

**July 17, 2012**

The Special 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. Council President Schiffman called the meeting to order at 7:06 p.m.

**SALUTE TO THE AMERICAN FLAG**

Council President Glenn Schiffman led the Salute to the Flag.

<i>In Attendance:</i>	Council Members:	Mark Conklin John D'Amato Jo-Ann Pituch* Glenn Schiffman Linda Shortman Ray Yazdi
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Absent:	Mayor:	Jonathan Dunleavy (Excused)
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<i>Professionals Present:</i>	Municipal Clerk: Borough Attorney: Borough Administrator:	Jane McCarthy, RMC Fred Semrau, Esq. Ted Ehrenburg
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**PUBLIC NOTICE STATEMENT**

Council President Glenn Schiffman 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 July 11, 2012.

**EARLY PUBLIC COMMENT**

Councilman Schiffman moved that the meeting be opened to Early Public Comment; seconded by Councilwoman Pituch and carried on voice vote.

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

**Discussion in regard to Chief Financial Officer**

At this time, the Governing Body discussed the hiring of a Chief Financial Officer for the remainder of the year.

**Adoption of Resolution #2012-7.1: Authorization to hire Chief Financial officer**

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

**RESOLUTION #2012-7.1  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Confirming Appointment of Municipal Chief Financial Officer and Qualified Purchasing Agent***

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that there need to replace our Borough Chief Financial Officer (“CFO”) since Donna Mollineaux has resigned full-time on February 29, 2012; and

**WHEREAS**, the Governing Body further finds and declares that Donna M. Mollineaux has served as a CFO on an interim basis since February 29, 2012 and

**WHEREAS**, the Governing Body further finds and declares that Borough Administrator Ted M. Ehrenburg has recommended to Mayor Dunleavy and the council members reviewed the credentials of the applicants; and

**WHEREAS**, the Governing Body further finds and declares that Borough Administrator Ted M. Ehrenburg has recommended to Mayor Dunleavy and Council has reviewed the applicants and approves Leonard Nicolosi to become our CFO and Qualified Purchasing Agent (QPA) effective August 1, 2012; and

**WHEREAS**, the Governing Body further finds and declares that there exists a consensus of opinion that it is in the best interests of the citizenry, and particularly the taxpayers, of the Borough for the Governing Body to implement this recommendation in order to enable the Borough to achieve short-term and long-term cost savings from the reduction of Finance Department staff; and

**WHEREAS**, the Governing Body further finds and declares that Leonard Nicolosi possesses the requisite skill, knowledge and experience to ably and capably perform the duties of the position of Chief Financial Officer and Qualified Purchasing Agent; and

**WHEREAS**, the Governing Body further finds Leonard Nicolosi to serve in the capacity of Chief Financial Officer, as set forth above, based upon the recommendation and the consensus of opinion that exists among members of the Governing Body; and

**WHEREAS**, the Governing Body further finds and declares that the full Governing Body nominates Leonard Nicolosi to serve in the capacity of acting Chief Financial Officer based upon the recommendation and the consensus of opinion that exists among members of the Governing Body; and

**WHEREAS**, the Governing Body further finds and declares that it is in the best interests of the citizenry of the Borough and of the efficient and effective operation of the Borough’s municipal government to offer an employment to Nicolosi as Municipal Chief Financial Officer and Qualified Purchasing Agent, consisting of the following terms and conditions:

1. Part-time employment as acting CFO and QPA, effective August 1, 2012, providing 10 hours a week in services in the amount of \$25,000 annually which will be prorated for the balance of 2012;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby confirm the appointment of Leonard Nicolosi as Municipal Chief Financial Officer and Qualified Purchasing Agent, pursuant to a the following terms and conditions:

1. Part-time employment, effective August 1, 2012 at \$25,000 and will be CFO and QPA to fill the unexpired term ending December 31,2012

Councilwoman Pituch seconded the motion.

Discussion followed in regard to the proposals which were received and noted that we did not get a proposal from Donna Mollineaux in the advertised time frame and felt we should not accept it.

Noted that her proposal from more than Mr. Nicolosi’s and he holds both the Chief Financial Officer Certification and Qualified Purchasing Agent certification.

At this time, Borough Attorney addressed the fact that Mr. Nicolosi’s daughter currently works for the same firm and if he was to be appointed, the Borough Auditor Dieter Lerch has advised that she would be immediately removed from working on any matters with Bloomingdale and no interaction with Bloomingdale; this decision is up to the vendor.

Borough Attorney stated that Mr. Lerch the Borough Auditor should send a letter from his standpoint that appointing Mr. Nicolosi would in no way interfere with him performing his services.

Consensus that this appointment would be effective August 1, 2012 and Donna Mollineaux would serve until that time.

Mr. Nicolosi has committed to ten to fifteen hours a week with the Borough.

The motion carried as per the following roll call: Council members: Conklin; D’Amato; Pituch; Schiffman; Shortman and Yazdi all YES.

**Hiring of Additional Staff in Finance Department**

Borough Administrator discussed the fact that interviews have been help for the part-time position to assist in the Finance Department and stated that he needs to have a salary that the Governing Body wants to offer for this position.

Consensus that Borough Administrator will start off at \$16/hr. as long as it does not go over the remaining budget.

**Adoption of Resolution #2012-7.2: Temporary Emergency Resolution**

Councilman D’Amato offered the following Resolution and moved for its adoption:

**RESOLUTION #2012-7.2**  
**BOROUGH OF BLOOMINGDALE**  
**EMERGENCY RESOLUTION**  
**N.J.S.A.40A:4-20 (TEMPORARY APPROPRIATIONS)**

WHEREAS, pursuant to N.J.S.A. 40a:4-19 the Borough council of the Borough of Bloomingdale adopted Resolutions to provide temporary funds for the period from January 1, 2012 until the adoption of the Operating Budget for the Borough of Bloomingdale, New Jersey; and

WHEREAS, additional appropriations will be required from July 17, 2012 until the adoption of the budget; and

WHEREAS, N.J.S.A. 40A:4-20 provides that the governing body by two-thirds vote may make temporary emergency appropriations for any purpose for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNCIPAL COUNCIL OF THE BOROUGH OF BLOOMINGDALE, NEW JERSEY, that:

The governing body by a two-thirds vote of its full membership hereby amends its temporary budget by making the following emergency temporary appropriations:

CURRENT FUND

Tax Assessment		Salary & Wages		\$5,000.00

Total			\$5,000.00

WATER AND SEWER UTILITY FUND

Municipal Utility Services	Other Expenses	\$550,000.00
P.E.R.S	Other Expenses	\$10,000.00
Debit Service		
Interest on Notes		\$13,038.00
Principal on Notes		\$10,800.00
Interest on Bonds		\$3,431.00

2. This action shall take effect July 17, 2012.

3. A copy of this resolution shall be immediately filed with the Director of Local Government Services by the Borough Clerk of the Borough of Bloomingdale.

Councilwoman Pituch seconded the motion, and it carried as per the following roll call: Council Members: D'Amato; Pituch; Schiffman; Shortman; Yazdi and Conklin all YES.

**Authorization for Executive Session**

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

**RESOLUTION  
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:
  - A. Attorney/Client Communication – One matter
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.

Councilwoman Pituch seconded the motion, and it carried on voice vote.

(At this time, 7:25 p.m., the Council went into Executive Session)

**RECONVENED**

Council President Schiffman reconvened the meeting at 7:55 p.m. and noted that no action was taken during the Executive Session.

Second and Final Reading and Public Hearing of Ordinance #10-2012

**BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS IN AND BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$450,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$427,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF** was given second and final reading and consideration for adoption at this time.

At this time, the Municipal Clerk read the Public Notice Statement.

Councilman D'Amato moved that the ordinance be read by title; seconded by Councilwoman Pituch and carried on voice vote.

The Municipal Clerk read the ordinance by title.

**ORDINANCE #10-2012  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

**BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS IN AND BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$450,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$427,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Bloomingdale, New Jersey as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$450,000, including the sum of \$23,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$427,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is to provide for road improvements to, but not limited to, Jeffrey Drive, Knolls Road, Raffman Road and Morse Lake Road from Raffman Road to Buena Vista, including all work and materials necessary therefore or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer; provided that no note shall mature later than

one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget of the Borough of Bloomingdale is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$427,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the

Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

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

Councilwoman Shortman moved for the adoption of this ordinance; seconded by councilman Yazdi and carried as per the following roll call; Council Members: Pituch; Schiffman; Shortman; Yazdi; Conklin and D'Amato all YES.

### **ADJOURNMENT**

Since there was no further business to be conducted, Councilwoman Pituch moved to ADJOURN at 7:57 p.m.; seconded by Councilman D'Amato and carried on voice vote.

Jane McCarthy, RMC  
Municipal Clerk