

August 23, 2011

A 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 7:06 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 Linda Shortman Mark Conklin
<i>Professionals Present:</i>	Municipal Clerk:	Jane McCarthy
	Borough Administrator:	Ted Ehrenburg
	Borough Attorney:	Mark Semeraro, Esq.

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

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

Alexander Gray, 72 Star Lake Road, Sara Gray, 72 Star Lake Road and Kristina Good, 68 Star Lake Road, spoke in regard to their support of BASS and ask the Mayor and Council to keep the shelter as a “no kill” shelter.

Anne DuHaime, 23 Hester Street, spoke in regard to her starting the Bloomingdale Animal Shelter and her support of BASS and would like them to continue operating the shelter.

Kelly Kasgran, Volunteer at the shelter, also expressed her concern if BASS was no longer involved and her concern for the animals. and fact that this would turn into a “kill shelter”. She also expressed her concerns as to some items in the bid specifications.

Discussion followed in regard to these changes and fact that the specifications could be amended to say the Governing Body will oversee the shelter.

Mayor Dunleavy stated that the Borough has no intention of making the shelter a “kill shelter” and does not know how this rumor has started; Borough has no intention of taking away any services the Borough already provides.

Mayor Dunleavy asked the Borough Attorney if it is appropriate to have the people who are running the shelter speak in regard to the bid specifications and the items they felt should be in the bids and asked if this was not a perception of tailoring the bids, to which the attorney replied it is not and any party could come forward and ask questions in regard to the specifications and this could behoove either party.

Ellen Rabinski, 19 Windbeam Road, in Kinnelon, NJ, spoke in regard to her concerns with the bid specifications for sheltering services, i.e. they cannot handle the number of animals brought in by shared services with no compensation.

Councilwoman Huntley noted that she was not aware of problems at BASS until she became the Liaison.

Sherry Gally, 28 Matthews Terrace, spoke in regard to fact that if another sheltering services does not have enough volunteers, they will have to euthanize the animals; BASS currently has around 35 volunteers.

Councilwoman Shortman expressed fact that she is impressed with the BASS Animal Shelter and has never heard criticism of their rescuing efforts.

Discussion followed reimbursing BASS \$1,500 through the Animal Control line item; Councilwoman Huntley discussed our shared services and what we are spending v. bringing in and felt we are not bringing in enough money to keep these animals.

At this time, the Borough Attorney went over the process for preparing the bid specifications and

noted that the Borough had option of competitive bidding and felt that it would be a better option and the borough can make its decision based on pre-determined weighted criteria; we did not take that route as we had to wait for DCA approval and the governing body wanted to get moving on this.

It was noted that you cannot give weight to bidder's qualifications; we do not want to tailor a bid. Discussion followed in regard to putting a ceiling on the kill percentage; this will be further discussed in Executive Session.

Borough Administrator stated that they were supposed to file weekly reports.

Timothy, 62 Reeve Avenue, spoke in support of the shelter and urge the mayor and Council to correct the flaws in the bid specifications.

Richard Boud, 16 Tice Street, asked what happened to the five-minute rule (BASS discussion went on for almost 1-1/2 hours).

Gail Lavelle, 11 Red Twig Trail, spoke in regard to concern as to who would absorb the costs for cages, capital improvements and bringing the building up to code.

Robert Aeria, 253 Hamburg Turnpike, spoke in regard to fact that his late father-in-law Dr. Gerald Mataro was instrumental in the planning stages of the shelter and always wanted it as an animal shelter environment and encouraged the Governing Body to make it work with BASS.

Nicole Fox, Passaic county Improvement Authority, noted that they were in attendance this evening and there is a resolution on the agenda from the Authority and are there for any questions anyone may have.

Joe Santini, Economic Consultant, for the Passaic County Improvement Authority noted that they looked at the Borough Hall, firehouses I and II and DPW and the only candidate for the energy program was the DPW building.

Janie Wenzel, 64 Lakeside Avenue, Haskell, NJ noted she is a trainer at BASS and noted that the people at BASS are professionals. Felt that those who will be bidding should come and visit the facility and do some research before they bid.

It was noted that people just abandon their animals and leave them at the yard at BASS.

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

Adoption of Resolution #2011-8.1: Authorizing participation in the Passaic County Improvement Authority's Renewable Energy Program

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

**RESOLUTION #2011-8.1
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

***AUTHORIZING
IT'S PARTICIPATION IN THE PASSAIC COUNTY IMPROVEMENT AUTHORITY'S
RENEWABLE ENERGY PROGRAM, AND AUTHORIZING THE AUTHORITY TO
APPLY TO THE LOCAL FINANCE BOARD FOR
THE NECESSARY CONSENTS AND APPROVALS ON BEHALF OF THE
PARTICIPATING LOCAL UNIT IN CONNECTION WITH THE RENEWABLE
ENERGY PROGRAM***

WHEREAS, the Passaic County Improvement Authority (the "Authority") has

developed a program (the “*Program*”) for the financing, design, permitting, acquisition, construction, installation, operation and maintenance of photovoltaic and other renewable energy capital equipment and facilities, including any related electrical modifications, work related to the maintenance of roof warranties, or other work required, desirable or convenient for the installation of such systems (collectively, the renewable energy capital equipment and facilities, the “*Renewable Energy Projects*”) for and on behalf of the County of Passaic (the “*County*”) and local governmental units within the County, including without limitation municipalities, boards of education for school districts, local authorities and any other local government instrumentalities, public bodies or other local government entities (collectively, including the County, the “*Local Units*”); and

WHEREAS, the Renewable Energy Projects procured under the Program are to be installed on, in, affixed or adjacent to and/or for any other Local Unit-controlled buildings, other structures, lands or other properties of the Local Units (collectively, the “*Local Unit Facilities*”); and

WHEREAS, the primary goal of the Program is to expand the use of renewable energy sources available and utilized by the Local Units for their Local Unit Facilities, with the attendant environmental and financial benefits associated thereby, and to reduce the energy-related operating costs to the Local Units for their Local Unit Facilities, all intended to be

offered at no net cost to the Local Units; and

WHEREAS, in accordance with (i) N.J.S.A. 40A:11-4.1(k) of the Local Public Contracts Law, and N.J.S.A. 18A:18A-4.1(k) of the Public Schools Contracts Law; (ii) Local Finance Board Notice 2008-20, December 3, 2008, *Contracting for Renewable Energy Services*, (iii) the State Board of Public Utilities (“*BPU*”) protocol for measuring energy savings in PPA agreements dated February 20, 2009 (*Public Entity Energy Efficiency and Renewable Energy Cost Savings Guidelines*), (iv) Local Finance Board Notice 2009-10 dated June 12, 2009, *Contracting for Renewable Energy Services: Update on Power Purchase Agreements*, and (v) all other applicable law, and pursuant to a competitive contracting process governed thereby, the Authority shall issue a request for solar developer proposals (the “*RFP*”) and

WHEREAS, upon review of proposals from prospective solar developers, including the proposal of the successful respondent (the “*Company Proposal*”), the Authority anticipates to select a Company (the “*Company*”) to design, permit, acquire, construct, install, operate and maintain the Renewable Energy Projects and design, permit, acquire, construct, renovate, and install the Capital Improvement Projects, if any, in both cases for the designated Local Unit Facilities of such Local Units, with the terms to be set forth in the contract documents to be entered into between the Company and, at a minimum, the Authority, or acknowledged by the Company, as applicable; and

WHEREAS, in order to implement the Program at no cost to the Local Units, the Authority has determined that if the Company Proposal is selected pursuant to either Option 2 or Option 3 of the RFP, it may finance the respective Renewable Energy Projects and Capital Improvement Projects (if any), on, in or about the respective Local Unit Facilities, all as set forth on the exhibits to the Local Unit License Agreement defined below for each of the following participating Local Units:

(i) Municipalities:

(ii) Boards of Education:

;and

(iii) County of Passaic

(each a “*Local Unit*,” and together with any additional local governmental units within the County that might be added by the Authority to the Program pursuant to the Local Finance Board

Application defined below or otherwise, collectively, the “*Local Units*”), through the issuance by the Authority of one or more series of bonds entitled “County of Passaic Guaranteed Renewable Energy Program Lease Revenue Bonds, Series 2011 (Federally Taxable)” in the aggregate principal amount not to exceed \$35,000,000 (the “*Series 2011 Bonds*”); and

WHEREAS, in the event that the Authority elects to finance the Renewable Energy Projects and Capital Improvement Projects (if any), prior to the issuance of the Series 2011 Bonds and in accordance with N.J.S.A. 40A:5A-6, 7 and 8 of the Local Authorities Fiscal Control Law, the Authority must file an application (the “*Local Finance Board Application*”) with, and seek, obtain, and officially recognize the findings from, the Local Finance Board in the Department of Local Government Services of the State Department of Community Affairs (the “*Local Finance Board*”); and

WHEREAS, the governing body of the Borough of Bloomingdale adopting this resolution (the “*Participant*”) desires to authorize the Authority and its consultants to submit the Local Finance Board Application on its behalf, if necessary, to finance the Renewable Energy Project(s) for the Participant (the “*Participant Project*”) set forth in **Exhibit A** attached hereto (it being understood that the Participant is taking no action in connection with the other Renewable Energy Projects of the other Local Units as set forth in **Exhibit A**); and

WHEREAS, the pricing terms for the purchase of renewable energy-generated electricity produced from the Participant Project and sold through the Authority to the Participant, and bought by the Participant at an agreed upon price lower than that presently being paid by the Participant for electricity from its local utility, which pricing terms shall be competitively procured through the public RFP process and the Company Proposal, shall be established under the Authority's Program for an initial term no greater than 15 years; and

WHEREAS, the Participant has offered - and the Authority has accepted - public buildings for inclusion in the Program, and the Participant understands and acknowledges that by taking this official action it intends to participate in the Program with regard to the Participant Project, and that the Authority is taking several actions in reliance upon the inclusion of these public buildings, including, without limitation, proceeding with the issuance of the RFP, the selection of the Company, the establishment of the renewable energy pricing under the Company Proposal, potentially seeking the required approvals from the Local Finance Board to issue the Series 2011 Bonds in accordance with the Local Finance Board Application, and the marketing, sale and issuance of the Series 2011 Bonds; and

WHEREAS, the Participant desires to confirm its participation in the Program in order to permit the Authority to proceed with the issuance of the RFP, and if necessary, obtain the approval of the Local Finance Board and issue the Series 2011 Bonds;

NOW THEREFORE BE IT RESOLVED by the governing body of the Participant as follows:

Section 1. The Participant believes that its participation in the Program (a) is in the public interest through the accomplishment of the purposes described in the preamble paragraphs above, including the possible financing of the Participant Project; (b) benefits the health, wealth, convenience or betterment of the Participant’s citizens; (c) entails amounts to be expended for the these purposes that are not unreasonable or exorbitant; and (d) is an efficient and feasible means of providing services for the needs of the Participant’s citizens without creating any financial burden upon the Participant.

Section 2. The _____, _____, and the _____ of the Participant (including their designees in writing, each an “*Authorized Officer*”) are each hereby severally authorized to assist the Authority, should the Authority determine to finance the Program, with the preparation and submission of the Local Finance Board Application for the purpose of financing the Participant Project through the issuance of the Series 2011 Bonds, and to take all action necessary, desirable, or convenient in connection therewith. Accordingly, the Authorized Officers, and any consultants of their choosing, shall, if necessary, represent the Participant at any public hearing held by the Local

Finance Board in connection with the Local Finance Board Application.

Section 3. Upon a date to be selected by the Authority, the Authorized Officers shall deliver to the Authority a fully executed certificate, substantially in the form attached hereto as **Exhibit B**, evidencing the proper officials approval of the substance and scope of the Participant Project.

Section 4. The Participant understands and acknowledges that by adopting this resolution, the Participant intends to participate in the Program, which may entail the funding of the Participant Project through a portion of the proceeds of the Authority's Series 2011 Bonds, and that the Authority is taking several actions in reliance upon this action by the Participant, including, without limitation, proceeding with the issuance of the Company RFP, the selection of the Company, the establishment of the renewable energy pricing under the Company Proposal, potentially seeking the required approvals from the Local Finance Board to issue the Series 2011 Bonds, as set forth in the Local Finance Board Application, and the marketing, sale and issuance of the Series 2011 Bonds, all for the benefit of the Participant and the other Local Units. The Participant further acknowledges that its continued participation in the Program is critical to the pricing to be obtained from Proposers during the RFP process and any change in the extent of its participation will have a negative impact on the other Local Units participating in the Renewable Energy Project.

Section 5. The Participant covenants to the Authority that: (i) except for extraordinary unforeseen circumstances not presently contemplated, the Participant intends to participate in the Authority's Program and will not withdraw any of the Local Unit Facilities from inclusion in the Participant Project that it has requested and the Authority has approved to be part of the Program, so long as the Company Proposal results in a savings to the Participant, and should it elect to withdraw such a Local Unit Facility for reasons other than an extraordinary unforeseen circumstance, that it will substitute a building with comparable energy usage or reimburse the Authority for the costs incurred to remove the public building from the Program, (ii) this official action authorizes the Authority to take all such actions contemplated above in order to develop the Participant Project and to provide the Participant with such savings and (iii) should the Authority determine to finance the Program, prior to the sale of the Series 2011 Bonds, the Participant shall (a), if it is a board of education, obtain any and all approvals from the State Department of Education with respect to the Participant Project, and (b) adopt a resolution authorizing, among other things, the Participant to enter into that certain "Power Purchase Agreement" and that certain "Site License Agreement," each to be dated as of the first day of the month of issuance of the Series 2011 Bonds in such form as shall be presented to the Participant prior to adoption of the supplemental resolution.

Section 6. The Authorized Officer shall direct the Participant official in charge of the

officially adopted resolutions of the governing body of the Participant to (a) prepare an official, certified copy of this resolution, as adopted, and (b) deliver such certified copy in accordance with Section 11 below. Further, the Participant hereby consents to such certified copy of the resolution, and any further information regarding the Participant and/or the Participant Project, as the Authorized Officer shall determine to be necessary, desirable or convenient in connection with the Local Finance Board Application, to be submitted as part of, or pursuant to the Local Finance Board Application.

Section 7. The Authorized Officers are hereby severally authorized to take such other actions, and execute such other certificates, documents, and instruments, as such Authorized Officers shall deem to be necessary, desirable, or convenient to assist the Authority in developing the Participant Project, producing the contemplated energy savings for the Participant, issuing the RFP and selecting the Company through the most desirable Company Proposal in accordance with the terms of the RFP and applicable law, and potentially marketing, selling, and issuing the Series 2011 Bonds, procuring the final terms of the Renewable Energy Project documents, or any other action related to the implementation of the Program for the Series 2011 Local Units.

Section 8. The Local Finance Board is hereby respectfully requested to consider the Local Finance Board Application as the means to finance the Participant Project, pursuant to

either Option 2 or Option 3 of the RFP, and to record its findings and recommendations as provided by N.J.S.A. 40A:5A-7 of the Local Authorities Fiscal Control Law.

Section 9. To the extent the Authority determines to finance the Program and Series 2011 Bonds are issued in any year other than 2011, references herein to “2011” may without any further action be changed to the year of issuance of such Series 2011 Bonds.

Section 10. All actions of the Authorized Officers or Participant consultants taken prior to the date of adoption hereof in connection with the possible issuance of the Series 2011 Bonds, the Participant Project or any of the foregoing transactions contemplated by this resolution, are hereby ratified and approved.

Section 11. Upon the adoption hereof, a certified copy of this resolution shall be forwarded to: Nicole Fox, Executive Director of the Authority, 401 Grand Street, Room 103, Paterson, New Jersey 07505, Telephone: (973) 881-4550, and Fax: (973) 278-5635, e-mail: nicolef@passaiccountynj.org, and Kevin A. Conti, Esq., Program Counsel to the Authority at DeCotiis, FitzPatrick and Cole, LLP, Glenpointe Centre West, 500 Frank W. Burr Boulevard, Teaneck, NJ 07666, Telephone: (201) 907-5202, and Fax: (201) 928-0588, e-mail: kconti@decotiislaw.com.

Section 12. This resolution shall take effect immediately.

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

RECESS

At this time, Mayor Dunleavy called for a ten minute recess.

RECONVENED

Mayor Dunleavy reconvened the meeting at 9:09 p.m.

REPORTS FROM THE GOVERNING BODY

Board of Education

Councilwoman Shortman noted she spoke with Mr. Hagl of the Board of Education in regard to doing more recycling in the schools; they need more recycling containers.

Councilwoman Shortman stated that we also need more containers in the Municipal Building; Mayor noted we could purchase them through Clean Communities.

Master Gardeners

Councilwoman Shortman stated that the Master Gardeners' will be holding an Open House on Saturday behind the Senior Center at 10 a.m.; everyone is encouraged to come and see the beautiful gardens they have planted.

Pequannock River Coalition

Councilwoman Shortman stated the Coalition had a cleanup and picked up a ton of garbage out of the streams; we are grateful for all the wonderful volunteers we have in the Borough.

Welcome New Business Owners

Councilwoman Shortman stated that she would like to recognize the new businesses which have

opened up in the borough; Mayor Dunleavy asked her to contact them as to possible dates for a ceremony.

Recycling bins

Councilwoman Huntley stated that she will get recycling bins in all the ball fields by next week.

DEPARTMENT REPORTS

Municipal Clerk

Public Question

Municipal Clerk noted that there will be a Public Question on the Ballot for the November 8, 2011 Election for lighting at Walter T. Bergen Field.

Bids for Animal Shelter

Municipal Clerk noted that the bids for Animal Shelter Services will be received on September 7,

2011 at 10 a.m.

Candlelight Walk

The Candlelight Walk will be held on September 11, 2011 at 7 p.m.; lineup behind the Municipal Building.

PROFESSIONAL REPORTS

Flood Mitigation Committee

Mayor noted that the Flood Mitigation Committee met this evening and they will begin working quickly on some of the issues.

APPROVAL OF CONSENT AGENDA

Municipal Clerk asked that the Regular Meeting Minutes of June 14, 2011 be pulled.

Councilman Vroom moved that the following Consent Agenda be approved:

- A. Approval of Information Items List for Weeks Ending: July 7, 14, 28, 2011
- B. Approval of Minutes: Regular Meeting May 24, 2011; Executive Session June 14, 2011; Executive Session and Regular Session June 28, 2011 and Regular Meeting July 26, 2011.
- C. Request from Municipal Alliance to hold a Coin toss on September 24, 2011 from 8:30 a.m. To 2:00 p.m.
- D. Request from NJ Environmental Federation to conduct their annual canvass.

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

PENDING BUSINESS:

Approval of contract with RER

Borough Attorney stated that he has not received the changes; Borough Administrator noted that he emailed them to him; this will be discussed in Executive Session.

Councilwoman Huntley moved that the RER contract be discussed in Executive Session; seconded by Councilman Schiffman and carried as per the following roll call: Council Members: Huntley; Pituch; Schiffman; Shortman; Vroom and Conklin all YES.

Discussion of “Stickers” for Garbage Violations and need for an ordinance

Mayor Dunleavy stated that we need to discuss this for budget purposes next year.

Councilwoman Shortman stated that she did not get the cost estimate from the DPW Superintendent; Mayor noted it was a few thousand; this will be moved to the Pending List for next year. This will be put on the DPW agenda for their next meeting.

Status of five-day work week

Councilwoman Huntley stated that the Borough will go back to a five-day work week the week of Labor Day and work five days a week from 8 a.m. until 4 p.m. and open until 6 p.m. on Tuesdays.

Councilwoman Huntley moved that the five-day work week will commence after Labor Day; seconded by Councilwoman Pituch and carried as per the following roll call: council Members: Pituch, YES; Schiffman, YES; Shortman, YES; Vroom, NO; Conklin, YES and Huntley, YES.

Discussion in regard to property filled in at First Street

Noted that a survey is required per our Borough Engineer; estimated cost is between \$800 to \$1,000; there are no current metes or bounds for this project.

Councilwoman Shortman stated she met with the Borough Engineer who turned it over to the Construction Official who believed it was Borough owned. Councilwoman Shortman stated there are many trucks and cars parked there and this is a large piece of open space; we should pursue this.

Mayor Dunleavy recommended that a motion be made to go forward with the survey not to exceed \$1,000 out of the ROSE Fund Open Space Line Item.

Councilwoman Shortman moved that a survey be authorized to survey the property behind the Senior Center on Second Street, not to exceed \$1,000 out of the ROSE Fund Open Space Line item; seconded by Councilwoman Huntley and carried as per the following roll call: Council Members: Schiffman, PRESENT; Shortman, YES; Vroom, NO; Conklin, YES; Huntley, YES and Pituch, YES.

Discussion in regard to reports from Departments

Mayor Dunleavy stated that each Liaison should design with the Department Heads what they

want in their reports.

Councilwoman Shortman stated that she would like to see the breakdown for shared services; number of construction permits; list of DPW equipment, tools so that we need to know during budget time what we need to budget for.

Pesticide License

Councilwoman Pituch stated that she wanted someone from the DPW to go for the pesticide classes and she arranges this through her office in the County and no one has signed up yet; she would like the DPW Superintendent to call her tomorrow in regard to this.

Mayor Dunleavy stated that this will be kept on the Pending Agenda.

Discussion in regard to roads in need of repair

Borough Engineer prepared a list of five roads and recommended we seek application through the DOT for Reeve Avenue; this will be on the September 13 agenda for approval.

Noted that the engineering budget is down to \$2,811; Borough Administrator will ask him the

cost to prepare the application.

Discussion in regard to televising lines and fact that Pompton Lakes has a camera; Borough Administrator will ask them if we could borrow it.

Discussion in regard to email policy and archiving

This will stay on the pending list for the 2012 budget.

Discussion in regard to face book policy and comment section

Councilwoman Huntley stated that she spoke with the Webmaster and this item has been addressed and there will be no more comment section.

Update on 2011 Goal setting

Mayor Dunleavy noted that we have our list of roads and everyone should keep in mind the goals that want to accomplish.

Update in regard to on-line banking

This will be on the Pending List as a 2012 budget item.

Adoption of Resolution #2011-8.2: Authorization of new contract with Borough Attorney

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

**RESOLUTION #2011-8.2
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Regarding the Addendum to Professional Services Agreement Between Mark J. Semeraro, Esq. and the Borough of Bloomingdale for Professional Services as Pro-Attorneys

WHEREAS, the Governing Body of the Borough of Bloomingdale had previously entered into a Resolution authorizing the execution of a Professional Services Contract with Mark J. Semeraro to provide the statutory services of a Municipal Attorney to the Borough of Bloomingdale bearing Resolution No. 2011-6.19, and;

WHEREAS, said Agreement was executed by and between the Borough Bloomingdale and Mark J.

Semeraro, and;

WHEREAS, said Agreement initially contained a restriction on the number of hours provided to the Borough in the capacity of Municipal Attorney to be included in Mr. Semeraro's annual salary, and;

WHEREAS, said position at all points in time relevant hereto is a part-time position, and;

WHEREAS, the services to be provided are only those services that are routine in nature for the position of Municipal Attorney with a number of exceptions previously designated by both Resolution and Agreement, and;

WHEREAS, both parties are desirous of changing said Agreement solely to remove the 250 hour cap on services to be provided with the express understanding that the services which shall be provided remain unchanged with the exception of the 250 hour limit.

NOW, THEREFORE, BE IT RESOLVED that the Administration of the Borough of Bloomingdale is hereby authorized to enter into an Addendum modifying the aforementioned Agreement in accordance with the recitation set forth above.

Councilman Schiffman seconded the motion, and it carried as per the following roll call:

Council Members: Shortman, YES; Vroom, NO; Conklin, YES; Huntley, YES; Pituch, YES and Schiffman, YES.

Update in regard to Sloan Park Bridge

Application has been made to the DOT to get our monies back.

Discussion of Honorary Streets

Noted that there will be a ceremony naming an honorary street in the memory of Frank the Barber on September 17 at 10 a.m.

Noted that we still have to address the naming of honorary streets in the memory of Millie Bird and also for Bud Bennett who will be celebrating his 100th birthday in October.

Consensus that this will be coordinated with the DPW Superintendent and Fire Department for placement of the signs. Woodward Avenue will be honorary named for Bud Bennett and Rafkind Avenue for Millie Bird.

Discussion will be held with the Police Chief for the problem of duplicate named roads in the

Borough.

Update on bids for Chestnut; Henion and Oakwood

Borough Administrator noted that the bids for Woodward will be ready the second week in September. We are waiting for the Borough Engineer to finish the here bids. James Street will be added and Vreeland Avenue.

These will all be done prior to the winter.

Discussion in regard to Walter T. Bergen Field Expenditures

Mayor Dunleavy stated that money was paid out of the capital line item for engineering for the Walter T. Bergen Field Expenditures and the capital has to be paid back.

Mayor Dunleavy stated that he would like to it this year along with the drainage; \$12,000 annual prepayment for ten years.

Discussion followed as to paying it back out of the ROSE fund and it was noted that the Butler Soccer help with payment for Aaron Decker field in Butler and possibly they could do the same

for Bloomingdale.

Ray Yazdi of Butler Jr. Soccer was in attendance and noted that the offer was there all along to pay towards the drainage.

Majority of the Council did not want to do this.

Councilman Vroom moved to approve bonding of \$300,000 out of the ROSE Fund based on Butler soccer donating \$14,000; there was no second and the motion died.

Status of Firemen's Parking Lot

Borough Engineer will give us an estimate for the cost of the repair of the parking lot; this will be on the September 13 agenda.

INTRODUCTION OF NEW BUSINESS

Adoption of Resolution #2011-8.3: Payment of Bills

Councilman Schiffman moved that the following bill list be approved:

**RESOLUTION - #2011 –8.3
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	2,686,244.29		CURRENT
540,132.61			
UTILITY	84,214.38		UTILITY
25,523.56			
CAPITAL	8,661.00	UNEMPLOY.	24.76
UTILITY CAPITAL	000.00		RECYCLING
392.56			
TRUST	3,611.97		CAPITAL
00,000.00			
DOG	968.50		TRUST
000.00			
RECREATION	325.00	SPEC. ASSESS.	0,000.00
UNEMPLOYMENT	000.00		RECREATION
000.00			
ROSE FUND	10,627.14		UTILITY CAP
000.00			
RECYCLING	175.90		DOG
860.00			
TOTAL	2,794,828.18		TOTAL
566,933.49			

Councilman Vroom seconded the motion.

At this time, Councilman Schiffman questioned the \$11,596 expenditure for bleachers out of the ROSE Fund and noted that the Governing Body passed a resolution that all expenditures must be approved first prior to purchasing and no one asked about this expenditure.

Mayor Dunleavy stated that this was one of the recommendations when the ROSE Fund expenditures were approved and noted it can be pulled and submitted to the County for approval.

Discussion also in regard to expenditures to Barrett Plumbing for Water Department, John's Lawn Service for fields.

Noted that we need a maintenance program for our vehicles.

Councilman Schiffman amended his motion to approved the bills list with ***pulling the expenditure of \$11,596 for the bleachers***; seconded by Councilman Vroom and carried as per the following roll call: Council Members: Vroom; Conklin; Huntley; Pituch; Schiffman and Shortman all YES.

Adoption of Resolution #2011-8.4: Recycling Tonnage Grant/Chapter #159

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

**RESOLUTION #2011-8.4
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

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

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

WHEREAS, the Governing Body further finds and declares that N.J.S.A. 40A:4-87 provides

that the Director may also approve the insertion of any item of appropriation for an equal amount; and

WHEREAS, the Governing Body further finds and declares that it is in the best interests of the citizens of the Borough to request approval of the insertion into the Borough's FY2011 Municipal Budget of an item of revenue based upon a grant secured by the Borough from the State of New Jersey;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby request that the Director of the Division of Local Government Services, within the State of New Jersey Department of Community Affairs, approve the insertion into the Borough's FY2011 Municipal Budget of an item of revenue in the sum of \$6,869.79, which item is now available as revenue in the form of a State of New Jersey Current Fund – Recycling Tonnage Grant; and

BE IT FURTHER RESOLVED that a like sum of \$6,869.79 be and the same is hereby appropriated under the caption:

*Public and Private Revenues Offset with Appropriations
Recycling Tonnage Grant*

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

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

Adoption of Resolution #2011-8.5: discharge of Mortgage/Carman

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

**BOROUGH OF BLOOMINGDALE
County of Passaic**

RESOLUTION #2011-8.5

WHEREAS, pursuant to the New Jersey Department of Community Affairs' Small Cities Community Development Block Grant Program the Borough of

Bloomington executed a Mortgage Note with Mary Ann Carman on August 25, 1997 in the amount of \$3,511.25 for Ms. Carman's property located at 84 Union Avenue in the Borough ("Property"); and

WHEREAS, under the Note Ms. Carman was entitled to have the Note discharged if she retained ownership of the Property "at the end of the tenth year from the date of the signing of a satisfactory final inspection form by the Homeowner (Borrower) and the Program and the Program Cost Estimator/Specifications Writer"; and

WHEREAS, Ms. Carman received a "satisfactory final inspection" on January 29, 1998; and

WHEREAS, Ms. Carman has retained ownership of the Property for more than ten years since that date.

IT IS HEREBY RESOLVED that the Borough discharges the Note because of Ms. Carman's satisfaction of the conditions for discharge of the Note. A copy of the Mortgage Discharge is attached to this Resolution, as is the Mortgage Note and

proof of “satisfactory final inspection.”

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

Adoption of Resolution #2011-8.6: Authorizing Submission of 2012 Municipal Alliance Grant

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

**RESOLUTION #2011-8.6
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Submission of FY2012 Municipal Alliance
DEDR Grant Program Application to County of Passaic***

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that the Borough’s Municipal Alliance Program has been an

unqualified success in fostering greater awareness and prevention of alcohol, tobacco and drug use among the youth of the Borough; and

WHEREAS, the Governing Body further finds and declares that is in the best interests of the health, safety and welfare of the Borough and its citizenry, particularly its young people, to authorize the submission of a FY2012 Municipal Alliance DEDR Grant Program Application to the Passaic County Municipal Alliance Program;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize the Bloomingdale Municipal Alliance to submit a FY2012 Municipal Alliance DEDR Grant Program Application to the Passaic County Municipal Alliance Program; and

BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize the appropriate municipal officials to execute the FY2012 Municipal Alliance DEDR Grant Program Application in furtherance of that effort.

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

Adoption of Resolution #2011-8.7: Requesting CDBG Sub Recipient Contract Extension

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

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

RESOLUTION #2011-8.7

BE IT RESOLVED that the Borough Council of the Borough of Bloomingdale requests an extension of the Community Development Block Grant for 2008-Stormwater, Street Improvements-from Passaic County Board of Chosen Freeholders to August 31, 2012.

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

Discussion in regard to dissolution of Lakeland Regional Solid Waste management Authority

Councilman Vroom moved to approve the dissolution of Lakeland Regional Solid Management Authority; seconded by Councilwoman Huntley and carried as per the following roll call: council Members: Shortman; Vroom; Conklin; Huntley; Pituch and Schiffman all YES.

Adoption of Resolution #2011-8.8: Repair of Backhoe

Discussion followed in regard to repair of backhoe in the amount of \$3,197.67 and consideration of putting together bids for a new truck.

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

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

Bloomingtondale to Expend \$3,197.67 for Repairs to the Borough of Bloomingtondale's Backhoe

WHEREAS, the Borough of Bloomingtondale owns a piece of construction equipment known as a

backhoe; and

WHEREAS, the Department of Public Works has identified the need for certain repairs to said backhoe estimated to be in the amount of \$3,197.67; and

WHEREAS, the Borough's purchasing agent has received three (3) quotes for said repairs; and

WHEREAS, pursuant to the Public Contract Law, the Borough is permitted to hire a contractor without Public Bidding as it falls below the Bid Threshold pursuant to N.J.S.A. 40A:11-3; and

WHEREAS, the Governing Body of the Borough of Bloomingdale has concluded that it is in the welfare and best interests of the Borough of Bloomingdale and its citizenry to repair this piece of equipment so that it can be used for Municipal purposes; and

WHEREAS, in accordance with NJAC 5:30-5.4, the CFO of the Borough of Bloomingdale has certified, or will certify, the availability of funds as set forth in the accompanying Certification; and

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Bloomingdale hereby authorizes the Administration to extend \$3,197.67 for the aforementioned

repairs.

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

Adoption of Resolution #2011-8.9: Authorization for repair of Truck #2

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

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

Adoption of Resolution #2011-8.10: Bid Specs for New Trucks

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

**RESOLUTION #2011-8.10
OF THE GOVERNING BODY**

OF THE BOROUGH OF BLOOMINGDALE

***BID SPECIFICATIONS AND ADVERTISING FOR BIDS TO PURCHASE
A NEW GARBAGE TRUCK***

WHEREAS, the Administration of the Borough of Bloomingdale has determined that it is in the best interests and welfare of the Borough and its citizenry to purchase a new garbage truck; and

WHEREAS, the estimated cost for a new garbage truck is at least the bid threshold of \$17,500 set forth in N.J.S.A. 40A:11-3(a), in accordance with the Local Public Contracts Law; and

WHEREAS, the Borough of Bloomingdale shall therefore establish bid specifications and advertise for bids for the purchase of the garbage truck pursuant to N.J.S.A. 40A:11-4.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Administration of the Borough of Bloomingdale is hereby authorized to establish Bid Specifications and advertise for bids for the purchase of a new garbage truck.

Councilman Schiffman seconded the motion and it carried as per the following roll call:

Council Members: Huntley; Pituch; Schiffman; Shortman; Vroom and Conkli8n all YES.

Noted that Truck #10 will be put aside for now.

Discussion in regard t o donation from Bloomingdale Library

Mayor Dunleavy stated that we have received a donation of \$5,000 from the Bloomingdale Library surplus for the new phone system and we appreciate their generosity.

Agenda Items #I and J will be held until the next meeting.

Adoption of Resolution #2011-8.11: Appointment of Anderson and Denzler for Engineering

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

RESOLVED THAT authorization is given for the appointment of Anderson & Denzler Associates of East Hanover, NJ for the engineering for the interconnection with the Borough of Butler in the amount of \$10,000.

Councilwoman Huntley seconded the motion, and it carried as per the following roll call:

council Members: Pituch; Schiffman; Shortman; Vroom; Conklin and Huntley all YES.

Discussion in regard to Best Practices Inventory List

Noted that the Chief Financial Officer has submitted her report on the Best Practices Inventory List. Councilwoman Huntley noted she would like to discuss this; this will be on the next meeting under New Business per Mayor Dunleavy.

Request from Lake Iosco to use Council Chambers

Councilman Vroom moved that the request by Lake Iosco to use the Council Chambers on November 19, 2011 at 12 p.m. for their annual meeting be approved; seconded by Councilwoman Huntley and carried on voice vote.

ORDINANCES

Second and Final Reading of Ordinance #12-2011: Placement of Stop Sign at Pearl Street

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE FOR
PLACEMENT OF A STOP SIGN AT PEARL STREET AND PEARL STREET
AT ITS INTERSECTION WITH CAPTOLENE AVENUE*** was given second and
final reading and consideration for adoption at this time.

At this time, the Municipal Clerk read the Public Notice Statement.

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

The Municipal Clerk read the ordinance by title:

**BOROUGH OF BLOOMINGDALE
ORDINANCE #12 – 2011**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE FOR
PLACEMENT OF A STOP SIGN AT PEARL STREET AND PEARL STREET AT
ITS INTERSECTION WITH CAPTOLENE AVENUE**

WHEREAS, the various and health concerns were brought to the Governing Body's attention by concerned citizens relative to the safety and traffic flow at the intersection of Captolene Avenue and Pearl Street; and

WHEREAS, the Administration has received inputs from the Police Department and the Governing Body has considered prospects of traffic regulations relative to the same; and

WHEREAS, the Governing Body of the Borough of Bloomingdale hereby finds and declares that in the interest of the public, safety and welfare of the residents of the Borough of Bloomingdale it is necessary to amend the Municipal Code, at Chapter VII Traffic, Part I on street traffic regulations, 7-30 stop intersections by placing stop signs on Pearl Street at its intersection with Captolene Avenue whereby making it a 4-way stop intersection;

NOW THEREFORE, be it ordained by the Governing Body of Bloomingdale as follows:

I. Code Section 7-30 STOP INTERSECTION

Under Part I. ON-STREET TRAFFIC REGULATIONS, CHAPTER VI TRAFFIC be hereby amended as follows:

7-30 STOP INTERSECTIONS.

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections described are hereby designated as Stop Intersections. Stop signs shall be installed as provided therein.

Intersection

Pearl Street and Captolene Avenue

STOP Sign on:

Captolene Avenue & Pearl Street (4-way stop)

The Borough Attorney offered the Explanatory Statement.

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

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

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

Second and Final Reading of Ordinance #13-2011: Fee Ordinance Amendment

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE FOR FEES CHARGED FOR MUNICIPAL SERVICE was given second and final reading and consideration for

adoption at this time.

At this time, the Municipal Clerk read the Public Notice Statement.

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

The Municipal Clerk read the ordinance by title

**BOROUGH OF BLOOMINGDALE
ORDINANCE #13 – 2011**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE FOR FEES
CHARGED FOR MUNICIPAL SERVICE**

WHEREAS, the Governing Body of the Borough of Bloomingdale finds and declares that in the interest of the public health, safety and welfare of the residences it will amend the Borough Ordinances with the following Fee Ordinance revisions: and

WHEREAS, the Administration has evaluated the fees charged for various Municipal Services; and

WHEREAS, the Administration has determined that an adjustment must be made with Respect to the fees in accordance with the actual costs of providing those services to the public;

IT IS HEREBY ORDAINED, that these charges for Municipal Services Section of the Code be hereby amended as follows:

2-80 FEES CHARGED FOR MUNICIPAL SERVICES

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

a. Copies of documents available to the public pursuant to the Open Public Records Act, N.J.S.A. 1A-1 et seq. are to be charged at the following rates: (1) \$0.05 per page for letter sized pages and smaller; (2) \$0.07 per page for legal sized pages and larger; (3) electronic records are to be provided free of charge via e-mail and fax; and (4) the actual cost to provide records in another medium (i.e. computer disc, CD-ROM, DVD.)

b. Street Map \$ 5.00

c.	Zoning Map	\$ 5.00
d.	Zoning Ordinance Package	\$10.00
e.	Site Plan Ordinance Package	\$10.00
f.	Master Plan	\$50.00
g.	Assessment Search	\$10.00
h.	Tax Search	\$10.00
i.	Municipal Lien Search	\$10.00 for each property \$2.00 for each continuation year (maximum of \$8.00)
j.	Search for Delinquent Properties	\$10.00

k.	Search for Miscellaneous Tax Information	\$ 5.00
l.	List of Property Owners within	\$10.00 or \$.25 per name (whichever is greater)
m.	Duplicate Tax Sale Certificate	\$100.00
n.	Duplicate Tax Bill	\$5.00 for first duplicate copy \$25.00 for duplicate copy thereafter
o.	Mailing of Notice of Tax Sale	\$ 25.00
p.	Off-Duty Traffic Control Activities by Police Officers Plus Administration Fee	\$ 60.00/hr. \$ 15.00
q.	Photocopy of Tax Map	\$.75
r.	Returned Check Fee	\$ 20.00

s.	Appliance Pick-up and Disposal	\$40.00 (for each appliance thereafter first two)
t.	Tire Pick-up and Disposal	\$ 5.00 per tire
u.	Leaf Bags	3 for \$ 1.00
v.	Garage Sales	\$ 5.00
x.	Permit to purchase a handgun	\$ 2.00
y.	Permit to carry a handgun	\$ 5.00
z.	Firearm Identification Card	\$ 5.00

The foregoing fees are in addition to fees for permits, information requests and services that may be charged by the Zoning Board of Adjustment, Planning Board, Construction Department and Recreation Commission and which have been codified in the Revised General Ordinances of the Borough of Bloomingdale. (New; Ord. No. 17-2002 § I; Ord. No. 04-2005 §

V; Ord. No. 13-2010 § §1, 2).

The Borough Attorney offered the Explanatory Statement.

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

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

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

INTRODUCTION OF NON-AGENDA ITEMS

Councilwoman Shortman discussed the possibility of an “amnesty day” whereby residents could bring their tires to be disposed of at no charge and stated that there are a lot of tires dumped

behind the Senior Center; Borough Administrator will check into this.

LATE PUBLIC COMMENT

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

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

LATE EXECUTIVE SESSION

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Authorization for Executive Session

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

**RESOLUTION #2011-
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. Personnel – Three Matters

- B. Contract Negotiations - 1 matter
4. Minutes will be taken.
 5. It is anticipated at this time that minutes of the above-referenced subject matter will be made public when it is in order to do so.
 6. This Resolution shall take effect immediately.

Councilman Schiffman seconded the motion, and it carried on voice vote.

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

RECONVENED

The Mayor reconvened the meeting at this time, 12:29 a.m.

Adoption of Resolution #2011-8.12: Authorization for filing of Tax Foreclosures

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

RESOLVED, that authorization be given for the Borough Attorney and Borough Administrator to start the process to file tax foreclosures as indicated by the Borough Attorney.

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

***Adoption of Resolution #2011-8.23: Authorization of permanent status
DPW Robert Hagberg***

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

RESOLVED, that permanent status be given to Robert Hagberg as a DPW employee who started with the Borough October 19, 2009.

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

(Councilman Schiffman left at this time)

***Adoption of Resolution #2011-8.14: Confirming That Planning Board Resolution No. 629's
Express Requirement For Individual Unit Water Metering
Shall Remain as a Condition of Development***

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

**RESOLUTION #2011-8.14
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

***Confirming That Planning Board Resolution No. 629's Express Requirement For Individual
Unit Water Metering Shall Remain as a Condition of Development***

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) previously adopted Ordinance No. 20-2009 to comply with a July 20, 2009 Order entered by Judge Thomas F. Brogan in builder’s remedy litigation encaptioned BLC One LLC and AvalonBay Communities, Inc. v. Bloomingdale, et al., Docket No. PAS-L-2913-08 (the “Litigation”); and

WHEREAS, Ordinance No. 20-2009 creates an Inclusionary Multi-Family (“IMF”) Zone that allows residential development to meet the Borough’s affordable housing obligation; and

WHEREAS, on November 19, 2009, the Bloomingdale Planning Board unanimously adopted Resolution No. 629 approving a site plan for the Court-ordered IMF development, which as a condition of development requires that each individual unit in the development complex shall have its own water meter as there will be no centralized meters for any of the buildings; and

WHEREAS, neither B.L.C. One LLC, AvalonBay Communities, Inc., nor anyone else filed a prerogative writ action challenging any provision of Resolution No. 629 and Resolution No. 629 is final and non-appealable; and

WHEREAS, AvalonBay Communities, Inc. subsequently submitted an application to the Bloomingdale Planning Board seeking to modify the site plan approval obtained from the Bloomingdale Planning Board and memorialized by Resolution No. 629; and

WHEREAS, on April 21, 2011 the Bloomingdale Planning Board adopted Resolution No. 629-A providing for specific modifications to the site plan that previously had been approved by Resolution No. 629; and

WHEREAS, Avalon Bay Communities, Inc. has stated that the modifications to the site plan approved by the Planning Board will provide the developer with over \$600,000.00 in cost savings predominantly due to replacement of stonework facades on the buildings with conventional siding; and

WHEREAS, Resolution No. 629-A expressly is conditioned upon a determination by the Mayor and Council of a request by Avalon Bay Communities, Inc. to be excused from the requirement of individual unit water metering as required by Resolution No. 629; and

WHEREAS, the Governing Body finds and declares that the requirement of individual unit water metering as provided by Resolution No. 629 remains in the public interest and constitutes a significant source of fees to the Borough that was and remains material to all aspects of the Litigation, including by way of example the granting of municipal concessions as to environmental impact statement requirements for the site plan application; and

WHEREAS, the Governing Body further finds and declares that the Borough already has granted to BLC One LLC and Avalon Bay Communities Inc. significant concessions that have or will in the future save them hundreds of thousands of dollars in site plan application and development costs; and

WHEREAS, the Governing Body further finds and declares that it is not in the Borough's interest to permit Avalon Bay Communities, Inc. to avoid paying fees required as a condition of development:

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby confirm that the final and non-appealable requirement for individual unit water metering set forth in Resolution No. 629 remains in place as a material condition of development and is not excused by the Governing Body as requested by Avalon Bay Communities, Inc.

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

ADJOURNMENT

Since there was no further business to be conducted, Councilwoman Huntley moved to

ADJOURN at 12:31 a.m.; seconded by Councilwoman Pituch and carried with all Council Members present voting YES. Councilman Schiffman, ABSENT

Jane McCarthy, RMC
Municipal Clerk