

February 22, 2011

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 7:00 p.m.

SALUTE TO THE AMERICAN FLAG

Mayor Dunleavy led the Salute to the Flag.

ROLL CALL

<i>In Attendance:</i>	Mayor:	Jon Dunleavy
	Council President:	Linda Huntley
	Council Members:	Bernie Vroom Jo-Ann Pituch Glenn Schiffman Mark Conklin
<i>Absent:</i>	Councilwoman:	Linda Shortman (Excused)
<i>Professionals Present:</i>	Municipal Clerk:	Jane McCarthy
	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 January 5, 2011.

EARLY PUBLIC COMMENT

Councilman Vroom moved to open the meeting for Early Public Comment on agenda items; seconded by Councilman Schiffman and carried on voice vote with all Council Members voting YES.

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

PRESENTATION TO BLOOMINGDALE YOUTH ORGAIZATION CHEERLEADERS

At this time, Mayor Dunleavy and the Council recognized the Bloomingdale Youth Organization for their recent accomplishments.

The presentation was roundly applauded by all those in attendance.

PROFESSIONAL REPORTS

None

DEPARTMENT REPORTS

Municipal Clerk – Municipal Clerk stated that the Passaic County Clerk will host a Satellite Office in the Borough on March 28, 2011 from 5 p.m. until 7 p.m. for passports and notary renewals and applications.

APPROVAL OF CONSENT AGENDA

Councilman Vroom moved for the approval of the minutes of the Regular Meeting of November 23, 2010 and Work Session and Executive Sessions of December 14, 2010; seconded by Councilwoman Huntley and carried as per the following roll call: Council Members: Conklin; Huntley; Pituch; Schiff man and Vroom all YES. ABSENT: Councilwoman Shortman

Councilman Vroom moved for the approval of the following items:

- Reorganization Meeting Minutes of January 4, 2011
- Executive and Work Session Minutes of January 11 2011
- Regular Meeting and Executive Session Minutes of January 25, 2011
- Informational Items List – January 20 and 27, 2011

Councilwoman Huntley seconded the motion, and it carried as per the following roll call: Council Members: Huntley; Pituch; Schiff man; Vroom and Conklin all YES. ABSENT: Councilwoman Shortman

(Mayor stated that we will move Item #C under New Business at this time)

Adoption of Resolution #2011-2.13: Change of Scope the Woodward Avenue/Van Dam Avenue project

Councilman Schiff man offered the following Resolution and moved for its adoption:

RESOLUTION ##2011-2.13

BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC, NEW JERSEY

WHEREAS, the Borough of Bloomingdale originally applied for Municipal Aid funding for the NJDOT Fiscal Year 2009 to construct improvements to both Van Dam Avenue and Woodward Avenue and the State of New Jersey Department of Transportation approved an allotment in the amount of \$150,000.00, and

WHEREAS, the costs to construct the Woodward Avenue Improvements, including storm drainage repairs, curbing repairs, resurfacing, inspection, and testing will be such that there are no addition municipal funds to construct the Van Dam Improvements, and

WHEREAS, the Borough of Bloomingdale wishes to eliminate Van Dam Avenue from the scope and limits, and

WHEREAS, the Borough Engineer estimates the cost for the modified project is \$202,332.60.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale that the Borough Engineer and Municipal Clerk are hereby authorized to apply to the State of New Jersey Department of Transportation for an “Incidental Modification to Project Scope/Limits” to eliminate Van Dam Avenue from the scope and limits, and

ALSO BE IT RESOLVED, that the Engineer and Borough Clerk are authorized to sign and seal a document entitled “Incidental Modification to Project Scope/Limits” and forward three signed and sealed copies along with a certified copy of this resolution to the State of New Jersey Department of Transportation for their approval.

Councilwoman Pituch seconded the motion, and it carried as per the following roll call: Council Members: Pituch, YES; Schiff man, YES; Vroom, YES; Conklin, YES; Huntley, RECUSED Councilwoman Shortman, ABSENT

Adoption of Resolution #2011-2.14: Award of Contract for Woodward Avenue

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

**RESOLUTION #2011-2.14
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

WHEREAS, Notice to Bidders for the Woodward Avenue Improvements of the Borough of Bloomingdale was advertised in accordance with the Local Public Contracts Law; and

WHEREAS, thirteen bids were received, opened and read on February 17, 2011; and

WHEREAS, said bids were reviewed and recommended by the Borough Engineer;

NOW, THEREFORE, BE IT RESOLVED that the Woodward Avenue Improvements be awarded to the lowest qualified bidder, Mike Fitzpatrick & Son of Oak Ridge, NJ at their total bid proposal of \$109,160.50 for the main bid and \$23,200.00 for the alternate bid for a total bid price of \$132,360.50 and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk be and are hereby authorized to execute the contract agreement with Mike Fitzpatrick & Son, pending the Certification of Funds from the Chief Financial Officer.

Councilman Vroom seconded the motion, and it carried as per the following roll call: Council Members: Schiff man; Vroom; Conklin; Huntley; Pituch and Conklin all YES. ABSENT: Councilwoman Shortman

(Mayor Dunleavy noted that Item 13(B) will be addressed at this time)

SECOND AND FINAL READING AND CONSIDERATION OF ADOPTION OF ORDINANCE #6-2011: Creating the Position of Assistant Municipal Attorney

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING THE BOROUGH CODE AND CREATING THE POSITION OF ASSISTANT MUNICIPAL ATTORNEY was given second and final reading and consideration for adoption at this time.

Councilman Vroom moved that the ordinance be read by title; seconded by Councilman Schiff man and carried on voice vote with all Council Members present voting YES.

At this time, the Municipal Clerk read the ordinance by title.

ORDINANCE No. 6-2011

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING THE BOROUGH CODE AND CREATING THE POSITION OF ASSISTANT MUNICIPAL ATTORNEY

WHEREAS, the Governing Body of the Borough of Bloomingdale determines and declares that from time to time it will be cost effective to hire an Assistant Municipal Attorney;” and

WHEREAS, the existing Borough Code does not provide for the ability to appoint same; and

WHEREAS, it is necessary to amend the Borough Code to create the position of Assistant Municipal Attorney:

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Bloomingdale as follows:

Section 1. The Bloomingdale Municipal Code, Article IV, Sections 2-11 through 2-16 are hereby amended as follows:

2-11 Assistant Municipal Attorney

2-11.1. Office Created.

The position of Assistant Municipal Attorney of the Borough of Bloomingdale is hereby established.

2-11.2 Qualifications.

The Assistant Municipal Attorney shall be a New Jersey Licensed Attorney practicing in the Area of Municipal Law for at least five years.

2-11.3 Appointment.

The Assistant Municipal Attorney shall be appointed by the Governing Body at the reorganization meeting or any time thereafter, for a period of time designated by the Governing Body, but not to exceed 12 months.

2-11.4 Duties.

The Assistant Municipal Attorney shall work under the guidance and direction of the Municipal Attorney as his or her subordinate.

2-11.5 Part-Time Position, Compensation.

The salary of the Assistant Municipal Attorney shall be designated by the Governing Body, but to not exceed the maximum salary designated by the salary ordinance.

Section 2. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

Section 3. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

Section 4. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law, except that the Governing Body may fill the position of Assistant Municipal Attorney by resolution adopted following passage of this Ordinance declaring that it is in the public interest to immediately appoint an Assistant Municipal Attorney.

It was noted that the Assistant Borough Attorney will handle all ongoing litigation matters for the Borough.

Councilman Vroom moved that the meeting be open to a Public Hearing on this ordinance; seconded by Councilman Schiff man and carried on voice vote with all Council Members present voting YES.

Since there was no one who wished to speak under the Public Hearing, councilman Vroom moved that it be closed; seconded by Councilman Schiff man and carried on voice vote with all Council Members present voting YES.

Councilman Vroom moved for the adoption of this ordinance; seconded by Councilwoman Huntley and carried as per the following roll call: Council Members: Vroom; Conklin; Huntley; Pituch; and Schiff man all YES. ABSENT: Councilwoman Shortman

Adoption of Resolution #2011-2.15: Appointment of Assistant Borough Attorney

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

**RESOLUTION #2011-2.15
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

***APPOINTING JOSEPH MACMAHON, ESQ. AS
ASSISTANT MUNICIPAL ATTORNEY***

WHEREAS, The administration and governing body have decided that it is in the best interests to maintain the services of Joseph MacMahon in a limited capacity for the ensuing year due to his familiarity with certain litigation matters; and

WHEREAS, the governing body finds and declares that for these purposes, Joseph MacMahon Esq., Newark, New Jersey (“professional”) has demonstrated the professional experience, judgment and aptitude to be appointed Assistant Municipal Attorney for a period of 12 months; and

WHEREAS, the professional has agreed to provide the services of Assistant Municipal Attorney as an employee of the Borough of Bloomingdale for the annual salary of \$15,000.00 per year for which he will provide the following services:

100 hours of legal services as directed by the Municipal Attorney; and

WHEREAS, the terms and conditions of this employment relationship are embodied in the a written employment agreement negotiated between the administration, governing body and employee

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF BLOOMINDALE, HERE DOES:

Ratify the employment contract between Joseph MacMahon and the Borough of Bloomingdale; and

The appointment of Joseph MacMahon, Esq. to the position of Assistant Municipal Attorney for the Borough of Bloomingdale in accordance in accordance with the terms and conditions of said contract for the annual salary of \$15,000.00 .

Councilwoman Huntley seconded the motion, and it carried as per the following roll call: Council Members: Conklin; Huntley; Pituch; Schiff man and Vroom all YES. ABSENT: Councilwoman Shortman

Adoption of Resolution #2011-2.16: Appointment of Municipal Attorney

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

**RESOLUTION #2011-2.16
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

APPOINTING MARK J. SEMERARO, ESQ. AS MUNICIPAL ATTORNEY

WHEREAS, pursuant to *N.J.S.A. 40A:9-139 et seq.*, the Borough of Bloomingdale is required to appoint a Municipal Attorney for the term of each calendar year; and

WHEREAS, the governing body finds and declares that Mark J. Semeraro, Esq., Newark, New Jersey (“professional”) has demonstrated the professional experience, judgment and aptitude to be appointed Municipal Attorney for the calendar year 2011; and

WHEREAS, the professional has agreed to provide the services of Municipal Attorney as an employee of the Borough of Bloomingdale for the annual prorated salary of \$45,000.00 per year for which he will provide the following services:

1. Unlimited representation at all Council meetings;
2. 250 hours (on an annualized prorated basis) of legal services such as advice, document drafting, research and other assistance routinely considered to be “Municipal Attorney Services” to the Mayor, Administration and Council. This shall not include services related to litigation, including, but not limited to Arbitration, mediation administrative or regulatory proceedings, tax appeals, or matters relating employment or labor law.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF BLOOMINDALE, here does:

The appointment of Mark J. Semeraro, Esq. to the position of Municipal Attorney for the Borough of Bloomingdale in accordance with *N.J.S.A. 40A:9-139 et seq.*, for a term the balance of calendar year 2011 or until a successor is appointed at the annual salary of \$45,000.00 per year; and

Ratifies the employment contract between Mark J. Semeraro and the Borough of Bloomingdale.

Councilman Schiff man seconded the motion, and it carried as per the following roll call: Council Members: Huntley; Pituch; Schiff man; Vroom and Conklin all YES. ABSENT: Councilwoman Shortman

At this time, Mr. MacMahon noted thanked the members of the Governing Body for this appointment and noted that he is looking forward to working with Mr. Semeraro.

Mayor Dunleavy and Municipal Clerk reiterated their thanks to Mr. MacMahon and his professionalism while working with him.

Councilman Schiff man moved for a RECESS at this time while Mayor Dunleavy administered the Oath of Office to Messrs. MacMahon and Semeraro; seconded by Councilman Vroom and carried on voice vote with all Council Members present voting YES.

RECONVENED

Mayor Dunleavy reconvened the meeting at 7:52 p.m. (During the Recess, Mayor Dunleavy administered the Oath of Office to the new Borough Attorney Mark Semeraro and Assistant Borough Attorney Joseph MacMahon)

PENDING BUSINESS

Discussion in regard to 22 Chestnut Street/flooding

Borough Administrator stated that in speaking with the Army Corps of Engineers as to flooding in area of 22 Chestnut Street, they stated that this is too small of a project for them.

Noted there is a 50/50 matching grant which could be utilized to study the floodplain; application must be submitted and the wait would be in excess of a year.

Discussion as to cleaning out the stream; water cannot be redirected. Mayor noted this should stay on the pending list.

Adoption of Resolution #2011-2.17: Drainage at 22 Chestnut Street

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

DRAFT AND INSERT

Councilwoman Pituch seconded the motion and it carried as per the following roll call: Council Members: Pituch; Schiffman; Vroom; Conklin and Huntley all YES. ABSENT: Councilwoman Shortman

Mr. Harmon of Chestnut Street was in attendance and asked what the repair will involve; Borough Administrator stated that his problem will be resolved completely; this is a repair to forever cease the problem; it has to be designed and go out for bid.

Matter of Pending Appointments

Adoption of Resolution #2011-2.18: Appointment of Certified Public Works Manager Ben Steltzer

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

**RESOLUTION #2011-2.18
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

RE-APPOINTING BENJAMIN STELTZER AS CERTIFIED PUBLIC WORKS MANAGER

BE IT RESOLVED, that the Borough Council of the Borough of Bloomingdale hereby re-appoints Benjamin Steltzer, CPWM, as the Borough of Bloomingdale's Certified Public Works Manager in accordance with NJSA40A:9-154 et seq. for a term of one year ending on December 31, 2011, to be paid \$3,500/year.

Councilwoman Pituch seconded the motion, and it carried as per the following roll call: Council Members: Schiffman; Vroom; Conklin; Huntley and Pituch all YES. ABSENT: Councilwoman Shortman

Discussion and action in regard to Borough Website and Email Server

Councilwoman Shortman noted that we have received a proposal from Jeannine Perry to update our website; we are looking at others; we should have a determination by March 1.

Discussion as to additional charges from Borough Auditor and Bond Counsel for basic service calls

Councilwoman Huntley stated that the fees for the new Borough Auditor and Bond Counsel are similar; there is no additional billing for phone calls from the Finance Department.

ANJEC Grant – Input from Environmental Commission, Planning Board and Council

Mayor noted that the deadline for this grant is March 31; last year we applied for the Open Space Master Plan review and did not get it; he has asked the Environmental Commission Chairman to reapply if the Council agrees; there was no opposition.

Status of Impound Yard – Letter from Rudge Towing

Mayor read a letter from Rudge Towing objecting to a Borough impound yard; Mayor noted that to him this is all about revenue.

Councilwoman Huntley moved that this issue is done and no action will be done on it; seconded by Councilman Schiff man.

Councilman Schiff man discussed his concern for environmental issues that could come about, i.e. leaking form vehicles being brought in.

The motion carried as per the following roll call: Vroom, NO; Conklin, YES; Huntley, YES; Pituch, YES and Schiff man, YES.

Passaic County Block Grant

Mayor stated that the deadline is March 8; we are going to look at Reeve and Ryerson and finalize this at the next meeting.

Reevaluation Update – Shred Service with Wanaque

Borough Administrator stated that we are awaiting prices and the Tax Assessor's input.

Goal Setting

Mayor stated that this will stay on the agenda as we continue to wait to set goals; impound yard is now off. Items #55 and 56 on the pending list will be discussed at the next meeting.

Open Space Master Plan Revision

Mayor noted that he forwarded this to the Planning Board and Environmental Commission for their input; if the Council has input to please let him know.

Reappointment of Municipal Housing Liaison

Councilwoman Huntley moved for the appointment of Borough Administrator Ted Ehrenburg as the Municipal Housing Liaison; seconded by Councilman Vroom and carried on voice vote with all Council Members present voting YES.

Energy Grant – Deadline February 25, 2011

Mayor noted that this has been completed and we applied for \$20,000.

Discussion in regard to items on Pending List

Status of five day work week

The borough Attorney is reviewing the contracts; this will stay on the pending list.

Walter T. Bergen School Lights

Mayor stated that we should be breaking ground late April or early June.

Sloan Park Bridge

Borough Engineer is awaiting approvals from the DEP.

Traffic Ordinance #4-2011

This will be reintroduced; Borough Attorney will draft.

INTRODUCTION OF NEW BUSINESS

Adoption of Resolution #2011-2.20: Amending the 2011 Temporary Budget

Councilman Schiff man offered the following Resolution and moved for its adoption:

RESOLUTION #2011-2.20

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

Amending the 2011 Temporary Municipal Budget

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that the FY2011 Temporary Municipal Budget was adopted on January 4, 2011, for the purpose of providing for temporary appropriations for the conduct of municipal governance; and

WHEREAS, the Governing Body has been advised by the Chief Financial Officer and the Borough Treasurer that additional temporary appropriations in the FY2011 Temporary Municipal Budget are required in order to provide funding for the conduct of municipal governance;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale that the FY2011 Temporary Municipal Budget be and is hereby amended to provide for the following additional temporary appropriations in the Current Account:

Body Armor Grant	Other Expenses	\$2,362.50
Total Current		

BE IT FURTHER RESOLVED by the Governing Body of the Borough of Bloomingdale that the Municipal Clerk be and is hereby directed to forward a true copy of the foregoing Resolution to the Chief Financial Officer and the Borough Treasurer for appropriate action in conformity with this Resolution.

Councilwoman Huntley seconded the motion, and it carried as per the following roll call:
Council members: Huntley; Pituch; Schiff man; Vroom and Conklin all YES. ABSENT:
Councilwoman Shortman

Adoption of Resolution #2011-2.21: Payment of Municipal Obligations

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

**RESOLUTION - #2011 –2.21
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	2,704,303.09	CURRENT	738,030.68
UTILITY	74,727.21	UTILITY	21,243.49
CAPITAL	18,647.00	UNEMPLOY.	474.95
UTILITY CAPITAL	000.00	RECYCLING	1,362.60
TRUST	17,071.59	CAPITAL	00,000.00
DOG	1,016.65	TRUST	240.00
RECREATION	16,531.41	SPEC. ASSESS.	0,000.00
UNEMPLOYMENT	0,000.00	RECREATION	000.00
ROSE FUND	00,000.00	UTILITY CAP	000.00
RECYCLING	351.00	DOG	000.00
TOTAL	2,832,647.95	TOTAL	761,351.72

Councilman Schiff man seconded the motion, and it carried as per the following roll call:
Council members: Pituch; Schiff man; Vroom; Conklin and Huntley all YES. ABSENT:
Councilwoman Shortman

Letter from State Department of Transportation informing the Borough of an Award for Vreeland Avenue in the amount of \$230,000

Discussion followed as to PSE&G looking to replace gas mains on Vreeland which has to be done first; Borough Engineer thinks will be requesting an extension.

Report as to creating a Facebook Page for the Borough

Councilman Vroom moved for authorization to create a facebook page for the Borough; seconded by Councilwoman Huntley and carried on voice vote with all Council Members present voting YES.

Adoption of Resolution #2011-2.22: Authorizing Emergency Repair for DPW Vehicle

Councilman Schiff man offered the following Resolution and moved for its adoption:

**BOROUGH OF BLOOMINGDALE
RESOLUTION #2011-2.22**

***Declaring an Emergency
For Purposes of Awarding Contract for Truck Repairs***

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares an emergency situation has developed with emergency repairs to a DPW truck; and

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

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that, at the Borough Tax Sale held on February 4, 2010, a lien was sold on,
29 VREELAND AVENUE, BLOOMINGDALE, for delinquent year 2009 taxes, and

WHEREAS, the Governing Body further finds and declares that the foregoing property is also known as Block 21, Lot 7, owned by KEITH & JOANNE KEELER; and

WHEREAS, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 090007, which was sold to LIEN TIMES, LLC for a PREMIUM of \$4,100.00; and

WHEREAS, the Governing Body further finds and declares that LITTON LOAN SERVICING, Mortgagee, has requested redemption of TTL # 090007; and

WHEREAS, the Governing Body further finds and declares that Litton Loan Servicing, has paid all monies due on TTL # 090007, 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 \$ \$18,317.61 for the lien redemption and \$4,100.00 for return of the PREMIUM payable to Lien Times, LLC, 203 Stephens Road, West Milford, NJ 07480 for the redemption and cancellation of Tax Title Lien Certificate # 090007.

1099 = \$ 1,515.87

**RESOLUTION #2011 -2.24
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Redemption and Cancellation of Tax Title Lien Certificate #10-00004

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,
170 HAMBURG TURNPIKE, BLOOMINGDALE, for delinquent year 2010 taxes, and

WHEREAS, the Governing Body further finds and declares that the foregoing property is also known as Block 22, Lot 6.10, owned by J & C PROPERTIES, LLC; and

WHEREAS, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 10-00004, which was sold to Stonefield Investment Fund I, LLC for a PREMIUM of \$ 2,100.00; and

WHEREAS, the Governing Body further finds and declares that J & C PROPERTIES, LLC, Owners of record, have requested redemption of TTL # 10-00004, and

WHEREAS, the Governing Body further finds and declares that J & C Properties, LLC, have paid all monies due on TTL # 10-00004, 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 \$ \$3,319.62 for the lien redemption and \$ 2,100.00 for return of the PREMIUM payable to Stonefield investment Fund I, LLC, 21 Robert Pitt Drive #202, Monsey, NY 10952 for the redemption and cancellation of Tax Title Lien Certificate # 10-00004.

1099 = \$ 0

**RESOLUTION #2011 -2.25
OF THE GOVERNING BODY**

OF THE BOROUGH OF BLOOMINGDALE

Authorizing Redemption and Cancellation of Tax Title Lien Certificate #10-00025

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, 185 RAFKIND ROAD, BLOOMINGDALE, for delinquent year 2010 taxes, and

WHEREAS, the Governing Body further finds and declares that the foregoing property is also known as Block 49.H, Lot 4, previously owned by FEDERAL N MORTGAGE ASSOCIATION, now owned by MARK & EILEEN AMERI; and

WHEREAS, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 10-00025, which was sold to Lionheart Holdings, LLC for a PREMIUM of \$ 7,700.00; and

WHEREAS, the Governing Body further finds and declares that MARK & EILEEN AMERI, Owners of record, have requested redemption of TTL # 10-00025, and

WHEREAS, the Governing Body further finds and declares that Mark & Eileen Ameri, have paid all monies due on TTL # 10-00025, 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 \$ \$6,210.61 for the lien redemption and \$ 7,700.00 for return of the PREMIUM payable to Lionheart Holdings, LLC, P.O. Box 3059, Memorial Station, Montclair, NJ 07042 for the redemption and cancellation of Tax Title Lien Certificate # 10-00025.

1099 = \$ 238.87

**RESOLUTION #2011 -2.26
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Redemption and Cancellation of Tax Title Lien Certificate #10-00027

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, 75 RAFKIND ROAD, 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 101, owned by SARAH & MARCUS MARTINEZ; and

WHEREAS, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 10-00027, which was sold to Michael Barbarula for a PREMIUM of \$300.00; and

WHEREAS, the Governing Body further finds and declares that SARAH & MARCUS MARTINEZ, Owners of record, have requested redemption of TTL # 10-00027; and

WHEREAS, the Governing Body further finds and declares that Sarah & Marcus Martinez, have paid all monies due on TTL # 10-00027, 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 \$ \$308.12 for the lien redemption and \$300.00 for return of the PREMIUM payable to Michael Barbarula, 33 Tall Timber Drive, Morristown, NJ 07960 for the redemption and cancellation of Tax Title Lien Certificate # 10-00027.

1099 = \$ 0

Councilwoman Pituch seconded the motion, and it carried as per the following roll call: Council members: Conklin; Huntley; Pituch; Schiff man and Vroom all YES. ABSENT: Councilwoman Shortman

Adoption of Resolution #2011-2.27: Authorizing Indemnification Of Governing Body Members

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

**RESOLUTION #2011-2.27
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Indemnification of Governing Body Members Only When Members are Acting Within Their Official Capacity

WHEREAS, the members of the Governing Body are pursuant to law absolutely immune from personal liability when undertaking the performance of their official duties as members of the Governing Body; and

WHEREAS, so long as members of the Governing Body act within their official capacity in the performance of their duties, they are entitled to indemnification by the Borough for any and all suits and claims arising from their performance of official duties; and

WHEREAS, indemnification of members of the Governing Body is only appropriate when members are acting within the scope of their official duties as members of the Governing Body:

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED, that the Governing Body of the Borough of Bloomingdale does hereby confirm that indemnification of members of the Governing Body by the Borough of Bloomingdale is appropriate and required under the law so long as a member is acting within the scope of the member's official duties as a member of the Governing Body.

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED, that in the event it is determined that a member has acted outside the scope of the member's official duties as a member of the Governing Body, the member shall not be entitled to indemnification by the Borough of Bloomingdale

Councilman Schiff man seconded the motion, and it carried as per the following roll call: Council Members: Huntley; Pituch; Schiff man; Vroom and Conklin all YES.

SECOND AND FINAL READING AND CONSIDERATION OF ADOPTION OF ORDINANCE #5-2011:

BOND ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY, AMENDING BOND ORDINANCE NO. 11-2008 FINALLY ADOPTED MAY 27, 2008 IN ORDER TO INCREASE THE AMOUNT REFERRED TO IN SECTION 6(d) was given second and final reading and consideration for adoption at this time.

Councilwoman Huntley moved that the ordinance be read by title; seconded by Councilman Schiff man and carried on voice vote with all Council Members present voting YES.

The Municipal Clerk read the ordinance by title.

ORDINANCE #5-2011

BOND ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY, AMENDING BOND ORDINANCE NO. 11-2008 FINALLY ADOPTED MAY 27, 2008 IN ORDER TO INCREASE THE AMOUNT REFERRED TO IN SECTION 6(d).

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 One. Section 6(d) of Bond Ordinance No. 11-2008 of the Borough finally adopted May 27, 2008 and entitled,

"BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$160,000 FOR THE INSTALLATION OF WATER LINES IN THE UPPER MORSE LAKE AREA IN AND BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$160,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION."

is hereby amended to read as follows:

“(d) An aggregate amount not exceeding \$207,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement. Of this amount, \$120,000 was estimated for these items of expense in bond ordinance numbered 7-2007 of the Borough finally adopted May 22, 2007, and an additional amount of \$87,000 is estimated for these items of expense therefore herein.”

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

Councilwoman Huntley moved that the meeting be open to a Public Hearing on this ordinance; seconded by Councilwoman Pituch and carried on voice vote with all Council Members present voting YES.

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

Councilwoman Huntley moved for the adoption of this ordinance; seconded by councilwoman Pituch and carried on voice vote: council Members: Pituch; Schiff man; Vroom; Conklin and Huntley all YES. ABSENT: Councilwoman Shortman

Adoption of Ordinance #7-2011: Salary Ordinance

This item is tabled at this time.

Adoption of Resolution #2011-2.28: Recycling Grant Application for 2009

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

**RESOLUTION #2011-2.28
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Submission of State of New Jersey Department of Environmental Protection
Mandatory Source Separation and Recycling Act Tonnage Grant Application
on Behalf of the Borough of Bloomingdale***

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that the Mandatory Source Separation and Recycling Act (“Act”), P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, the Governing Body further finds and declares that it is the intent and spirit of the Act that municipalities use tonnage grants to continue and expand existing municipal recycling programs and to develop new programs designed to promote recycling; and

WHEREAS, the Governing Body further finds and declares that the New Jersey Legislature has empowered the State of New Jersey Department of Environmental Protection (“NJDEP”) to implement the Act through the promulgation of regulations that impose upon municipalities, as a condition for applying for such tonnage grants, certain requirements that include compiling and maintaining accurate, verifiable records of materials collected and claimed by each such municipality; and

WHEREAS, the Governing Body further finds and declares its intention that this Official Resolution shall serve to memorialize the Borough’s continuing commitment to recycling and the Borough’s acceptance of its obligations under the requirements imposed by the Act and its implementing regulations;

WHEREAS, the Governing Body further finds and declares that its intention that this Official Resolution shall also serve to memorialize the formal designation by Mayor William Steenstra confirmed by the Borough Council, and Borough Administrator Ted Ehrenburg as the Borough’s Recycling Coordinator and duly authorized representative, entrusted with the responsibility to ensure that the Borough’s Recycling Tonnage Grant Application under the Act is properly completed and timely filed with NJDEP:

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize the submission on behalf of the Borough of a 2009 Recycling Tonnage Grant Application to the State of New Jersey Department of Environmental Protection under the Mandatory Source Separation and Recycling Act and does hereby confirm the appointment of the Borough’s Recycling Coordinator, DPW Superintendent Al Gallagher, as the duly authorized representative of the Borough who shall be entrusted with the responsibility to ensure that said Application shall be properly completed and timely filed with NJDEP; and

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby direct all necessary and appropriate municipal officials to cause any and all funds received pursuant to said Application to be deposited in a dedicated recycling trust fund to be appropriated solely for the promotion of recycling with the Borough.

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

Adoption of resolution #2011-2.29: Authorization of Recycling Grant Application for 2010

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

**RESOLUTION #2011-2.29
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

*Authorizing Submission of State of New Jersey Department of Environmental Protection
Mandatory Source Separation and Recycling Act Tonnage Grant Application
on Behalf of the Borough of Bloomingdale*

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that the Mandatory Source Separation and Recycling Act (“Act”), P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, the Governing Body further finds and declares that it is the intent and spirit of the Act that municipalities use tonnage grants to continue and expand existing municipal recycling programs and to develop new programs designed to promote recycling; and

WHEREAS, the Governing Body further finds and declares that the New Jersey Legislature has empowered the State of New Jersey Department of Environmental Protection (“NJDEP”) to implement the Act through the promulgation of regulations that impose upon municipalities, as a condition for applying for such tonnage grants, certain requirements that include compiling and maintaining accurate, verifiable records of materials collected and claimed by each such municipality; and

WHEREAS, the Governing Body further finds and declares its intention that this Official Resolution shall serve to memorialize the Borough’s continuing commitment to recycling and the Borough’s acceptance of its obligations under the requirements imposed by the Act and its implementing regulations;

WHEREAS, the Governing Body further finds and declares that its intention that this Official Resolution shall also serve to memorialize the formal designation by Mayor William Steenstra confirmed by the Borough Council, and Borough Administrator Ted Ehrenburg as the Borough’s Recycling Coordinator and duly authorized representative, entrusted with the responsibility to ensure that the Borough’s Recycling Tonnage Grant Application under the Act is properly completed and timely filed with NJDEP;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize the submission on behalf of the Borough of a 2010 Recycling Tonnage Grant Application to the State of New Jersey Department of Environmental Protection under the Mandatory Source Separation and Recycling Act and does hereby confirm the appointment of the Borough’s Recycling Coordinator, DPW Superintendent Al Gallagher, as the duly authorized representative of the Borough who shall be entrusted with the responsibility to ensure that said Application shall be properly completed and timely filed with NJDEP; and

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby direct all necessary and appropriate municipal officials to cause any and all funds received pursuant to said Application to be deposited in a dedicated recycling trust fund to be appropriated solely for the promotion of recycling with the Borough.

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

LATE PUBLIC COMMENT

Lesley Monsees, 154 Rafkind Road, asked about the new format for meeting and addressed the fact that the public now has an opportunity for public comment on non-agenda items.

Mrs. Monsees also spoke in regard to the Facebook account and who would be answering comments/questions and was informed this is informational and at this time, there will be no comment section, thus no need to answer.

John D'Amato, 35 Bailey Avenue, spoke in regard to the Budget and asked when the process would be starting.

Councilwoman Huntley, Chairperson, stated that she is waiting for figures from the Chief Financial Officer; she is at a standstill.

Mayor stated that he called a meeting with the new Auditor and they had a meeting. Discussion followed re Chairperson setting up meetings.

Borough Administrator stated that the Chief financial Officer has been out and should be back by the end of next week. The Auditor has just finished the financials and we will be able to find out what our surplus is.

Edward Ball, 13 Crane Avenue, asked if additional agendas could be printed for the public.

Mr. Ball spoke in regard to the repair which was made on truck on an emergency and fact that it took a year to fix a truck last year. Mr. Ball asked about Truck #10 and the status.

Borough administrator told Mr. Ball he knows he knows the status as he spoke with the vendor; it is being worked on and he hopes it will be back tomorrow.

Discussion followed in regard to repair of equipments, quotes, etc.

Borough Administrator stated that the snow plow was a donation.

Mr. Ball also spoke in regard to the lights on Main Street and when they will be repaired; Borough Administrator stated that we have received insurance money for two of them which will be repaired.

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

Adoption of Resolution #2011-2.29: Authorization for Executive Session

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

**RESOLUTION #2011-2.29
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 – 1 matter
 - B. Negotiations – 4 matters

4. Minutes will be taken.
5. It is anticipated at this time that minutes of the above-referenced subject matter will be made public when it is in order to do so.
6. This Resolution shall take effect immediately.

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

(At this time, the Governing Body went into Executive Session)

RECONVENED

Mayor Dunleavy reconvened the meeting at 11:09 p.m. and noted that Councilman Schiffman was recused at 10:30 p.m. and noted that no action was taken during the Executive Session.

ADJOURNMENT

Since there was no further business to be conducted, Councilman Vroom moved to ADJOURN the meeting at 11:09 p.m.; seconded by Councilwoman Pituch and carried on voice vote with all Council Members present voting YES. ABSENT: Councilman Schiffman

Jane McCarthy, RMC
Municipal Clerk

FIRST DRAFT –MARCH 15, 2011