

**August 14, 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 7:04 p.m.

**SALUTE TO THE AMERICAN FLAG**

Mayor Dunleavy led the Salute to the Flag.

*In Attendance:* Mayor: Jonathan Dunleavy

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

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

**PUBLIC NOTICE STATEMENT**

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

**MOTION TO REMOVE MATTERS FROM AGENDA**

No items were removed.

**EARLY PUBLIC COMMENT**

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

Linda Huntley, 86 Van Dam Avenue, spoke in regard to a referendum for the ROSE Fund and would hope that the Governing Body will vote to bring the number in line of what it was before the revaluation.

Ms. Huntley also discussed the Redevelopment Plan ordinance and hoped that the Governing Body is going to look at the cost to see what they are going to save and what the ramifications will be if they do it for other developers.

Ms. Huntley also stated that she hopes the Borough Auditor is going to look at the Water/Sewer cost that is going up and also would like to see a study on shared services.

Maureen Tierney, 21 Highland Road, spoke at length in regard to the Redevelopment Ordinance and ROSE Fund. Noted that she hopes the Borough Auditor will see if this will work.

Mayor Dunleavy stated that it is the Borough Auditor who brought this plan forward and noted we are going to introduce it by title and enter into a financial agreement with Avalon Bay; second and final reading will be at a Special Meeting.

Discussion followed in regard to affordable housing units, payment to Board of Education and County, etc.

Mrs. Tierney stated that she would like to see a spreadsheet on this program.

Jennifer Altfield, 17 Cedar Street, spoke in regard to the Avalon Bay Developer and expressed her dissatisfaction with “giving them a break” with the pilot program. Spoke in regard to the fact that we spent over \$100,000 in court fees with Avalon Bay and noted that who is to say that the Meer or DR Horton Developers will ask for the same.

Mayor Dunleavy stated that a pilot program will be on a case-by-case basis.

He noted the Department of Community Affairs has already signed off on this redevelopment.

Ben Bennett, Local 33, spoke in regard to the Avalon Bay project asked what this would mean for the school and noted that he represents some employees who work for the schools.

Mayor noted that they receive roughly 50% of the taxes. This project would be about \$700,000/year in March; if it passes they will get nothing. Mayor noted we have the right to still fund the schools. We have done our due diligence and the schools do not need another \$350,000. Noted if the schools need money to improve education, he would go on record that he would fund that.

Mayor stated that he feels Mr. Bennett has a Union issue with Avalon Bay. None of the numbers are final and will be brought to the public for discussion. Our Borough Auditor recommended this based on the financial condition of the Borough.

Bob Schiffman, 48 Ridge Road, noted that he has a passion for life quality and felt this is going to impact our traffic and school systems. Noted that there are other ways you can control your COAH obligation and stated that we voluntarily gave up nine units.

Mayor Dunleavy stated that the reduction of nine units did not change our exposure to builders remedy. Our Assessor can determine the assessed value upon completion.

Mayor Dunleavy stated that he would consider Office/Professional zone on Union Avenue; Avalon Bay was determined by the Courts.

Mr. Schiffman asked that the Governing Body look at other options for our COAH obligation.

Alan Gunderson, Chairman of the Planning Board, noted that the Planning Board minutes indicated that the approval was subject to approvals previously given. Mayor stated that we have a Developers Agreement with Avalon Bay which covers all the conditions imposed on them.

Discussion in regard to COAH and noted that these projects would not have met our COAH obligation. Also noted that there are no Affordable Housing Trust Fund monies at this time. We will be receiving \$100,000 to put in an Affordable Housing Trust Fund so that we can allow residents to access that fund and this should be done mid year of 2013.

Mr. Gunderson stated that he felt it would not cost very much for a planner to come forward and put together our third round plan.

Mr. Gunderson now spoke as a private citizen of 169 Clark Street and asked if the pilot program financial agreement will be available prior to the meeting; noted that we have to negotiate ten days before.

Discussion in regard to schools and fact that we will never again vote on a school budget if they stay within the cap.

Frank O'Reilly, 21 Pearl Street, felt the initiative is very promising and asked if the ordinance would be on the website and Mayor noted that we will do so.

Mr. O'Reilly asked what other property could you put COAH units on and it was noted the Glenwild Garden Center.

Lori Weinbrock, 45 Highland Road, asked what happens if Avalon Bay doesn't make a profit; noted that you can set up parameters of percentage of revenue or percentage of construction costs. Pilot Program is a separate issue from the redevelopment program.

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

### **RECESS**

Mayor Dunleavy called for a five minute recess at this time.

### **RECONVENED**

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

### **REPORTS FROM THE GOVERNING BODY**

#### **Tax Rate**

Councilman Yazdi noted that the County struck the tax rate and average taxes will go down \$88; Mayor asked Councilman Yazdi to amend his spreadsheet which he presented at the last meeting and put it on the website.

Councilman Yazdi stated he will have public meetings where residents can come in and go through the budget in late September or early October.

#### **Library**

Councilwoman Pituch stated the Library will be closed August 31 through September 10 to do their next phase of construction.

#### **Senior Center**

Councilwoman Pituch stated the Senior Center will be closed the last week in August for cleaning of the building.

#### **Oakwood Lake**

Mayor Dunleavy stated we received a \$100,000 grant from the County for sidewalks, fishing pier, etc.

River Cleanup

River Cleanup will be August 23 at 10 a.m. at Sloan Park.

#### **Pride Day**

Pride Day will be held on Sat 9/29 12-5 rain date 10/20.

### **PROFESSIONAL REPORTS**

#### **Municipal Clerk**

Municipal Clerk noted that the Candlelight Walk will be held on September 11, 2012; lineup at the Municipal Building at 7 p.m.

**Borough Administrator****Vreeland Avenue**

Borough Administrator stated that the infrastructure improvement has been made and they are milling the road on Friday and paving on Monday.

**Morse Lakes, Jeffries and Raffman**

Borough Administrator stated that these roads will be done before Labor Day.

**Morse lakes Roads**

Borough Administrator stated that these will be completed after Labor Day.

**Walter T. Bergen Lights**

Borough Administrator stated the lights will be delivered next Thursday.

**Star Lake Water Tank**

Borough Administrator stated we hope to award the contract this evening.

**Oakwood Lake**

Borough Administrator stated that we hope to commence this the week before Labor Day.

**Desnagging Project**

Borough Administrator stated that this project is still ongoing.

**Borough Attorney****Tax Appeals**

Borough Attorney stated that we are still working on the settlement of the tax appeals.

**Approval of contract**

Borough Attorney stated that in speaking with the Borough Treasurer, she noted that if there is not a certification of funds for an approval of a bill/contract, then we should not approve them; you need to make sure funds are available.

**APPROVAL OF CONSENT AGENDA**

Councilman Yazdi moved that the following Consent Agenda be approved:

- A. Approval of Minutes for: Executive Session July 17, 2012; Regular And Executive Session for July 24, 2012
- B. Approval of Block Party Permit – 21 Reeve Avenue, September 2, 2012
- C. Application for Regular Member Bloomingdale Fire Department; Hook And Ladder Company; Robert Sudol

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

**PENDING BUSINESS**

Mayor Dunleavy stated he would like to move Item 14A and B under New Business at this time in regard to the liquor license for NLS.

**Adoption of Resolution #2012-8.1: Approval of inactive Liquor License #1601-33-008-101 NLS Management LLC**

Mr. Frederick Soule who is a member of NLS Management LLC and his Attorney James LaSala, Esq. were in attendance.

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

**RESOLUTION #2012-8.1  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***RENEWAL OF INACTIVE ALCOHOLIC BEVERAGE LICENSE  
NLS MANAGEMENT LLC  
#1601-33-008-010***

**WHEREAS**, the following names, persons and corporations have made application for the renewal of their inactive alcoholic beverage license; and

**WHEREAS**, said application was accompanied by the necessary fee; and

**WHEREAS**, the applicant has filed with the Borough Clerk a copy of the application for forwarding to the State Division of Alcoholic Beverage Control, together with the necessary \$200.00 fee for said Division; and

**WHEREAS**, a copy of the Tax Clearance Certificate has been received for the applicant from the State of New Jersey Department of Taxation; and

**WHEREAS**, no objection has been filed in writing with the Borough Clerk against the granting of this renewal and no objections being heard hereto; and

**WHEREAS**, the State of New Jersey has granted a Special Ruling as per their July 27, 2012 letter for the 2012-2013 license term and approval is condition, and is based upon the representations set forth in the petitioner's notarized letter on July 27, 2012.

**NOW, THEREFORE, BE IT RESOLVED** that the Clerk of this Borough be and she is hereby authorized to renew the alcoholic beverage licenses of the following place:

**PLENARY RETAIL CONSUMPTION**

NLS Management, LLC	#1601-33-008-010
Bloomingtondale, NJ 07403	(Inactive License)

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

**Public Hearing on Place-to-Place (Extension of License) NLS management to 133-135-137 Main Street**

At this time Mr. LaSala, Attorney for NLS Management spoke in regard to their request for a place to place transfer of this inactive license; the main building will be 137 Main Street and they would like to eventually use all three buildings for the liquor license.

Discussion followed in regard to parking in the back of the buildings. They intend to purchase the pizza place and also have outside dining in the back of the buildings. They know that they will have to comply with local ordinances, planning board approvals and possibly DEP approvals if necessary.

It was noted that this will not give them any zoning license; it is just the liquor license. They know they may have to go to the Planning Board for site plan approval.

**Adoption of Resolution #2012-8.2: Approving place-to-place and extension of license for 133-135-137 Main Street**

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

**RESOLUTION #2012-8.2  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Place to Place Transfer and Expansion of Liquor License #1601-33-008-009***

**WHEREAS**, an application has been filed for a place-to-place transfer and expansion for Plenary Retail Consumption License #1601-33-008-009, heretofore issued to NLS Management, LLC for premises located at 133-135-137Hamburg Turnpike, Bloomingdale, NJ; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby approve, effective August 14, 2012, the place-to-place transfer of the aforesaid Inactive Plenary Retail Consumption License to 133-135-137 Hamburg Turnpike , NJ and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows:

“This license, subject to all its terms and conditions, is hereby transferred to premises located at 133-135-137 Hamburg Turnpike, Bloomingdale, NJ, effective August 14, 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.

**Discussion in regard to proposals from Borough Auditor for LOSAP and Water/Sewer Audits**

Mayor Dunleavy stated that we have received proposals from the Borough Auditor to do an audit on our LOSAP program and Water/Sewer Utility; noted we cannot authorize this without a certification of funds and do not think we have budgeted for this.

Discussion followed in regard to fact that Treasurer said we may have a shortage in the utility budget.

Councilwoman Shortman wanted to proceed with the audit but it was noted that the Finance Department has indicated t here are not funds for this.

Mayor stated we need to know what is in the budget; Borough Administrator will call our Auditor and get a statement from his as to the status; mayor stated he still wants a transport of Page 93 from the Auditor.

**Discussion in regard to Street Sweeping**

Councilwoman Shortman stated that this was approved on June 26, 2012 and then sent to committee as there were questions that needed to be answered; we have not heard anything. Governmental Operations, Finance and Administration will have a meeting to discuss the details as to where we are.

Councilwoman Shortman stated we need to see costs, i.e. which include retirement and health benefits. Cost of equipment and replacement should also be included.

Councilwoman Shortman stated that residents have asked if we can spare a person to do this, then why we need them; noted that we will lessen the number of days the Borough would be street sweeping. The two street sweeping shared service pays half of the employee's salary who does it.

Councilman D'Amato will call a meeting and they will figure out the hourly rate/man.

**Discussion in regard to ROSE Fund Public Question**

**Adoption of Resolution #2012-8.3: Requesting that a Proposition be placed on the General Election ballot as to the dedicated tax levy for purposes of the ROSE Fund**

At this time, Councilwoman Shortman presented a Public Question in regard to the ROSE Fund.

Mayor Dunleavy asked why this is different from the one everyone agree to at the last meeting and which the Attorney drafted for this evening meeting.

Councilwoman Shortman offered the following Resolution:

**RESOLUTION #2012-8.3**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE REQUESTING THAT A PROPOSITION BE PLACED ON THE GENERAL ELECTION BALLOT TO ASCERTAIN THE SENTIMENT OF THE VOTERS WITH RESPECT TO AMENDING A PROPOSITION PREVIOUSLY SUBMITTED, APPROVED, AND IMPLEMENTED UNDER N.J.S.A. 40:12-15.7 TO ESTABLISH A DEDICATED TAX LEVY FOR PURPOSES OF THE ROSE FUND, BY CHANGING THE RATE OF THE ANNUAL LEVY**

**WHEREAS**, at the general election held on November 7, 2000, the voters of the Borough of Bloomingdale, in response to a public question on the ballot, affirmatively expressed the sentiment to adopt an Ordinance establishing a "Recreation and Open Space Establishment Trust Fund" (ROSE Fund) to be funded through the collection of a municipal tax of two and one-half cents (\$0.025) per one hundred dollars (\$100) of assessed property valuation, to be solely dedicated to financing the purchase of properties, easements and/or land development rights for the preservation of open space and the development, maintenance and improvement of existing and new recreational facilities within the Borough of Bloomingdale; and

**WHEREAS**, the governing body of the Borough of Bloomingdale (the "Governing Body") thereupon enacted Ordinance No. 10-2001 (codified at Section 2-65 of the Code of the Borough of Bloomingdale) to formally establish the ROSE Fund and create the said tax levy; and

**WHEREAS**, the Governing Body has determined that following the municipal-wide revaluation in 2012, which resulted in significantly increased real property assessments in the Borough, the existing tax rate will generate a ROSE Fund tax levy in excess of the needs of the Borough in any given year for ROSE Fund purposes and, therefore, the amount of the tax levy is no longer appropriate; and

**WHEREAS**, the Governing Body has determined that the ROSE Fund tax levy of \$0.025 per \$100 of assessed valuation generated approximately \$105,110.49 for 2011 and approximately \$187,100 for 2012 (following the revaluation); and

**WHEREAS**, the Governing Body has further determined that amending the rate of the ROSE Fund tax levy to one and forty-one hundredths cents (\$0.0141) per one hundred dollars (\$100) of assessed valuation would generate approximately the same amount of open space funds in 2013 as in 2011; and

**WHEREAS**, N.J.S.A. 40:12-15.7 permits the governing body of a municipality to submit to the voters of the municipality in a general election a proposition amending or supplementing a proposition previously submitted, approved and implemented to establish an annual tax levy for the purposes set forth in N.J.S.A. 40:12-15.7(a)(1); and

**WHEREAS**, the Governing Body desires to obtain the sentiment of the voters of the Borough of Bloomingdale with respect to amending the ROSE Fund tax levy to account for the increased property assessments and so that the ROSE Fund tax levy generates revenue in an amount substantially similar to that received annually prior to the implementation of the municipal-wide revaluation; and

**WHEREAS**, the Governing Body has determined it to be in the public interest to request that the attached Public Question and Interpretive Statement be placed by the Passaic County Clerk on the November 6, 2012 General Election Ballot for consideration by the eligible voters of the Borough of Bloomingdale.

**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 Passaic County Clerk is hereby requested to place the attached Public Question and Interpretive Statement on the November 6, 2012 General Election Ballot for consideration by the eligible voters of the Borough of Bloomingdale, and that a true copy of this Resolution be forwarded to the Passaic County Clerk for this purpose.

#### **PUBLIC QUESTION**

**Shall the Borough of Bloomingdale adopt an Ordinance to amend Ordinance #10-2001, entitled “An Ordinance of the Borough of Bloomingdale Creating a Recreation and Open Space Tax, Trust Fund and Advisory Board,” by amending Section 2-65.3(a) thereof to read, “The ROSE Fund shall be funded through the dedication thereto of an amount equal to one and forty-one hundredths cents (\$0.0141) per one hundred dollars (\$100) of assessed valuation of annual tax levy, commencing with the year 2013?”**

#### **INTERPRETATIVE STATEMENT**

**The Governing Body of the Borough of Bloomingdale is seeking the sentiment of the voters concerning an amendment to Ordinance #10-2001, establishing the ROSE Fund, to change the amount of the ROSE Fund tax rate to account for the increased property assessments resulting from the 2012 municipal-wide revaluation. Based on the existing tax rate of \$0.025 per \$100 of assessed valuation, the increase in property assessments resulted in a ROSE Fund tax levy of approximately \$187,100 for 2012, in contrast to approximately \$105,110 for 2011. The proposed change in the ROSE Fund tax rate from \$0.025 to**



**\$0.0141 per one hundred dollars (\$100) of assessed valuation is expected to generate approximately the same amount of ROSE Fund monies in 2013 as in 2011.**

Councilwoman Pituch seconded the motion.

Discussion followed and Councilwoman Shortman stated she did not feel we should have a tax increase on something which the people approved in 2000.

Mayor disagreed and stated that he felt we should approved the resolution drafted by the Borough Attorney; discussed the bond for flood mitigation which was passed last year whereby the ROSE fund would be used to drawn down the bond; this new resolution would make that impossible..

Mayor stated that the Auditor has recommended that we should not alter the ROSE fund under any circumstance.

Borough attorney noted that throughout the year Councilwoman Shortman asked about this referendum and asked him to draft the resolution which you received this evening.

Discussion followed in regard to the reevaluation and noted that with tax appeals, our number will changed.

### **RECESS**

The Mayor and Council took a five minute recess.

### **RECONVENED**

Mayor Dunleavy reconvened the meeting at this time, 10:03 p.m.

Councilman D'Amato moved to discuss this later in the meeting; seconded by Councilman Conklin and carried on voice vote.

Councilwoman Shortman moved to adopt the resolution she presented this evening:

### **RESOLUTION #2012-8.3**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE REQUESTING THAT A PROPOSITION BE PLACED ON THE GENERAL ELECTION BALLOT TO ASCERTAIN THE SENTIMENT OF THE VOTERS WITH RESPECT TO AMENDING A PROPOSITION PREVIOUSLY SUBMITTED, APPROVED, AND IMPLEMENTED UNDER N.J.S.A. 40:12-15.7 TO ESTABLISH A DEDICATED TAX LEVY FOR PURPOSES OF THE ROSE FUND, BY CHANGING THE RATE OF THE ANNUAL LEVY**

**WHEREAS**, at the general election held on November 7, 2000, the voters of the Borough of Bloomingdale, in response to a public question on the ballot, affirmatively expressed the sentiment to adopt an Ordinance establishing a "Recreation and Open Space Establishment Trust Fund" (ROSE Fund) to be funded through the collection of a municipal tax of two and one-half cents (\$0.025) per one hundred dollars (\$100) of assessed property valuation, to be solely dedicated to financing the purchase of properties, easements and/or land development rights for the preservation of open space and the development, maintenance and improvement of existing and new recreational facilities within the Borough of Bloomingdale; and

**WHEREAS**, the governing body of the Borough of Bloomingdale (the "Governing Body") thereupon enacted Ordinance No. 10-2001 (codified at Section 2-65 of the Code of the Borough of Bloomingdale) to formally establish the ROSE Fund and create the said tax levy; and

**WHEREAS**, the Governing Body has determined that following the municipal-wide revaluation in 2012, which resulted in significantly increased real property assessments in the Borough, the existing tax rate will generate a ROSE Fund tax levy in excess of the needs of the Borough in any given year for ROSE Fund purposes and, therefore, the amount of the tax levy is no longer appropriate; and

**WHEREAS**, the Governing Body has determined that the ROSE Fund tax levy of \$0.025 per \$100 of assessed valuation generated approximately \$105,110.49 for 2011 and approximately \$187,100 for 2012 (following the revaluation); and

**WHEREAS**, the Governing Body has further determined that amending the rate of the ROSE Fund tax levy to one and forty-one hundredths cents (\$0.0141) per one hundred dollars (\$100) of assessed valuation would generate approximately the same amount of open space funds in 2013 as in 2011; and

**WHEREAS**, N.J.S.A. 40:12-15.7 permits the governing body of a municipality to submit to the voters of the municipality in a general election a proposition amending or supplementing a proposition previously submitted, approved and implemented to establish an annual tax levy for the purposes set forth in N.J.S.A. 40:12-15.7(a)(1); and

**WHEREAS**, the Governing Body desires to obtain the sentiment of the voters of the Borough of Bloomingdale with respect to amending the ROSE Fund tax levy to account for the increased property assessments and so that the ROSE Fund tax levy generates revenue in an amount substantially similar to that received annually prior to the implementation of the municipal-wide revaluation; and

**WHEREAS**, the Governing Body has determined it to be in the public interest to request that the attached Public Question and Interpretive Statement be placed by the Passaic County Clerk on the November 6, 2012 General Election Ballot for consideration by the eligible voters of the Borough of Bloomingdale.

**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 Passaic County Clerk is hereby requested to place the attached Public Question and Interpretive Statement on the November 6, 2012 General Election Ballot for consideration by the eligible voters of the Borough of Bloomingdale, and that a true copy of this Resolution be forwarded to the Passaic County Clerk for this purpose.

**PUBLIC QUESTION**

Shall the Borough of Bloomingdale adopt an Ordinance to amend Ordinance #10-2001, entitled “An Ordinance of the Borough of Bloomingdale Creating a Recreation and Open Space Tax, Trust Fund and Advisory Board,” by amending Section 2-65.3(a) thereof to read, “The ROSE Fund shall be funded through the dedication thereto of an amount equal to one and forty-one hundredths cents (\$0.0141) per one hundred dollars (\$100) of assessed valuation of annual tax levy, commencing with the year 2013?”

**INTERPRETATIVE STATEMENT**

The Governing Body of the Borough of Bloomingdale is seeking the sentiment of the voters concerning an amendment to Ordinance #10-2001, establishing the ROSE Fund, to change the amount of the ROSE Fund tax rate to account for the increased property assessments resulting from the 2012 municipal-wide revaluation. Based on the existing tax rate of \$0.025 per \$100 of assessed valuation, the increase in property assessments resulted in a ROSE Fund tax levy of approximately \$187,100 for 2012, in contrast to approximately \$105,110 for 2011. The proposed change in the ROSE Fund tax rate from \$0.025 to \$0.0141 per one hundred dollars (\$100) of assessed valuation is expected to generate approximately the same amount of ROSE Fund monies in 2013 as in 2011.

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

Municipal Clerk will forward this to the County Clerk for the ballot.

**Ordinances**

**Second and Final Reading and Public Hearing of Ordinance #12-2012 – Redevelopment Plan for Property known as Block 73; Lot 67**

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, ADOPTING A REDEVELOPMENT PLAN FOR PROPERTY KNOWN AND DESIGNATED AS BLOCK 73, LOT 67 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF BLOOMINGDALE*** was given second and final reading and consideration for adoption at this time.

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 NO. 12-2012**

**ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, ADOPTING A REDEVELOPMENT PLAN FOR PROPERTY KNOWN AND DESIGNATED AS BLOCK 73, LOT 67 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF BLOOMINGDALE**

**WHEREAS**, in accordance with the provisions of the New Jersey Local Redevelopment Housing Law (“LRHL”), N.J.S.A. 40A:12A-1, *et seq.*, the Borough of Bloomingdale (“Borough”) in the County of Passaic and the State of New Jersey previously designated property identified as Block 73, Lot 67 (“Property”), on the Tax Map of the Borough as an area in need of redevelopment; and

**WHEREAS**, in accordance with the provisions of the LRHL, the Mayor and Council (“Governing Body”) of the Borough authorized the preparation of a redevelopment plan for the Property; and

**WHEREAS**, the planning consultant for the Borough, Donna Holmqvist, AICP, PP, of Burgis Associates, Inc., has prepared the Redevelopment Plan for the Property, dated July 17, 2012 (“Redevelopment Plan”), a copy of which shall be maintained on file in the offices of the Borough Clerk and is incorporated by reference herein; and

**WHEREAS**, the Redevelopment Plan was referred to the Planning Board of the Borough of Bloomingdale for review and recommendation concerning same in accordance with the provisions of N.J.S.A. 40A:12A-7 prior to the final adoption of the within ordinance and Redevelopment Plan; and

**WHEREAS**, on July 19, 2012, following a public hearing, the Planning Board voted to approve the Redevelopment Plan as presented; and

**WHEREAS**, the Governing Body hereby determines that the Redevelopment Plan for the Property is necessary and appropriate; is in compliance with the dictates of the LRHL; and will result in the successful redevelopment of the subject Property, which has been declared to be an “area in need of redevelopment.”

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Bloomingdale, in the County of Passaic and State of New Jersey, that the Redevelopment Plan is hereby adopted for the Property.

**BE IT FURTHER ORDAINED** that the Borough of Bloomingdale Zoning Map is hereby amended to identify the Property as being an area in need of redevelopment, as identified in the Redevelopment Plan.

**BE IT FURTHER ORDAINED** that any prior Ordinance, or parts thereof, that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**BE IT FURTHER ORDAINED** that this Ordinance shall become effective immediately upon final passage and publication as required by law, as the “Ordinance Adopting a Redevelopment Plan for Property Known and Designated as Block 73, Lot 67 on the Official Tax Map of the Borough of Bloomingdale.”

Councilman Yazdi moved to open 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 the Public Hearing, Councilman Schiffman moved that it be closed; seconded by Councilman Yazdi and carried on voice vote.

Councilman Yazdi moved for the adoption of this ordinance; seconded by councilman D’Amato and carried as per the following roll call: Council members: Council Members: Shortman, YES; Yazdi, YES; Conklin, YES; D’Amato, YES; Pituch, YES and Schiffman, NO.

**Second and final reading and public hearing of Ordinance #13-2012: appropriating \$30,000 from the County Open Space Grant**

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE APPROPRIATING \$30,000 FROM THE COUNTY OF PASSAIC OPEN SPACE GRANT*** was given second reading and consideration for adoption at this time.

Municipal Clerk read the public notice statement.

Councilwoman Shortman 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 #-13-2012  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE  
APPROPRIATING \$30,000 FROM THE COUNTY OF  
PASSAIC OPEN SPACE GRANT***

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, AND THE STATE OF NEW JERSEY AS FOLLOWS:

Section 1. The sum of \$30,000.00 is available from the County of Passaic Open Space Grant to provide funding for the following purposes:

<u>Description of Purpose</u>	<u>Amount</u>
Riverwalk Feasibility Plan	\$30,000.00
<b>TOTAL:</b>	<b>\$30,000.00</b>

Section 2. 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 3. This Ordinance shall take effect ten days after final publication hereof as provided by N.J.S.A. 40:49-9.

**EXPLANATORY STATEMENT**

Ordinance #-2006 appropriates the sum of \$30,000.00 from the County of Passaic for the Riverwalk Feasibility Study.

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

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

Councilwoman Shortman moved for the adoption of the ordinance; seconded by councilman Schiffman and carried as far as the following roll call: council Members: Yazdi, NO; Conklin, YES; D'Amato, YES; Pituch, YES; Schiffman, YES and Shortman, YES.

**Second and final reading and Public Hearing of Ordinance #14-2012: Appropriating \$90,000 for the Improvement of Certain Roads Located in Morse Lakes Development**

**BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF CERTAIN ROADS LOCATED IN THE MORSE LAKE DEVELOPMENT IN AND BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$90,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$85,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF** 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 Dunleavy and carried on voice vote.

The Municipal Clerk read the ordinance by title.

**ORDINANCE #14-2012  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDLAE**

**BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF CERTAIN ROADS LOCATED IN THE MORSE LAKE DEVELOPMENT IN AND BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$90,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$85,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

WHEREAS, the Borough of Bloomingdale (the "Borough") and the Morse Lake Property Owner Association (the "Association") wish to enter into an agreement whereby the Borough will undertake the improvement of certain roads in the Morse Lake development and the Association will pay the total cost thereof to the Borough; now, therefore,

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) 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 \$90,000, including the sum of \$5,000 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 \$85,000 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 the improvement of roads consisting of Buena Vista, East Buena Vista, West Buena Vista, Maple Lake Road and Birch Road located in the Morse Lake development in the Borough in accordance with an agreement between the Borough and the Association, including all work and materials necessary therefore 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 therefore.

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 \$85,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) \$5,000 is estimated for the 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. The total cost of the improvement will be paid to the Borough by the Association in accordance with an Agreement entered into between the Borough and the Association.

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.

Councilwoman Shortman moved that the meeting be open to a Public Hearing on this ordinance; seconded by Councilman D'Amato and carried on voice vote.

Linda Huntley, Van Dam Avenue, asked who will be paying the \$5,000 down payment for the bond and mayor Dunleavy sated that the Morse Lakes Property Owners Association will.

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

Borough Attorney stated that there is a condition that an agreement with the Morse Lakes Property Owners Association needs to be executed before this can go forward. Any comments the Governing Body may have on the proposed agreement should be forwarded to the Borough Attorney.

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

## **INTRODUCTION OF NEW BUSINESS**

### **Adoption of Resolution #2012-8.4 Chapter #159 Body Armor Grant**

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

#### **RESOLUTION #2012-8.4 OF THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing the Insertion into the FY2011 Municipal Budget Pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) of a Special Item of Revenue in the Form of a State of New Jersey Body Armor Grant***

**WHEREAS**, the Governing Body ("Governing Body") of the Borough of Bloomingdale ("Borough") finds and declares that N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services ("Director"), within the State of New Jersey Department of Community Affairs, may approve the insertion of any special item of revenue in the budget of any county or municipality; and

**WHEREAS**, the Governing Body further finds and declares that N.J.S.A. 40A:4-87 provides that the Director may also approve the insertion of any item of appropriation for an equal amount; and

**WHEREAS**, the Governing Body further finds and declares that it is in the best interests of the citizens of the Borough to request approval of the insertion into the Borough's FY2012 Municipal Budget of an item of revenue based upon a grant secured by the Borough from the State of New Jersey;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby request that the Director of the Division of Local Government Services, within the State of New Jersey Department of Community Affairs, approve the insertion into the Borough's FY2012 Municipal Budget of an item of revenue in the sum of \$1,950.00 which item is now available as revenue in the form of a State of New Jersey Current Fund – Body Armor Grant; and



**BE IT FURTHER RESOLVED** that a like sum of \$1,950.00 be and the same is hereby appropriated under the caption:

*Public and Private Revenues Offset with Appropriations  
Body Armor Grant*

**AND BE IT FURTHER RESOLVED** that three (3) certified copies of this Resolution be forwarded to the Office of the Director of Local Government Services, within the State of New Jersey Department of Community Affairs, for this purpose.

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 #2012-8.5: Payment of County Taxes**

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

RESOLVED, that payment to the County of Passaic for taxes be made in the amount of \$1,226,768.65 County Tax and Open Space \$17,609.06.

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.

**Adoption of Resolution #2012-8.6: Payment to Morris County JIF**

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

RESOLVED, that payment be made to the Morris County JIF in the amount of \$122,098.07.

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.

**Adoption of Resolution #2012-8.7: Award of Contract to Alpine Painting and Sandblasting**

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

**BOROUGH OF BLOOMINGDALE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY**

**RESOLUTION #2012-8.7**

**WHEREAS**, the Borough of Bloomingdale has previously solicited bids for the "Repainting of the 500,000 Gallon Water Storage Tank at Camp Star Lake" ("Project") pursuant to and in conformance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

**WHEREAS**, on August 8, 2012, 7 bids were received for the Project; and

**WHEREAS**, the lowest responsible bidder is Alpine Painting & Sandblasting of Paterson, NJ, with a bid total of \$261,950 ("Bid"); and

**WHEREAS**, the Consulting Engineer has recommended awarding the contract for the Project to Alpine Painting & Sandblasting of Paterson, NJ based on their Bid and the documents submitted therewith; and

**WHEREAS**, the Borough Attorney has reviewed and approved the bid package submitted by Alpine Painting & Sandblasting of Paterson, NJ. for compliance with the bid specifications and the Local Public Contracts Law; and

**WHEREAS**, the Chief Financial Officer of the Borough has certified, or will certify, the availability of funds to meet the bid amount;

**IT IS HEREBY RESOLVED** that Alpine Painting & Sandblasting is hereby awarded the contract for the Project at a bid amount of \$261,950.00 pursuant to the terms described in the solicitation for bids; and

**IT IS FURTHER RESOLVED** that the Borough Clerk will advertise public notice of this bid award in accordance with law and a copy of this resolution shall be kept on file with the Borough Clerk and available for inspection.

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 #2012-8.8: Tax Title Lien #10-00023**

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

**RESOLUTION #2012-8.8  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Redemption and Cancellation of Tax Title Lien Certificate #10-00023***

**WHEREAS**, the Governing Body ("Governing Body") of the Borough of Bloomingdale ("Borough") finds and declares that, at the Borough Tax Sale held on February 3, 2011, a lien was sold on,  
19 SANDRA LANE, BLOOMINGDALE, for delinquent year 2010 taxes, and

**WHEREAS**, the Governing Body further finds and declares that the foregoing property is also known as Block 92, Lot 30.19 (aka 52.02/3), owned by Cesar Gilbang; and

**WHEREAS**, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 10-00023, which was sold to K.C.C. PROMISED LANDS, LLC for a PREMIUM of \$ 5,100.00; and

**WHEREAS**, the Governing Body further finds and declares that mortgage holder LPS PROPERTY TAX SOLUTIONS, owner of property, has requested redemption of TTL # 10-00023, and

**WHEREAS**, the Governing Body further finds and declares that LPS PROPERTY TAX SOLUTIONS has paid all monies due on TTL # 10-00023, including supporting affidavits from the lien holder and current taxes, to the Borough of Bloomingdale;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Bloomingdale that the Borough Treasurer be and is hereby authorized to issue checks in the amount of \$17,917.11 for the lien redemption and \$5,100.00 for return of the PREMIUM payable to K.C.C. PROMISED LANDS, LLC, 2560 Rt. 22 East, Scotch Plains, NJ for the redemption and cancellation of Tax Title Lien Certificate # 10-00024.

1099 = \$ 1963.09

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

**Adoption of Resolution #2012-8.9: Tax Title Lien #11-00011**

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

**RESOLUTION #2012 -8.9  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Redemption and Cancellation of Tax Title Lien Certificate #11-00011***

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that, at the Borough Tax Sale held on April 20, 2012, a lien was sold on, 12 ROY AVENUE, BLOOMINGDALE, for delinquent year 2011 tax/water/sewer, and

**WHEREAS**, the Governing Body further finds and declares that the foregoing property is also known as Block 41, Lot 10 (aka 40.01/1), owned by Stanley & Sharon Zwier; and

**WHEREAS**, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 11-00011, which was sold to FWDSL & ASSOCIATES, LP at a premium of \$8,000.00; and

**WHEREAS**, the Governing Body further finds and declares that the mortgage holder, HSBC has requested redemption of TTL # 11-00011, and

**WHEREAS**, the Governing Body further finds and declares that, HSBC has paid all monies due on TTL #11-00011, including supporting affidavits from the lien holder and current taxes, to the Borough of Bloomingdale;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Bloomingdale that the Borough Treasurer be and is hereby authorized to issue a checks in the amount of \$11,095.65 for the lien redemption and \$8,000.00 for return of the PREMIUM payable to FWDSL & ASSOCIATES, L.P., 290 US Highway 22 West, Green Brook, NJ for the redemption and cancellation of Tax Title Lien Certificate # 11-00011.

1099 = \$ 425.93

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 Ordinance #15-2012: Solar Panels***

***AN ORDINANCE TO AMEND TO AMEND CHAPTER 10 OF THE CODE OF THE BOROUGH OF BLOOMINGDALE was introduced by title by Councilman Schiffman who moved that second and final reading and public hearing be held on September 18, 2012 at 7:30 p.m.***

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

***Authorization to place line on 206 Macopin Road***

Councilman Yazdi moved that authorization be given to place a lien in the amount of #1,800.75 on 206 Macopin Road; seconded by Councilman Schiffman and carried as per the following roll call: Council Members: Pituch; Schiffman; Shortman; Yazdi; Conklin and D’Amato all YES.

***Authorization to place lien on 84 Vreeland Avenue***

Councilman Yazdi moved to place a lien in the amount of ##### on 84 Vreeland Avenue; seconded by Councilman D’Amato and carried as per the following roll call: Council members: Schiffman; Shortman; Yazdi; Conklin; D’Amato and Pituch all YES.

Discussion followed re additional liens and moving them as one item.

Councilman Yazdi moved to rescind the motion on 84 Vreeland Avenue; seconded by Councilman Yazdi and carried on voice vote.

**Authorization to place lien on following properties**

Councilman Yazdi moved that authorization be given to place a lien on the following properties:

35 Ryerson  
84 Vreeland                      \$3,154.88  
195 Union Avenue

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

Authorization to place lien on 13 Sandra Lane in the amount of \$5,893.46

Councilman Yazdi moved that authorization be given to place a lien on 13 Sandra Lane in the amount of \$5,893.46; 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.

Motion authorizing Special meeting for Payment of Bills, etc.

Councilman Yazdi moved that authorization be given for a Special Meeting on August 28, 2012 at 7 a.m. for payment of bills and additional items which will be listed by the Municipal Clerk as necessary; seconded by Councilman D'Amato and carried on voice vote.

**INTRODUCTION OF NON AGEND ITEMS**

Introduction of Ordinance #16-2012: An Ordinance Accepting and Approving an application by Bloomigndale Urban Renewal, LLC for a Financial Agreement with the Borough of Bloomingdale

Mayor Dunleavy opened the meeting to a Public Comment on this on agenda item.

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

***AN ORDINANCE ACCEPTING AND APPROVING AN APPLICATION BY BLOOMINGDALE URBAN RENEWAL, LLC (FORMERLY KNOWN AS AVALON BAY COMMUNITIES, LLC) FOR A FINANCIAL AGREEMENT WITH THE BOROUGH OF BLOOMINGDALE PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ.*** was introduced by title by Councilman Yazdi who moved that second and final reading and public hearing will be held at a Special Meeting to be held on Tuesday, September 4, 2012 at 7:30 p.m.\*\*\*

This needs to be published ten days prior to the meeting and the agreement will be available to the public.

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

\*\*\*This meeting was later changed to September 6, 2012 at 7:30 p.m.

**Matter of Special Meeting August 28, 2012**

Councilman Yazdi moved to amend the meeting schedule for a Special Meeting on August 28, 2012 at 7 a.m. to pay the bills, etc. as stated previously; seconded by councilman Schiffman and carried on voice vote.

**LATE PUBLIC COMMENT**

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

Linda Huntley, 86 Van Dam Avenue, noted that the tax increase of \$406,000 over last year; total will go up \$142; Mayor stated that the Auditor report \$58.

Cresse Schultz, Maple Lake Road, discussed the work being done at the Avalon Bay site and discussed the noise level, possibility of foundation cracks, etc. and asked if anything can be done to mitigate this.

Borough Administrator noted he spoke with Mike Fitzpatrick the site contract as to start time, etc.; blasting is ruled by the State. Any concerns can be brought to the Administrator's attention or the on site person.

Betty Grieg, 33 Ridge Road, noted that what will happen if wells are damaged; Mayor noted that this may be hard to prove but the Developer has performance bonds.

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 Yazdi offered the following Resolution and moved for its adoption:

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

##### *Authorizing the Convening of an Executive Session*

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

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

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

1. The public shall be excluded from discussion of, and action upon, the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
3. The general nature of the subject matter to be discussed is as follows:
  - A. Negotiations – Five Matters
  - B. Personnel – One Matter
4. Minutes will be taken.
5. It is anticipated at this time that minutes of the above-referenced subject matter will be made public when it is in order to do so.
6. This Resolution shall take effect immediately.

Councilman D'Amato seconded the motion and it carried on voice vote.

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

### **RECONVENED**

Mayor Dunleavy reconvened the meeting at this time at 1:45 p.m.

#### **Adoption of Resolution #2012-8.10: Lake Iosco Tax Appeal**

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

**RESOLUTION #2012-8.10  
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 SETTLEMENT OF CERTAIN TAX APPEALS**

**WHEREAS**, an appeal of the 2012 real property tax assessments of the following properties have been filed with the Passaic County Tax Board:

<b>PROPERTY OWNER</b>	<b>BLOCK</b>	<b>LOT</b>
Lake Iosco	87.01	19

; and

**WHEREAS**, the Tax Assessor is of the opinion that it is in the best interest of the Borough to settle these appeals.

**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 settlement of the following tax appeals filed at the Passaic County Tax Board is hereby authorized as follows:

<b>PROPERTY OWNER</b>	<b>YEAR</b>	<b>ORIGINAL ASSESSMENT</b>	<b>PROPOSED SETTLEMENT</b>
Lake Iosco	20128	\$ 7,013,900.	\$ 6,626,900.

2. All municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.

3. The Tax Collector is hereby authorized to credit and/or refund the appropriate taxes in accordance with the terms of this resolution.

4. This Resolution shall take effect immediately

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

**Authorization of Water Supply Agreement with Borough of Butler**

Councilman Yazdi moved that authorization be given to approve a Water Supply Agreement between the Borough of Butler and the Borough of Bloomingdale for a term of 15 years as per the agreement on file with the Municipal Clerk.

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

**Authorization for Special meeting**

Councilman Schiffman moved to change the Special Meeting which was previously authorized for September 4, 2012 to Thursday, September 6, 2012 at 7 p.m.; seconded by Councilwoman Shortman and carried on voice vote.

**Amendment to Public Hearing on Ordinance #16-2012**

Councilman Schiffman moved to amend the second and final reading and public hearing on Ordinance #16-2012 which was introduced earlier in the meeting to Thursday, September 6, 2012 at 7 p.m.

Councilman D'Amato seconded the motion and it carried on voice vote.

**ADJOURNMENT**

Since there was no further business to be conducted, Councilman Schiffman moved to ADJOURN at 1:30 a.m.; seconded by Councilman D'Amato and carried on voice vote.

Jane McCarthy, RMC  
Municipal Clerk