

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

May 8, 2012

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

SALUTE TO THE AMERICAN FLAG

Mayor Dunleavy led the Salute to the Flag.

ROLL CALL

ROLL CALL

<i>In Attendance:</i>	Mayor:	Jon Dunleavy
	Council President:	Glenn Schiffman
	Council Members:	Mark Conklin John D'Amato Jo-Ann Pituch Linda Shortman Ray Yazdi
<i>Professionals Present:</i>	Municipal Clerk:	Jane McCarthy
	Borough Administrator:	Ted Ehrenburg
	Borough Attorney:	Jane Coviello

PUBLIC NOTICE STATEMENT

Mayor Dunleavy stated that adequate notice of this meeting was posted in the Bloomingdale Municipal Building and provided to The Suburban Trends; The North Jersey Herald & News; and all other local news media on January 4, 2012.

MOTION TO REMOVE MATTERS FROM AGENDA

None at this time.

EARLY PUBLIC COMMENT

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

Since there was no one 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 MAYOR AND COUNCIL

Mayor Report

DPW Employee Fertilizer License

Mayor stated that Councilman Schiffman received a letter from Rutgers as to the requirements for Certified Pesticide Applicators; the DPW employees need to take the 3B and mandatory 13 section and then they can spray and fertilize the schools. They still have to take the test for Section 13.

Clean Up Day

Mayor stated that we will be cleaning up Bogue Pond on May 12, 2012 at 10 a.m.

DEPARTMENT 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.

PENDING BUSINESS

Transparency in Government

Councilwoman Shortman stated she would like to see the employee salaries listed on the website as is done in Pompton Lakes; this does not have names but the position.

Discussion followed; Mayor stated that he this does not show a true picture as some people hold multiple titles.

Noted that we need a legal opinion from the Borough Attorney as to posting salaries on line.

Webmaster

Mayor stated that we have received proposals for webmaster services and suggested that the Governmental Operations committee review them and make a recommendation.

Councilwoman Shortman would like our attorney to review the ordinance.

Introduction of Ordinance #6-2012:

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE'S OPEN SPACE, RECREATION, FLOODPLAIN PROTECTION, AND FARMLAND AND HISTORIC PRESERVATION TRUST FUND was introduced by title by Councilman Schiffman who moved that second and final reading and public hearing be held on May 22, 2012 at 7:00 p.m.

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 YES.

INTRODUCTION OF NEW BUSINESS

Authorization for purchase of 2006 Crown Victoria from the Borough of Kinnelon for Construction Office

In response to Councilwoman Pituch, Borough Administrator stated that the Construction Office car is no longer in service; we have the opportunity to purchase one from Kinnelon. It has been inspection by our mechanics.

In response to Councilman Conklin, the Ford Ranger is being used by the DPW.

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

**RESOLUTION #2012-5A
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Payment for Vehicle

WHEREAS, there exists an opportunity for the Borough of Bloomingdale to purchase a 2006 Crown Victoria from the Borough of Kinnelon, and;

WHEREAS, the Borough of Kinnelon will sell a 2006 Crown Victoria, Serial No#2FAFP71W76X143416 of Bloomingdale; and

WHEREAS, the amount to be paid to the Borough of Kinnelon has been reviewed by the Borough Administrator and he has recommended that \$900.00 be paid to the Borough of Kinnelon for this vehicle;

NOW, THEREFORE BE IT RESOLVED, that the Borough of Bloomingdale is hereby authorized to accept these terms and pay the Borough of Kinnelon \$900.00

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

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

Adoption of Block Party Rules and Regulations

Councilman Yazdi moved to adopt the Block party Rules and Regulations; seconded by Councilman D'Amato.

Councilwoman Pituch noted that she does not want to act at a Work Session; this should be adopted at the May 22 meeting.

Councilman Yazdi rescinded his motion; seconded by Councilman D'Amato and carried on voice vote.

Councilwoman Pituch moved to TABLE this until the may 22, 2012 meeting as it is not an emergency; seconded by Councilman Schiffman and carried with all Council Members in favor except Councilman Yazdi who was opposed.

Appointment of Alternate to JIF Commission

Borough Administrator stated t hat now that Donna Mollineaux has left, we need to appoint an Alternate to the JIF Commission and recommended Treasurer Sherry Gallagher.

Councilman Schiffman moved for the appointment of Sherry Gallagher as Alternate to the JIF Commission; seconded by Council man Yazdi and carried as per the following roll call: Council Members: Pituch; Schiffman; Shortman; Yazdi; Conklin and D'Amato all YES.

Authorization for Passaic County Open Space Application for Walter T. Bergen School restrooms

Councilman Yazdi moved that authorization for the Borough to apply for the Passaic County Open Space Farmland Preservation grant for Recreational Improvements to the Walter T. Bergen School Field - \$100,000 for restrooms; Block 5; Lots 33, 34, 35, 36 and 37.

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

Proposal for cleanup of Sloan Park

Mayor Dunleavy stated that he has asked the Borough Administrator to obtain proposals to cleanup Sloan Park; there are some County grant funding which can be used. This will be on the next agenda for approval.

Introduction of Ordinance #7-2012: AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 4, GENERAL LICENSING, OF "THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BLOOMINGDALE, 2000" TO ESTABLISH A NEW SECTION 4-4, SOIL/MULCH DELIVERY PERMITS

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 4, GENERAL LICENSING, OF "THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BLOOMINGDALE, 2000" TO ESTABLISH A NEW SECTION 4-4, SOIL/MULCH DELIVERY PERMITS was introduced by title by Councilwoman Shortman who moved that second and final reading and public hearing be held on May 22, 2012 at 7:00 p.m.

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.

Discussion in regard to allowing private lakes to utilize Morris County Coop for road paving

Mayor Dunleavy stated that he would like the Mayor and Council to consider allowing our private lake communities' access to the Morris County Coop for road paving, etc. this would be an assessment project.

Mayor stated that he will have firm numbers on the three roads which need to be paved and ask for authorization at the May 22, 2012 meeting.

Discussion in regard to Ethics Ordinance

Mayor Dunleavy stated that he would like the Mayor and Council to reconsider reinstating the Ethics Ordinance which was rescinded last year. He will ask for reintroduction at the next meeting.

LATE PUBLIC COMMENT

Councilman Schiffman moved to open the meeting to late Public Comment; seconded by Councilwoman Shortman and carried on voice vote.

Jack Miller, Reeve Avenue, asked if the proposed ordinance in regard to delivery of mulch will be only Monday through Friday; noted that it has not been established yet but most like yes due to fact that overtime would have to be paid on weekends.

Mr. Miller stated that the next Flood Meeting is Tuesday, May 15.

NON-AGENDA ITEMS

Mayor Dunleavy stated that he would like a Resolution asking authorization for the hiring of a Planner at a cost of \$3,600 and not to exceed \$10,000 for the study of the redevelopment zone on Union Avenue. This is based on the recommendation of the Borough Auditor.

Councilwoman Shortman moved to open the meeting to Public comment on the hiring of a Planner Joseph Burgis at a cost of \$3,600 and not to exceed \$10,000 for the study of a redevelopment zone on Union Avenue; seconded by Councilwoman Pituch and carried on voice vote.

William Graf, 8 Linden Lane, noted that as a member of the Planning Board, they appreciate what you are trying to accomplish but the Planning Board has not received the resolution in regard to this.

Mayor stated that the Planning Board Attorney was in attendance at the meeting this was authorized and the resolution was forwarded to the Planning Board by the Municipal Clerk; this will be confirmed tomorrow.

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

Adoption of Resolution #2012-5.1: Authorizing the Hiring of Planner Joseph Burgis

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

RESOLUTION 2012-5.1

***A RESOLUTION OF THE BOROUGH OF BLOOMINGDALE,
COUNTY OF PASSAIC AND STATE OF NEW JERSEY,
AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES
CONTRACT WITHOUT COMPETITIVE BIDDING TO BURGIS
ASSOCIATES, INC.***

WHEREAS, there exists a need for the Borough of Bloomingdale to retain the professional services of a Planner; and

WHEREAS, the Borough wishes to retain Burgis Associates, Inc. 25 Westwood Avenue, Westwood, NJ 07675, to serve as the Planner for a Redevelopment Analysis of Block 57; Lot 43; and

WHEREAS, the resolution is subject to the certification of funds;

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

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

1. The Borough of Bloomingdale hereby awards and authorizes the Mayor and Borough Clerk to execute an agreement with Burgis Associates, Inc., 25 Westwood Avenue, Westwood, NJ 07675, to provide planning services for a Redevelopment Analysis for Block 57; Lot 43 to the Borough for the 2012 calendar year, for total compensation as stated in the April 29, 2012 proposal and not to exceed **\$10,000.00**.
2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person authorized by law to practice a recognized profession.
3. The total fee authorized for this contract shall not exceed **\$10,000.00** without the prior written approval of the Borough Council.
4. Notice of this action shall be published once in the Borough’s official newspaper as required by law.
5. A copy of this resolution shall be provided to Chief Financial Officer Donna M. Mollineaux and Burgis Associates, Inc. for their information and guidance.

Councilwoman Shortman seconded the motion.

In response to Councilwoman Shortman, Councilman Yazdi stated that \$20,000 was put in the budget and there was \$10,000 identified for this and \$10,000 for codification of the zoning ordinances.

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

LATE EXECUTIVE SESSION

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

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

Authorizing the Convening of an Executive Session

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

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

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

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

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

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

RECONVENED

Mayor Dunleavy reconvened the meeting at 8:36 p.m.

Adoption of Resolution #2012-5.2: Authorization for settlement with Delford Gardens

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

**RESOLUTION #2012-5.2
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

***A Resolution of the Borough of Bloomingdale Authorizing Settlement of the
Delford Gardens v. PVWC and Bloomingdale Litigation***

WHEREAS, a lawsuit was filed against the Borough of Bloomingdale captioned Delford Gardens, Inc. v. Passaic Valley Water Commission and Borough of Bloomingdale, Docket No. PAS-C-120-10, (the “Litigation”); and

WHEREAS, as between the Borough of Bloomingdale and Plaintiff the proposed terms of settlement of the Litigation provide as follows : (1) construction of the approved site plan development will be done consistent with approved Planning Board Resolution No. 620; (2) the Borough will permit the filing of a final subdivision map consistent with Planning Board Resolution No. 620 notwithstanding that said filing may not be timely; (3) proposed Lot 5 shall be offered to the Borough at no cost for Borough utilization; and (4) a new water line easement as between the Borough and Plaintiff will be prepared, the terms of which shall be consistent with any reasonable requirements of Planning Board Resolution No. 620;

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED, that the Governing Body of the Borough of Bloomingdale does hereby authorize settlement of the Litigation upon the following terms: (1) construction of the approved site plan development will be done consistent with approved Planning Board Resolution No. 620; (2) the Borough will permit the filing of a final subdivision map consistent with Planning Board Resolution No. 620 notwithstanding that said filing may not be timely; (3) proposed Lot 5 shall be offered to the Borough at no cost for Borough utilization; and (4) a new water line easement as between the Borough and Plaintiff will be prepared, the terms of which shall be consistent with any reasonable requirements of Planning Board Resolution No. 620.

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

ADJOURNMENT

Since there was no further business to be conducted, Councilman Schiffman moved that the meeting be adjourned at 8:40 p.m.; seconded by Councilman Yazdi and carried on voice vote.

Jane McCarthy, RMC
Municipal Clerk

FINAL – MAY 17, 2012