

March 23, 2010

The Regular Meeting of the Governing Body of the Borough of Bloomingdale was held on the above date in the Council Chambers of the Municipal Building, 101 Hamburg Turnpike. Mayor Steenstra called the meeting to order at 7:32 p.m.

SALUTE TO THE AMERICAN FLAG

Mayor Steenstra led the Salute to the Flag followed by the Borough Prayer.

ROLL CALL

<i>In Attendance:</i>	Mayor:	William Steenstra
	Council President:	Dean Specchio
	Council Pres. Pro Tem:	Bernard H. Vroom
	Council Members:	Linda Huntley Thomas Marinaro Jo-Ann Pituch Glenn Schiffman

<i>Professionals Present:</i>	Deputy Municipal Clerk:	Theresa K. Sauer
	Borough Administrator:	Ted Ehrenburg
	Borough Attorney:	Joseph V. "Joe" MacMahon, Esq.
	Chief Financial Officer:	Donna Mollineaux

PUBLIC NOTICE STATEMENT

Mayor Steenstra stated that adequate notice of this meeting was posted in the Bloomingdale Municipal Building and provided to The Suburban Trends; The North Jersey Herald & News; and all other local news media on January 6, 2010.

EARLY PUBLIC COMMENT

Councilman Vroom moved to open the meeting for Early Public Comment on agenda items; seconded by Councilman Marinaro and carried on voice vote.

Since there was no one who wished to speak under Early Public comment, Councilman Vroom moved that it be closed; seconded by Councilman Specchio and carried on voice vote.

APPROVAL OF CONSENT AGENDA

Councilman Specchio moved for the approval of the following Consent Agenda:

- A. Approval of December 22, 2009 Governing Body Meeting; Council Members: Pituch and Schiffman not on Council yet

Councilman Specchio seconded the motion, and it carried as per the following roll call: Council Members: Huntley; Marinaro; Specchio and Vroom. Council Members: Pituch and Schiffman
RECUSED

PENDING BUSINESS

Governmental Operations Committee

Request of Michael Azzolino to purchase Block 49E; Lot 42.02

This item was tabled at this time as we are waiting on a survey. Process would be that the land would have to be auctioned off.

Adoption of Resolution #2010-3.23: Approving Change Order #5 for DPW Garage

Councilman Specchio offered the following Resolution and moved for its adoption:

RESOLVED, that Change Order #5 in the amount of \$9,111.00 to DR Mullen for the DPW Garage be approved.

Councilman Vroom seconded the motion.

Discussion followed in regard to procedure for authorizing change orders and Borough Attorney explained process and fact that the haunch was part of the architects drawing; Councilman Schiffman noted that he felt we should have determined the price and had it approved by the Council before the job was started.

The motion carried as per the following roll call: Council Members: Marinaro; Pituch; Schiffman; Specchio; Vroom and Huntley all YES.

Public Health & Safety Committee**Any Action in regard to Boards/Vacancies**

This will be held until later in the meeting.

Introduction of Ordinance #2-2010: Fee Ordinance for Beaches, Swimming Pools

Councilman Specchio moved to TABLE this ordinance; seconded by Councilman Vroom and carried on voice vote with all Council Members voting Yes.

INRODUCTION OF NEW BUSINESS**Governmental Operations Committee****Adoption of Resolution #2010-3.24: Payment of Municipal Obligations**

Councilman Specchio offered the following Resolution and moved for its adoption:

**RESOLUTION - #2010 -3.24
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:

BILLS LIST

CURRENT	2,542,247.26
UTILITY	110,491.80

PREPAID LIST

CURRENT	385,308.99
UTILITY	17,564.94

CAPITAL	188,500.00	UNEMPLOY.	264.51
UTILITY CAPITAL	1,100.00	RECYCLING	211.72
TRUST	6,054.80	CAPITAL	000.00
DOG	644.00	TRUST	840.00
RECREATION	12,689.26	SPEC. ASSESS.	000.00
UNEMPLOYMENT	11,673.61	RECREATION	000.00
ROSE FUND	4,089.20	UTILITY CAP	000.00
RECYCLING	0,000.00	DOG	000.00
.			
TOTAL	2,877,489.93	TOTAL	404,190.16

Councilwoman Pituch seconded the motion, and it carried as per the following roll call: Council Members: Pituch; Schiffman; Specchio; Vroom; Huntley and Marinaro all YES.

Consideration of Liquor License Transfer Application of Inactive License of Consuela Ramos to NLS Management, LLC; person-to-person, place-to-place transfer

Borough Attorney noted that everything is in order for the transfer of this license.

Adoption of Resolution #2010-3.25: Authorizing Liquor License Transfer

Councilman Marinaro offered the following Resolution and moved for its adoption:

**RESOLUTION #2010-3.25
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Municipal Clerk to Transfer Plenary Consumption License #1601-33-008-009 from Consuelo Ramos to NLS Management, LLC

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) has received an application made by NLS Management, LLC (“Applicant”), 6 Mulberry Trail, Kinnelon, NJ, for approval of a person-to-person and place-to-place transfer of Plenary Consumption License No. #1601-33-008-009 from Consuelo Ramos, 606 7th Avenue, Belmar, NJ 07719 (Inactive License) to NLS Management, LLC, 135 Main Street, Bloomingdale, NJ; and

WHEREAS, the Governing Body has been informed by the Municipal Clerk that first publication of said application was made on March 1, 2010, and second publication was made on March 8, 2010; and

WHEREAS, on March 23, 2010, the Governing Body conducted a public hearing on said application, during which hearing the Applicant appeared and was represented by James LaSala, Esq. before the Mayor and Council; and

WHEREAS, the Governing Body finds that no written objections to said application have been filed with the Municipal Clerk and that no verbal objections have been voiced during said public hearing to said application; and

WHEREAS, the Governing Body has been further informed by the Municipal Clerk that the necessary transfer fee and a consent in writing for transfer has been received from NLS Management, LLC; and

WHEREAS, the Governing Body has been further informed by the Municipal Clerk that the appropriate State filing fee has been provided to the Municipal Clerk for forwarding to the State of New Jersey; and

WHEREAS, the Governing Body further finds that the Applicant has presented information in order to comply with the provisions of N.J.A.C. 13:2-7:10(3) pursuant to N.J.A.C.13:2-7:10(B); and

WHEREAS, the Governing Body has been further informed by the Municipal Clerk that a true and correct copy of the Applicant's Tax Clearance Certificate has been received from the State of New Jersey Department of Taxation; and

WHEREAS, the Governing Body further finds and declares that there exists no reason why the application should not be granted;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale that the Municipal Clerk be and is hereby authorized to transfer Plenary Retail Consumption License No. 1601-33-008-009 from Consuelo Ramos, 606 7th Avenue, Belmar, NJ 07719 to NLS Management, LLC, 135 Main Street, Bloomingdale, New Jersey, 07403.

Councilman Vroom seconded the motion, and it carried as per the following roll call: council Members: Schiffman; Specchio; Vroom; Huntley; Marinaro and Pituch all YES.

Adoption of Resolution #2010-3.26: Authorizing Change Order #1 to David Langstett for DPW Mezzanine

Councilman Specchio offered the following Resolution and moved for its adoption:

RESOLVED, that Change Order #1 to David Langstett in the amount of \$6,125.00 be approved, due to new electric service and additional requirements by Butler Electric.

Councilman Vroom seconded the motion, and it carried as per the following roll call: Council Members: Specchio; Vroom; Huntley; Marinaro; Pituch and Schiffman all YES.

Adoption of Resolution #2010-3.27: Authorizing Permanent Status for Animal Control Officer Jen Adams

Councilman Specchio offered the following Resolution and moved for its adoption:

**RESOLUTION #2010-3.27
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Official P/T. Employment Status for Animal Control Officer
Jennifer Adams***

WHEREAS, the Governing Body ("Governing Body") of the Borough of Bloomingdale ("Borough") has been advised by Borough Animal Control Coordinator Lisa Perry that Animal Control Officer Jennifer Adams has completed her probationary period; and

WHEREAS, the Governing Body finds and declares that the Lisa Perry has determined that Jennifer Adams is a "valuable asset" to the Borough and has recommended her permanent status, and that Administrator Ted Ehrenburg has submitted this recommendation to the Borough Council for its confirmation;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize permanent part-time status to Jennifer Adams, official employment status as part-time Animal Control Officer to become effective on March 23, 2010.

Councilman Vroom seconded the motion, and it carried as per the following roll call: Council Members: Huntley; Marinaro; Pituch; Schiffman; Specchio and Vroom all YES.

Resignation from Jennifer Altfeld as a Member of the Economic Development Committee; Ordinance Review Committee and Planning Board

Councilman Specchio moved to accept the resignation of Jennifer Alfield as a member of the Economic Development Committee; Ordinance Review committee and Planning Board with regret; seconded by Councilwoman Pituch and carried on voice vote with all members voting YES.

Appointment of Al Allegrino to Planning Board

Mayor Steenstra appointment Al Allegrino as a member of the Planning Board to replace Jennifer Alfield.

Adoption of Resolution #2010-3.28: Authorizing Permit to replace existing fence at 25 Maple Avenue

Councilman Specchio offered the following Resolution and moved for its adoption:

**RESOLUTION #2010-3.28
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Allowing Residents at 25 Maple Avenue, Bloomingdale, New Jersey to Replace Fencing Located Within the Borough Right of Way

WHEREAS, the Governing Body has been asked to grant permission to David Adamo of 25 Maple Avenue, Bloomingdale, New Jersey to replace a fence currently located within the Borough right of way; and

WHEREAS, the Governing Body has been informed that Construction Code Official Dan Hagberg and the Bloomingdale Police Department have no objection to allowing Mr. Adamo to replace his existing fence with a new fence to be erected in the same location as the existing fence; and

WHEREAS, the Governing Body is willing to allow the proposed new fence to be constructed in the Borough right of way so long as the property owner is agreeable to removing the fence at the property owner's sole cost and expense in the event use of the right of way becomes necessary for the Borough of Bloomingdale; and

WHEREAS, David Adamo, the property owner, indicated on the record during the March 23, 2010 Council Meeting that the property owner is agreeable to removing the fence at the property owner's sole cost and expense in the event use of the right of way becomes necessary for the Borough of Bloomingdale:

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED, that the Governing Body of the Borough of Bloomingdale does hereby authorize and grant permission to David Adamo of 25 Maple Avenue, Bloomingdale, New Jersey to replace his existing fence with a new fence to be erected in the same location as the existing fence and within the Borough right of way, provided that property owner is agreeable to removing the fence at the property owner's sole cost and expense in the event use of the right of way becomes necessary for the Borough of Bloomingdale.

Councilman Vroom seconded the motion, and it carried as per the following roll call: Council Members: Marinaro; Pituch; Schiffman; Specchio; Vroom and Huntley all Yes.

Introduction of Ordinance Increasing Summer Recreation Fees

Councilman Specchio moved to TABLE this ordinance; seconded by Councilman Schiffman and carried on voice vote with all members voting Yes.

Adoption of Resolution #2010-3.29: Authorizing Interlocal Agreement for Construction Services with Leonia Board of Education

Councilwoman Pituch offered the following Resolution and moved for its adoption:

**RESOLUTION #2010-3.29
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing an Interlocal Agreement for School Construction Inspection Services By and
Between the Leonia Board of Education and the Borough of Bloomingdale***

WHEREAS, the Governing Body has learned that the Leonia Board of Education requires school construction inspection services in connection with three different public school facilities, which services can be provided by the Borough through its Construction Department pursuant to an interlocal service agreement; and

WHEREAS, the Governing Body finds and declares that such services fall within the scope of the Interlocal Services Act (“Act”), N.J.S.A. 40:8A-1, *et seq.*, which authorizes a municipality to contract with another governmental entity for the provision of a service that a municipality is empowered to render under state law; and

WHEREAS, the Governing Body further finds and declares that authorization of interlocal service agreements for school construction inspection services with the Leonia Board of Education would implement the Governing Body’s declared intention of expanding the scope of its existing interlocal agreements, which would be in the best interests of the fiscal health and integrity of the Borough’s municipal government and the citizenry served thereby;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize any and all appropriate municipal officials to execute interlocal services agreements with the Leonia Board of Education for the provision of school construction inspection services in connection with three different public school facilities, subject to review by the Mayor, the Borough Attorney and the Borough Administrator as to the form and content of said agreements.

Councilman Specchio seconded the motion, and it carried as per the following roll call: Council Members: Pituch; Schiffman; Specchio; Vroom; Huntley and Marinaro all YES.

Adoption of Resolution #2010-3.30: Authorizing an Interlocal Agreement for School Construction Inspection Services by and Between the Franklin Lakes Board of Education and the Borough of Bloomingdale

Councilman Specchio offered the following Resolution and moved for its adoption:

**RESOLUTION #2010-3.30
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing an Interlocal Agreement for School Construction Inspection Services By and
Between the Franklin Lakes Board of Education
and the Borough of Bloomingdale***

WHEREAS, the Governing Body has learned that the Franklin Lakes Board of Education requires school construction inspection services in connection with three different public school facilities, which services can be provided by the Borough through its Construction Department pursuant to an interlocal service agreement; and

WHEREAS, the Governing Body finds and declares that such services fall within the scope of the Interlocal Services Act (“Act”), N.J.S.A. 40:8A-1, *et seq.*, which authorizes a municipality to contract with another governmental entity for the provision of a service that a municipality is empowered to render under state law; and

WHEREAS, the Governing Body further finds and declares that authorization of interlocal service agreements for school construction inspection services with the Franklin Lakes Board of

Education would implement the Governing Body's declared intention of expanding the scope of its existing interlocal agreements, which would be in the best interests of the fiscal health and integrity of the Borough's municipal government and the citizenry served thereby;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize any and all appropriate municipal officials to execute interlocal services agreements with the Franklin Lakes Board of Education for the provision of school construction inspection services in connection with three different public school facilities, subject to review by the Mayor, the Borough Attorney and the Borough Administrator as to the form and content of said agreements.

Councilman Marinaro seconded the motion, and it carried as per the following roll call: Council Members: Schiffman; Specchio; Vroom; Huntley; Marinaro; and Pituch all YES.

Discussion of Flood Plain Management Services and Planning Assistance

Councilwoman Huntley spoke in regard to the a letter which was supposed to be sent to the Army Corps of Engineers to help with our Flood Plain Management and due to recent flooding she would like the letter sent asking for their assistance and presented some pictures of the recent flooding.

Adoption of Resolution #2010-3.31: Declaring an Emergency for Purposes of Awarding a Contract for the Road Repair at Brandt Lane

Councilman Specchio offered the following Resolution and moved for its adoption:

**BOROUGH OF BLOOMINGDALE
RESOLUTION #2010-3.31**

***Declaring An Emergency
For Purposes Of Awarding Contract for the Road Repair to Brandt Lane***

WHEREAS, the Governing Body ("Governing Body") of the Borough of Bloomingdale ("Borough") finds and declares an emergency situation has developed with the road surface of Brandt Lane due to the storms of March 13th and 14, 2010; and

WHEREAS, the road has been closed by order of the Borough Engineer; 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 Department of Public Works and the Administration Department, 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 Department of Public Works and the Administration Department have correctly recommended that the aforementioned road repair to Brandt Lane be remediated through the award to Mike Fitzpatrick & Son, PO Box 430, Oak Ridge, NJ., 07438 which submitted the following cost estimate for the labor;

- Mike Fitzpatrick & Son \$15,000.00

WHEREAS, the emergency costs to be funded through the General Capital Surplus Fund;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby declare the existence of a public emergency warranting the road repair of Brandt Lane as soon as possible and does hereby award said project to Mike Fitzpatrick & Son.

Councilman Marinaro seconded the motion, and it carried as per the following roll call: Council Members: Specchio; Vroom; Huntley; Marinaro; Pituch and Schiffman all YES.

Adoption of Resolution #2010-3.32: Declaring an Emergency for Purposes of Awarding a Contract for the Road Repair at Sloan Park

Councilman Specchio offered the following Resolution and moved for its adoption:

**BOROUGH OF BLOOMINGDALE
RESOLUTION #2010-3.32**

Declaring An Emergency for Purposes Of Awarding Contract for the Road Repair to Sloan Park

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares an emergency situation has developed with Sloan Park due to the storms of March 13th and 14, 2010; and

WHEREAS, the park has been closed by order of the Borough Engineer; 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 Department of Public Works and the Administration Department, 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 Department of Public Works and the Administration Department have correctly recommended that the damage to Sloan Park will require repairs once the Borough Engineer and FEMA have finished their damage assessment;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby declare the existence of a public emergency warranting the repair of Sloan Park once the assessment is complete; and

BE IT FURTHER RESOLVED that the cost estimate and award of the repairs will also be brought to the Mayor and Council was the proper authorities have completed their assessments.

Councilman Marinaro seconded the motion, and it carried as per the following roll call: Council Members: Vroom; Huntley; Marinaro; Pituch; Schiffman and Specchio.

Appointment of Al Allegrino as Member of the Planning Board

Borough Attorney noted that prior in the meeting, the Mayor appointed Al Allegrino as a member of the Planning Board to replace Jennifer Altfield and he didn't realize at that time that he was an employee of the Borough and cannot serve as a member.

Mayor Steenstra noted that he didn't realize this was a requirement and thanked Mr. Allegrino for his willingness to serve but he will have another name for this vacancy.

Adoption of Resolution #2010-3.33: Granting Paid Sick Leave to Bloomingdale Laborer Todd Prevost

Councilman Specchio offered the following Resolution and moved for its adoption:

**RESOLUTION #2010-3.33
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Granting Paid Sick Leave to Bloomingdale Laborer Todd Prevost

WHEREAS, the Governing Body ("Governing Body") of the Borough of Bloomingdale ("Borough") finds and declares that Todd Prevost ("Employee") is an employee of the Borough's Department of Public Works; and

WHEREAS, the Governing Body further finds and declares that the Employee will be out of work on paid sick leave as of March 22, 2010; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby grant unpaid sick leave to Borough Employee Todd Prevost during the period of March 22, 2010 until no later than May 3, 2010; and

BE IT FURTHER RESOLVED that the Municipal Clerk be and is hereby directed to formally notify the State Public Employees Retirement System of said status and to cause the same to be included in the records maintained for said employee.

Councilwoman Huntley seconded the motion, and it carried as per the following roll call: Council Members: Specchio; Vroom; Huntley; Marinaro; Pituch and Schiffman

PUBLIC HEARING ON ORDINANCE #1-2010: Amending Borough Code Section 7-22; Bus Stops

Deputy Municipal Clerk Read the Public Notice Statement

Councilman Vroom moved that the Ordinance be read by title:

ORDINANCE #1-2010

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING
BOROUGH CODE SECTION 7-22, BUS STOPS, TO DESIGNATE ADDITIONAL BUS
STOP LOCATIONS WITHIN THE BOROUGH OF BLOOMINGDALE**

WHEREAS, the Governing Body of the Borough of Bloomingdale finds and declares that it in the interest of the public safety and welfare of the residents of the Borough to designate additional bus stops within the Borough so that bus riders can wait for or disembark from buses in safe locations;

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Bloomingdale as follows:

Section 1. Borough Code Section 7-22, BUS STOPS, hereby is amended follows:

a. At Code Section 7-22a(1), add the following new subsection:

(e) At Bailey Avenue – Near Side:

Beginning at the prolongation of the westerly curbline of Bailey Avenue and extending 105 feet westerly therefrom.

b. At Section 7-22a(2), add the following new subsection:

(d) Between 2nd and 3rd Streets – Mid-Block (110' East)

Beginning 100 feet east of the easterly curbline of 2nd Street and extending 135 feet easterly therefrom.

Section 2. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

Section 3. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

Section 4. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Councilman Marinaro seconded the motion and it carried on voice vote.

Councilman Vroom moved to open the meeting to a Public Hearing on this ordinance; seconded by Councilman Marinaro and carried on voice vote.

Since there was no one who wished to speak under the Public Hearing, Councilman Marinaro moved that it be closed; seconded by Councilman Vroom and carried on voice vote.

Councilman Vroom moved for the adoption of this ordinance; seconded by Councilman Marinaro and the ordinance was adopted as per the following roll call: Council Members: Huntley; Marinaro; Pituch; Schiffman; Specchio and Vroom all YES.

Board of Education Report

Councilwoman Huntley stated that the Board of Education is requesting that our snowplowing agreement be finalized.

They are also setting up an Ad Hoc Committee to determine the future of the Samuel R. Donald School.

TREPS program will be held on April 16 at the Walter T. Bergen School.

It was also noted that the School lost \$819,000 in financial aid with the State; they will cover some of this with surplus and also there is concern with Butler High School cutting the fencing program.

LATE PUBLIC COMMENT

Councilman Schiffman opened the meeting to Late Public Comment; seconded by Councilman Vroom and carried on voice vote.

Since there was no one who wished to speak under public comment, Councilman Specchio moved that it be closed; seconded by Councilman Marinaro and carried on voice vote.

LATE EXECUTIVE SESSION

Adoption of Resolution #2009.3.34: Authorization for Late Executive Session

Councilwoman Pituch offered the following Resolution and moved for its adoption:

RESOLUTION #2010-3.34 OF THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE

Authorizing the Convening of an Executive Session

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Governing Body is of the opinion that such circumstances presently exist;

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

1. The public shall be excluded from discussion of, and action upon, the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
3. The general nature of the subject matter to be discussed is as follows:

Pending Litigation – two matters
 - a. Tax Appeal – Bloomingdale Plaza Associates v. Borough of Bloomingdale
 - b. DR Horton and BJV v. Borough of Bloomingdale
4. Minutes will be taken.
5. It is anticipated at this time that minutes of the above-referenced subject matter will be made public when it is in order to do so.
6. This Resolution shall take effect immediately.

Councilman Schiffman seconded the motion, and it carried on voice vote with all Council Members voting YES.

(At this time, 8: 47 p.m., the Mayor and Council went into Executive)

Receipt of Bids for Water Tank Vessel

Noted t hat the bids were received and will be reviewed by the Borough Attorney and Borough Engineer and report back by April 13.

RECONVENED

Mayor Steenstra reconvened the meeting at 9:22 p.m. and noted that no action was taken during the Executive Session and noted that Councilman Marinaro and Councilwoman Huntley were recused during the Executive Session.

Adoption of Resolution #2010-3.35: Authorizing Tax Appeal for Bloomingdale Plaza v. Borough of Bloomingdale

(Noted for the record that Councilman Marinaro left at 8:50 p.m. during the Executive Session due to a conflict on this matter and Councilwoman Huntley let due to a conflict with DR Horton)

Councilman Schiffman offered the following Resolution and moved for its adoption:

**RESOLUTION #2010-3.35
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Councilman Specchio seconded the motion, and it carried as per the following roll call: Council Members: Pituch; Schiffman; Specchio and Vroom all Yes. ABSENT: Council Members: Huntley and Marinaro (Excused)

ADJOURNMENT

Because there was no further public business to be conducted, Councilman Schiffman moved to **ADJOURN** the meeting at 9:24 p.m.; seconded by Councilwoman Pituch and carried on voice vote with all Council members voting Yes. ABSENT: Council Members: Marinaro and Pituch (Excused)

Theresa K. Sauer
Deputy Municipal Clerk