

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

April 10, 2012

Mayor Dunleavy called the meeting to order at 7:05 p.m.

**SALUTE TO THE AMERICAN FLAG**

Mayor Dunleavy led the Salute to the Flag.

**ROLL CALL**

**ROLL CALL**

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

**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.

## **PRESENTATIONS**

### **Presentation to Bruce Conklin for his service on the Planning Board**

At this time, the Mayor and Council and former Mayors Steenstra, Ollenschleger, DuHaime and Planning Board Chairman Gunderson recognized the years of service of Bruce Conklin as a Members of the Zoning and Planning Boards.

Mayor Dunleavy thanked Mr. Conklin for his unselfish service to the citizens of the community and the presentation was roundly applauded by all those in attendance.

(Councilman Conklin entered at this time, 7:21 p.m.)

### **Presentation to Anne DuHaime as to her recent honor by the Passaic County Freeholders**

At this time, Mayor Dunleavy offered the following Proclamation to former Mayor Anne DuHaime:

## **PROCLAMATION OF THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE**

WHEREAS, the month of March has been designated as “National Women’s History Month”, and in recognition of the outstanding achievements and contributions made by many exceptional women over the years, former Mayor and Councilwoman Anne DuHaime of the Borough of Bloomingdale was recognized by the Passaic County Board of Chosen Freeholders for her outstanding contributions and achievements; and

WHEREAS, Anne DuHaime served as Mayor of the Borough of Bloomingdale from November 14, 1993 through December 31, 1998, and as a Councilwoman from January 1, 1991 through November 4, 1993; and

WHEREAS, Anne DuHaime founded the BASS Animal Shelter and co-founded and served as President of the Tri-Boro Animal Welfare and is an active support of animal rights; and

WHEREAS, Anne DuHaime leads her life as an example of how one can “give back to the community” through volunteerism through her efforts as visiting the elderly and sick at the Bloomingdale Health Center and her Eucharistic Ministry at St. Anthony’s Church and her political service;

NOW THEREFORE BE IT PROCLAIMED by the Governing Body of the Borough of Bloomingdale that we recognize and Anne DuHaime for her service to the community and her

unselfish commitment to the Borough and its residents and thank her on behalf of the Borough and its citizens.

Mayor Dunleavy thanked Anne DuHaime for her service to the community and noted that when she was Mayor of Bloomingdale, she always went out of her way to recognize volunteers.

### **EARLY PUBLIC COMMENT**

Councilwoman Shortman moved to open the meeting to Early Public Comment; seconded by Councilman Dunleavy and carried on voice vote with all council members present voting YES.

Carolyn Bross, 87 Wood Place, spoke in regard to the vote take at the last meeting on banning of cell phones where Councilman Schiffman tried to abstain and he was stopped from abstaining and asked to vote.

Mrs. Bross stated that the State legislature is questioning the use of cell phones at meetings; doesn't the public deserve your full attention; you cannot avoid the appearance of impropriety. Noted that she would hope the Mayor and Council would revote on this.

Councilwoman Shortman asked Mrs. Bross if she put information on a blog in the lake community about her texting on the dais; Mrs. Bross denied she did so.

Since there was no one else who wished to speak under Early Public Comment, Councilwoman Shortman moved that it be closed; seconded by Councilman D'Amato and carried on voice vote with all Council Members present voting YES.

### **REPORTS FROM THE MAYOR AND COUNCIL**

#### **Public Events**

Councilwoman Shortman reported on the Easter Egg Hunt which had a wonderful turnout and congratulated Recreation Director Gail Galbraith for a good job.

#### **Ordinance Committee**

Councilwoman Shortman stated they had a brief meeting and reviewed Chapter II/Borough Administrator section of the Code Book. They have gotten some comments back and they would like to add a component on education.

#### **Ladies Auxiliary/Fire Department**

Councilwoman Shortman noted that the Ladies Auxiliary will host a craft fair on the 21<sup>st</sup>.

#### **Budget Committee**

Councilman Yazdi stated that the Committee went through all of the revenues and met with most of the Departments. The information was given to the Finance Department today and we will be introducing the budget at the April 24, 2012 meeting.

### **Mayor's Report**

#### **Rafkind Road**

Mayor stated that we received a grant in the amount of \$200,000 for the resurfacing of Rafkind Road; this will be a phase in project.

#### **Health Benefits**

Mayor stated that he received a memo from the state and due to a bi-partisan health benefit reform.

#### **Little League Parade**

Mayor stated that the Little League parade will be this Saturday and start at 9:30 a.m.

#### **Avalon Bay**

Mayor Dunleavy stated that at the last meeting the Governing Body had a discussion in regard to Avalon Bay as to a different tax structure pilot program. He would like to have a formal resolution to authorize the Planning Board to do a preliminary study to see if this concept can be done; they would have to adopt a redevelopment zone.

#### **Adoption of Resolution #2012-4.1: Authorization for Planning Board to begin a preliminary study**

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

**RESOLUTION #2012-4.1  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

**A RESOLUTION OF THE BOROUGH OF BLOOMINGDALE TO  
REQUESTING PLANNING BOARD TO DO A PRELIMINARY  
STUDY**

BE IT RESOLVED, that the Governing Body of the Borough of Bloomingdale request the Bloomingdale Planning Board to begin a preliminary study on the pilot program on a redevelopment zone on Union Avenue, including Avalon Bay.

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

## **DEPARTMENT REPORTS**

### **Municipal Clerk**

Municipal Clerk stated that her report on her attendance at the NJ Municipal Clerks Conference is in the Council books.

### **Borough Administrator**

#### ***Replacement of Chief Financial Officer***

In response to status of search for Chief Financial Officer, Borough Administrator stated that he needs to know if this is a full time or part time position and consensus that it will be part time; he will advertise the position in the League magazine.

## **PENDING BUSINESS**

### ***Webmaster***

Discussion in regard to the webmaster will be moved to Executive Session.

#### ***Discussion in regard to cell phones***

Councilwoman Shortman stated that at the last meeting it was stated that some of the Council Members were inappropriately texting on the dais and noted she felt that this should have been discussed amongst themselves rather than that evening a resolution presented to ban cell phones and other devices.

In response to Councilwoman Shortman, Councilman D'Amato noted he witnessed her getting a text from Linda Huntley at a meeting and confirmed that Councilwoman Shortman did not answer the text.

Councilman D'Amato stated that our Auditor was texting while her and did our former Borough Attorney.

Councilwoman Shortman stated she did get a text from Linda Huntley that evening as she wanted to know if public comment was still going on in regard to the BASS issue.

Councilwoman Shortman felt the issue should have been handled internally and not publically.

Councilman Conklin also expressed his concern that a statement was made that Council Members are texting and that lumps everyone together and noted he does not even bring his phone into the meeting.

### **Status of Goal Setting**

Mayor stated that we keep this on the pending list as to current items which come up.

### **“Going Paperless”**

Councilman Yazdi noted that he would like to pursue stopping some of the paperwork that we get and scan in the paper rather than copying it; like in future to have laptops for Council and a smart board.

### **Partnership with Board of Education**

Councilman Yazdi stated he would like to have a partnership with the Board of Education and pass a resolution urging the Board of Education to reconsider spending \$750,000 in restoration of the Samuel R. Donald School and do a study as to the true savings of building on the Martha B. Day school.

Councilwoman Shortman agreed but noted a study was already done and a referendum was done ten years ago; suggested that she and Councilman Yazdi sit down with the Board of Education Administrator and educate themselves before a resolution is passed.

Councilman Yazdi has spoken with him and his view is they have gone through the budget and are ready to go forward unless the Board of Education asks them to go through this study; there isn't any money for an engineer.

Councilwoman Pituch stated that the Board of Education did do an extensive study and asked Mr. Yazdi if he attended a Board of Education meeting to address this; he noted he hadn't but he would and stated he has spoke with Board of Education members who are supportive of this.

### **Adoption of Resolution #2012-4.2: Partnering with Board of Education**

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

**RESOLUTION #2012-4.2  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***A RESOLUTION OF THE BOROUGH OF BLOOMINGDALE TO  
SEEK A PARTNERSHIP WITH THE BOARD OF EDUCATION TO***

***CONSIDER CONSOLIDATION AND AN OVERALL ENHANCEMENT OF  
EDUCATIONAL FACILITIES FOR THE BOROUGH OF BLOOMINGDALE***

**WHEREAS**, the Borough of Bloomingdale has two elementary schools within the district which provide education to the children of the Borough of Bloomingdale; and

**WHEREAS**, in an effort to consider cost savings to the taxpayers of the Borough and enhancements to the educational facilities for the children of the municipality, the Mayor and Council of the Borough hereby recommend and are willing to work with the Board of Education to evaluate the benefits of a consolidation of the Borough's two elementary schools!; and

**WHEREAS**, the Mayor and Council would like to evaluate the benefits of such a consolidation as well as the costs to maintain and educate the students in one facility; and

**WHEREAS**, such an evaluation would explore the savings on utility costs, maintenance, staffing as well as the availability of additional financial resources that will be available by way of the sale and disposition of a school facility; and

**WHEREAS**, the Mayor and Council hereby request that the Bloomingdale Board of Education join in the establishment of a Sub-Committee of the governing body to meet, work and evaluate the consolidation of Board of Education facilities as it may be of great benefit to the residents and the children of the Borough of Bloomingdale.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Bloomingdale, County of Passaic and State of New Jersey, that the governing body hereby requests that prior to the Board of Education taking any action relating to its facilities, a joint Sub-Committee of the Borough of Bloomingdale Board of Education and the Mayor and Council meet, discuss and evaluate a proposed consolidation of the Borough's elementary school facilities.

**BE IT FURTHER RESOLVED** that the joint effort to evaluate said consolidation is to provide for significant cost, maintenance and operation savings as well as the enhancement of the overall educational facilities for residents of the Borough.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution shall be forwarded to the Borough of Bloomingdale Board of Education as it is requested that the Board consider participating in this joint effort and proposal of the Mayor and Council.

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

**Road Resurfacing, Contracts, Shared Services**

Councilwoman Shortman stated that she is hopeful we will get the budget done and address the condition of the roads in the Borough; want to pursue the shared services and like to start with the contract negotiations.

In regard to Councilman Yazdi's request for an analysis of "going paperless" this will be on the next agenda.

**Notice of receipt of lawsuit filed by Tuason of Planning Board decision**

Councilwoman Shortman moved that Planning Board Attorney Anthony Sartori be authorized to represent the Borough in the lawsuit filed by Tuason; seconded by Councilman D'Amato and carried as per the following roll call: council Members: D'Amato; Pituch; Shortman; Yazdi and Conklin all YES. ABSENT: Councilman Schiffman (Excused)

**Blue Acres Project/ROSE FUND**

Noted memorandum dated April 5, 2012 from the Borough Attorney; this will be discussed at the next meeting.

**RECESS**

Mayor Dunleavy recessed the meeting at this time.

**RECONVENED**

Mayor Dunleavy reconvened the meeting at 8:34 p.m.

**INTRODUCTION OF NEW BUSINESS**

**Report on bids for Walter T. Bergen Field Lighting Project**

Councilman Yazdi moved to award the bids for the Walter T. Bergen Field Lighting Project



Discussion followed in regard to reviewing the bids and fact that some members of the Council wanted to review the bids and wanted to discuss drainage issues.

Councilwoman Shortman stated she wanted to know how much was coming out of the ROSE fund and felt drainage should be addressed first as did Councilwoman Pituch.

It was noted that this was put on referendum and voted by the voters to do the lights; drainage was not in the referendum.

Noted that the contract has to be awarded within 60 days.

Councilwoman Shortman wants to hold this until April 24 meeting.

Councilman Yazdi withdrew his motion.

Councilman Conklin moved to table this until the April 24, 2012 meeting; seconded by Councilwoman Shortman and carried as per the following roll call: council Members: Pituch, YES; Shortman, YES; Yazdi, YES; Conklin, YES and D'Amato, NO. ABSENT: Councilman Schiffman (Excused)

**Adoption of Resolution #2012-4.3: Award of Turf Program and Sports Field Maintenance**

Discussion followed in regard to fact that our DPW were supposed to have two men licensed to do the spraying of the fields and Councilwoman Pituch asked why are we bidding this.

Discussion followed as to whether or not the two men have been licensed and it was noted that they were informed that they could not spray around schools. Councilwoman Pituch noted that she outlined all the courses they were to take and IPM was one of them and asked what happened.

Borough Administrator stated that they have said they are not yet certified; we have not invested in equipment, etc.

Discussion followed.

Mayor stated that he would like to award the Field Maintenance part of the bid in the amount of \$12,900 and he will find out the status of the DPW employees and their certifications.

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

**RESOLUTION #2012-4.3**  
**OF THE BOROUGH OF BLOOMINGDALE**

*Authorizing Award of Contract for  
Sports Field Maintenance*

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that a Notice to Bidders for the Award of a contract for Turf Program and Sports Field Maintenance was advertised on March 26, 2012, in accordance with the Local Public Contracts Law; and

**WHEREAS**, the Governing Body further finds and declares that one (1) bid was received, opened and read on Thursday, April 5, 2012; and

**WHEREAS**, the Governing Body further finds and declares that the Borough Administrator reviewed the submitted bid proposals and recommended that said contract be awarded to the bidder, Tristate Athletic Field Services & Supplies, Inc., 145 N. Franklin Turnpike, Ramsey, NJ in the amount of \$12,900; and

**WHEREAS**, the Governing Body wishes to award a contract to Tristate Athletic Field Services & Supplies, Inc. in accordance with the Borough’s bid specifications for a total bid price of \$12,900; and

**WHEREAS**, the Chief Financial Officer of the Borough has certified that sufficient funds are available for this purpose.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Bloomingdale, in the County of Passaic and State of New Jersey, that a contract for the Sports Field Maintenance be awarded to the lowest qualified bidder, Tristate Athletic Field Services & Supplies, Inc., 145 N. Franklin Turnpike, Ramsey, NJ in the amount of \$12,900; and

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby authorized and directed to execute a contract with Tristate Athletic Field Services & Supplies, Inc. in accordance with its bid proposal and the bid specifications, for the total contract price of \$12,900.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

Councilman D’Amato seconded the motion, and it carried as per the following roll call: Council members: Yazdi, YES; Conklin, YES; D’Amato, YES; Pituch, NO and Shortman, NO.

**Authorization to purchase batting cage from BSN Sports**

Mayor stated that this was the cage that was damaged in the storm; FEMA will reimburse 75%.

Councilman D’Amato moved to approve the purchase of a batting cage from BSN Sports in the amount of \$3,500; seconded by Councilman Yazdi and carried as per the following roll call: Council Members: Yazdi; Conklin; D’Amato; Pituch and Shortman all YES. ABSENT: Councilman Schiffman (Excused)

**Authorization of a bull pen fencing from Bowman Fence**

Councilman D'Amato moved to approve the purchase of bull pen fence from Bowman Fence in the amount of \$4,000; seconded by Councilman Yazdi and carried as per the following roll call: Council Members: Conklin; D'Amato; Pituch; Shortman and Yazdi all YES. ABSENT: Councilman Schiffman (Excused)

**Authorization of contract award to John's Lawn Service**

Discussion in regard to having DPW cut the lawns; Mayor stated we do not have the equipment or the manpower.

Councilwoman Shortman stated that we have been asking for a list of equipment need to do this work and felt it is time for our DPW to start doing this work. Noted a committee could look at this and bring it back to the mayor and Council.

Councilman Conklin moved that we have John's Lawn Service work for one month and come back and review it; seconded by Councilwoman Pituch.

Councilwoman Shortman expressed concern using the ROSE fund monies.

(Borough Attorney Fred Semrau entered at this time)

Consensus that this will be reviewed as to having our DPW do this and will be on the next agenda.

The motion carried as per the following roll call: council members: D'Amato; Pituch; Shortman; Yazdi and Conklin all YES. ABSENT: Councilman Schiffman (Excused)

**Authorization to close Hamburg Turnpike for Memorial Day Parade**

Councilman Yazdi moved that authorization be given to close Hamburg Turnpike on May 28, 2012 for the Memorial Day Parade; seconded by Councilwoman Shortman and carried on voice vote with all Council Members present voting YES.

**Authorization to waive permit fee for Ladies Auxiliary flower fundraiser**

Councilman Yazdi moved to waive the \$500 permit fee for the Ladies Auxiliary annual flower sale fundraiser; seconded by Councilman D'Amato and carried on voice vote with all Council Members present voting YES.

**Appointment of Lauren Grecco as Municipal Alliance Member**

Councilman Yazdi moved for the appointment of Lauren Grecco as the Board of Education Member on Municipal Alliance; seconded by Councilwoman Shortman and carried on voice vote with all council Members present voting YES.

**Adoption of Resolution #2012-4.4: Amending Temporary Budget**

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

**RESOLUTION #2012-4.4  
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 April 10, 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 MUNICIPAL COUNCIL OF THE BOROUGH OF BLOOMINGDALE, NEW JERSEY, that:

1. 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

General Administration	Salary & Wages		\$15,000.00
General Administration	Other Expenses		\$3,000.00
Mayor & Council	Salary & Wages		\$2,750.00
Mayor & Council	Other Expenses		\$1,500.00
Municipal Clerk	Salary & Wages		\$12,000.00
Municipal Clerk	Other Expenses		\$2,000.00
Finance	Salary & Wages		\$14,000.00
Finance	Other Expenses		\$1,000.00
Tax Collection	Salary & Wages		\$5,000.00
Tax Collection	Other Expenses		\$2,000.00
Tax Assessment	Salary & Wages		\$3,000.00
Tax Assessment	Other Expenses		\$2,000.00
Engineering	Other Expenses		\$3,000.00
Legal Services	Salary & Wages		\$16,000.00
Legal Services	Other Expenses		\$5,000.00
Planning Board	Salary & Wages		\$2,000.00
Planning Board	Other Expenses		\$9,000.00
Uniform Construction Code	Other Expenses		\$10,000.00
Property Main.	Salary & Wages		\$5,000.00
Police	Salary & Wages		\$100,000.00

Police Dispatchers	Salary & Wages		\$10,000.00
Fire Dept	Other Expenses		\$10,000.00
Fire Prevention	Salary & Wages		\$1,200.00
Fire Prevention	Other Expenses		\$3,000.00
Roads	Salary & Wages		\$100,000.00
Roads	Other Expenses		\$25,000.00
Sanitation	Salary & Wages		\$80,000.00
Sanitation	Other Expenses		\$8,000.00
Recreation	Salary & Wages		\$3,000.00
Recreation	Other Expenses		\$6,000.00
Celebration of Public Events	Other Expenses		\$3,000.00
Senior Citizens	Salary & Wages		\$2,000.00
Gasoline	Other Expenses		\$30,000.00
Electric	Other Expenses		\$20,000.00
Natural Gas	Other Expenses		\$3,000.00
Phone	Other Expenses		\$4,000.00
Social Security	Other Expenses		\$50,000.00
Municipal Court	Salary & Wages		\$5,000.00
Municipal Court	Other Expenses		\$1,000.00
Interlocal Construction	Salary & Wages		\$80,000.00
Interlocal Construction	Salary & Wages		\$92,167.00
Library	Other Expenses		\$90,000.00
PERS	Other Expenses		290,830.00
PFRS	Other Expenses		\$397,580.00
TOTAL			\$1,528,027.00

WATER AND SEWER UTILITY FUND

Municipal Utility Services	Salary & Wages		\$25,000.00
Municipal Utility Services	Other Expenses		\$500,000.00
Capital Outlay	Other Expenses		\$15,000.00
PERS	Other Expenses		\$15,000.00
Total			\$555,000.00
Total			

2. This action shall take effect April 10, 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.

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

**Introduction of Ordinance #4-2012: Amending Fees Charged for Municipal Services**

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, TO AMEND CHAPTER II, ADMINISTRATION, ARTICLE VIII, POLICIES AND PROCEDURES, SECTION 2-80, FEES CHARGED FOR MUNICIPAL SERVICES, OF "THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BLOOMINGDALE, 2000"*** was introduced by title by Councilman Yazdi who moved that second and final reading and public hearing be held on April 24, 2012 at 7:30 p.m.

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

**Adoption of Ordinance #3-2012: Animal Control Fees**

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 5, ANIMAL CONTROL, SECTION 5-14, FEES, OF "THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BLOOMINGDALE, 2000"*** was given second and final reading and consideration for adoption at this time.

The Municipal Clerk read the public notice statement.

Councilman Yazdi moved that the ordinance be read by title:

**ORDINANCE 3-2012  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 5, ANIMAL CONTROL, SECTION 5-14, FEES, OF "THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BLOOMINGDALE, 2000"***

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

**SECTION 1.** Chapter 5, Animal Control, Section 5-14, Fees, of “The Revised General Ordinances of the Borough of Bloomingdale, 2000” is hereby amended to read in its entirety as follows:

**“5-14 FEES.**

The following fees shall be paid to the Borough in compliance with this chapter:

- a. *License and Registration Tag, Annual.*
  1. Dogs.
    - (a) Neutered: twelve (\$12.00) dollars.
    - (b) All others: fifteen (\$15.00) dollars.
  2. Cats.
    - (a) Neutered: five (\$5.00) dollars.
    - (b) All others: eight (\$8.00) dollars.
  3. Late charge for dog or cat license and registration tag, effective March 1: ten (\$10.00) dollars.
  4. Replacement dog or cat license and registration tag: five (\$5.00) dollars.
- b. *Surrender fees:* fifty (\$50.00) dollars per animal.
- c. *Kennel License, Annual.*
  1. Ten (10) or fewer dogs: ten (\$10.00) dollars.
  2. Greater than ten (10) dogs: twenty-five (\$25.00) dollars.
- d. *Pet shop, annual:* ten (\$10.00) dollars.
- e. *Potentially dangerous dog license and registration tag, annually:* two hundred fifty (\$250.00) dollars.
- f. *Quarantines:* ten (\$10.00) dollars a day up to a total of one hundred (\$100.00) dollars.
- g. *Reclaim fee:* thirty (\$30.00) for the first day plus an additional five dollars (\$5.00) per day for every day thereafter.

- h. *Adoption* fees vary based on the individual animal and will range from fifty (\$50.00) dollars to two hundred fifty (\$250.00) dollars.
- i. *Disposal of Dead Domesticated Animals.*
  - 1. Less than 30 lbs: fifty (\$50.00) dollars.
  - 2. Between 30 lbs and 50 lbs: seventy-five (\$75.00) dollars.
  - 3. Over 50 lbs: one hundred (\$100.00) dollars.
- j. *Removal of dead animals* (other than domestic) on private property: twenty-five (\$25.00) dollars.
- k. *Euthanasia* of quarantined pets and, in special circumstances owner released pets:
  - 1. Pets weighing forty-nine (49) pounds and under; disposal fees plus thirty-five (\$35.00) dollars.
  - 2. Pets weighing over forty-nine (49) pounds; disposal fees plus fifty (\$50.00) dollars.”

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

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

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

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

Councilman Yazdi opened the meeting to a Public Hearing on this ordinance; seconded by Councilwoman Shortman and carried on voice vote with all council Members present voting YES.

Since there was no one who wished to speak under the Public Hearing, Councilman Yazdi moved that it be closed; seconded by Councilwoman Shortman and carried on voice vote with all council Members present voting YES.



Councilman Yazdi moved for the adoption of this ordinance; seconded by Councilman D'Amato and the motion carried as per the following roll call: Council Members: Yazdi; Conklin; D'Amato; Pituch and Shortman all YES. ABSENT: Councilman Schiffman (Excused)

### **RECESS**

Mayor Dunleavy recessed the meeting at this time.

### **RECONVENED**

Mayor Dunleavy reconvened the meeting at 9:44 p.m.

### **Pesticide Licenses**

Mayor Dunleavy stated that he spoke to the DPW Superintendent and the two DPW workers took all three recommended courses; there is a change in the regulations. They failed their test and they cannot take it again until June.

Discussion followed and Councilwoman Pituch would like all the dates they took the classes; costs involved, etc. by the next meeting. The Turf program will be put on the next agenda.

Mayor stated that it is imperative that we have exact dates and real costs to properly fertilize the fields.

### **LATE PUBLIC COMMENT**

Councilman Yazdi opened the meeting to Late Public Comment; seconded by Councilman D'Amato and carried on voice vote with all Council Members present voting YES.

Wendy Connolly, Lake Iosco, suggested that you rent a simplicity lawnmower and have someone do the fields.

Borough Administrator stated that it isn't just simply mowing the fields, bottles and cans have to be picked up also. Ms. Connolly stated maybe the kids can pick up the bottles and cans.

Linda Huntley, 86 Van Dam Avenue, stated that the bond ordinance for the lights is ten years.

Ms. Huntley stated that the Mayor is in violation of the ethics lawn as John Ball is his client and he should not discuss anything in regard to this contract; he should step off the dais.

Mayor stated that he does not vote on it and noted that it is his statutory duty to executive contracts and stated example of the borough Auditor contract which he did not want to sign and Borough Attorney stated he had to.

Borough Attorney stated that he did have a lengthy conversation with the mayor and any conflicts which he may have; he disclosed all of them to him and I ask any other member to do the same. I have not seen anything out of line.

In regard to the bond and changing the use from 10 years to 20, you would have to get advice from the bond counsel in regard to this.

Since there was no one else who wished to speak under Late Public Comment, councilman Yazdi moved that it be closed; seconded by Councilman D'Amato and carried on voice vote with all Council Members present voting YES.

### **LATE EXECUTIVE SESSION**

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

#### **RESOLUTION #2012- 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. Potential Litigation – One matter
  - B. 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, 10:28 p.m., the Mayor and Council went into Executive Session)**

**RECONVENED**

Mayor Dunleavy reconvened the meeting at 10:28 p.m.

**ADJOURNMENT**

Since there was no further business to be conducted, Councilwoman Shortman moved that the meeting be adjourned at 10:28 p.m.; seconded by Councilman D'Amato and carried on voice vote.

Jane McCarthy, RMC  
Municipal Clerk

***FINAL – APRIL 23, 2012***