

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

June 12, 2012

Mayor Dunleavy called the meeting to order at 7:13 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 President:	Glenn Schiffman
	Council Members:	Mark Conklin John D'Amato Jo-Ann Pituch Linda Shortman Ray Yazdi
<i>Professionals Present:</i>	Municipal Clerk:	Jane McCarthy
	Borough Administrator:	Ted Ehrenburg
	Borough Attorney:	Michael Augello, Jr., Esq.

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.

RECOGNITION OF "KIDS WHO CARE" PROGRAM

At this time, the Mayor and Council recognized the Kids Who Care participants who volunteered their time to help out during the year with Public Events, etc.

The Mayor spoke in regard to involvement in the community and present Certificates of Appreciation to each participant.

PRESENTATION BY POLICE CHIEF AS TO POLICE ACCREDITATION PROGRAM

At this time, Police Chief Joseph Borell was in attendance to discuss the opportunity for a grant from the Morris County JIF for a police accreditation program. Noted that an outside agency will come in and review everything; there are 145 standards that have to be met. The Agency is the Chiefs Association and the Rogers Group.

Police Chief noted that the benefit is that it will save the Borough on their insurance surcharge and will help professionalize the Department. This has to be done within a two year timeframe; it is very community oriented. Police Chief felt that they could accomplish this within a year.

Noted that the training is done onsite.

Councilman Schiffman moved to open Public Comment on this grant opportunity; seconded by Councilman D'Amato and carried on voice vote.

Since there was n one who wished to speak in regard to this grant opportunity, Councilman Schiffman moved to close the Public Comment; seconded by Councilwoman Pituch and carried on voice vote.

Authorization to approve Grant Agreement with Morris County Joint Insurance Fund :

Councilman Schiffman moved that authorization be given to enter into a Grant Agreement between the Morris County Joint Insurance Fund and the Borough of Bloomingdale for services, training, advice and guidance in order to position the Police Department to obtain the accreditation from the NJ State Associations of Chiefs of Police; seconded by Councilwoman Shortman and carried as per the following roll call: Council members: Conklin; D'Amato; Pituch; Schiffman; Shortman and Yazdi all YES.

MOTION TO REMOVE MATTERS FROM AGENDA

Councilwoman Shortman stated that she would like to discuss Pending Business, Item 13A: Street Sweeping with the Borough of Riverdale and Mayor Dunleavy stated that she could do that when we get to that item on the agenda.

EARLY PUBLIC COMMENT

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

Lori Weinbrock, 45 Highland Road, expressed her concern with putting a recycling yard behind the Senior Citizens Building and noted that last year; they were told this was not going to happen.

Mayor Dunleavy stated that the reason it is back on the table is because the Borough is out of money and we are currently \$600,000 over the 2% CAP. It is our job to seek any potential revenues sources we can; the theory is revenue driven.

Noted that the DPW yard does not have enough room and there is a safety issue; Senior Center lot is already paved and owned by the Borough; 39 parking spaces remain; that parking lot is underutilized. We can offset \$6,200 in revenue.

Mayor stated that he supports the revenue; access would be off Second Street. DPW Superintendent is the Recycling Coordinator and it would be open six days a week; the initial startup cost is about \$21,000; no fee for the dumpsters.

Mrs. Weinbrock expressed concern in regard to odor and felt there is a lot of undeveloped property at the DPW; Mayor stated that most of the property is in the wetlands and it is a high traffic area.

Sonja Brennan, 6 Heather Lane, read an email from Tina Califano, 147 Pine Tree Road, objecting to the site and felt it is a health hazard and felt it should go on a referendum.

Mrs. Brennan expressed her concern in regard to the recycling center being so close to the Senior Center and the garden area.

Mayor stated that this is an industrial zone; there will be no access to the yard from the Senior Center parking lots.

In regard to odor, Councilman D'Amato stated that he visited the West Milford center and there was no odor at all.

Herb Califano, 147 Pine Tree Road, expressed concern with the number of cars going in and out and the profit to be made. Expressed concern with the Class I Trout Stream and felt the location is wrong.

Brian Spellmon, 103 Natalie Court, asked if this affects curbside pickup and it was noted that it does not.

Geraldine Delazier, 20 Glenwild Avenue, noted that she is not in support of the recycling center on this site; felt we should go to clear bags for recycling. Noted that the Ordinance Review committee did consider this and felt it may be time to bring this forth.

Jack Miller, Reeve Avenue, spoke in regard to pending projects and reported on the Flood Committee. The contractor for the desnagging project will commence on July 9; he will also replace pipe on Poplar Street.

Mr. Miller stated that the DEP is very receptive to what we are doing with Sloan Park. It will take three months and work will begin in March of 2013.

Sonja Brennan, 6 Heather Lane, noted that the County has done some rain gardens in which helps with drainage and this procedure might help on Reeve Avenue; permission would have to be obtained from the homeowner to do so but felt that the Borough should look into it.

Linda Huntley, 86 Van Dam Avenue, asked what the status is with the budget. Councilman Yazdi noted the Committee has met and had a meeting with the Auditor to come up with a list of our shortfalls and some ideas to offset them; some of the ideas are not popular, i.e. raising fees; we are hopeful that Avalon Bay comes in with their permit fees. If not, we will have to go to Plan B and make some cuts.

Rich Dellaripa, 159 Pine Tree Road, stated that the Board of Education approved the placing of the playground at the Walter T. Bergen School.

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.

Councilwoman Shortman stated that we have put a lot of time into exploring this revenue idea of a recycling center and no doubt it would benefit the Borough but had some concerns; noted she would still like to explore having it at the DPW yard. Felt that we could do a shared service with the pistol range with another town as this isn't used that often. Noted that she would like this on the June 26 meeting for consideration.

Councilwoman Pituch agreed that we should look at the DPW site further. She also expressed concern with taking away parking from the Senior Center lot especially when the Riverwalk goes in.

REPORTS FROM THE MAYOR AND COUNCIL

Recycling Center

Councilwoman Shortman stated that we have put a lot of time into exploring this revenue idea of a recycling center and no doubt it would benefit the Borough but had some concerns; noted she would still like to explore having it at the DPW yard. Felt that we could do a shared service with the pistol range with another town as this isn't used that often. Noted that she would like this on the June 26 meeting for consideration.

Councilwoman Pituch agreed that we should look at the DPW site further. She also expressed concern with taking away parking from the Senior Center lot especially when the Riverwalk goes in.

Mayor Report

Town Hall Meeting

Mayor Dunleavy stated that Congressman Frelinguysen will be hosting a Town hall meeting on June 23 at 9:30 a.m. in the Council Chambers and encouraged everyone to attend. Noted that he has a personal commitment but would like one of the Council Members to come and introduce the Congressman before the meeting.

DEPARTMENT REPORTS

Animal Control

Noted that the Animal Control Officer has submitted her report and it is on file in the Municipal Clerk's office; brought in a total of \$1,152 revenue.

Environmental Commission

Mayor stated he forwarded a letter to everyone as to concerns from the Commission as to plans for Friendship Park from the County. Mayor stated that they should put their concerns in a request to the Governing Body who can forward it on.

DPW

July 1, 2012, the DPW will be starting cutting grass at the Board of Education.

PENDING BUSINESS

Street Sweeping with Borough of Riverdale

Noted that this was for discussion in Executive Session. DPW Superintendent was approached by Riverdale for a shared service for street sweeping at \$12,000 annually; if we began in July, it would be \$7,650 for the remainder of the year.

Councilwoman Shortman had some concerns and it was noted that it is the DPW Superintendent's job to do this project and figure out the costs to do so.

Councilwoman Pituch felt this should have gone to the Shared Services Committee and then to the Council. She only found out about it when it was in the paper; they were never informed of it.

Mayor Dunleavy stated that he, Councilman D'Amato and the Superintendent met with Riverdale who wanted to build a relationship with the Mayor of Riverdale and met with him as to how we could help out with joint efforts; street sweeping was part of it.

Our DPW Superintendent researched it and in retrospect, we should have brought it back to the Committee.

Discussion followed as to how many days we will be doing this, what happens if our equipment breaks and what is/was the DPW person doing when he wasn't street sweeping.

Noted that they will pay our employees salary.

Councilwoman Pituch expressed her dissatisfaction that they were not invited and Mayor noted that the some of the Council members met with the Borough Auditor without the Budget Committee.

Councilman Schiffman expressed concern with the numbers; discussion as to reducing staff or looking at shared services with other towns for street sweeping.

(Mayor Dunleavy left the dais at this time, 9:00 p.m.)

Councilman Schiffman wants to see numbers and look at them to see how the DPW Superintendent came up with his estimate.

Adoption of Resolution #2012-6.1: Authorizing the sale of Land; Block 31; Lot 9

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

**RESOLUTION #2012-6.1
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

A RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN LAND IN ACCORDANCE WITH N.J.S.A. 40A:12-13(5)(b)

WHEREAS, the Borough of Bloomingdale is the owner of certain lands and premises within the Borough known as Block 49E, Lot 42.01 and commonly known as First Avenue; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) provides that a municipality can sell property by way of a private sale to the owner of the real property contiguous to the real property being sold as long as the property being sold is less than the minimum size required for development under the ordinance and is without any capital improvement thereon; and

WHEREAS, the property being sold is located in the M-1(D) Light Industrial Zone and pursuant to Section 92-56(D)(1) “M-1” Light Industrial Zone, the minimum lot area is 40,000 square feet; and

WHEREAS, the property being sold is approximately 12,000 square feet and is without any capital improvements thereon; and

WHEREAS, Michael Azzolino, Jr. and Eileen P. Azollino, his wife, are the only contiguous property owners of the property being sold; and

WHEREAS, the Borough wishes to enter into a Contract of Sale with the contiguous property owners to sell the subject property at the sales price of \$2,500; and

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

1. Pursuant to N.J.S.A. 40A:12-13(b)(5), the Borough Administrator and Borough Clerk are hereby authorized to execute a Contract of Sale between the Borough of Bloomingdale and Michael Azzolino, Jr. and Eileen Azzolino, his wife for the sale of property known as Block 31, Lot 9, commonly known as the First Avenue Fill, the terms of said Contract being incorporated herein. A copy of the Contract of sale shall be on file in the Borough Clerk’s Office.
2. The sales price for the subject property is \$2,500.
3. The Borough makes no representations as to the title or any other aspects of the land to be sold.
4. In the event the Borough of Bloomingdale is unable to convey clear and marketable title, insurable at regular rates by a title insurance company authorized to do business in the State of New Jersey, the Borough shall forthwith return to the purchasers the deposit and neither party shall have any further rights against the other. The acceptance of a deed by the purchasers from the Borough shall extinguish any claims the said purchasers may have against the Borough of Bloomingdale in connection with the quality of title conveyed.
5. The conveyance by the Borough shall be made by way of a Quit Claim Deed, unless an adequate title binder prepared at the expense of the purchasers is forwarded to the Borough prior to the conveyance and discloses that the Borough holds marketable title in which case a Bargain and Sale Deed with Covenants Against Grantor’s Acts will be the form of conveyance. The Borough will include with its deed a metes and bounds description based upon a survey if a survey and metes and bounds description is obtained by the purchasers.
6. The closing of title shall take place not later than sixty (60) days from the date of the complete execution of the Contract of Sale by both parties at the Municipal Town Hall, 101 Hamburg Turnpike, Bloomingdale, NJ.
7. The resolution shall take effect immediately.

Councilman Schiffman seconded the motion.

Michael Azzolino of 15 Birch Road who is the property owner was in attendance and stated that the Block and Lot should be Block 49E; Lot 42.01.

Councilman Yazdi amended the motion to state the correct Block and Lot; seconded by Councilman Schiffman and carried as per the following roll call: council Members: Conklin; D'Amato; Pituch; Schiffman; Shortman and Yazdi all YES.

Qualified Purchasing Agent Courses

Noted that the mayor and Council are looking into hiring a person for Chief Financial Officer with this license also; interviews are being held next week.

(Mayor Dunleavy returned to the dais at this time)

INTRODUCTION OF NEW BUSINESS

Entertainment License Renewal for Stumble Inn

This will be on the June 26 meeting for approval.

Liquor License Renewals

This will be on the June 26 meeting for approval.

League of Municipalities Conference

Discussion followed in regard to Conference and that a limit of \$100/night should be allotted for a room. Noted that this is a budget items which Mayor stated will be first cut.

Councilwoman Shortman stated that people do not understand the value of what one learns at the conference and supports attendance.

Noted that maybe all unnecessary spending should be done until the budget is adopted.

Adoption of Resolution #2012-6.2: US Department of Housing and Urban Development Funding

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

**RESOLUTION #2012-6.2
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGALE**

TO AUTHORIZE THE COUNTY OF PASSAIC

TO APPLY ON BEHALF OF THE BOROUGH OF BLOOMINGDALE, PASSAIC COUNTY, NEW JERSEY, FOR US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (USHUD) DISASTER RELIEF FUNDING FROM THE CDBG-DR GRANT FUNDS PROGRAM TO THE NJ DEPARTMENT OF COMMUNITY AFFAIRS

WHEREAS, the County of Passaic has been advised by the New Jersey Department of Community Affairs that the County is eligible to submit an application for USHUD Disaster CDBG-DR funds on behalf of those municipalities impacted by disasters during 2011; and

WHEREAS, the New Jersey Department of Community Affairs has advised the County of Passaic that it is eligible to submit an application for disaster funds not to exceed \$11,854,865; and

WHEREAS, the disaster municipalities have agreed to cooperate with one another and submit one consolidated application to the New Jersey Department of Community Affairs; and

WHEREAS, the Borough of Bloomingdale is one of the impacted disaster municipalities eligible to participate in the County of Passaic's application to the New Jersey Department of Community Affairs; and

WHEREAS, the Borough of Bloomingdale has agreed to participate in the consolidated application with the other impacted municipalities in the County of Passaic to the New Jersey Department of Community Affairs; and

WHEREAS, the objective of the County of Passaic's consolidated application is to rebuild safer and stronger communities and implement disaster related activities that address recovery efforts including, but not limited to, housing, economic development, infrastructure and prevention of further damage to affected areas;

NOW THEREFORE BE IT RESOLVED, by the Municipal Council of the Borough of Bloomingdale that:

1. The Council authorizes the Mayor, Business Administrator, and City Clerk to act as the authorized representative of the Borough of Bloomingdale and execute all necessary documents and certifications to participate in the County of Passaic's CDBG-DR Program application to the New Jersey Department of Community Affairs; and
2. The Council authorizes the County of Passaic to submit a consolidated CDBG-DR application to the New Jersey Department of Community Affairs on behalf of the Borough of Bloomingdale.

STATEMENT OF PURPOSE

The purpose of this resolution is to authorize the Borough of Bloomingdale, as one of the impacted disaster municipalities, to participate in the County of Passaic's CDBG-DR Program application submission to the New Jersey Department of Community Affairs.

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

Action in regard to "Click It or Ticket"

Noted that this was done at the last meeting.

Adoption of Resolution #2012-6.3: Emergency Resolution for Temporary Appropriations

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

RESOLUTION #2012-6.3
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, 2011 until the adoption of the Operating Budget for the Borough of Bloomingdale, New Jersey; and

WHEREAS, additional appropriations will be required from June 12, 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

Click It or Ticket	Grant		\$4,000.00
TOTAL			\$4,000.00

2. This action shall take effect June 12, 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 Schiffman seconded the motion, and it carried as per the following roll call:
Council members: Schiffman; Shortman; Yazdi; Conklin; D'Amato and Pituch all YES.

Adoption of Resolution #2012-6.4: Transparency in Government

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

**RESOLUTION #2012-6.4
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

WHEREAS, the clamor of eliminating waste, fraud and abuse is often stated, but rarely addressed and efforts to do so are nearly impossible; and

WHEREAS, transparency in government is necessary to identify State spending and where State taxpayer dollars are going; and

WHEREAS, the State public finance website which retains and displays data and information on the State's annual revenues, expenditures and total bonded indebtedness is necessary as a user-friendly source of information to track State revenues and expenditures and to gauge its past and present levels of indebtedness; and

WHEREAS, the state website includes information such as contractual service purchases, salaries and wages, gifts and grants and bonded obligations and must be accessible to the public no later than 45 days following the close of each fiscal year; and

WHEREAS, a bi-partisan approach to improving transparency, identifying waste and eliminating abuse at each level of State government and the establishment of the Public Finance Transparency Committee would facilitate the organization, development and maintenance of such websites; and

WHEREAS, Senator Joe Pennacchio has introduced S-302 the "Transparency in Government Act" to codify and expand on such aforementioned State public finance website and to establish a Public Transparency Committee;

NOW, THEREFORE, BE IT RESOLVED that we voice our support of Senator Pennacchio's bill, S-302, the "Transparency in Government Act"; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Governor Chris Christie, Senate President Stephen Sweeney, Senate Minority Leader Tom Kean, Jr. and Senator Joe Pennacchio.

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

ROSE Fund Referendum

Councilwoman Shortman discussed the ROSE Fund tax and felt the public should have the opportunity to vote on whether to keep it at 2-1/2 cents/100 in light of the reevaluation.

Councilman Yazdi recommends that we split the ROSE to take in portion and apply it to flood money to pay off our debt.

Noted that we need a legal opinion as to whether that money could be offset for flood mitigation.

Mayor felt it should not be lowered and we need it to further our mitigation efforts; it is our only surplus and it will never fund the Riverwalk if you cut the ROSE Fund.

Funding of Garden at Senior Center

Discussion followed as to monies for mulch, flowers for the garden; noted that the cost of the mulch came out of the ROSE fund and the rock. Last year it came out of the DPW budget but should come out of the ROSE fund.

Councilman Yazdi moved that authorization be given to take \$2,000 out of the ROSE fund for flowers for the garden at the Senior Center out of the Open Space portion; seconded by councilwoman Shortman and carried out of the following roll call: council Members: Yazdi, YES; Conklin, YES; D'Amato, YES; Pituch, YES; Schiffman, NO and Shortman, YES.

Update on Animal Shelter

Borough Administrator stated that the Borough has a responsibility to train our volunteers; Animal Control has requested a backup person at \$9/hr. for 90 days to help facilitate the training of the volunteers. We have a person in the morning up to 20 hrs/week; the money for an additional one is in the budget.

Councilman Yazdi moved that authorization is given to hire Bonnie Sullivan as a part time shelter staff at \$9/hr. until August 31, 2012 for 20 hrs./week; seconded by councilman Schiffman and carried as per the following roll call: council Members: Conklin; D'Amato; Pituch; Schiffman; Shortman and Yazdi all YES

Update on Pending Projects

Henion – This is in process.

Vreeland Avenue – There will be a July paveout.

Start Lake Water Tank – Borough Engineer has an action plan in place; Butler will open up the valves to make sure they work and we will hopefully start Tuesday of this week.

Exterior and painting should be done by September; money has already been funded.

Desilting/Desnagging Broosk – report was already given.

Oakwood Lake Project – Low Bidder came in at \$52,000; this will be on the June 26 agenda.

Sloan park Project – update given.

Lighting at Walter T. Bergen Field – July 15 is the start date –

Sloan Park Playground – Approval needs to be given to move the playground

Adoption of Resolution #2012-6.5: Authorization to moved Sloan Park Playground

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

WHEREAS, the Borough of Bloomingdale entered into an Interlocal lease Agreement with the Bloomingdale Board of Education on August 15, 1001; and

WHEREAS, the Borough of Bloomingdale leased the recreational fields situated at the Martha B. Day Elementary School, located on Rafkind Road, Bloomingdale, NJ and the Walter T. Bergen School for the purpose of installing playground equipment in the area behind the baseball backstop; and

WHEREAS, the Borough of Bloomingdale Board of Education authorized this addendum Number One to the existing Interlocal Lease Agreement for the prupose of installation of playground equipment at the Walter T. Bergen School, pending approval by the Borough of Bloomingdale and the NJ Department of Education;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council authorizes Addendum Number One to the Interlocal Lease Agreement with the Bloomingdale Board of Education and authorizes the moving the playground equipment currently at Sloan Park to the Walter T. Bergen School.

Councilwoman Shortman seconded the motion and it carried on voice vote.

Introduction of Ordinance #10-2012: Various road Improvements

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 introduced by title by Councilman D'Amato who moved that second and final reading and public hearing be held on June 26, 2012 at 7:30 p.m.

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

Adoption of Resolution #2012-6.6: Authorization for contract with Scott Holzauer

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

RESOLUTION 2012-6.6

A RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO SCOTT J. HOLZHAUER, CTA, SCGREA, FOR REAL ESTATE APPRAISAL AND CONSULTING SERVICES

WHEREAS, there exists a need for expert real estate appraisal and consulting services to be rendered to the Borough of Bloomingdale in connection with the municipal-wide revaluation implemented for the 2012 tax year; and

WHEREAS, the Township wishes to retain the services of Scott J. Holzauer, CTA, SCGREA, for these purposes; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of a contract for professional service" without competitive bidding, and the contract itself, be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Bloomingdale, in the 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 Scott J. Holzhauer, CTA, SCGREA, for real estate appraisal and consulting services in connection with the municipal-wide revaluation implemented in 2012 for a fee of \$5,000 for the period from March 2011 through March 2012.

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 licensed under law to practice a recognized profession.

3. The total fee authorized for this contract shall not exceed \$5,000.00 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 the Borough Treasurer and Scott J. Holzhauer for their information and guidance.

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

Second and Final Reading and Consideration of Adoption of Ordinances

Ordinance #7-2012: Soil/Mulch Permits

No action was taken on this ordinance

Ordinance #8-2012: Fee for Summer Junior Police Academy

Municipal Clerk read the Public Notice Statement

Councilman Schiffman moved that the ordinance be read by title; seconded by Councilwoman Shortman and carried on voice vote.

The Municipal Clerk read the ordinance by title.

**BOROUGH OF BLOOMINGDALE
ORDINANCE #8-2012
AN ORDINANCE AMENDING SECTION 2-80 OF ORDINANCE #13-2011 OF THE
CODE OF THE BOROUGH OF BLOOMINGDALE TO INCLUDE THE FEE**

**CHARGED FOR THE MUNICIPAL SERVICE OF SUMMER JUNIOR POLICE
ACADEMY**

WHEREAS, at the Regular Session Meeting held on July 26, 2011 the Governing Body of the Borough of Bloomingdale introduced and passed on first reading Section 2-80 of Ordinance #13-201; and

WHEREAS, at the Regular Session Meeting held on August 23, 2011 the Governing Body of the Borough of Bloomingdale approved Section 2-80 of Ordinance #13-2011 on final passage after providing the public with notice and the opportunity to comment on same; and

WHEREAS, the Governing Body of the Borough of Bloomingdale finds and declares that in the interest of the public health, safety, and welfare of the residences it will amend Section 2-80 of Ordinance #13-2011 to include the fee charged for the Municipal Service of Summer Junior Police Academy; and

WHEREAS, the Administration and the Governing Body of the Borough of Bloomingdale finds that it is in the best interest of the Borough to include the fee charged for the Municipal Service of Summer Junior Police Academy in Section 2-80 of Ordinance #13-2011.

Now, therefore, be it ORDAINED by the Borough of Andover as follows:

2-80 Fees Charged for Municipal Services

Section 2-80

Section 2-80 shall be supplemented as follows (the underscoring represents new language):

The Borough Clerk shall charge the following fees for providing the following services:

- a. Copies of documents available to the public pursuant to the Open Public records Act, N.J.S.A. 1A-1 et seq. are to be charged at the following rates: (1) \$0.05 per page for letter sized pages and smaller; (2) \$0.07 per page for legal sized pages and larger; (3) electronic records are to be provided free of charge via e-mail and fax, and (4) the actual cost to provide records in another medium (i.e. computer, disc, CD-ROM, DVD.)

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|--------------------------------|---------|
| b. Street Map | \$5.00 |
| c. Zoning Map | \$5.00 |
| d. Zoning Ordinance Package | \$10.00 |
| e. Site Plan Ordinance Package | \$10.00 |
| f. Master Plan | \$50.00 |
| g. Assessment Search | \$10.00 |

h. Tax Search	\$10.00
i. Municipal Lien Search	\$10.00 for each property \$2.00 for each continuation year (maximum of \$8.00)
j. Search for Delinquent Properties	\$10.00
k. Search for Miscellaneous Tax Information	\$5.00
l. List of Property Owners within 200 feet	\$10.00 or \$.25 per name (whichever is greater)
m. Duplicate Tax Sale Certificate	\$100.00
n. Duplicate Tax Bill	\$5.00 for first duplicate copy \$25.00 for duplicate copy thereafter
o. Mailing of Notice of Tax Sale	\$25.00
p. Off-Duty Traffic Control Activities by Police Officers Plus Administration Fee	\$60.00/hour \$15.00
q. Photocopy of Tax Map	\$0.75
r. Returned Check Fee	\$20.00
s. Appliance Pick-up and Disposal	\$40.00 (for each appliance thereafter after first two)
t. Tire Pick-Up and Disposal	\$5.00 per tire
u. Leaf Bags	3 for \$1.00
v. Garage Sales	\$5.00
w. Permit to purchase a handgun	\$2.00
x. Permit to carry a handgun	\$5.00
y. Firearm Identification Card	\$5.00

z. Summer Junior Police Academy \$25.00 to 50.00

The foregoing fees are in addition to fees for permits, information requests and services that may be charged by the Zoning Board of Adjustment, Planning Board, Construction Department and Recreation Commission and which have been codified in the Revised General Ordinances of the Borough of Bloomingdale. (New Ord. No. 17-2002 § I; Ord. No.04-2005 § V; Ord. No. 13-2010 §§1, 2)

Councilman Schiffman opened the meeting to a Public Hearing on this ordinance; seconded by Councilman Yazdi and carried on voice vote.

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

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

Ordinance #9-2012: Bond Ordinance #15-2012 Woodward Avenue

The Municipal Clerk read the Public Notice Statement.

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

The Municipal Clerk read the ordinance by title.

ORDINANCE #9-2012

BOND ORDINANCE AMENDING ORDINANCE 15-2010 PROVIDING FOR THE RECONSTRUCTION OF WOODWARD AVENUE IN AND BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$175,000 THEREFOR, INCLUDING A GRANT IN THE AMOUNT OF \$150,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION AND AUTHORIZING THE ISSUANCE OF \$166,000 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) THAT ORDINANCE 15-2010 IS HEREBY
AMENDED TO READ 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 \$175,000, including a grant in the amount of \$150,000 expected to be received from the State of New Jersey Department of Transportation and including the sum of \$9,000 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 \$166,000 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 reconstruction and paving improvements to Woodward Avenue, including all work and materials necessary therefor 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 therefor.

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 \$166,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$35,000 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. Any grant moneys received for the purpose described in Section 3 hereof shall be applied to the direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. 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 9. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

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

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

Offer from Borough of Butler for Bucket Truck

Discussion followed in regard to the Borough of Butler offering a bucket truck for sale.

Councilman Yazdi moved that the Borough Administrator be authorized to purchase a bucket truck from the Borough of Butler, not to exceed \$10,000; seconded by Councilman Schiffman.

Noted that the money is from an old bond ordinance and he truck will be inspected.

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

INTRODUCTION OF NON-AGENDA ITEMS

Mayor Dunleavy noted we have four non- agenda items:

- A. Award of contract for Oakwood Lake Project
- B. Declare sewer emergency on Rafkind Road
- C. Authorization for land sale contract between Sonshell and Borough of Bloomingdale
- D. Emergency resolution amending temporary budget

Councilman Yazdi moved to open the meeting to a Public Hearing on Non-Agenda items; seconded by Councilwoman Pituch and carried on voice vote.

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

Adoption of resolution #2012-6.7: Rafkind Road Sewer Service Repairs

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

RESOLUTION #2012-6.7 **OF THE GOVERNING BODY** **OF THE BOROUGH OF BLOOMINGDALE**

Declaring An Emergency ***For Purposes Of Awarding Contract for Rafkind Road Sewer Service Repairs***

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares an emergency situation has developed at Rafkind Road with a Water Service repairs;

WHEREAS, the Governing Body further finds and declares that this poses an imminent threat to the public health, safety and welfare of an emergent nature that warrants immediate remedial action; and

WHEREAS, the Governing Body further finds and declares that N.J.S.A. 40A:11-6 authorizes a municipality to negotiate and/or award a contract without public advertisement when an emergency affecting the public health, safety or welfare requires the immediate performance of services; and

WHEREAS, the Governing Body further finds and declares that the Utility Department, acting in the reasonable belief that an emergency affecting the public health, safety and welfare requires immediate remedial action without public advertisement for services;

WHEREAS, the Governing Body further finds and declares that the Utility Department has correctly recommended that the aforementioned Sewer repairs be remediated through the award to the following:

ADVANCED PLUMBING, and;

WHEREAS, the emergency costs to be funded through the 2012 Utility budget;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby declare the existence of a public emergency warranting the completion of the Rafkind Road sewer repairs as soon as possible and does hereby award said project to the entities mentioned above.

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

Adoption of Resolution #2012-6.9: Award of Contract of Oakwood Lake Sidewalk and Curb Improvements

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

RESOLUTION #2012-6.9
OF THE BOROUGH OF BLOOMINGDALE

Authorizing Award of Contract for
Oakwood Lake Sidewalk and Curb Improvements

WHEREAS, the Governing Body ("Governing Body") of the Borough of Bloomingdale ("Borough") finds and declares that a Notice to Bidders that sealed bids would be received for the award of a contract for the Oakwood Lake Sidewalk and Curb Improvements project was advertised in accordance with the Local Public Contracts Law; and

WHEREAS, the Governing Body further finds and declares that ten (10) bids were received, opened and read on June 7, 2012; and

WHEREAS, the Governing Body further finds and declares that the Borough Engineer reviewed the submitted bid proposals and recommended that said contract be awarded to the lowest responsible bidder, Cifelli & Son General Construction, Inc., 4 Coppola Street, Nutley Jersey 07110 in the amount of \$52,031.00; and

WHEREAS, the Governing Body further finds and declares that the Borough Attorney reviewed the bid of the low bidder and found it to be legally sufficient and compliant with the bid documents; and

WHEREAS, the Governing Body wishes to award a contract to Cifelli & Son General Construction, Inc. in accordance with the Borough's bid specifications for a total bid price of \$52,031.00; and

WHEREAS, the Treasurer 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 Oakwood Lake Sidewalk and Curb Improvements project be awarded to the lowest qualified bidder, Cifelli & Son General Construction, Inc., 4 Coppola Street, Nutley, Jersey 07110, in the amount of \$52,031.00.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and directed to execute a contract with Cifelli & Son General Construction, Inc. in accordance with its bid proposal and the bid specifications, for the total contract price of \$52,031.00.

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

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

Adoption of Resolution #2012-6.10: Authorizing the sale of Certain Land

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

**RESOLUTION #2012-6.10
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

A RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN LAND IN ACCORDANCE WITH N.J.S.A. 40A:12-13(5)(b)

WHEREAS, the Borough of Bloomingdale is the owner of certain lands and premises within the Borough known as Block 31, Lot 9 and commonly known as First Avenue; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) provides that a municipality can sell property by way of a private sale to the owner of the real property contiguous to the real property being sold as long as the property being sold is less than the minimum size required for development under the ordinance and is without any capital improvement thereon; and

WHEREAS, the property being sold is located in the M-1(D) Light Industrial Zone and pursuant to Section 92-56(D)(1) “M-1” Light Industrial Zone, the minimum lot area is 40,000 square feet; and

WHEREAS, the property being sold is approximately 12,000 square feet and is without any capital improvements thereon; and

WHEREAS, Sonshel, LLC is the only contiguous property owner of the property being sold; and

WHEREAS, the Borough wishes to enter into a Contract of Sale with the contiguous property owners to sell the subject property at the sales price of \$10,000; and

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

8. Pursuant to N.J.S.A. 40A:12-13(b)(5), the Borough Administrator and Borough Clerk are hereby authorized to execute a Contract of Sale between the Borough of Bloomingdale and Sonshel, LLC for the sale of property known as Block 31, Lot 9, commonly known as the First Avenue Fill, the terms of said Contract being incorporated herein. A copy of the Contract of sale shall be on file in the Borough Clerk’s Office.
9. The sales price for the subject property is \$10,000.
10. The Borough makes no representations as to the title or any other aspects of the land to be sold.
11. In the event the Borough of Bloomingdale is unable to convey clear and marketable title, insurable at regular rates by a title insurance company authorized to do business in the State of New Jersey, the Borough shall forthwith return to the purchasers the deposit and neither party shall have any further rights against the other. The acceptance of a deed by the purchasers from the Borough shall extinguish any claims the said purchasers may have against the Borough of Bloomingdale in connection with the quality of title conveyed.
12. The conveyance by the Borough shall be made by way of a Quit Claim Deed, unless an adequate title binder prepared at the expense of the purchasers is forwarded to the Borough prior to the conveyance and discloses that the Borough holds marketable title in which case a Bargain and Sale Deed with Covenants Against Grantor’s Acts will be the form of conveyance. The Borough will include with its deed a metes and bounds description based upon a survey if a survey and metes and bounds description is obtained by the purchasers.
13. The closing of title shall take place not later than sixty (60) days from the date of the complete execution of the Contract of Sale by both parties at the Municipal Town Hall, 101 Hamburg Turnpike, Bloomingdale, NJ.
14. The resolution shall take effect immediately.

Councilman Schiffman seconded the motion.

Councilwoman Shortman asked what “Quit Claim Deed” meant and Borough Attorney stated he would get back to her.

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

LATE PUBLIC COMMENT

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

Wendy Connolly, Lake Iosco, discussed the recycling center and noted it has to be a commercial property; felt we could negotiation with Avalon Bay or look at other sites

Ms. Connolly discussed shared services and felt we should have checks and balances; we should know the facts before we make a decision.

Jack Miller, Reeve Avenue, discussed fact that had the street sweeping been discussed in Committee, this would not have taken so long.

Al Miller, 7 Mary Street, asked if there is a date we have to adopt the budget. It was noted that the Public Hearing will be June 26; we have certain conditions that may fund this budget.

Councilwoman Shortman stated that the number is \$180,000 and when the Auditor is here, he can address this.

Discussion followed in regard to Avalon Bay and fact that this project was court ordered; we will get approximately ½ million dollars in permit fees which we would like to improve our infrastructure; taxes are being discussed now as to different ways we can look at them.

Denise Miller, 7 Mary Street, asked who would be held accountable if the numbers on the street sweeping are incorrect; noted that the individual would be accountable and then we would be able to opt out; exposure will be on the fuel and brushes.

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

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. Negotiations – Nine 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.

Councilwoman Pituch 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 11:52 p.m. and noted that no action was taken during the Executive Session.

ADJOURNMENT

Since there was no further business to be conducted, Councilwoman Shortman moved that the meeting be adjourned at 11:52 p.m.; seconded by Councilwoman Pituch and carried on voice vote.

Jane McCarthy, RMC
Municipal Clerk

FINAL – JULY 24, 2012