

February 21, 2012

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

SALUTE TO THE AMERICAN FLAG

Mayor Dunleavy led the Salute to the Flag.

In Attendance: Mayor: Jonathan Dunleavy

Council Members: Mark Conklin
John D'Amato
Jo-Ann Pituch
Glenn Schiffman
Linda Shortman
Ray Yazdi

Professionals Present: Municipal Clerk: Jane McCarthy, RMC
Borough Attorney: Fred Semrau, Esq.
Borough Administrator: Ted Ehrenburg

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 December 13, 2011.

MOTION TO REMOVE MATTERS FROM AGENDA

There were no matters to remove from the agenda

PRESENTATIONS

Recognition of 2012 Passaic County Poster Calendar Contest Winners

At this time, Mayor Dunleavy and the Governing Body recognized the following students of the Samuel R. Donald School for their participation and accomplishments in the 2012 Passaic County Poster Calendar Contest:

Patrick Reyes
Lauren Lippi
Jacob Tolentino

Mayor Dunleavy praised the students for their achievements and for representing the Borough; the presentation was roundly applauded by all those in attendance.

EARLY PUBLIC COMMENT

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

Meredith Mascitello, 43 Bailey Avenue, asked if there would be any report on the State Redevelopment Plan; Mayor Dunleavy noted the Borough Attorney will report on it later in the meeting and if no objection, Mrs. Mascitello could address her comments at that time; there was no objection.

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

REPORTS FROM THE GOVERNING BODY

Passaic County Open Space Grant

Councilwoman Shortman stated that we have been awarded \$30,000 for a focus study for a Riverwalk.

ROSE Fund Meeting

Councilwoman Shortman stated that there will be a meeting of the ROSE Fund Thursday, February 23, 2012, at 7:30 p.m. in the Council Chambers.

Committee Meetings

Councilwoman Shortman would like the Ordinance Committee to meet to go over Chapter II of the Code Book; Councilman Yazdi will discuss a timeframe with her after the break.

League of Municipalities

In response to Councilwoman Shortman, Mayor Dunleavy stated that the Executive Board meets four times a year; there are subcommittees which meeting from time to time; he has brought forth the logging resolution, etc. and will continue to keep the Council advised when necessary.

Economic Development Commission

Mayor noted there will be a meeting on Monday, February 27, 2012 at 7:30 p.m.

PROFESSIONAL REPORTS

Borough Attorney

Appeal filed in regard to Zoning Board of Adjustment Matter

Borough Attorney has reviewed the appeal by Eric and Donna Tuason of the property owned by Michael and Nicole Mahoney, 135 Vreeland Avenue, and has determined that the Governing Body does not have jurisdiction over this appeal and the Planning Board Attorney agrees. There recourse is to go before the Superior Court.

He will ask for a motion when this matter comes up on the agenda.

Borough Administrator

Job Descriptions

In response to Councilwoman Shortman, Borough Administrator stated that at this point there are other items pressing to address and he does not have time to work on this project.

Pending List Items

Borough Administrator met with Councilmen D'Amato and Yazdi and went over their concerns in regard to items on the Pending List; Councilwoman Shortman would like a Finance/Administration meeting to go over some of these items.

Borough Engineer

Borough Administrator stated that the Borough Engineer has indicated the following timeframes for various projects:

[Bloomingdale project schedules are:](#)

1. WT Bergen Lighting-one bid advertise 2/29/12; receive bids 3/22/12
2. Desnagging -advertise 2/29/12; receive bids 3/15/12
3. Vreeland Ave paving, drainage- advertise 3/21/12; receive bids 4/12/12 (this allows NJDOT approval time)
4. Oakwood Lake walks- advertise 3/21/12; receive bids 4/12/12
5. Sloan Park, bridge, gabion walls- submit for NJDEP permits 4/30/12; permit 7/31/12
6. Van Dam sidewalk- submit for NJDEP permits 4/30/12; permit 7/31/12
7. Water tank painting and interconnect repairs- complete plans 5/30/12. advertise 6/1/12; receive bids 7/10/12; start 9/1/12

Councilwoman Shortman stated that she had asked to be placed on the agenda the costs of the electric and drainage

Mayor Dunleavy asked the Borough Administrator to check with Musco to provide costs of annual usage. Noted that they will be metered as at DeLazier, individually, and cost would be approximately \$6,000/year. You can remotely turn them on and off.

CDBG – Sewers on Ryerson Avenue/Henion

Borough Administrator is working on this and noted that Henion will start April 1.

Sanitation Proposal/shared service

Borough Administrator is working on t his.

Trail Grant

Borough Administrator noted the money was already encumbered in 2004 for tidying up the entrance way near the West Milford parking entrance in Bloomingdale. Overhaul of the parking lot, paving, fencing and some drainage.

There is a second grant for trails and we will wait for the County to see if they would do this with us as a joint venture.

DEPARTMENT REPORTS

None at this time.

APPROVAL OF CONSENT AGENDA

Discussion followed in regard to Councilmen Yazdi and D'Amato voting on the meetings at which they were not council members yet. Borough Attorney stated that if they were in attendance at the meeting, they could vote or they certainly could ABSTAIN from those meetings.

Councilman Schiffman moved that the following Consent Agenda be approved:

- A. Approval of Minutes for: Executive and Regular Meeting 12/13/11; Regular Meeting 12/27/11; Special Meeting and Executive 12/30/11; Reorganization 1/3/12; Executive Session 1/24/12; Executive Session 11/22/11; Executive Session 9/27/11
- A. Informational Items List – Month of January 2012

Councilwoman Shortman seconded the motion and it carried as per the following roll call: council members: Conklin, YES; D'Amato, YES with ABSTAINING on minutes prior to

January 1, 2012; Pituch, YES; Schiffman, YES; Shortman, YES and Yazdi, YES with ABSTAINING on minutes prior to January 1, 2012.

PENDING BUSINESS

Update on BASS Contract

At this time, Borough Attorney noted that he has updated the Mayor and Council on the contract with BASS; he reviewed all the prior correspondence. The Borough made a decision to put this contract out to bid; it is not necessary but it is an option. If you put it out to bid and someone bids on it, you are bound to the terms of that bid.

Borough Attorney stated he went through the lease agreement and he came up with a list of items that were not material and also a list of those that would be material and would cost the Borough additional money and were not part of the original proposal.

The options are we would need a resolution if we are going to proceed with the bid or if BASS is going to withdraw and you can consider other options.

BASS cannot come back and say they want to make material changes; the bid is the bid.

Borough Administrator notified the Borough Attorney that BASS moved all the animals and vacated the shelter over the weekend; they never notified anyone. Ellen Ribitzki never notified the Administrator of their intention even though she was with the Borough Administrator on Friday to go over items which the DPW was going to address for BASS.

In response to Councilman D'Amato, Ms. Ribitzki stated there is a Board of Directors for BASS made up of four people.

Borough Attorney stated there were 15 changes; 5 were not material to the bid but 10 changes to the original lease were; he has not even addressed the contract yet. If BASS withdraws their bid, you could negotiate with them or any other organization. If an organization has been in business for at least a year, you do not have to go through the bidding process. Possibly a subcommittee could meet with any organizations that can provide the service including in-house and come back with a recommendation. We will insist that you adhere to the terms of the bid or let you step aside from the bid and we move forward.

Councilman Schiffman opened the meeting to Public Comment on the BASS Contract; seconded by Councilwoman Shortman and carried on voice vote.

At this time, Ellen Ribitzki, Windbeam Avenue in Ringwood, and member of Board of Directors for BASS noted her objections to the contract and fact that the Council did not pay them \$2500/month until the contract was signed and also discussed the 120 days notice in the contract along with other objections. She stated there are no protection against shared services and a new shelter would have to obtain a license, they are grandfathered in.

There was a lengthy discussion in regard to financial status of BASS, their adoption policy and taking in rescue animals, number of animals taken in per year, to which Ellen stated there are 600 or so.

Borough Administrator asked Ms. Ribitzki about a "release form" she has volunteers signed and asked her on the record if she ever stated that it was the Borough of Bloomingdale who mandated the form be signed to which she replied NO, it is BASS policy.

Ms. Ribitzki stated the Board decided on Thursday to vacate the building and she did not notify anyone but has consistently been telling the Borough they are running out of funds and would have to leave.

Borough Administrator stated that the chains were removed from the cages and asked that they be put back on as they are the Borough's property.

In response to Councilwoman Shortman's request they pay BASS \$2500 for January and February, it was noted there is no certification of funds and we are operating on a temporary budget which would have to be amended.

The following people spoke on behalf of BASS:

Sherry Daly	28 Mathews Terrace
Nicholas Salteri	Volunteer at BASS and Lincoln Park Resident who helps bring back rescue animals.
Loretta Van Vorn	62 Reeve Avenue
Janet Molinaro	108 Rafkind Road
Kelly Kasperborn	12 Powderhorn Drive, Kinnelon
Kathy Surlak	567 Summit Avenue, Pompton Lakes

Paul Bastante Red Twig Trail, note he would like to see a spread sheet as he feels tax dollars are being spent towards the rescue animals

Since there was no one else who wished to speak on this subject, Councilman Schiffman moved that it be closed; seconded by Councilwoman Pituch and carried on voice vote.

RECESS

Mayor Dunleavy called for a recess at this time, 10:30 p.m.

RECONVENED

Mayor Dunleavy reconvened the meeting at 10:41 p.m.

Discussion in regard to Goal Setting

Councilman Yazdi stated that we should organize a list of our priorities so that when we put the budget together we can see what we would like to get done and what can't get done; possibly there could be a Special Meeting in regard to Goal Setting.

Councilman D'Amato stated that he and Councilman Yazdi met with the Borough Administrator and went over the pending list and prioritizes their items.

Discussion in regard to Budget Shortfalls/Receipt of Annual Financial Statement

At this time, Mayor Dunleavy noted we are in receipt of the Annual Financial Statement and memo from Chief Financial Officer as to where we stand with the Budget; noted that there is \$4,808 left with the encumbered bills. We are operating on a \$38,385 deficit.

Discussion followed as to Borough Auditors opinion v. Chief Financial Officers' who was in attendance and explained the process and where we are.

Mayor Dunleavy stated that the Council asked to wait until we have the Annual Financial Statement to appoint an Auditor and the appointment of Linda Huntley as a private citizen on the Budget Committee. Councilman Schiffman noted that the appointment of Linda Huntley as a private citizen of the Budget committee is off the table.

Discussion followed re our shortfall and fact that we need to aggressively take action to get in some revenue to support our budget; i.e. shared services, permit fees from Avalon Bay.

Councilman Schiffman noted we are at the end of funding the surplus; the surplus has been used for the last six year; in 2012 we have to start paying back the pension deferment.

Mayor Dunleavy stated that many recommendations were made last year and not followed, i.e. shared service agreements, furloughs.

Mayor stated that the Borough Auditor stated we would have \$400,000 left; we do not and we need to change our Auditor.

Mayor stated that we have a proposal from Chuck Ferraioli for \$7,000 less than our current Auditors proposal of \$35,000; Councilwoman Shortman stated he has agreed to make it \$33,000 but it was noted we do not have anything in writing to that effect.

Adoption of Resolution #2012-2.7: Appointment of Borough Auditor

Councilman D'Amato moved for the appointment of Charles Ferraioli based on his proposal; seconded by Councilman Yazdi and the resolution DID NOT CARRY as per the following roll call: Council Members: D'Amato, YES; Pituch, NO; Schiffman, NO; Shortman, NO; Yazdi, YES and Conklin, NO.

Mayor Dunleavy stated we should be looking at the bottom line here; we have to take the low bidder.

Adoption of Resolution appointing Dieter Lerch as Borough Auditor

Councilwoman Pituch moved for the appointment of Dieter Lerch as Borough Auditor; seconded by Councilwoman Shortman.

Discussion followed as to fact that his proposal was for \$35,000 and we do not have an amended proposal.

Councilman Schiffman moved to TABLE this until March 6, 2012; seconded by Councilwoman Shortman and carried as per the following roll call: Council Members: Pituch, YES; Schiffman, YES; Shortman, YES; Yazdi, NO; Conklin, YES and D'Amato, NO.

It was noted that Linda Huntley will not be on the Budget committee.

Receipt of 2010 Audit Report

Councilwoman Shortman would like this on the next Work session for discussion.

Appointment of Municipal Risk Manager

Mayor Dunleavy stated that the recommendation of the Finance Department would be to hire Vozza Insurance as our Risk Manager.

Adoption of Resolution #2012-2.8: Appointment of Brown and Brown as Municipal Risk Manager

RESOLUTION 2012-2.8

A RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO MUNICIPAL RISK MANAGEMENT AND CONSULTANT, BROWN & BROWN METRO, INC., AND MK INSURANCE BROKERS, LLC

WHEREAS, there exists a need for the Borough of Bloomingdale to retain the professional services of a municipal risk management consultant;

WHEREAS, the Borough wishes to retain Brown & Brown Metro, Inc. and MK Insurance Brokers, LLC, to serve as municipal risk management consultant for the 2012 calendar year; 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 bidding, and the contract itself, must be made available for public inspection.

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

1. The Borough of Bloomingdale hereby awards and authorizes the Mayor and Borough Clerk to execute an agreement with Brown & Brown Metro, Inc. and MK Insurance Brokers, LLC, PO Box 678, 30A Vreeland Road, Florham Park, New Jersey 07932, to provide municipal risk management consulting services to the Borough for the 2012 calendar year, for total compensation estimated to be \$10,000.00 or less.

2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person authorized by law to practice a recognized profession.

3. The total fee authorized for this contract shall not exceed \$10,000.00 without the prior written approval of the Borough Council.

4. Notice of this action shall be published once in the Borough’s official newspaper as required by law.

5. A copy of this resolution shall be provided to Chief Financial Officer Donna M. Mollineaux, and Brown & Brown Metro, Inc. and MK Insurance Brokers, LLC, PO Box 678, 30A Vreeland Road, Florham Park, New Jersey 07932, for their information and guidance.

uncilwoman Pituch offered the following Resolution and moved for its appointment:

Councilwoman Shortman seconded the motion.

Noted hat the fee is the same as Vozza.

The motion carried as per the following roll call: Council Members: Schiffman, YES; Shortman, YES; Yazdi, NO; Conklin, YES; D’Amato, NO and Pituch, YES.

Street Sweeping in Lake Communities

Borough Administrator stated we only heard from one of the lake communities.

Councilman Yazdi moved to approve the street sweeping in the lake communities who request it; seconded by Councilman Conklin and carried as per the following roll call: Council Members: Shortman, ABSTAIN; Yazdi, YES; Conklin, YES; D’Amato, YES, Pituch, YES and Schiffman, ABSTAIN.

Discussion in regard to Archiving

This will be discussed at a future meeting.

Status of Ryerson Avenue Sewer Grant

Borough Administrator is aware of the grant deadline of March 17; sewers are eligible as part of the grant.

Authorization for Mapping of Utility

Noted we have two quotes; \$287,000 is the low quote we will leave this on the pending list until we have confirmation of funds on sewer fees.

NEW BUSINESS

Adoption of Resolution ##2012-2.9: Payment of Bills

Discussion in regard to bill which was a double bill for fuel; it is two separate bills.

Councilmen Yazdi and D'Amato stated that they will ABSTAIN from the bill for payment to their sons for referee payment.

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

**RESOLUTION - #2012 -2.9
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		PREPAID LIST	
CURRENT	2,631,416.19	CURRENT	432,324.63
UTILITY	37,024.50	UTILITY	43,718.45
CAPITAL	76,543.95	UNEMPLOY	460.10
UTILITY CAPITAL	0,000.00	RECYCLING	760.91
TRUST	6,245.00	CAPITAL	000.00
DOG	2,046.14	TRUST	22,697.86
RECREATION	16,073.50	SPEC. ASSESS.	0,000.00
UNEMPLOYMENT	000.00	RECREATION	000.00
ROSE FUND	000.00	UTILITY CAP	000.00
RECYCLING	123.00	DOG	000.00
TOTAL	2,769,472.28	TOTAL	499,961.95

Councilman D'Amato seconded the motion, and it carried as per the following roll call: council Members: Yazdi, YES with Abstaining on bill for his sons referee payment; Conklin< YES; D'Amato, YES with Abstaining on bill for his sons referee payment; Pituch, YES; Schiffman, Yes and Shortman, YES.

Public Hearing on Green Acres Application for Funding for a Track at the Walter T. Bergen School

Councilman Yazdi moved that the meeting be opened to a Public Hearing on the Green Acres Application for funding a track at the Walter t. Bergen School; seconded by councilman Schiffman and carried on voice vote.

Since there was no one who wished to speak under the Public Hearing on this application; Councilman Schiffman moved that the Public Hearing be closed; seconded by councilman Yazdi and carried on voice vote with all Council Members voting YES.

Borough Administrator will submit the Green Acres application for funding of a track at the Walter T. Bergen School.

Discussion in regard to naming a “Woman in History”

Mayor Dunleavy and Councilwoman Pituch have discussed this and agreed as to submission of a name which will be announced at a later date.

Adoption of Resolution #2012-2.10: Expressing appreciation to Andy’s Refrigeration

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

RESOLVED, that the Governing Body of the Borough of Bloomingdale express their appreciation to Andy’s Refrigeration for their community-minded spirit in letting the Borough of Bloomingdale use their building for meetings with residents in regard to the Reevaluation of the Borough.

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

Adoption of Resolution #2012-2.11: Authorization for Execution of a Developer’s Agreement with Avalon Bay

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

**RESOLUTION #2012-2.11
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

***A Resolution of the Borough of Bloomingdale Authorizing Execution of a
Developer’s Agreement Between the Borough of Bloomingdale and AvalonBay
Communities, Inc.***

WHEREAS, a Mount Laurel II lawsuit was filed against the Borough of Bloomingdale encaptioned BLC One, et al. v. Borough of Bloomingdale and Planning Board of Bloomingdale, et al, Docket No. PAS-L-3361-05, and D.R. Horton, Inc. - New Jersey and Bloomingdale Joint Venture, Joint Venture Partners v. Borough of Bloomingdale Planning Board, et al, Docket No. PAS-L-002913-8 (the “Bloomingdale Builder’s Remedy Action”) that resulted in a Court-ordered Builder’s Remedy for a tract of land identified on the Borough’s Tax Map as Block 57, Lot 43 (also known as Lot 43.01) (the “Subject Tract”); and

WHEREAS, by Order entered July 20, 2009, the Honorable Thomas F. Brogan, P.J.S.C. granted a builder’s remedy in the Bloomingdale Builder’s Remedy Action which mandated residential development inclusive of low and moderate income housing; and

WHEREAS, the Subject Tract is located in the IMF, Inclusionary Multi-Family Zone pursuant to Ordinance No. 8-2009 of the Borough of Bloomingdale adopted on August 18, 2009 to comply with the directive of the Court in the above captioned matter; and

WHEREAS, Avalon Bay Communities, Inc. (“AvalonBay”) as the contract purchaser and agent for BLC One, LLC, applied to the Planning Board of the Borough of Bloomingdale and obtained preliminary and final major site plan approval pursuant to Resolution No. 629 adopted by the Bloomingdale Planning Board on November 19, 2009; and

WHEREAS, AvalonBay subsequently applied for and obtained amendment of the approved site plan, which amendment was adopted by the Bloomingdale Planning Board on April 21, 2011 as Resolution No. 629 A; and

WHEREAS, AvalonBay thereafter filed an action encaptioned AvalonBay v. Borough of Bloomingdale, et al., Docket No. PAS-L-2614-11 seeking various relief from specified conditions of development and fees to be paid to the Borough; and

WHEREAS, on January 25, 2012, the Court, the Honorable Thomas F. Brogan, P.J.S.C. presiding, entered a Consent Order and Final Judgment resolving the AvalonBay v. Bloomingdale, Docket No. PAS-L-2614-11, action; and

WHEREAS, a requirement of Resolution Bloomingdale Planning Board Application #629 is for the applicant to enter into a Developer’s Agreement with the Borough of Bloomingdale; and

WHEREAS, the Governing Body of the Borough of Bloomingdale has reviewed the proposed Developer’s Agreement and has considered the recommendation of the Assistant Borough Attorney, Borough Engineer, and Planning Board Attorney that the proposed Developer’s Agreement be approved and executed by the Borough of Bloomingdale:

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED, that the Governing Body of the Borough of Bloomingdale does hereby approve the Developer’s Agreement submitted to it and does hereby authorize Mayor Jonathan Dunleavy to execute the Developer’s Agreement on behalf of the Borough of Bloomingdale.

Councilman Yazdi seconded the motion.

Borough Attorney stated that there is a provision in the agreement that the notices be served to the Borough Attorney and asked that it be changed to Municipal Clerk.

He also stated that he will record the agreement.

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

Adoption of Resolution #2012-2.12: authorization for 2012 Professional Land Surveying Services with DMC Associates, Inc.

Councilwoman Shortman offered the following Resolution and moved for it s adoption:

RESOLVED, that approval is given to DMC Associates, Inc. Land Surveyors of 211 Main Street, Butler, NJ, for a professional services agreement in the amount of \$4,000 for 2012 Professional Land Surveying Services – Tax Maintenance.

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

Appeal of Tuason in regard to Bulk Variance for 135 Vreeland Avenue

Councilman D’Amato moved to **DENY** the request for a hearing for the appeal by Mr. & Mrs. Tuason for the bulk variance at 135 Vreeland Avenue and authorization for the Borough Attorney to send a letter informing them of such; seconded by Councilman Schiffman and carried as per the following roll call; Council Members: Pituch, YES; Schiffman, ABSTAIN; Shortman, YES; Yazdi, YES Conklin, YES and D’Amato, YES.

INTRODUCTION OF NON-AGENDA ITEMS

Borough Administrator stated that Rocco DiGregorio who is filling in for the DPW Superintendent while he is out is working on a list of equipment needed for pesticide spraying when the borough takes over that task.

LATE PUBLIC COMMENT

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

Carlo LeDuc, 81 Star lake Road, spoke in regard to the Council's decision not to appoint an Auditor whose fee is less than our current one and asked them to reconsider their decision and not make it a political one but one that is good for the borough.

Wendy Connolly, Lake Iosco, asked if the discussion in regard to the Audit could have been first on the agenda rather than BASS as many people left as to the time and may have wanted to discuss the audit.

Ms. Connolly also discussed not having looked at the BASS financial statements before a contract was awarded and also expressed her dissatisfaction as the reevaluation process and the knowledge of the people at Appraisal Systems.

Meredith Mascitello, 42 Bailey Avenue, expressed her displeasure as the Council not being fiscally conservative.

Discussion in regard to "Nightmare on Bailey Avenue" and comment was made that Councilman Yazdi had his lawn paid for due to damage caused by activity.

Mrs. Mascitello resented the comment by Councilwoman Pituch as "Nightmare on Bailey Avenue" being a lawn party on Mr. Yazdi's lawn and gave a history as to how this event started and eventually taken over as a Recreation program.

Mr. Yazdi stated that his lawn was reseeded after the project was taken over by Recreation and damage had occurred.

Mr. Basante reiterated the sentiments.

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

Adoption of resolution #2012-2.13: Authorization for Executive Session

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

**RESOLUTION #2012-2.13
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 – 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.

Councilman Schiffman seconded the motion, and it carried on voice vote.

RECONVENED

Mayor Dunleavy reconvened the meeting at 12:50 a.m.

ADJOURNMENT

Since there was no further business to be conducted, Councilman Schiffman moved to **ADJOURN** the meeting at 12:50 a.m.; seconded by Councilman Yazdi and carried on voice vote.

Jane McCarthy, RMC
Municipal Clerk