

April 24, 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 7:01 p.m.

SALUTE TO THE AMERICAN FLAG

Mayor Dunleavy led the Salute to the Flag followed by a moment of silence for the passing of Borough residents Eileen Demarest and Kevin McCormick.

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 Attorney: Jane Coviello, Esq.
Borough Administrator: Ted Ehrenburg

**Entered Later

PUBLIC NOTICE STATEMENT

Mayor Dunleavy stated that adequate notice of this meeting was posted in the Bloomingdale Municipal Building and provided to The Suburban Trends; The North Jersey Herald & News; and all other local news media on December 13, 2011.

PRESENTATION:

At this time, Mayor Dunleavy recognized Lynn Ferrara our Liaison to the Passaic County Film commission who coordinated the effort in getting Mr. and Mrs. James Dick of Walter Drive to open up their home for the filming of "Bad Parents".

Mayor Dunleavy presented a plaque of appreciation to Mr. and Mrs. Dick for their generosity and good citizenship.

The presentation was roundly applauded by all those in attendance.

MOTION TO REMOVE MATTERS FROM AGENDA

No items to be removed.

EARLY PUBLIC COMMENT

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

Mayor Dunleavy asked if there was any objection for discussion by any resident in regard to the revaluation at this time and consensus that it would be in order to do so.

Judy Trichilo, 42 Charles Street, spoke in regard to the revaluation and reassessment of her property and fact that it was now considered “wetlands” and also addressed other issues which she felt were not correct in the assessment.

Borough Administrator stated that he reached out to the Tax Assessor as to the wetlands determination and noted that it is just a code they use; it is not wetlands as we know it; they will be changing that delineation.

Mayor Dunleavy stated that there was a process to appeal and the deadline is May 1; contact should have been made with the company when questions arose; Mrs. Trichilo stated that she was not aware until she requested more information and the Tax Collector provided her with the property record card; noted it would have been helpful if the company sent out the property record card with the reassessment.

Barbara O’Roud, 30 Charles Street, also expressed concern with some inadequacies of her assessment.

The process for an appeal was explained and Borough Attorney Jane Coviello stated that the Tax Assessor could call them and discuss it.

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

Board of Education

Councilman Yazdi stated that he attended the Board of Education meeting last night and the resolution passed by the Mayor and Council at the last meeting was tabled and will be reviewed at their May 4 meeting.

Trout Contest and Little League Opening Day

Mayor Dunleavy thanked the Governing Body and Police Department for their support in the Annual Trout contest which was very successful and also for the Little League Opening Day.

Shared Services Seminar

Mayor Dunleavy stated they will be attending a Shared Services seminar in Holmdel next week.

Also noted that he, DPW Superintendent Al Gallagher and Councilman D'Amato met with the Borough of Riverdale to discuss some shared services; these are in the early stages of discussion.

Councilwoman Shortman stated that she would like to be included as she is a member of the Shared Services Committee; Mayor noted this was a last minute meeting but he will include her in future.

Pequannock River Coalition

At this time, Municipal Clerk presented a plaque on behalf of Rush Kushner of the Pequannock River Coalition to Mayor Dunleavy for his work in their endeavors.

Interlocal Agreement with The Christian School for Construction Review

Mayor stated that this will be on the agenda this evening for consideration.

Proposal for Environmental Services

Mayor also noted that the Borough Engineer has recommended that we approve the proposal from Atlantic Environmental Solutions, Inc. for environmental services at the property at 188 Union Avenue; this is required by the Department of Environmental Protection to close out the testing of the wells which was done on this property.

Discussion as to fact that former Engineer stated the well testing was done but the case was never formally closed. Mayor noted that work was done in 2009 but apparently never closed out.

BOROUGH ADMINISTRATOR REPORT

Hiring of Season Help for Animal Shelter

Borough Administrator stated he would like approval to hire Jennifer Capalbo of 204 Conklin Town Road in Wanaque as a seasonal work at \$9/hr.; not to exceed 20 hours for the animal shelter; this will come out of the ACO Budget.

At this time, the Borough Administrator updated the Mayor and Council as to all the items on his pending list. Report was updated to reflect action and status.

DEPARTMENT REPORTS

Mayor Dunleavy stated that copies of the Property Maintenance and Board of Health reports are in your binders.

INTRODUCTION OF FY2012 MUNICIPAL BUDGET

Adoption of Resolution #2012-4.5 introducing Ordinance #5-2012: Establishing a CAP Bank

ORDINANCE #5-2012 OF THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE, PASSAIC COUNTY, NJ; CALENDAR YEAR 2012 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK was introduced by title by Councilman Yazdi who moved that second and final reading and Public Hearing be held on June 26, 2012 at 7:00 p.m.

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

Adoption of Resolution #2012-4.6: Utilizing an Alternate Method of Calculating the Reserve for Uncollected Taxes

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

RESOLUTION #2012-4.6
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE
PASSAIC COUNTY, NEW JERSEY

RESOLUTION RE: UTILIZING AN ALTERNATE METHOD OF CALCULATING THE RESERVE FOR UNCOLLECTED TAXES

WHEREAS, N.J.S.A. 40A:4-41d permits the Director of the Division of Local Government Services to promulgate rules and regulations to permit a three year average to be utilized in calculating the reserve for uncollected taxes in lieu of the preceding year's tax collection rate, and

WHEREAS, the 2011 tax collection rate was lower than prior years due to the current economic recession, and

WHEREAS, the governing body of the municipality may elect to calculate the reserve for uncollected taxes by using the average of the percentages of taxes levied which were received in cash by the last day of the each of the three preceding fiscal years, and

WHEREAS, election of this choice shall be made by resolution, approved by a majority vote of the full membership of the governing body prior to the adoption of the municipal budget, and

WHEREAS, it is in the best interest of the taxpayers of the Borough of Bloomingdale that the Borough utilize this alternate method of calculating the reserve for uncollected taxes.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body that the Borough of Bloomingdale utilize a rate of 98.83% which is higher than the CY 2011 collection rate.

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

Introduction of Resolution #2012-4.7: Introduction of FY2012 Municipal Budget

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

RESOLUTION #2012-4.7
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE
COUNTY OF PASSAIC, NEW JERSEY

Re: Introduction of 2012 Budget

BE IT RESOLVED, that the following statement of revenues and appropriations attached hereto constitute the local Budget of the Borough of Bloomingdale, Passaic County, New Jersey for the year 2012.

BE IT FURTHER RESOLVED, that the said budget be published in the Herald News in the issue of May 3, 2012, and that a hearing on the Budget will be held at the Borough Hall on June 26, 2012 at 7:00 PM or as soon thereafter as the matter may be reached.

Councilman D'Amato seconded the motion.

Councilwoman Shortman stated we are introducing the budget that is over \$500,000 over the CAP and we have two months to work on the budget and is confident along with the Borough Auditor and Administration we will reduce costs and look at new revenue. She noted that in order to work on this budget, she would like a written report for shared services included how much we save.

Councilman Yazdi stated that this year we went into the budget process telling the Department Heads there is no increase; the requests came in at zero; this increase is not a "wish list", it is contractual obligations, etc. I am confident we will find a way as we have to come in within the 2% CAP

Mayor Dunleavy spoke in regard to the permit fees for Avalon Bay “bailing” us out.

Councilman D’Amato stated that this increase is the same amount we have been talking about since January.

Councilman Yazdi stated the Borough Auditor sent us a detailed report; it is really over \$1 million dollars; when he was her and asked if we had an increase of over \$500,000, he stated he believed it was \$164,000.

Mayor Dunleavy sated that he has a problem with this and would like to reconsider the appointment of the Borough Auditor. Our Chief Financial Officer had been telling us this all along and now we have lost her.

Councilwoman Shortman stated we are confusing the 2011 budget v. 2012 budget; felt we should wait until the Borough Auditor submits the Audit and we see the comments and recommendations;

Discussion followed in regard to revenue shortfalls, using surplus; lower construction and court fees, etc.

Councilwoman Shortman felt this discussion should be held on a committee level with the Finance Department, Borough Auditor and Borough Administrator.

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

PROFESSIONAL REPORTS

Municipal Clerk

Municipal Clerk stated that the last day to register to vote for the Primary Election is May 15, 2012; Clerk’s office will be open until 9 p.m.

Memorial Day Parade – will be hosted by Butler; lineup in Bloomingdale at 8:30 a.m. on May 28.

APPROVAL OF CONSENT AGENDA

Councilman Yazdi moved that the following Consent Agenda be approved:

- A. Approval of Minutes for: Executive Session January 3, January 24, March 6, and March 20, 2012; Regular Meeting March 20, 2012; Work Session April 10, 2012
- B. Informational Items List – March 2012
- C. Proclamation for “Older Americans Month”
- D. Proclamation for “National Military Appreciation Month

- E. Proclamation for “Buddy Poppy Day”
- F. Proclamation for “National Police Week”

Councilman D’Amato seconded the motion and it carried on voice vote with all Council members voting YES.

PENDING BUSINESS

Consensus for an Amendment to ROSE Fund to allow for blue Acres Funding

Councilman Schiffman offered a motion to authorize the Borough Attorney to prepare an ordinance in regard to the Blue Acres Funding; seconded by Councilman Yazdi and it carried as per the following roll call: Council Members: Schiffman; Shortman; Yazdi; Conklin; D’Amato and Pituch all YES.

Update in regard to Recycling Center

Borough Administrator stated that he reviewed the original Planning Board Resolution #549 from May 16, 1996, and there is nothing in the resolution that ties the hands as to conditions on the parking lot for senior use only. There is no impediment to stop the process for the recycling center.

He went over the DEP issues with the Borough Engineer and Ross Kushner; noted he is working on a computer, etc.

Councilwoman Shortman stated that we should have our Borough Attorney look at the Planning Board resolution for his review.

Borough Administrator stated that there will be a privacy fence on the Senior side.

In response to Councilman Conklin, Borough Administrator stated that a similar town in Passaic County generates between \$6,000 to \$7,000/month and our recycling grant value will go up.

Mapping of Utility System

Mayor Dunleavy stated that we should start thinking about this when we receive the revenue from Avalon Bay; Finance Department puts together the Utility Budget; this item needs to be addressed.

Cleanup of Sloan Park

Mayor Dunleavy stated that some residents are disturbed with the condition of Sloan Park; he explained there is a permit process involved; he asked the Borough Administrator to seek out pricing to do a general cleanup; he will get three proposals.

The playground will be removed and preferably go to the Walter T. Bergen School.

Discussion of webmaster contract

This will be discussed in Executive Session.

Adoption of Resolution #2012-4.9: Award of Walter T. Bergen project

Councilwoman Shortman stated that she will move this resolution contingent upon the bond ordinance that we were previously provided be followed.

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

**RESOLUTION #2012-4.9
OF THE BOROUGH OF BLOOMINGDALE**

*Authorizing Award of Contract for
Outdoor Lights for the Walter T. Bergen Middle School Fields*

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 Outdoor Sports Lighting for the Walter T. Bergen Middle School Fields was advertised in accordance with the Local Public Contracts Law; and

WHEREAS, the Governing Body further finds and declares that four (4) bids were received, opened and read on Thursday, March 22, 2012; and

WHEREAS, the Governing Body further finds and declares that Borough Administrator and Borough Engineer reviewed the submitted bid proposals and recommended that said contract be awarded to the lowest responsible bidder, Zenith Construction Services, Inc., 365 Thomas Boulevard, Orange, New Jersey 07050 in the amount of \$389,250.00; 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 Zenith Construction Services, Inc. in accordance with the Borough’s bid specifications for a total bid price of \$389,250.00; 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 Outdoor Lights for the Walter T. Bergen Middle School Fields be awarded to the lowest qualified bidder,

Zenith Construction Services, Inc., 365 Thomas Boulevard, Orange, New Jersey 07050 in the amount of \$389,250.00.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and directed to execute a contract with Zenith Construction Services, Inc. in accordance with its bid proposal and the bid specifications, for the total contract price of \$389,250.00.

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

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

Adoption of Resolution #2012-4.10: Award of Turf Program

At this time, Councilwoman Pituch expressed her dissatisfaction that the two DPW workers who went for the courses on pesticides are not able to do the testing; felt they did not sign up for the appropriate courses.

Mayor Dunleavy stated that the law changed in January and they cannot spray around schools with the courses indicated and they did not pass the test and will have to take it again.

Discussion followed in regard to test, etc. Mayor Dunleavy asked that Councilwoman Pituch get an official letter indicating that by there taking these three courses, they would be able to spray around the schools.

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

RESOLUTION #2012-4.10
OF THE BOROUGH OF BLOOMINGDALE

*Authorizing Award of Contract for
Turf Program*

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 \$15,000; 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 \$15,000; 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 Turf Program be awarded to the lowest qualified bidder, Tristate Athletic Field Services & Supplies, Inc., 145 N. Franklin Turnpike, Ramsey, NJ in the amount of \$15,000; and

Councilwoman Shortman seconded the motion.

Discussion followed as to Councilwoman Pituch looking over the process; she noted that DPW Superintendent, the two DPW workers and Borough Administrator will come to her office along with the Mayor to straighten this out.

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

Grass Cutting at the Walter T. Bergen School

Discussion in regard to DPW cutting the grass; Borough Administrator stated that the DPW Superintendent gave him a breakdown of what it would cost; hiring one man with health insurance would be \$53,700; two men; two mowers; backhoe separator, etc. needed - \$146,000 with two men; \$40,000 is capital.

Discussion followed; some members felt this could be done in house with current staff; also possibility of doing some DPW Shared services

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

***RESOLUTION #2012-4.A
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE***

***A RESOLUTION AWARDING CONTRACT FOR FIELD MOWING AT MARTHA B.
DAY AND THE WALTER T. BERGEN SCHOOLS***

WHEREAS, in accordance with the public contracts law, three proposals were solicited and two proposals were received for field mowing services at the Martha B. Day and Walter T. Bergen Schools;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Bloomingdale that the contract for field mowing services be awarded to low bidder, John's Lawn Service, P.O. Box 258, Newfoundland, New Jersey, 07435, for a price per service of \$575.00.

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

Status of First Street and Azzolino

No action at this time.

Discussion in regard to "going paperless" in the Borough

Councilman Yazdi stated he would like to move forward with the preliminary process of "going paperless"; estimates it would save us approximately \$7,000.

Councilman Yazdi moved for authorization to start the process to "go paperless" by no more copying and we will scan everything into email; seconded by Councilman D'Amato and carried as per the following roll call: council members: D'Amato; Pituch; Schiffman; Shortman; Yazdi and Conklin all YES.

Second and Final Reading and Public Hearing on Ordinance #4-2012

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 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; seconded by Councilman Schiffman and carried on voice vote.

The Municipal Clerk read the Ordinance by title.

**ORDINANCE 4-2012
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, 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"

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 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" is hereby amended in the following particulars only, which shall read as follows:

"2-80. FEES CHARGED FOR MUNICIPAL SERVICES.

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

- p. Off-duty Traffic Control Activities
 - by Police Officers. \$60 per hour
 - Plus Administration Fee. \$15 per hour."

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.

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

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

INTRODUCTION OF NEW BUSINESS

Adoption of Resolution #2012-4.11: Payment of Bills

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

**RESOLUTION - #2012 –4.11
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	1,329,111.98	CURRENT	1,043,798.24
UTILITY	501,301.75	UTILITY	32,045.35
CAPITAL	13,012.97	UNEMPLOY	237.24
UTILITY CAPITAL	000.00	RECYCLING	261.52
TRUST	11,757.10	CAPITAL	1,746.60
DOG	5,737.70	TRUST	4,810.40
RECREATION	1,477.00	SPEC. ASSESS.	0,000.00
UNEMPLOYMENT	000.00	RECREATION	000.00
ROSE FUND	12,000.47	UTILITY CAP	000.00
RECYCLING	3,158.50	DOG	1,462.38
		ROSE FUND	1,175.30
TOTAL	1,877,557.47	TOTAL	1,085,537.03

Councilman Yazdi 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 #2012-4.12: Rejecting bid for rear loading refuse truck

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

**RESOLUTION #2012-4.12
OF THE BOROUGH OF BLOOMINGDALE**

***Rejecting the Single Bid Received for
Rear-Loading Refuse Collection Truck***

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 a Rear-Loading Refuse Collection Truck was advertised 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 April 17, 2012; and

WHEREAS, the Governing Body further finds and declares that the single bid, from Cambria Automotive, Inc., is non-compliant with the requirements of the bid specifications in that the bidder’s proposal fails to contain a legally sufficient consent of surety; and

WHEREAS, the Governing Body further finds and declares that in accordance with N.J.S.A. 40A:11-23.2, the failure to submit a legally sufficient consent of surety is a non-waivable defect that requires rejection of the bid.

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 the bid by Cambria Automotive, Inc. for one Rear-Loading Refuse Collection Truck is hereby rejected for the reasons expressed herein.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized and directed on behalf of the Borough to re-advertise for bid proposal submissions for the above referenced project in accordance with the Local Public Contracts Law and to return the bid bond submitted by Cambria Automotive, Inc.

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

Councilman Yazdi seconded the motion.

In response to councilman Conklin, Borough Attorney Coviello stated that the Bid bond is different from the Consent of Surety.

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

(Borough Attorney Fred Semrau entered at this time)

Adoption of Resolution #2012-4.13: Urging the state to approve A-2454 Seasonal

Public Entity Workers

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

**RESOLUTION #2012-4.13
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Urging the State Legislature to approve A-2454, which would alter eligibility requirements for unemployment insurance for seasonal public entity workers

WHEREAS, R.S. 43:21-4 defines “seasonal industry or occupation” as an industry or occupation which, because climatic conditions make it impractical or impossible to do otherwise, customarily operates only during a regularly recurring 28-week period or periods of less than 26-weeks of work in a calendar year; and

WHEREAS, many municipal seasonal jobs in the State are offered for only 10 to 12 weeks in a given year such as beach taggers, recreation personnel, seasonal laborers and lifeguards due to the short summer season; and

WHEREAS, there should be no expectation by an employee who has applied for a seasonal job that when the season ends that there would be continued employment, in fact, that individual consciously made the choice to apply for and accept a seasonal job rather than seeking year-round employment; and

WHEREAS, when the length of employment is clearly defined by the public entity as a seasonal job with a specific beginning and ending date, this seasonal job should not be included in unemployment calculations for individuals working other jobs during the unemployment period of eligible benefits; and

WHEREAS, unlike private employers, municipalities and other public entities are unique in that unemployment claims arising from seasonal employment require the expenditure of taxpayers funds to pay unemployment claims for these individuals thereby burdening the already overwhelmed taxpayer in the State New Jersey; and

WHEREAS, in many cases municipalities and other public entities pay claims quarterly and do not pay into the unemployment compensation fund due to budgetary constraints and the high cost of unemployment insurance; and

WHEREAS, these unexpected quarterly payments have forced some municipalities to do special emergency appropriations just to pay this year’s claims thereby affecting next year’s municipal budget which by all accounts will be equally as difficult as the present year’s ; and

WHEREAS, Assemblywoman Amy Handlin and Assemblyman Sean Kean have introduced A-2454, which would prohibit all seasonal workers for receiving unemployment insurance benefits during a period between two successive seasons if the worker has a reasonable assurance that the worker will perform those services in the second of such seasons;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Bloomingdale urges the legislature to approve A-2454 as swiftly as possible, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Commissioner of the Department of Labor, the Lieutenant Governor and the Governor of State of New Jersey and the League of Municipalities.

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

Adoption of Resolution #2012-4.14: Authorization of purchasing of Dodge Truck

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

**RESOLUTION #2012-4.14
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Payment for Purchase of DPW Van

WHEREAS, there exists an opportunity for the Borough of Bloomingdale to purchase a van for our Buildings and Grounds Department from Nielsen Jeep Dodge Chrysler on Route 10 in East Hanover, NJ

WHEREAS, Nielsen Jeep Dodge will sell us a 2003 Dodge Van 1500 with 36k miles on it, color, white, VIN #2D7HB11X63K511686; and

WHEREAS, the amount to be paid to Nielsen Jeep Dodge Chrysler has been reviewed by the Borough of Bloomingdale Administrator in the amount of \$7,000.00; and

WHEREAS, the Borough Treasurer has supplied a certification of fund;

NOW, THEREFORE BE IT RESOLVED, that the Borough of Bloomingdale is hereby authorized to accept these terms and pay Nielsen Jeep Dodge Chrysler \$7,000.00 for the above mentioned surplus property;

AND BE IT FURTHER RESOLVED, that payment be paid in full upon receipt of the aforementioned items.

Councilwoman Shortman seconded the motion.

Councilwoman Shortman asked if our DPW mechanics could check over this vehicle before we purchase it; Borough Administrator stated he has the CARFAX information on it and we get a 90 day warranty but he can bring one of them with him.

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

Adoption of Resolution #2012-4.15: Authorization of Fireworks Display

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

RESOLVED, that authorization be given for a fireworks display on June 29, 2012 in an amount not to exceed \$5,000.

Councilman D'Amato seconded the motion.

Discussion followed in regard to cost of DPW and police overtime, etc; noted this does not include those costs.

Mayor noted there will be overtime for two DPW employees and the cost to open the schools.

Councilwoman Shortman stated she would like to sit down as the Co-Chair of Public Events with the Mayor to go over the plans for public events this year.

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

Discussion of DPW delivery of mulch as a source of revenue

Councilman Yazdi noted he would like the Borough Attorney to review the possibility of our DPW delivering mulch to Borough Residents at a fee; Borough Administrator will discuss this with him in regard to insurance, etc.

Discussion in regard to Property Maintenance enforcement

Borough Administrator stated that he met with the Construction Official and Property Maintenance Officer as to some issues concerning enforcement; Mayor stated he felt we should do a resolution that the Governing Body has a zero tolerance policy in regard to enforcement and we will support the Property Maintenance Officer in his endeavors. Noted that we cannot have people selectively being enforced when people ask the Property Maintenance Office to intervene.

Noted that we have a resident who is familiar with property maintenance code in Jersey City who is willing to sit down and help us with some issues we are having.

Adoption of motion in regard to Property Maintenance Zero Tolerance Policy

Councilwoman Shortman moved that the Borough adopt a zero tolerance policy in regard to property maintenance issues; Councilman Yazdi seconded the motion and it carried as per the following roll call: Council members: Pituch, YES; Schiffman, NO; Shortman, YES; Yazdi, YES; Conklin, YES and D'Amato all YES.

Discussion in regard to filling of pools as a revenue source

Noted that this was done years ago but consensus is we are exposed to liability for damage to the pool or liner; therefore, decision not to do this.

Discussion in regard to overnight parking

Councilman Yazdi stated this is a revenue idea that the Police Chief brought up as some residents would like to park on the streets and would move their cars for snowplowing; there would be a permit fee. Consensus that this will be referred to the Borough Attorney to see if it can be done.

Adoption of Resolution #2012-4.17: Affirming the Borough's Civil Rights Policy

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

**RESOLUTION #2012-4.17
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

A RESOLUTION TO AFFIRM THE BOROUGH OF BLOOMINGDALE'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH BOROUGH EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of Borough of Bloomingdale to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of the Borough of Bloomingdale has determined that certain procedures need to be established to accomplish this policy.

NOW, THEREFORE BE IT ADOPTED by the Mayor and Borough Council that:

Section 1: No official, employee, appointee or volunteer of the Mayor and Borough Council by whatever title known, or any entity that is in any way a part of the Borough of Bloomingdale shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough of Bloomingdale's business or using the facilities or property of the Borough of Bloomingdale.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Bloomingdale to provide services that otherwise could be performed by the Borough of Bloomingdale.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Borough Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Borough Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough of Bloomingdale as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of Bloomingdale. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough of Bloomingdale's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough of Bloomingdale in order for the public to be made aware of this policy and the Borough of Bloomingdale's commitment to the implementation and enforcement of this policy.

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.

Borough Attorney stated that this will reduce your deductable from \$100,000 to \$20,000; this has to be done by June 1.

Adoption of Resolution #2012-4.18: Adopting Personnel Policies and Procedures

Councilman D'Amato offered the following Resolution and move for its adoption:

**RESOLUTION #2012-4.18
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOMINGDALE**

ADOPTING PERSONNEL POLICIES AND PROCEDURES

WHEREAS, it is the policy of the Borough of Bloomingdale to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Civil Service Act, the New Jersey Attorney General's guideline with respect to Police Department personnel matters, the New Jersey Workers Compensation Act, the Federal consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Mayor and Borough Council of the Borough of Bloomingdale have determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREBY, BE IT RESOLVED by the Mayor and Borough Council for the Borough of Bloomingdale that the following updates to the Borough of Bloomingdale's Personnel Policies and Procedures Manual are hereby adopted:

- American with Disabilities Act Policy
- Email, Voice Mail, Computer, and Internet Usage Policy
- Access to Personnel Records Policy

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this Manual is intended to provide guidelines covering public service by Borough employees and is not a contract. The provisions of this Manual may be amended and supplemented from time to time without notice and at the sole discretion of the Borough of Bloomingdale.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Township shall operate under the legal doctrine known as “employment at will.”

BE IT FURTHER RESOLVED that the Borough Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Borough Personnel Administrator and the Employment/Labor Counsel shall assist the Borough Administrator in the implementation of the policies and procedures in this Manual.

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.

Adoption of Resolution #2012-4.19: Authorization for Plan Review for The Christen School

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

**RESOLUTION #2012-4.19
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing an Interlocal Agreement for School Construction Inspection Services By and Between the Children’s Institute, 6 Regent Street, Livingston, NJ and the Borough of Bloomingdale

WHEREAS, the Governing Body has learned that the Children’s Institute, located at 6 Regent Street, Livingston, NJ, requires plan review for services in connection with the Plan Review of the Rehabilitation of 6 Regent Street, Block 101; Lot 1 in Livingston, NJ, which services can be provided by the Borough through its Construction Department pursuant to an interlocal service agreement; and

WHEREAS, the Governing Body finds and declares that such services fall within the scope of the Interlocal Services Act (“Act”), N.J.S.A. 40:8A-1, *et seq.*, which authorizes a municipality to contract with another governmental entity for the provision of a service that a municipality is empowered to render under state law; and

WHEREAS, the Governing Body further finds and declares that authorization of interlocal service agreements for Plan Review services with The Children’s Institute would implement the Governing Body’s declared intention of expanding the scope of its existing interlocal agreements, which would be in the best interests of the fiscal health and integrity of the Borough’s municipal government and the citizenry served thereby;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize any and all appropriate municipal officials to execute interlocal services agreements with The Children’s Institute for the provision of plan review of the rehabilitation of 6 Regent Street, Block 101; Lot 1 in Livingston, NJ subject to review by the Mayor, the Borough Attorney and the Borough Administrator as to the form and content of said agreements.

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

Adoption of resolution #2012-4.20: Authorization for Proposal for Environmental Services – Atlantic Environmental Solutions, Inc.

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

**RESOLUTION #2012-4.20
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorization for Professional Services

RESOLVED, that authorization be given for the Mayor to execute a Professional Services Agreement with Atlantic Environmental Services, 5 Marine View Plaza, Hoboken, NJ, as per their proposal dated April 19, 2012 for an amount not to exceed \$3,500.

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

Adoption of Resolution #2012-4-20: Hiring of Seasonal Help for Animal Control Services

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

**RESOLUTION #2012-4.21
OF THE GOVERNING BODY**

OF THE BOROUGH OF BLOOMINGDALE

Authoring Hiring of Seasonal Help

WHEREAS, there is a need to hire seasonal help for the Bloomingdale Animal Shelter; and

WHEREAS, this position was advertised and interviews were held for prospective candidates; and

WHEREAS, based on these interviews, it was determined that the following was the successful candidate:

- Jennifer Capalbo

NOW BE IT RESOLVED, that the candidate listed above be hired as a part-time seasonal help for the Animal Shelter at a salary of \$9.00 per hour, up to 20 hours/week to begin on or about April 30, 2012.

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.

Transparency in Government

Councilwoman Shortman would like this on discussion for our next work session, i.e. putting employee salaries on website.

LATE PUBLIC COMMENT

Councilwoman Pituch opened the meeting up to Late Public Comment; seconded by Councilman Schiffman and carried on voice vote.

Ron Caputo, 42 Bogue Drive, asked why the Mayor made the motion for the fireworks; mayor stated that he did not make the motion; he asked for one but did not make the motion.

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

LATE EXECUTIVE SESSION

Councilman offered the following Resolution and moved for its adoption:

**RESOLUTION
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing the Convening of an Executive Session

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Governing Body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale, County of Passaic, State of New Jersey, as follows:

1. The public shall be excluded from discussion of, and action upon, the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
3. The general nature of the subject matter to be discussed is as follows:
 - A. Negotiations – Two Matters
 - B. Attorney/Client Privilege – 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.

(At this time, 9:36 p.m., the Mayor and Council went into Executive Session)

RECONVENED

Mayor Dunleavy reconvened the meeting at 10:24 p.m.

ADJOURNMENT

Since there was no further business to be conducted, Councilman Schiffman moved to ADJOURN at 10:24 p.m.; seconded by Councilwoman Pituch and carried on voice vote.

Jane McCarthy, RMC
Municipal Clerk

FINAL – MAY 21, 2012