

**WORK SESSION
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

September 4, 2012

Mayor Dunleavy called the meeting to order at 7:02 p.m.

SALUTE TO THE AMERICAN FLAG

Mayor Dunleavy led the Salute to the Flag.

ROLL CALL

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

*Entered later

PUBLIC NOTICE STATEMENT

Mayor Dunleavy 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 4, 2012.

MOTION TO REMOVE MATTERS FROM AGENDA

None at this time.

EARLY PUBLIC COMMENT

Councilman D'Amato moved to open the meeting to Early Public Comment; seconded by Councilman Yazdi and carried on voice vote.

Michael Azzolino, 15 Birch Road, asked about the Avalon Bay program.

Mayor Dunleavy stated that the Governing Body will go into Executive Session this evening to go over the final financial agreement. At the Special Meeting on September 6, 2012, there will be a presentation for the public.

Mr. Azzolino asked if the Mayor and Council were in contact with the Department of Education in regard to the impact on the school.

Councilwoman Shortman stated that she would like to discuss this in Open Session rather than Executive; Mayor stated that this is a matter of negotiations; the public will be apprised of it at the Special Meeting on September 6.

Linda Huntley, 86 Van Dam Avenue, asked if there will be a vote after the Executive Session to which Mayor Dunleavy stated that there will be on Thursday at the Special meeting; not this evening.

Mayor stated that the information was posted on the website; the Governing Body will review the financial agreement I executive session.

Councilwoman Huntley felt the ordinance was not appropriate as she does not believe the criteria applied by the Planning Board was met.

Mayor Dunleavy stated that this has been approved by the Department of Community affairs and the Borough Attorney has concurred.

Linda Huntley stated that the statute states that it cannot be built with private funds and felt is not appropriate.

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

REPORTS FROM THE MAYOR AND COUNCIL

Pequannock River Cleanup

Councilwoman Shortman stated that the cleanup was successful but she was disappointed that we did not use one of our local businesses for the food.

Office Coverage

Councilwoman Shortman discussed fact that she was informed that offices were not open Friday afternoon and did not know anything about it.

Mayor Dunleavy stated that he gave his permission for an early closure due to the holiday.

Water/Sewer Report

Councilwoman Shortman would like the reports for July and August and discussed certifications.

Water/Sewer superintendent will get a list of equipment which is needed.

DEPARTMENT REPORTS

Municipal Clerk

Municipal Clerk stated that the Candlelight Walk will be held on Tuesday, September 11, 2012; lineup in front of Municipal Building at 7 p.m.

Property Maintenance Report

This will be on next agenda for discussion.

PENDING BUSINESS

Proposals from Borough Auditor in regard to audit of LOSAP; Water/Sewer Utility and Merger of Water Department

Discussion followed in regard to three proposals from the Borough Auditor and Mayor noted that the Utility does not have the funds in this year's budget to proceed. Unless we have a certification of funds from the Chief Financial Auditor, we cannot proceed.

Councilwoman Shortman stated the Auditor said we have enough money in the budget to proceed.

Discussion followed in regard to merger of Water Department and Mayor stated that there are costs that won't go away.

At this time, Councilwoman Shortman asked if we can proceed pending certification of funds.

Councilman Schiffman stated that it is difficult when we do not have Mr. Semrau here to ask if this is allowed.

Tracey Wang who is filling in for the Borough Attorney stated you do need the certification of funds.

Mayor stated that the Finance Department is expecting a shortfall in the Utility; we will have the Borough Administrator ask the Chief Financial officer for a certification of funds.

It was noted that an audit of the Utility will prove that we need to raise the rates.

Councilman Yazdi stated that LOSAP is a legal requirement that has to be done each year and felt this should be part of our audit fees.

Councilwoman Shortman will sit with the Chief Finance Officer and Treasurer and look at the numbers.

Mayor stated that he contacted Samuel Klein and they received a price of \$2,000 which is lower; felt we should go out for RFP's for this.

Consensus that we will wait for the certification of funds and if the money is available, we will solicit sealed RFP's.

INTRODUCTION OF NEW BUSINESS

Review of Utility Surplus

Nothing at this time.

Adoption of Resolution #2012-91.: Authorization to apply for DOT Grant/Rafkind Road

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

RESOLUTION 2012-9.1

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR RAFKIND ROAD IMPROVEMENTS - PHASE II

WHEREAS, the Bloomingdale Mayor and Council desire to construct improvements to Rafkind Road, including resurfacing, reconstruction of sidewalks, concrete curb repairs and drainage repairs; and,

WHEREAS, the Bloomingdale Mayor and Council desire to request aid from the State of New Jersey in the amount of \$350,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Bloomingdale Borough, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2013-Bloomingdale Borough-00156 to the New Jersey Department of Transportation on behalf of Bloomingdale Borough.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Bloomingdale Borough and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

Adoption of Resolution #2012-9.1A: Acknowledging Receipt and Review of FY2011 Audit Report and Adopting Corrective Action Plan

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

RESOLUTION #2012-9.1A
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE

Acknowledging Receipt and Review of FY2011 Audit Report
and Adopting Corrective Action Plan

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the fiscal year ended December 31, 2011 has been filed by a Registered Municipal Account with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body of the Borough; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board ("Board") of the State of New Jersey that all members of said governing body have

reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

WHEREAS, the members of the Governing Body of the Borough have personally reviewed as a minimum the Annual Report of Audit for FY2011, and specifically the sections of the Annual Audit entitled “Comments and Recommendations”, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of-certification shall be adopted by said governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of said governing body to the following penalty provisions of N.J.S.A. 52:27BB-52:

R.S. 52:27BB-52: A local officer or member of a local Governing Body who, after a date fixed for compliance, fails to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

and

WHEREAS, the Governing Body further finds and declares that the Chief Financial Officer has prepared a Corrective Action Plan, which is incorporated herein by reference, for the purpose of acting upon and/or implementing the foregoing sections entitled “General Comments” and “Recommendations,” as set forth in the Borough’s Annual Report of Audit for FY2011; and

WHEREAS, all members of the Governing Body have received, reviewed and approved the Corrective Action Plan for purposes of its implementation; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of the Borough of Bloomingdale hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a copy of this resolution and the required affidavit to said Board to show evidence of said compliance; and

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby adopt the Corrective Action Plan for the FY2011 Audit Report, as prepared and recommended by the Chief Financial Officer, and direct the appropriate municipal officials to undertake its immediate implementation.

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

Ordinance to Amend clothing Bin Ordinance

Mayor noted that this will be held as the Borough Attorney wants to research our zoning ordinance further.

Update in regard to HAS Agreement for monitoring Avalon Bay rental units

Borough Attorney has researched the process for monitoring and applying for Affordable Housing Units for the Avalon Bay project and noted that they will be monitored by Community Grants, Planning & Housing and the contract person is Alyssa Marchesi at 609-371-1937. This will be posted on the website for our residents.

Request from Friends of Library to waive Raffle License Fee

Councilwoman Shortman moved to waive the raffle license fee for the Friends of the Library for their upcoming raffle; seconded by Councilman Schiffman and carried on voice vote.

Request from Lake Iosco to use Council Chambers

Councilman Yazdi moved for Lake Iosco to use the Council Chambers on November 17, 2012 at 12 p.m. for their annual Stockholders meeting; seconded by Councilwoman Shortman and carried on voice vote with all Council Members present voting YES.

Acceptance of Resignation of Catherine Hecht as Member of the Planning Board

Councilman Yazdi moved to accept the resignation of Catherine Hecht as a Member of the Planning Board with regret; seconded by Councilwoman Shortman and carried on voice vote with all council Members present voting YES.

Appointment of Craig Ollenschleger as Planning Board member Class IV

Mayor Dunleavy appointed Craig Ollenschleger as Planning Board Class IV member to replace Catherine Hecht for a term expiring 12/31/13.

Mayor noted that hopefully he will fill the Mayor's Representative vacancy at the September 18 meeting.

LATE PUBLIC COMMENT

Councilman Yazdi moved to open the meeting to Late Public Comment; seconded by Councilman Schiffman and carried on voice vote.

Linda Huntley, 86 Van Dam Avenue, stated that in regard to raising the water rates that was brought forward by the Borough Administrator, not the auditor.

Ms. Huntley spoke in regard to the Borough Auditor's contract and noted that he is to audit the Borough; these other items are additional as are with those asked of the Engineer and Attorney.

Mayor Dunleavy disagreed and noted that in the past, the Auditors have done additional items. Noted that we just received a bill for \$5,000 for budget preparation, prior Auditors did not charge for this.

Ron Caputo, 42 Bogue Drive, stated that you do not want to enter into an agreement with Pompton lakes for the Water/Sewer utility because it is not a shared service.

Mayor stated it is a contract services and approximately \$200,000 of costs addressed to the utility now will be absorbed by the Budget and noted that if you were to merge the services, there are three DPW employees who won't go away; difference in payroll will be about \$180,000 which will go into the current operating budget.

Ms. Rafferty, 101 Knolls Road, spoke on behalf of her mother and had questions in regard to the Avalon Bay project; spoke in regard to the density and Agenda 21.

Mayor Dunleavy addressed her questions and noted that these were all addressed during the Planning Board process in 2009.

Geraldine DeLazier, 20 Glenwild Avenue, spoke in regard to the number for the contact person for Avalon Bay units and Mayor Dunleavy gave her the information again and noted it will be on the website also.

In response to Mrs. DeLazier, Mayor Dunleavy stated the PILOT program will be deed restricted. Mrs. DeLazier felt the public needs more time to digest this.

Councilwoman Shortman asked Mr. DellaRipa if the Board of Education has a position on the PILOT program.

Mr. DellaRipa of Pine Tree Road noted he is not authorized to speak on behalf of the Board of Education but noted it has been discussed and they felt it will have not impact; the impression from the Business Administrator is that the Board of Education budget is basically fixed and does not affect what they can do with the budget.

Mike Azzolino, Morse Lakes, asked if there is a crowd here Thursday, would the Governing Body consider moving the meeting to the Walter T. Bergen School; Mayor stated that we will address it at that time.

Richard DuHaime, 23 Hester Street, asked why you would give Avalon Bay a break; when they are not paying their fair share of taxes.

Mayor Dunleavy stated that this will directly benefit the municipality and revenue is an absolute need for the Borough.

Ron Caputo, 42 Bogue Drive, stated that we paid taxes for 43 years and no one has offered us a break; noted that he cannot sell his home due to the taxes.

In answer to Mr. Caputo, mayor Dunleavy stated that this will be discussed in Executive Session as it is a matter of negotiations.

Kurt Kramer, Pine Tree Road, spoke in regard to the PILOT program and what will happen if this is not approved, will the Developer stop; also spoke of a 30 year contract.

Mayor Dunleavy stated we are not under any pressure from the Developer. The deal runs with the land.

Wendy Connolly, Lake Iosco, asked where the PILOT program started and Mayor stated that it was brought forward by the Auditor. Discussion as to the numbers and Councilwoman Shortman stated that they are based on the numbers from the Tax Assessor.

Jack Miller, Reeve Avenue, updated the Governing Body on the flood desnagging and fact that with the heavy rains, we did not have a problem; new pipe on Poplar Street was a good thing.

Discussion followed in regard to the ROSE fund and bond for flood problems. Noted that if the ROSE fund referendum passes, we will have to pay back the flood bond; this will have to be budgeted.

Councilwoman Shortman stated we took 5% for recreation maintenance and we anticipated 75% reimbursement from FEMA.

Blue Acres component could be used to pay for properties.

Mr. Miller stated that the next meeting of the Flood Committee will be September 25.

Since there was no one else who wished to speak, Councilman Yazdi moved that it be closed; seconded by Councilman Conklin and carried on voice vote.

LATE 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. Negotiations – Three matters
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 D’Amato seconded the motion, and it carried on voice vote with all Council Members present voting YES.

(At this time the Mayor and Council went into Executive Session)

RECONVENED

Mayor Dunleavy reconvened the meeting at 12:18 a.m.

ADJOURNMENT

Since there was no further business to be conducted, Councilman D'Amato moved that the meeting be adjourned at 12:15 a.m.; seconded by Councilwoman Shortman and carried on voice vote.

Jane McCarthy, RMC
Municipal Clerk