

June 28, 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. Council President Huntley called the meeting to order at 7:03 p.m.

**SALUTE TO THE AMERICAN FLAG**

Council President Huntley led the Salute to the Flag.

**ROLL CALL**

<i>In Attendance:</i>	Council President:	Linda Huntley*
	Council Members:	Bernie Vroom (Entered 7:05 p.m.) Jo-Ann Pituch Glenn Schiffman Linda Shortman Mark Conklin
Absent:	Mayor	Jonathan Dunleavy (Excused)
<i>Professionals Present:</i>	Municipal Clerk:	Jane McCarthy
	Borough Administrator:	Ted Ehrenburg
	Borough Attorney:	Mark Semeraro, Esq.
	Borough Auditor:	Dieter Lerch
	Chief Financial Officer:	Donna Mollineaux

***\*Council President Huntley presided over the meeting in the absence of Mayor Dunleavy and abstained on all voting.***

**PUBLIC NOTICE STATEMENT**

Council President Linda Huntley 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 Schiffman moved to open the meeting for Early Public Comment on agenda items; seconded by Councilwoman Shortman and carried on voice vote with all Council Members voting YES.

Leslie Monsees, Rafkind Road, asked about Police Contract which is on the agenda this evening and whether it will be discussed prior to a vote.

Borough Attorney Mark Semeraro noted that this is a 40-page Collective Bargaining Agreement and will be made available to the public once it has been executed.

***(Councilman Vroom entered at this time, 7:40 p.m.)***

At this time, Borough Attorney Semeraro went over the proposed agreement and the changes from the last agreement, i.e. steps, salaries, no increase in health or insurance premiums; pension plan remains the same, etc.

Ray Yazdi, 36 Bailey Avenue, asked if flood mitigation will be discussed and council President Huntley stated that it will be tabled this evening.

Mr. Yazdi asked if the drainage is ready to be done at the Walter T. Bergen fields and is it ready for bid; Council President Huntley stated that the Mayor had stated prior that he could get it done for free and I assume he still will.

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

### **APPROVAL OF CONSENT AGENDA**

Councilwoman Shortman moved that the following Consent Agenda be approved:

- A. Approval of information Items List for Week Ending May 19 and 26; June 3, 10, and 17, 2011
- B. Approval of Minutes: Regular Meeting February 22, 2011.

Councilwoman Pituch seconded the motion, and it carried on voice vote.

Councilman Vroom moved for the approval of membership in the Bloomingdale Fire Department of Ryan Smith; seconded by Councilwoman Shortman and carried on voice vote.

Councilman Vroom moved for the acceptance with regret of the resignation of Luria Hayes as a member of the Senior Citizen Advisory Committee; seconded by Councilman Schiffman and carried on voice vote.

### **PENDING BUSINESS**

#### ***Discussion in regard to Police Vehicle***

Council President stated that there is no action at this time.

#### ***Update in regard to Energy Grant***

Borough Administrator that the process is going forward and they are in the process of picking a contractor for the implementation of the work; he will keep the council informed as to the progress.

**Status of Email Archiving/Webmaster**

Councilwoman Shortman stated that there is nothing at this time in regard to this.

**Tax Liens/Tax Appeals**

Borough Attorney stated there is nothing at this time.

**Status of payment of bills online**

Council President stated that there is nothing at this time.

**Update on Traffic Ordinance**

Borough Attorney stated there is nothing at this time.

**Status of Animal Shelter Bid Specifications**

Borough Administrator stated that they met with the health Office and the Animal control Officer to go over the bid specifications; if all goes well, the bids will be open on July 19.

**Status of Phone System/Municipal Building**

Chief Financial Officer stated that they met with a few vendors and she has put a memo out to the Mayor and Council as to the possible savings in our phone bill of \$1,000/month. Problem is we need new phones and the vendors are putting together a proposal of what will work with the system.

**Status of Bid for Sloan park Bridge**

The Borough Engineer is proceeding with preparing the bid specifications.

**Status of Grants for Lighting and Drainage at Walter T. Bergen Fields**

Council President stated that this is still in the process of being worked on.

**Status of RER Contract**

Borough Administrator stated that negotiations are continuing to come up with a contract.

**INTRODUCTION OF NEW BUSINESS**

**Adoption of Resolution #2011-6.21: Payment of Bills**

At this time, councilman Schiffman had a few questions in regard to the bills list, i.e. Gates Flags which the Chief Financial Officer stated was for flags for Memorial Day.

In regard to bill for Best Buy, this will be tabled while the Chief Financial Officer goes to her office to check to see what this was for.

**Adoption of Resolution #2011-6.22: Authorities for Execution of Police Contract**

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

**RESOLUTION #2011-6.22  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing the Execution of the Agreement between the Borough of Bloomingdale and the Bloomingdale PBA Local 354***

WHEREAS, the Collective Bargaining Agreement between the PBA Local 354 of the Borough of Bloomingdale previously expired on January 1, 2011; and

WHEREAS, a new Collective Bargaining Agreement could not be agreed upon by both parties; and

WHEREAS, PBA Local 354 filed for interest arbitration; and

WHEREAS, interest arbitration resulted in an award dated on or about May 13, 2011; and

WHEREAS, both parties have drafted a new Collective Bargaining Agreement in accordance with the Arbitrator's ruling covering the term of January 1, 2011 through December 31, 2014;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body hereby authorizes the Mayor to execute the new Collective Bargaining Agreement between the PBA Local 354 and the Borough of Bloomingdale and hereby ratifies the same.

Councilman Schiffman seconded the motion, and it carried as per the following roll call: council members: Conklin; Pituch; Schiffman; Shortman and Vroom all YES.  
Councilwoman Huntley, ABSTAINED

***Adoption of Resolution for liens on properties in foreclosure with property maintenance issues***

This will be tabled until the next meeting

***Adoption of Resolution #2011-6.21" Payment of Bills***

Chief Financial officer stated that the bill for Best Buy was for Audio Equipment which came out of the grant.

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

**RESOLUTION - #2011 -6.21  
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	1,329,267.43	CURRENT	468,793.29
UTILITY	513,676.59	UTILITY	23,063.35
CAPITAL	1,192.92	UNEMPLOY.	120.71
UTILITY CAPITAL	00,000.00	RECYCLING	259.12
TRUST	,819.17	DOG TRUST	650.00
DOG	1,027.55	TRUST	660.00
RECREATION	28.00	SPEC. ASSESS.	0,000.00
UNEMPLOYMENT	0,000.00	RECREATION	330.00
ROSE FUND	9,954.30	UTILITY CAP	000,000.00
RECYCLING	810.00	ROSE	00,000.00
TOTAL	1,865,775.96	TOTAL	493,876.47

Councilman Vroom seconded the motion.

Councilwoman Shortman stated that we are paying outside plumbing contractors an exorbitant amount of money.

The motion carried as per the following roll call: council Members: Pituch; Schiffman; Shortman; Vroom and Conklin all YES. Councilwoman Huntley, Abstained

**PUBLIC HEARING AND ADOPTION OF FY2011 MUNICIPAL BUDGET**

Councilwoman Pituch moved to open the meeting to a Public Hearing on the budget; seconded by Councilman Schiffman and carried on voice vote.

At this time, the Borough Auditor explained the budget process for this evening and

noted that the 2011 Municipal Budget is 3% higher than 2010 and is within the 2% statutory CAP, The 2% CAP is on the operating salaries and expenses of the Borough; it does not apply to the amount for pensions.

Borough Auditor stated that the PERS and PFRS has a \$112,000 increase; group health is exempt from the 2% CAP and it is up approximately \$106,000.

There is actually a 5% increase.

Council President Huntley opened the meeting up to the public hearing on the Municipal Budget.

Ray Yazdi, 36 Bailey avenue, asked what was the budget for public events and if it will be cut anymore; Council President Huntley stated the budget is \$16,600 and we are done cutting public events.

Discussion followed in regard to public events budget from last year and Council President stated that part of the public events last year came out of the recreation budget and noted that they will not be supporting Nightmare on Bailey Avenue.

At this time, the Borough Auditor addressed revenues and any shortfalls; you cannot budget fees on proposed revenues; the revenues met the state requirements.

Mr. Yazdi asked if we foresee any shortfall in revenues and the borough Auditor deferred to the Chief Financial Officer who stated that there are some areas where she has some concerns, i.e. court fine which were addressed to the Budget Committee. We are probably down to \$45,000 to \$50,000 in court fines.

Borough Auditor stated that the total revenue exceeds 28 million dollars.

Mr. Yazdi asked if we could have found \$7,000 for fireworks.

Leslie Monsees, 153 Rafkind Road, asked if we have any idea of what our tax increase would be.

Borough Auditor stated that right now the town is awaiting certification of taxes and he

hopes to have it for the next meeting when he can give an overall increase figure.

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

**Adoption of Resolution #2011-6.24: Amendment to 2011 Municipal Budget**

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

**RESOLUTION #2011-6.24  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Resolution to Amend 2011 Budget***

WHEREAS, the local municipal budget for the year 2011 was introduced on the 24<sup>th</sup> day of May, 2011, and

WHEREAS, it is desired to amend said budget,

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Bloomingdale, County of Passaic, that the following amendments to the introduced budget of 2011 be made:

CURRENT FUND		<u>From</u>	<u>To</u>
General Revenues			
6.	Amount to be Raised by Taxes for Support of Municipal Budget		
	a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	\$6,957,438	\$6,912,538
	Total Amount to be Raised by Taxes for Support of Municipal Budget	7,270,627	7,225,727

7.	Total General Revenues	<u>\$9,610,099</u>	<u>\$9,565,199</u>
8.	General Appropriations		
	(A) Operations – Within “CAPS”		
	Audit		
	Miscellaneous Other Expenses	\$-0-	\$4,500
	Public Safety		
	Police		
	Salaries and Wages	1,909,358	1,874,358
	Recreation and Education		
	Board of Recreation Commissioners		
	Other Expenses	33,850	30,850
	Celebration of Public Events		
	Other Expenses	18,100	16,600
	Total Operations (Item 8(A)) Within “CAPS”	5,895,332	5,860,332
		<u>From</u>	<u>To</u>
	Total Operations including Contingent – Within “CAPS”	5,898,332	5,863,332
	Detail:		
	Salaries and Wages	3,715,235	3,680,235
	Other Expenses (Including Contingent)	2,183,097	2,183,097
	(H-1) Total General Appropriations for Municipal Purposes Within “CAPS”	6,872,338	6,827,338
	Operations – Excluded from “CAPS”		
	Interlocal Municipal Service Agreements		
	Interlocal Agreement Animal Control Officer		
	Other Expenses	37,065	37,165
	Total Interlocal Municipal Service Agreements	742,900	743,000

Total Operations Excluded from "CAPS"	1,268,146	1,268,246
Detail:		
Other Expenses	1,155,311	1,155,411
(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	2,457,761	2,457,861
(O) Total General Appropriations Excluded from "CAPS"	2,457,761	2,457,861
(L) Subtotal General Appropriations	9,330,099	9,285,199
9. Total General Appropriations	<u>\$9,610,099</u>	<u>\$9,565,199</u>

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for certification of the 2011 local municipal budget so amended.

It is hereby certified that this is a true copy of a resolution amending the budget, approved by the Borough Council on the 28th day of June, 2011.

Councilwoman Pituch seconded the motion and it carried as per the following roll call:  
council Members: Pituch, YES; Schiffman, YES; Shortman, YES; Vroom, NO;  
Conklin, YES                      Councilwoman Huntley, ABSTAINED

**Adoption of Resolution #2011-6.25: Adoption of 2011 Municipal Budget**

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

RESOLVED, that the FY2011 Municipal Budget be approved

Councilwoman Shortman seconded the motion, and it carried as per the following roll call: council Members: Schiffman, YES; Shortman, YES; Vroom, NO; Conklin, YES; Pituch, YES                      Councilwoman Huntley; ABSTAINED

**Second and Final Reading and Public Hearing on Ordinance #8-2011: CAP Bank**

Municipal Clerk read the public notice statement.

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

The municipal Clerk read the ordinance by title.

**ORDINANCE #8-2011  
BOROUGH OF BLOOMINGDALE  
PASSAIC COUNTY, NEW JERSEY  
CALENDAR YEAR 2011 ORDINANCE TO EXCEED  
THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A-4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Borough Council of the Borough of Bloomingdale in the County of Passaic finds its advisable and necessary to increase its CY 2011 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Borough Council hereby determines that a 1.5% increase in the budget of said year, amount to \$95,906 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final

appropriation in either of the next two succeeding years.

**NOW, THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Bloomingdale, in the County of Passaic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 2011 budget year, the final appropriations of the Borough of Bloomingdale shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$223,780, and that the 2011 municipal budget for the Borough of Bloomingdale be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Councilman Schiffman moved to open the meeting to a public hearing on this ordinance? seconded by Councilwoman Shortman and carried on voice vote.

Borough Auditor stated that the Borough is actually below the state limit of \$465,000.

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

Councilman Schiffman moved for the adoption of this ordinance; seconded by Councilwoman Pituch and carried as per the following roll call: council Members: Shortman, YES; Vroom, NO; Conklin, YES; Pituch, YES and Schiffman, YES  
Councilwoman Huntley, ABSTAIN

**INTRODUCTION OF NEW BUSINESS (CONTINUED)**

**Formation of Flood Mitigation Committee**

This will be tabled at this time.

**Status of Public Events**

Council President stated that this has already been discussed.

**Nightmare on Bailey Avenue**

Council President stated that this has already been discussed.

**Adoption of Resolution #2011-6.26: Approval of Treatment Works Approval for BLC One Recertification**

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

RESOLUTION #2011-6.26  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE

***Authorizing Treatment Works Approval (TWA) Application***

**WHEREAS**, BLC One, LLC, Union Avenue; Block 57 Lot 43 has submitted a Treatment Works Approval (TWA) application to the New Jersey Department of Environmental Protection (NJDEP) for Block 57; Lot 43, Union Avenue, in Bloomingdale, NJ, to re-endorse the WQM-003 form for BLC One, LLC for the amended sewer application to be submitted to the NJDEP; and

**WHEREAS**, the Borough of Bloomingdale must approve said TWA-1 Application;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Bloomingdale at their Regular Meeting held on June 28, 2011, approved the Borough Administrator Ted Ehrenburg to sign the TWA-1 application.

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

***Adoption of Resolution #2011-6.27: Authorization for submission of Over the Limit/Under Arrest Grant***

Councilman Vroom offered the follow8ng resolution and moved for its adoption:

**RESOLUTION #2011-6.27  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Supporting the Over the Limit Under Arrest  
2011 Statewide Crackdown***

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day and almost 18,000 people each year; and

WHEREAS, 25% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

WHEREAS, the State of new Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Over the Limit Under Arrest 2011*

*Statewide Crackdown*; and

WHEREAS, the project will involve increased impaired driving enforcement from August 19, through September 5, 2011; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Bloomingdale declares its support for the *Over the Limit Under Arrest 2011 Statewide Crackdown* from August 19, 2011 through September 5, 2011 and pledges to increase awareness of the dangers of drinking and driving.

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

**Second and Final Reading and Public Hearing of Ordinances**

**Ordinance #9-2011: Ethics Code**

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE TO RESCIND ITS MUNICIPAL ETHICS CODE AND TO ADOPT THE STATE ETHICS CODE IN ITS STEAD*** was given second and final reading and consideration for adoption at this time.

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

The Municipal Clerk read the ordinance by title.

**ORDINANCE #9- 2011**

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE TO RESCIND ITS MUNICIPAL ETHICS CODE AND TO ADOPT THE STATE ETHICS CODE IN ITS STEAD***

—

WHEREAS, the Municipal Ethics Code as drafted and codified in the Borough of

Bloomingtondale's Borough Code was not implemented in accordance with *N.J.S.A. 40A:9-22.1 et seq.*; and

WHEREAS, amongst other deficiencies, said Code was not implemented by a Municipal Ethics Board; and

WHEREAS, a Municipal Ethics Board was never established; and

WHEREAS, the governing body has concluded that the fairest and most unbiased manner to review municipal local ethics issues is to have an independent outside third-party consider any and all ethics complaints and rule upon the same; and

WHEREAS, in the absence of a Local Ethics Board, the only body authorized to hear and rule upon ethics grievances for local Public Officials is the Local Finance Board of the Division of Consumer Affairs.

BE IT HEREBY RESOLVED, that the Bloomingtondale Local Ethics Code codified as Article IX of the Borough of Bloomingtondale's Borough Code is hereby repealed in its entirety; and

BE IT FURTHER RESOLVED, that the Borough of Bloomingtondale hereby adopt the State Ethics Code codified in *N.J.S.A. 40A:9-22.1 et seq.* and appoints the Local Finance Board of the New Jersey Division of Consumer Affairs, Local Government Services as the appropriate Board to receive, hear and rule upon any and all ethics complaints filed against any Local Government Officials employed and/or serving the Borough of Bloomingtondale; and

BE IT FURTHER RESOLVED, that Article IX of the Borough code be amended as follows:

IX Code of Ethics

The Borough of Bloomingtondale hereby adopts the New Jersey Local Government Ethics Law as embodied in *N.J.S.A. 40A:9-22.1 et seq.* in its entirety.

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

Councilman Schiffman moved for the adoption of this ordinance; seconded by Councilwoman Pituch and carried on voice vote: Conklin; Pituch; Schiffman; Shortman and Vroom all YES. Councilwoman Huntley, ABSTAIN

***Ordinance #10-2011: Bond Ordinance Providing for Various Roads and Drainage Improvements***

***BOND ORDINANCE PROVIDING FOR VARIOUS ROAD AND DRAINAGE IMPROVEMENTS IN AND BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$422,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$412,400 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF***

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

The Municipal Clerk read the ordinance by title.

***BOND ORDINANCE PROVIDING FOR VARIOUS ROAD AND DRAINAGE IMPROVEMENTS IN AND BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$422,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$412,400 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.***

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Bloomingdale, in the County of Passaic, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$422,000, including a New Jersey Department of Transportation Grant in the amount of \$230,000 for Vreeland Avenue (the "State Grant") and a Passaic County Community Development Block Grant (the "CDBG Grant", and together with the State Grant, the "Grants") in the amount of \$64,800 for Henion Place and further including the sum of \$9,600 as the down payment required by the Local Bond Law. No down payment is required for the cost of the Vreeland Avenue road and drainage improvements (\$230,000) pursuant to N.J.S.A. 40A:2-11(c) as this improvement or purpose is being partially funded by the State Grant. The down payment, equal to 5% of the cost of the remaining improvements (\$192,000) 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 and in anticipation of receipt of the Grants referred to in Section 1 hereof, negotiable bonds are hereby authorized to be issued in the principal amount of \$412,400 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 various road and drainage improvements to various roads throughout the Borough, including but not limited to, Vreeland Avenue, Henion Place, Hemlock Street, *formerly known as James Street*, and Chestnut Street, including all work and materials necessary therefore and 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 the Local Bond Law. 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 Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvement or purpose described in Section 3(a) 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 benefitted 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 \$412,400, and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$59,200 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the

remedy shall be limited to specific performance of the undertaking.

Section 10. 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 11. This bond ordinance shall take effect 20 days after the first publication Councilman Schiffman opened the meeting to a Public Hearing on this ordinance; seconded by Councilwoman Short man and carried on voice vote.

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

Councilman Vroom moved for the adoption of this ordinance; seconded y Councilwoman Pituch and carried as per of t he following roll call: Council Members: Schiffman; Shortman; Vroom; Conklin and Pituch all YES. Councilwoman Huntley, ABSTAIN

**Ordinance #11-2011: Authorizing the Issuance of \$285,000 Special Emergency Notes for the Reevaluation**

***ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$285,000 FOR THE PREPARATION AND EXECUTION OF A COMPLETE REVALUATION OF REAL PROPERTY IN AND BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY*** was given second and final reading and consideration for adoption at this time.

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

The Municipal Clerk read the ordinance by title.

***ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$285,000 FOR THE PREPARATION AND EXECUTION OF A COMPLETE REVALUATION OF REAL PROPERTY IN AND BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY.***

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

Section 1. The preparation and execution of a complete program of revaluation of real property for use by the local assessor in and by the Borough of Bloomingdale, in the County of Passaic, New Jersey, as ordered by the Passaic County Board of Taxation, is hereby authorized, and a special emergency appropriation of \$285,000 is hereby authorized pursuant to the Local Budget Law (N.J.S.A. 40A:4-53).

Section 2. A copy of this ordinance as finally adopted shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

Section 3. This ordinance shall take effect in accordance with applicable law.

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

Leslie Monsees, 153 Rafkind Road, asked is this expenditure is addressed in the Budget and the it was stated that it is addressed in the budget but we do not start paying until the following year.

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

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

***Adoption of Resolution #2011-6.28: Authorizing \$285,000 SPECIAL EMERGENCY NOTES FOR THE REVALUATION PROGRAM***

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

**RESOLUTION #2011-6.28  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***AUTHORIZING THE ISSUANCE OF \$285,000 SPECIAL EMERGENCY  
NOTES FOR THE REVALUATION PROGRAM OF THE BOROUGH OF  
BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY.***

BE IT RESOLVED 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. An ordinance authorizing a special emergency appropriation of \$285,000 for the preparation and execution of a complete program of revaluation of real property for the use of the local assessor has been finally adopted by the Borough Council of the Borough of Bloomingdale, in the County of Passaic, New Jersey (the "Borough") and a copy thereof has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

Section 2. (a) In order to finance the special emergency appropriation described in Section 1 of this resolution, the Borough is hereby authorized to borrow the sum of \$285,000 and to issue its special emergency notes therefor in accordance with the Local Budget Law of New Jersey (N.J.S.A. 40A:4-55).

(b) The special emergency notes authorized by this resolution may be issued in amounts and denominations not exceeding in the aggregate the amount of notes authorized herein, as determined by the chief financial officer of the Borough pursuant to this resolution.

(c) The Borough may finance the special emergency appropriation from surplus funds available or may borrow money in a manner prescribed herein. Where an appropriation is financed from surplus funds available, at least one-fifth of the amount thereof shall be included in each annual budget until the appropriation has been fully provided for.

Section 3. The following matters in connection with the notes are hereby determined:

- (a) All notes issued hereunder and any renewals thereof shall mature at such time as may be determined by the chief financial officer within the limitations of the Local Budget Law, provided however, that at least one-fifth of all such notes and the renewals thereof shall mature and be paid in each year so that all notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of this resolution;
- (b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer;
- (c) The notes shall be in the form determined by the chief financial officer and the chief financial officer's signature upon the notes shall be conclusive as to such determination.

Section 4. The chief financial officer is hereby authorized and directed to determine all matters in connection with the notes not determined by this or a subsequent resolution and the chief financial officer's signature upon the notes shall be conclusive as to such determination.

Section 5. The chief financial officer is hereby authorized to sell the notes from time to time at public or private sale in such amounts as such officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Section 6. Any instrument issued pursuant to this resolution shall be a general obligation of the Borough. 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 and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 7. The chief financial officer is authorized and directed to report in writing to this governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Section 8. A copy of this resolution as adopted shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

Section 9. This resolution shall take effect immediately.

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

**Adoption of Resolution #2011-6.29: Tax Title Lien Certificate #000488**

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

**RESOLUTION #2011 -6.29  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Redemption and Cancellation of Tax Title Lien Certificate #000488***

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that, at the Borough Tax Sale held on March 30, 2009, a lien was sold on,  
59 Reeve Avenue, Bloomingdale, for delinquent year 2011 taxes, and

**WHEREAS**, the Governing Body further finds and declares that the foregoing property is also known as Block 92, Lot 53, owned by LORRAINE MCCARTHY; and

**WHEREAS**, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 000488, which was sold to HAVID DEVELOPMENT, LLC for a PREMIUM of \$4,000.00; and

**WHEREAS**, the Governing Body further finds and declares that Lorraine McCarthy, Owner of record, has requested redemption of TTL # 000488; and

**WHEREAS**, the Governing Body further finds and declares that Lorraine McCarthy, has paid all monies due on TTL # 000488, 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 \$22,582.51 for the lien redemption and \$4,000.00 for return of the PREMIUM payable to Hasid Development, LLC, 41 Watching Plaza, Suite #520, Montclair, NJ 07042 for the redemption and cancellation of Tax Title Lien Certificate # 000488.

1099 = \$ 3,259.21

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

#### **LATE PUBLIC COMMENT**

Council President Huntley opened the meeting to Late Public comment.

John D'Amato, Bailey Avenue, asked about the process which is followed when a person is hired in the Borough; Borough Administrator outlined the procedure which is followed.

Mr. D'amato asked if we advertised for Professionals and it was stated that normally it would

have been advertised but we did not this year.

Ray Yazdi, 36 Bailey Avenue, stated that he does not doubt the committee worked very hard on the budget but some services were cut from things which have to do with family values. And noted that the budget was raised to the maximum allowed by the State.

Councilwoman Huntley stated that the fireworks cost more than the \$7,000; there were other items associated with that cost.

Leslie Monsees, 153 Rafkind Road, stated that she appreciates the time and effort by the Budget Committee. She also stated that she appreciates professionals who answer her questions in a manner she can understand as did the borough Auditor and Attorney this evening.

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

**Adoption of Resolution #2011-6.23: Authorization for Executive Session**

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

**RESOLUTION #2011-6.23**

**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. Pending Litigation – Avalon Bay
  - B. Personnel – Two 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.

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

**RECONVENED**

Council President Huntley reconvened the meeting at this time.

**Adoption of Resolution #2011-6.30: Authorization for Hiring of new Police Officer**

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

RESOLVED, that the Police Chief is authorized to begin the statutory procedures for preparing the eligibility list for a new Police Officer.

Councilwoman Pituch seconded the motion, and it carried on voice vote.

**Recognition of Retirement of Officer Jeff Breakenridge**

At this time, members of the Governing body expressed their appreciation for the many years of service for Officer Jeff Breakenridge on his retirement and accepted his resignation with regret and wished him luck and noted that the terms of his severance service will be discussed at the next meeting.

**Authorization for access to door code combination for Administration Office**

Councilman Conklin moved that any Council Member who would like the combination to access the Administration Office be given the code; seconded by Councilman Schiffman and carried on voice vote with all members voting YES.

(At this time, the Governing Body went back into Executive Session and it was noted that Councilman Schiffman is recused from this discussion)

**RECONVENED**

Council President Huntley reconvened the meeting at 10:07 p.m.

**ADJOURNMENT**

Since there was no further business to be conducted, councilman Vroom moved to adjourn at 10:07 p.m.; seconded by Councilwoman Shortman and carried on voice vote. ABSENT: Councilman Schiffman Councilwoman Huntley, ABSTAIN

Jane McCarthy, RMC  
Municipal Clerk

FINAL – July 21, 2011