

December 27, 2011

The Regular Meeting of the Governing Body of the Borough of Bloomingdale was held on the above date in the Council Chambers of the Municipal Building, 101 Hamburg Turnpike. Mayor Dunleavy called the meeting to order at 7:06 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.

At this time, Mayor Dunleavy noted that he will re moving a Resolution voiding the contracts of Ted Ehrenburg; Al Gallagher; Sherry Gallagher; Lisa Perry; Rocco DiGregorio and Donna Mollineaug and a Resolution appointing Ted Ehrenburg as the Borough Administrator under New Business. This way the Public may speak to this under Early Comment if they want to.

Mayor stated that he believes the issues will be resolved to the satisfaction of the employees by January; the Borough Attorney cautioned the Mayor and Council on commenting as this may be litigated.

**EARLY PUBLIC COMMENT**

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

Jennifer Alfield, 17 Cedar Street, noted that she was here to speak in support of the employees whose contracts are being voided and that of the Borough Administrator; she noted that the people with the contracts did not ask for a salary increase; in fact last year they “gave back.

Ms. Alfield spoke of fact that the Borough Administrator was given a Budget on a Tuesday after the Budget Committee had it three months; spoke in regard to bonding for shortfalls.

At this time, Ms. Alfield addressed the Borough Attorney’s fees and fact that they are three times the amount paid to the previous attorney.

Mrs. Altfield also addressed the monies which are given to BASS for utilities, etc.

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

### **APPROVAL OF CONSENT AGENDA**

Councilwoman Shortman moved that the following Consent Agenda be approved:

- A. Approval of Minutes: Regular Meeting August 23, 2011; Work Session September 13, 2011; Regular Meeting September 27, 2011; Executive Session October 11, 2011; Regular Meeting October 25, 2011; Special Meeting November 10, 2011; Regular Meeting November 22, 2011; Executive Session and Work Session December 13, 2011.
- B. Information Items List – Month of November 2011

Councilwoman Pituch seconded the motion and it carried on roll call with all Council Members voting YES except Councilman Schiffman recusing himself from the November 10, 2011 minutes.

### **INTRODUCTION OF NEW BUSINESS**

#### **Adoption of Resolution #2011-12.11: Payment of Bills**

Discussion following in regard to questions on a few bills:

Councilwoman Huntley moved to approve the bills list pulling the following:

- A. Conference of Mayor - \$395
- B. Tri Boro First Aid Squad
- C. Extreme Sports

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

### **PRESENTATIONS**

#### **Citizens of the Year**

At this time, Mayor Dunleavy presented two plaques for Citizen of the Year:

- A. Sunny Brennan of the Masters Gardeners Club for her work in beautifying the area behind the Senior Citizen Center
- B. Councilman Bernie Vroom for all his volunteer work on Search and Rescue and various Boards and Committees in the Borough

The presentation was roundly applauded by all those in attendance.

### **Presentations to Outgoing Council Members**

At this time, Mayor Dunleavy presented Plaques of Appreciation for their years of service to Council members Huntley and Vroom and reiterated all the various work they did in their tenure on the Council.

Former Councilman Hack Miller spoke in regard to working on the Council with Councilman Vroom and all his volunteerism.

Both Council Members Huntley and Vroom thanked the citizens for allowing them to serve the public.

Mayor Dunleavy also presented outgoing members a certificate from the Senate and General Assembly for their tenure on the Council.

### **PENDING BUSINESS**

#### **Status on Azzolino Purchase of Easement**

Borough Attorney stated that he is waiting on the original easement; it will go out to bid to the adjacent property owners.

#### **Status of Garbage Truck Bidding**

Borough Attorney stated that he has reviewed them and will draft a contract; he will be sending a few comments to the Borough Administrator.

#### **Formation of 2012 Budget Committee**

Discussion followed in regard to establishing a 2012 Budget Committee; budge is due by February 3.

Councilwoman Huntley moved to direct the Borough Administrator to work with the Finance Committee to have a tentative budget; seconded by Councilwoman Shortman and carried as per the following roll call: Council members: Huntley, YES; Pituch, YES; Schiffman, YES; Shortman, YES; Vroom, ABSTAIN; Conklin, YES.

#### **Shared Services Agreements**

Discussion in regard to the Borough Administrator reviewing these agreements and review the costs involved to make sure we are not losing money.

The Mayor stated we should have a Shared Service Committee.

#### **Establishment of date for Borough Vehicle Auction**

Borough Administrator stated that we are in the process of taking pictures of the vehicles which will go on auction and we will be using Gov Deals which is less than MuniBid. As long as the

photos are done, this will appear on line this week.

**Update on James Street**

Mayor noted this item is complete.

**Henion Street**

This will be done in March; Borough Administrator met with the contractor who recommended this wait until the Spring.

**Chestnut Street**

They have started preliminary work; construction should start on the 9<sup>th</sup> and should be done by the 16<sup>th</sup>.

**Discussion in regard to street sweeping of lake communities**

This will be tabled until Reorganization. Mayor asked the Borough Administrator to reach out to the lakes he has not heard from one more time.

**Status of bids for Animal Shelter**

Borough Attorney has drafted the contract and the lease; asked the Governing Body to look at it for any comments; he has provided it to BASS attorney.

**Special Meeting**

Councilwoman Huntley moved that a Special Meeting be held on December 30, 2012 at 9:00 a.m. for the purpose of awarding a contract to BASS; seconded by Councilwoman Pituch and carried as per the following roll call: Council Members: Pituch; Schiffman; Shortman; Vroom; Conklin and Huntley all YES.

**Status of new phone system**

Borough Administrator stated we will be live January 5, 2012; there was some difficulty coordinating the 911 between the Police and and Pompton Lakes.

**Pending List Items**

Borough Administrator will review the list with the County as to outstanding items, trees, etc.

**Adoption of Resolution #2011-12.12: Redemption and Cancellation of Tax Title Lien Certificate #090011**

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

**RESOLUTION #2011 -12.12**

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

***Authorizing Redemption and Cancellation of Tax Title Lien Certificate #090011***

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that, at the Borough Tax Sale held on February 4, 2010, a lien was sold on, 28 MORSE LAKES ROAD, BLOOMINGDALE, for delinquent year 2009 taxes, and

**WHEREAS**, the Governing Body further finds and declares that the foregoing property is also known as Block 49, Lot 113.D, owned by Estate of John Osmak; and

**WHEREAS**, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 090011, which was sold to R. Rothman for a PREMIUM of \$ 900.00; and

**WHEREAS**, the Governing Body further finds and declares that LAW OFFICES OF ROBERT C. HESS, attorney representing estate, has requested redemption of TTL # 090011, and

**WHEREAS**, the Governing Body further finds and declares that LAW OFFICES OF ROBERT C. HESS, has paid all monies due on TTL # 090011, including supporting affidavits from the lien holder and current taxes, to the Borough of Bloomingdale;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Bloomingdale that the Borough Treasurer be and is hereby authorized to issue a checks in the amount of \$ 22,335.66 for the lien redemption and \$ 900.00 for return of the PREMIUM payable to R. Rothman, 411 Grand Avenue, Englewood, NJ 07631 for the redemption and cancellation of Tax Title Lien Certificate #090011.

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

***Adoption of Resolution #2011-12.13: Redemption and Cancellation of Tax Title Lien Certificate #10-0031***

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

**RESOLUTION #2011-12.13  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Redemption and Cancellation of Tax Title Lien Certificate #10-00031***

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that, at the Borough Tax Sale held on April 21, 2011, a lien was

sold on,  
17 WALNUT STREET, BLOOMINGDALE, for delinquent year 2009/2010 taxes, and

**WHEREAS**, the Governing Body further finds and declares that the foregoing property is also known as Block 66, Lot 11, owned by JAMES W ETLINGER; and

**WHEREAS**, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 10-00031, which was sold to CLEMENTE ENTERPRISES, LLC for a PREMIUM of \$ 4,900.00; and

**WHEREAS**, the Governing Body further finds and declares that MASESSA & CLUFF, ESQS, attorney of property sale, has requested redemption of TTL # 10-00031, and

**WHEREAS**, the Governing Body further finds and declares that MASESSA & CLUFF, ESQS, has paid all monies due on TTL # 10-00031, including supporting affidavits from the lien holder and current taxes, to the Borough of Bloomingdale;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Bloomingdale that the Borough Treasurer be and is hereby authorized to issue a checks in the amount of \$ 13,288.15 for the lien redemption and \$ 4,900.00 for return of the PREMIUM payable to CLEMENTE ENTERPRISES, LLC, P.O. Box 514, Lincoln Park, NJ for the redemption and cancellation of Tax Title Lien Certificate # 10-00031.

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

**Adoption of Resolution #2011-12.14: Redemption and Cancellation of Tax Title Lien Certificate #10-00018**

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

**RESOLUTION #2011-12.14  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Redemption and Cancellation of Tax Title Lien Certificate #10-00018***

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that, at the Borough Tax Sale held on February 3, 2011, a lien was sold on,  
271 MACOPIN ROAD, BLOOMINGDALE, for delinquent year 2010 taxes, and

**WHEREAS**, the Governing Body further finds and declares that the foregoing property is also known as Block 5 Lot 18, owned by LORETTA ALEX; and

**WHEREAS**, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 10-00018, which was sold to FNA JERSEY LIEN SERVICES, LLC at an interest rate of 3%; and

**WHEREAS**, the Governing Body further finds and declares that ANGELO SERVIDIO COUNSELOR AT LAW representing purchaser, has requested redemption of TTL # 10-00018; and

**WHEREAS**, the Governing Body further finds and declares that ANGELO SERVIDIO COUNSELOR AT LAW, has paid all monies due on TTL # 10-00018, 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 \$ \$10,411.46 for the lien redemption FNA JERSEY LIEN SERVICES, LLC, P.O. Box 1030, Brick, NJ 08723 for the redemption and cancellation of Tax Title Lien Certificate # 10-00018.

Councilman Schiffman 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 #2011-12.15: Authorizing Overpayments in Tax Office**

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

**RESOLUTION #2011 – 12.15  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Overpayments in Tax Office***

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares Richard Olsommer, previous owner of 279 Andrew Place, known as Block 92, Lot 165 on the tax maps, is entitled to refund for 2010 Homestead Rebate.

**NOW, THEREFORE, BE IT RESOLVED**, that the Treasurer be authorized to issue refund check to the following:

Richard Olsommer  
Address: 1196 Blueberry Court  
Canadensis, PA 18325

Refund Amount: \$593.42

Councilman Schiffman 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 #2011-12.16: Authorizing Transfers**

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

**RESOLUTION - #2011-16  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***RESOLUTION RE: Authorizing the Transfer of 2011 Appropriations***

WHEREAS, Title 40A:4-58 provides that should it become necessary during the last two months of the fiscal year to expend for any of the purposes specified in the budget an amount in excess of any respective sums appropriated therefore and there shall be an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation, the Governing Body may by resolution setting forth the facts adopted by not less than 2/3 vote of the full membership thereof, transfer the amount of such excess of those appropriations deemed to be insufficient; and

WHEREAS, the Governing Body further finds and declares that the Chief Financial Officer and Borough Administrator have determined that the following transfers are both necessary and appropriate; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Bloomingdale that the Chief Financial Officer be and she is hereby authorized to make the following transfers in the FY2011 Budget.

<b>FROM:</b>		
Mun Clerk OE		\$4,000.00
Admin OE		\$1,000.00
Tax Coll OE		\$1,500.00
Planning Board S&W		\$2,000.00
Mun Court S&W		\$4,000.00
Total		\$12,500.00
<b>TO:</b>		
Electricity		\$6,100.00
Dispatcher S&W		\$4,000.00
Legal S&W		\$2,400.00
Total		\$12,500.00

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

***Authorization for submission of a Green Acres Grant for Hiking Trail Improvements and***

**Green Acres Grant for Recreation – track at the Walter T. Bergen School**

Discussion following in regard to applying for these two grants.

Mayor asked the Borough Administrator to contact Amy Smolinski from the DEP as the status of our formerly awarded trail grant of \$14,000 which has never been used. Noted that it is a 20% match. Noted that there is a February 15 deadline.

Borough Administrator will check with the County to see if they were going to make it a hiking trail.

It was noted that we do not have trail markers and we should apply for the current grant for trails also.

Councilwoman Huntley moved to TABLE these two items until the Reorganization Meeting; seconded by councilman Vroom.

Mayor asked to find out with the County the best way to partner for Friendship Park and speak with the Borough Engineer to get a rough estimate on the track costs.

The motion carried on voice vote.

Mayor and Council told the borough Administrator to go forward and commit to our share of the 2004 trail grant money and fact that we will utilize this grant. Also he will contact the State to see what the hold up is on the State parks.

Stated that money could be used possibly out of a portion of the ROSE fund. Noted that the match is already funded.

**Adoption of Resolution #2011-12.7: Formalizing Resolution for the hiring of New Police Officer Kevin Peirsel January 1, 2012**

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

**RESOLUTION #2011-12.17  
OF THE GOVERN BODY  
OF THE BOROUGH OF BLOOMINGDALE**

**WHEREAS**, the Administration and Governing Body have recognized that it is in the best interests of the Citizenry of the Borough of Bloomingdale to hire a new Police Officer; and

**WHEREAS**, the Borough has determined that it is in its best interests to hire Kevin Peirsel as a new Police Officer; and

**IT IS HEREBY RESOLVED** that the Borough hire Kevin Peirsel as a police officer with a starting salary of forty thousand (\$40,000) dollars;

**BE IT FURTHER RESOLVED** that Kevin Peirsel's first day of employment shall be January 1, 2012.

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 #2011-11.18: Opposing S1954 Logging Bill**

Councilman Schiffman offered a motion to oppose the logging bill; seconded by Councilwoman Huntley.

Discussion following in regard to this bill and consensus to table until we get further information.

Councilman Schiffman withdrew his motion; seconded by Councilwoman Pituch.

Councilman Schiffman moved to amend his first motion opposing the bill due to fact that we need more information; seconded by Councilwoman Huntley and carried on voice vote with Councilman Vroom ABSTAINED.

**Adoption of Resolution #2012-12.19: First Aid Bill**

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

**RESOLUTION #2011-12.19  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Requesting that the Governor Veto S-818/A-2095 Revising Requirements for Emergency  
Medical Services Delivery***

WHEREAS, Senate S-818 and Assembly Bill A-2095 have been passed by their respective legislative bodies and are now awaiting signature by the Governor; and

WHEREAS, these bills revise the requirements for emergency medical services delivery and will create additional expenses for municipalities, residents and the volunteer agencies without providing any funding source; and

WHEREAS, the Emergency Medical Services Volunteers (EMS Volunteers) provide invaluable life saving services while responding to a wide variety of medical emergencies; and

WHEREAS, EMS Volunteers are selfless individuals who provide aid to anyone who requires medical assistance under very difficult circumstances; and

WHEREAS, the New Jersey State First Aid Council and the Tri-Boro First Aid Squad Inc. opposes Senate Bill S-818 and Assembly Bill A-2095 because of the financial burden the increased regulations and requirements will impose, additionally, these increased costs will place

unintended but significant new burdens on both volunteers and on the residents they serve; and

WHEREAS, in these times of fiscal restraint implementing new regulations requiring licensing and new equipment will add to the burden already faced by both the volunteer organization and the residents through whom these programs receive funding by way of either property taxes or donations;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Bloomingdale respectfully request Governor Chris Christie veto S-818 or A-2095 so as not to increase the burden on both the volunteers and residents; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Governor Chris Christie and the Boroughs of Butler and Kinnelon.

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

**Adoption of Resolution #2012-12.20: Appointment of Borough Administrator**

Borough Attorney cautioned the governing Body to discuss this in light of possible litigation.

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

**RESOLUTION #2011-12.20  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Appointment of Borough Administrator Pursuant to N.J.S.A. 40A:9-137***

WHEREAS, the Mayor of the Borough of Bloomingdale desires to appoint Ted Ehrenburg as the Borough Administrator in accordance with N.J.S.A. 40A:9-137.

WHEREAS, the Mayor, with the advice and consent of the Governing Body approves the appointment of Ted Ehrenburg as the Borough Administrator;

WHEREAS, Ted Ehrenburg is approved to hold such position in accordance with the statutory conditions set forth in N.J.S.A. 40A:9-1 *et seq.*

HEREBY, the Borough Administrator's salary shall be set at \$114,000.000 for the calendar year 2012 subject to any and all restrictions or limitations imposed by ordinance, statute or otherwise.

HEREBY, the Governing Body has deemed it in the best interests and welfare of the Borough of Bloomingdale and its citizenry to appointment Ted Ehrenburg as the Borough Administrator;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that Ted Ehrenburg is appointed to the position of Administrator of the Borough of Bloomingdale at a salary of \$114,000.00 for the calendar year 2012 subject to any and all restrictions or limitations imposed by ordinance, statute

or otherwise.

Councilman Schiffman seconded the motion, and it carried as per the following roll call: Council Members: Vroom, NO; Conklin, YES; Huntley, YES; Pituch, YES; Schiffman, YES and Shortman, YES.

**Adoption of Resolution #2011-12.21: Invalidation of Employee Contracts**

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

**RESOLUTION #2011-12.21  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Invalidation of Employment Contracts***

WHEREAS, between November 2009 and May 2010 The Borough of Bloomingdale entered employment contracts with the following individuals for the following positions: (1) Sherry Gallagher, Borough Treasurer; (2) Lisa Perry, Animal Control Director; (3) Donna Molineaux, Chief Financial Officer; (4) Albert Gallagher, DPW Superintendent; (5) Rocco DiGregorio, Water and Sewer Superintendent; and (6) Ted Ehrenburg, Business Administrator.

WHEREAS, each of these positions is subject either to a statutory term of office or subject to removal “at the pleasure of the governing body”; and

WHEREAS, all of the contracts listed above grant terms of office which exceed the statutory term of office, grant a term of office where none is permitted, or contain otherwise unenforceable terms;

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Bloomingdale hereby determines that above-listed contracts were void *ab initio* and unenforceable.

AND BE IT FURTHER RESOLVED, that the Administrator of the Borough of Bloomingdale shall not honor the terms and conditions of the aforementioned contracts and shall only grant those benefits that said employees shall otherwise be entitled to.

AND BE IT FURTHER RESOLVED, that the Borough Attorney shall forward a letter to each aforementioned employee as to what their employment status with the Borough is within thirty (30) days.

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

**ORDINANCES**

**Ordinance #21-2011: Amending Section 5-14 “Fees” of Chapter V “Animal Control”**

Councilwoman Huntley moved to vote down this ordinance due to some issues which have arise per her discussion with the Animal Control Officer; seconded by Councilman Schiffman and carried as per the following roll call: council members: Huntley; Pituch; Schiffman; Shortman; Vroom and Conklin all YES.

**Ordinance #22-2011: Salary Ordinance**

The Municipal Clerk read the Public Notice Statement.

***AN ORDINANCE ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY AND COMPENSATION FOR CATEGORIES AND TITLES OF OFFICERS, NON-CONTRACTUAL EMPLOYEES AND CONTRACTUAL EMPLOYEES OF THE BOROUGH OF BLOOMINGDALE*** was given second and final reading and consideration for adoption at this time.

Councilwoman Huntley moved that the Ordinance be read by title; seconded by Councilman Schiffman and carried on voice vote:

The Municipal Clerk read the ordinance by title.

**ORDINANCE #22-2011  
BOROUGH OF BLOOMINGDALE**

***AN ORDINANCE ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY AND COMPENSATION FOR CATEGORIES AND TITLES OF OFFICERS, NON-CONTRACTUAL EMPLOYEES AND CONTRACTUAL EMPLOYEES OF THE BOROUGH OF BLOOMINGDALE***

Purpose: State law requires the adoption of an ordinance establishing a range of salaries for certain Borough positions. The proposed ordinance categorizes positions by department or part/full-time status and thus may reflect a higher maximum salary range for some part-time or non-contractual positions because of other positions comprising the category.

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

- 1) The annual salaries and compensation of the Officers and Employees of the Borough of Bloomingdale shall fall within the ranges as follows:

<b><u>CATEGORY/Title</u></b>	<b><u>MINIMUM</u></b>	<b><u>MAXIMUM</u></b>
GOVERNING BODY		
Mayor	\$ 1.00	\$ 2,000.00
Council Member	1.00	1,500.00
ADMINISTRATIVE STAFF		
Borough Administrator	\$10,000.00	\$140,000.00
Municipal Clerk		
Borough Attorney		
Assistant Borough Attorney		
DEPARTMENT/DIVISION HEADS	\$ 1.00	\$100,000.00
Construction/Building Official		
Superintendent of Public Works		
Chief Financial Officer		
Tax Collector		
Treasurer		

Water/Sewer Superintendent		
Assistant DPW Superintendent		
Recreation Director		
Senior Citizen Center Coordinator		
Animal Control Coordinator		
Coordinator-Other		
Tax Assessor		
POLICE DEPARTMENT	\$10,000.00	\$140,000.00
Police Chief		
Captain		
Lieutenant		
Sergeant		
Patrol officer		
MUNICIPAL COURT	\$ 1,000.00	\$55,000.00
Judge		
Municipal Court Administrator		
P/T MUNICIPAL COURT	\$ 1.00	\$16,000.00
Prosecutor		
Public Defender		
CODE/SUB-CODE/LICENSED OFFICIALS	\$ 50.00	\$50,000.00
Electrical Inspector		
Fire Sub-code Official		
Plumbing Sub-code Official		
Property Maintenance Officer		
C.C.O Inspector		
Sewer Licensed Operator		
Water Licensed Operator		
Fire Official		
Fire Prevention Bureau Secretary		
F/T LIBRARY STAFF	\$25,000.00	\$70,000.00
Library Director		
Asst. Library Director		
Senior Library Assistant		
P/T NON-HOURLY STAFF	\$ 1.00	\$20,000.00
Assessment Search Officer		
Planning Board Secretary		
Election Officer		
Tax Search Officer		
P/T HOURLY STAFF	\$ 7.15/Hr	\$ 25.00/Hr
Head Children's Librarian		
Junior Library Assistant		
Library Assistant		
Library Page		
Principal Library Assistant		
Summer Recreation Counselor		
Summer Recreation Maintenance		
Summer Recreation Supervisor		
Police Special Officer		
DPW Seasonal		
F/T WHITE COLLAR	\$20,000.00	\$80,000.00
Assistant Treasurer		
Animal Control Officer		
Health Office Secretary		
Water/Sewer Revenue Collector		
Dispatcher		
Tax Assessor Clerk		

Office Assistant		
P/T WHITE COLLAR	\$10.00/HR	\$25.00/HR
Secretary to Police Department		
Secretary to Zoning Board		
Secretary to Planning Board		
Construction Secretary		
Dispatchers		
Crossing Guards		
Deputy Clerk		
Tax Assessor Clerk		
Animal Control Canvasser		
Animal Control Officer		
Deputy Court Administrator		

DEPARTMENT OF PUBLIC WORKS

Laborer	\$37,429.00	\$58,877.00
Driver	\$38,653.00	\$61,348.00
Equipment Operator	\$38,653.00	\$61,348.00
Mechanic	\$43,284.00	\$68,300.00
Crew	\$45,834.00	\$70,979.00
Foreman	\$51,772.00	\$74,170.00

Pursuant to the Fair Labor Standards Act, the Borough Clerk, Borough Administrator, Chief Financial Officer, Treasurer, Tax Collector, Construction/Building Official, Superintendent of Public Works, Water/Sewer Superintendent, Police Chief, Municipal Court Administrator and the Animal Control Coordinator shall not be compensated over and above their regular salaries for overtime.

2)LONGEVITY

The only employees who shall receive longevity payments, are those employees afforded the same through ordinance, a fully ratified collective bargaining agreement or those other employees who are receiving a longevity payment on the date that this ordinance is adopted, subject to the restrictions set forth below.

For all employees who are receiving longevity benefits not by virtue of ordinance or collective bargaining agreement shall have their longevity payments frozen at their current level upon the adoption of this ordinance. No individuals other than those set forth in this Section entitled 2. Longevity, shall be entitled to any longevity payment.

3)SALARIES

Salaries shall be paid bi-weekly with the following exceptions:

- a) Quarterly: Mayor and Council Members; Public Defender; Fire Official; and Fire Prevention Bureau Secretary.
- a) Hourly employees shall be paid when vouchers are submitted for services rendered.
- a) Upon adequate notice given to the Borough Administrator and the office responsible for processing Borough payroll, full-time employees may receive vacation pay in advance.
- 4) None of the provisions contained herein shall be construed as establishing a one-year term of

employment. All such officers and employees, other than those elected or appointed pursuant to any statute providing otherwise, shall be subject to removal, except where otherwise provided by applicable statute.

5) This Ordinance shall take effect after the final passage and publication as required by law and all other ordinances inconsistent hereby are repealed.

Councilwoman Huntley moved to open a Public Hearing on this ordinance; seconded by Councilman Schiffman and carried on voice vote.

Mayor Dunleavy opened the Public Hearing.

Since there was no one who wished to speak during the Public Hearing, Councilman Vroom moved that it be closed; seconded by Councilwoman Pituch and carried as per the following roll call: Council Members: Pituch; Schiffman; Shortman; Vroom; Conklin and Huntley all YES.

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

**Adoption of Ordinance #23-2011: Matching Longevity Benefits and Salary Raises for Certain Appointed Positions to the White Collar Collection Negotiations Agreement**

Councilman Vroom moved to TABLE this ordinance and noted that they did not call for any monetary value with the exception of the Borough Administrator, there was no raise.

Borough Attorney advised to adopt and amend in January; there is always the ability to change the ordinance; the Administration and Governing Body want to show that they are interested in working with the employees.

***AN ORDINANCE MATCHING LONGEVITY BENEFITS AND SALARY RAISES FOR CERTAIN APPOINTED POSITIONS TO THE WHITE COLLAR COLLECTIVE NEGOTIATIONS AGREEMENT was given second and final reading and consideration for adoption at this time.***

The Municipal Clerk read the Public Notice Statement.

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

**BOROUGH OF BLOOMINGDALE  
County of Passaic  
State of New Jersey**

**ORDINANCE #23-2011**

***AN ORDINANCE MATCHING LONGEVITY BENEFITS AND SALARY RAISES FOR CERTAIN APPOINTED POSITIONS TO THE WHITE COLLAR COLLECTIVE NEGOTIATIONS AGREEMENT***

**WHEREAS**, the Governing Body of the Borough of Bloomingdale has considered matching longevity benefits and salary raises for certain appointed positions to the Collective Bargaining Agreement negotiated and changed from time to time in the future between the “white collar” Collective Bargaining Unit and the Borough of Bloomingdale, and thereby adding Section 9-1.5 to the Ordinance of the Borough of Bloomingdale; and

**WHEREAS**, the Governing Body of the Borough of Bloomingdale finds that such amendment is warranted;

**NOW, THEREFORE**, it is thereby duly ordained:

**Section 1:** All ordinances and portions of ordinances in conflict herewith are hereby repealed.

**Section 2:** Section 9-1.5 is hereby added to the Borough Code, which shall state that:

Salary raises for the following positions shall be 2% for the year 2012: (1) Borough Treasurer; (2) Animal Control Director; (3) Chief Financial Officer; (4) DPW Superintendent; (5) Water and Sewer Superintendent; and (6) Business Administrator.

From January 1, 2013 forward salary raises for the aforementioned positions shall match those salaries that are set forth in the current Collective Bargaining Agreement negotiated and changed from time to time in the future between the “white collar” Collective Bargaining Unit and the Borough of Bloomingdale.

From January 1, 2012 forward the (1) Borough Treasurer; (2) Animal Control Director; (3) Chief Financial Officer; (4) DPW Superintendent; (5) Water and Sewer Superintendent; and (6) Business Administrator shall be entitled to receive the same longevity benefits as exists in the Collective Bargaining Agreement between the “white collar” Collective Bargaining Unit and the Borough of Bloomingdale and as subsequently negotiated between the “white color” unit and the Borough in the future.

If this Ordinance is ever repealed, individuals currently appointed as the (1) Borough Treasurer; (2) Animal Control Director; (3) Chief Financial Officer; (4) DPW Superintendent; (5) Water and Sewer Superintendent; and (6) Business Administrator shall be placed in the same position as they would have been in had this Ordinance never taken effect.

**Section 3:** Severability – The provisions of this Ordinance are hereby declared to be severable. Should any section, paragraph, subparagraph, provision, sentence, or part hereof be declared invalid or unconstitutional, said finding shall not affect any other section, paragraph, subparagraph, provision, sentence, or part thereof.

**Section 4:** This Ordinance Controls – In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinances of the Borough of Bloomingdale, the

provisions hereof shall be determined to govern and control.

**Section 5:** Effective Date – This Ordinance shall take effect immediately upon final passage and publication according to law.

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

Councilwoman Huntley moved for the adoption of this ordinance; seconded by Councilman Schiffman and carried on voice vote: council members: Schiffman, YES; Shortman, YES; Vroom, NO; Conklin, YES; Huntley, YES and Pituch, YES.

**Ordinance #25-2011: Restricting Longevity and Spousal Health Benefits**

***AN ORDINANCE RESTRICTING LONGEVITY AND SPOUSAL HEALTH BENEFITS WAS GIVEN SECOND AND FINAL READING AND CONSIDERATION FOR ADOPTION AT THIS TIME.***

The Municipal Clerk Read the public notice statement.

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

**BOROUGH OF BLOOMINGDALE  
County of Passaic  
State of New Jersey**

**ORDINANCE #25-2011**

**AN ORDINANCE RESTRICTING LONGEVITY AND SPOUSAL HEALTH BENEFITS**

**WHEREAS**, the Governing Body of the Borough of Bloomingdale has considered restricting the eligibility of longevity and spousal health benefits for Borough Employees hired after January 1, 2012, and thereby amending Section 9-3.3 of the Ordinance of the Borough of Bloomingdale; and

**WHEREAS**, the Governing Body of the Borough of Bloomingdale finds that such amendment is warranted;

**NOW, THEREFORE**, it is thereby duly ordained:

**Section 1:** All ordinances and portions of ordinances in conflict herewith are hereby repealed.

**Section 2:** Section 9-3.3 (f) is hereby added to the Borough Code, which shall state that:

No employee hired after January 01, 2012 shall be entitled to longevity or spousal health insurance benefits upon retirement unless said benefits are lawful and provided for in an applicable collective bargaining agreement.

Nothing in this Ordinance shall be deemed to prevent an employee's spouse from receiving retirement health insurance benefits if said spouse pays one-hundred percent of the cost of the same and is not otherwise prevented from doing so.

**Section 3:** Severability – The provisions of this Ordinance are hereby declared to be severable. Should any section, paragraph, subparagraph, provision, sentence, or part hereof be declared invalid or unconstitutional, said finding shall not affect any other section, paragraph, subparagraph, provision, sentence, or part thereof.

**Section 4:** This Ordinance Controls – In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinances of the Borough of Bloomingdale, the provisions hereof shall be determined to govern and control.

**Section 5:** Effective Date – This Ordinance shall take effect immediately upon final passage and publication according to law.

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

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

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

## **INTRODUCTION OF NON-AGENDA ITEMS**

### **Budget Preparation**

Councilwoman Huntley moved that the Borough administrator be directed to begin working on job description for Borough employees; seconded by Councilwoman Pituch.

Discussion as to annual employee evaluations; the Borough Administrator stated that we do not have job descriptions; the manual is not detailed enough.

The motion carried as per the following roll call: Council members: Vroom; Conklin; Huntley; Pituch; Schiffman and Shortman all YES.

Councilwoman Shortman discussed the format for meetings and felt a Work session should be just that and no formal action take. Discussion in regard to pending list for Borough

Administrator.

### **LATE PUBLIC COMMENT**

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

Ron Caputo, 42 Bogue Drive, spoke in regard to their recent Flood Mitigation Committee meeting and updated the mayor and Council; Mayor stated that he will ask for formal proposals for Special Project Engineer to move forward on these issues.

Councilwoman Shortman also noted we need Requests for Proposals for work done previously by Tri State.

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.

### **ADJOURNMENT**

Since there was no further business to be conducted, Councilman Schiffman moved to ADJOURN the meeting at 9:07 p.m.; seconded by Councilman Vroom and carried on voice vote with all Council Members voting YES.

Jane McCarthy, RMC  
Municipal Clerk