE HUNDRED FORTY-THREE DOLLARS AND EIGHTY CENTS (\$696,943.80) with interest thereon at the rate of zero per centum (0.00%) per annum (computed on the basis of a 360-day year of twelve 30-day months). Both principal of and interest on this Note are payable in lawful money of the United States of America upon presentation and surrender hereof at the Office of the Chief Financial Officer of the Borough. The full faith and credit of the Borough are hereby irrevocably pledged for the prompt payment of the principal of and interest on this Note as the same become due and payable and, unless paid from other sources, all the taxable property within the Borough is subject to the levy of *ad valorem* taxes, without limitation as to rate or amount, for the payment of principal of and interest on this Note.

This Note may be registered as to principal and interest after which it will be transferable only upon presentation to the Chief Financial Officer of the Borough at his or her office with a written assignment duly acknowledged or proved, and the name of the assignee shall be endorsed hereon and entered in the books kept in the office of said Chief Financial Officer of the Borough.

This Note is subject to prepayment by the Borough at any time prior to its stated maturity.

This Note is being issued to temporarily finance the costs of the purchase of a fire truck for the Fire Department in and for the Borough. This Note is authorized to be issued pursuant to the provisions of the Local Bond Law of the State of New Jersey, N.J.S.A. 40A:2-1 et seq., as amended and supplemented, Bond Ordinance Number 37-2023 finally adopted on October 3, 2023 (the "Bond Ordinance"), such Bond Ordinance having been duly adopted by the Borough Council of the Borough, approved by the Mayor and published as required by law, and a resolution duly adopted by the Borough Council of the Borough on May 21, 2024.

This Note is issued for a period not exceeding one year and may be renewed from time to time for additional periods, none of which shall exceed one year, but all such notes, including renewals, shall mature and be paid not later than the first day of the fifth month following the close of the tenth fiscal year next following the date of the original note.

It is hereby certified and recited that all acts, conditions and things essential to the validity of this Note exist, have happened and have been done, and that every requirement of law affecting the issuance hereof has been duly complied with, and this Note is within every debt and other limit prescribed by the Constitution and laws of the State of New Jersey.

IN WITNESS WHEREOF, the Borough has caused this Note to be signed by its Mayor and Chief Financial Officer and its official seal to be hereunto affixed, imprinted or reproduced and attested to by the Borough Clerk, and this Note to be dated the 22nd day of May, 2024.

BAN 2024-2 \$696,943.80

Borough of Bloomingdale in the County of Passaic State of New Jersey United States of America

REGISTERED CERTIFICATE

It is hereby certified that the within Note is registered as to principal and interest as follows:

Date of Registry	Name of Registered Holder	Registered By
		

RESOLUTION NO. 2024-5.26 OF THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE

RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT TO KEY TECH LABORATORIES FOR CONCRETE CORE SAMPLING & ANALYSIS

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

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

WHEREAS, Key Tech Laboratories will provide bituminous concrete core sampling and laboratory analysis services for the Orchard Street Roadway Improvement projects as sought by the Borough of Bloomingdale and recommended by the Borough Engineer as outlined in their May 15, 2024 proposal; and

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

WHEREAS, the Chief Financial Officer or their designee has certified as to the availability of funds, not to exceed \$2,010.00, as evidenced in the annexed certification of funds; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Bloomingdale, County of Passaic, State of New Jersey authorizes the Mayor and Municipal Clerk to enter into a contract with KeyTech Laboratories of 210 Maple Place, PO Box 48, Keyport, NJ 07735; and

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

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

Record of Council Vote on Passage

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

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on May 21, 2024.

Breeanna Smith, RMC