

March 22, 2011

The Regular Meeting of the Governing Body of the Borough of Bloomingdale was held on the above date in the Council Chambers of the Municipal Building, 101 Hamburg Turnpike. Mayor Dunleavy called the meeting to order at 7:00 p.m.

SALUTE TO THE AMERICAN FLAG

Mayor Dunleavy led the Salute to the Flag.

ROLL CALL

<i>In Attendance:</i>	Mayor:	Jon Dunleavy
	Council President:	Linda Huntley
	Council Members:	Bernie Vroom Jo-Ann Pituch Glenn Schiffman Linda Shortman Mark Conklin
<i>Professionals Present:</i>	Municipal Clerk:	Jane McCarthy
	Borough Administrator:	Ted Ehrenburg
	Asst. Borough Attorney:	Joseph V. "Joe" MacMahon, 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

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

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

Reports from Mayor and Council

Budget Committee:

Councilwoman Huntley noted that there will be another budget meeting Thursday evening at 7 p.m.

APPROVAL OF CONSENT AGENDA

Councilman Vroom moved that the following Consent Agenda be approved:

- A. Approval of Information Items List for Week Ending February 3, 10, 17 24 and March 3, 2011

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

PENDING BUSINESS

Adoption of Resolution #2011-3.15: Approval of Digital Police Recorder

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

RESOLVED, that authorization be given to the Police Chief to purchase a Digital Police Recorder in the amount of \$9,000 which includes a four year service contract; and

BE IT FURTHER RESOLVED that funds are available as certified by the Chief Financial Officer.

Councilwoman Huntley seconded the motion.

Councilwoman Huntley discussed reducing our bond payments and Borough Administrator noted that bonds were canceled a few years ago.

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

Discussion in regard to Police Car Vehicle

Councilwoman Huntley moved to TABLE this item until the budget is finalized; seconded by

Councilman Schiffman.

Mayor asked if we are going to dismiss the Police Chief's recommendation; to which Councilman Schiffman stated we do not know where we stand with the budget and do not want to get in the same position as we did last year.

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

Discussion in regard to Babcock Lane

Mayor Dunleavy stated that we researched this and this is a private road owned by five residents; it is not a Borough right of way; everyone's lot and block makes the road and it is not dedicated to the Borough.

Update in regard to Energy Grant

Mayor Dunleavy stated that at the last meeting we were advised we received \$101,000 energy grant to make upgrades to the Borough Hall, Senior Center and Fire House; this is a 100% grant and not a matching grant or loan.

Mayor Dunleavy thanked the Borough Administrator for his work in applying for this grant.

Reintroduction of Ordinance #4-2011 - Traffic Ordinance

This will be carried until the next meeting as the Borough Attorney is researching it.

Status of Email Archiving

Councilwoman Shortman noted that she and the Municipal Clerk met with a gentleman who works with Pompton Lakes but he is not interested in email archiving component; Municipal Clerk will be attending a Conference in few weeks and will gather any information she can in regard to email archiving.

Mayor Dunleavy would like a count of all Boards and Commission members who would be eligible for email accounts.

Councilwoman Shortman stated that for 100 accounts, it is a \$700/ month fee.

Status of ANJEC Grant

Mayor Dunleavy stated that we will qualify for this grant and this will be removed from the agenda.

Adoption of Resolution #2011-3.16 Tax Liens

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

**RESOLUTION #2011-3.16
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

AUTHORIZING FORECLOSURES OF BOROUGH TAX TITLE LIENS

WHEREAS, *N.J.S.A. 54:5-104.29* to *N.J.S.A. 54:5-104.71* provide authority for the governing body to proceed with “In Rem” and “In Personam” tax foreclosures by summary proceedings on tax sale certificates.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE:

That the tax sale certificates listed below be foreclosed by summary proceedings “In Rem” and “In Personam” if necessary, and as described by *N.J.S.A. 54:5-104.29* to *N.J.S.A. 54:5-104.71*, and pursuant to the Rules Governing the State of New Jersey:

TAX SALE CERT.	BLOCK	LOT	LOCATION
438	Block 6	Lot 16	Macopin Road
367	Block 59	Lot 5, Lot 6A	Union Avenue
237	Block 92	Lot 70.A	Mathews Drive
326	Block 92.G	Lot 64	off Union Avenue
489	Block 92.A	Lot 9	off Rafkind Road
490	Block 92.A	Lot 14	Rafkind Road
491	Block 92.A	Lot 15	Reeve Avenue
492	Block 92.A	Lot 16	Reeve Avenue
494	Block 38	Lot 13	38A Clark Street
90001	Block 64	Lot 17	Union Avenue

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.

FEMA/Snowstorm Report

Mayor Dunleavy noted that the paperwork has been submitted by OEM Coordinator Pete Croop and we expect checks from the first flood to be issued within the next few weeks.

We received reimbursement for Sloan Park in approximate amount of \$31,000.

Grant Writing/Department Heads

Discussion followed in regard to fact that we do not have a Grant Writing Committee; councilwoman Huntley noted that the Borough Administrator could meet with Department Heads as to available grants.

Mayor Dunleavy stated that he would still like a committee who would give us some accountability.

Adoption of Resolution #2011-3.17: Authorization for Reverse 911

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

RESOLVED, that authorization be given for the Police Chief to begin the process for a reverse 911 with Swift Reach in an amount not to exceed \$2,400.

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.

Update on Municipal Budget

Councilwoman Huntley noted that a meeting was held with the Auditor and they went over some items to look at modifying the budget; there will be a meeting tomorrow evening and maybe another one on Saturday. We are just looking at all of the items and see where we can consolidate. Do not think we will make the April deadline.

Ethics Ordinance Amendment

This will be on the agenda as a Pending Item.

Highland Opt-In

Mayor Dunleavy noted that we have received a draft of the final adoption which is now being reviewed by the Planning Board and Environmental Commission and he has reached out to the Borough Engineer to review. He would like this followed up with all the parties as to their comments, etc.

Five-Day Work Week

Councilwoman Huntley noted that she would like to have a Special Meeting on March 29, 2011 to go over the contracts with the non-collective bargaining employees that have contracts.

Adoption of Resolution #2011-3.18: Authorization for Special Meeting

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

RESOLVED, that a special meeting be held on Tuesday, March 29, 2011 at 7 p.m. with the non-collective bargaining employees that have contracts to discuss the five-day work week and review the contracts; effective employees to be RICE Noticed.

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

Pending Sewer Hookups

Borough Administrator stated that there is one outstanding hookup; we will handle this administratively.

Payment of bills on line

Mayor Dunleavy stated that the webmaster is looking at vendors to see if we can do payments on line; there will be a meeting tomorrow at 11 a.m. to review.

Status of Shared Services for Reevaluation with Wanaque

Tax Assessor contacted the borough Administrator and they will pick a date to meet with Wanaque; Wanaque will file the notice.

Matter of Evaluations

Councilwoman Shortman would like this put on a Work Session under Pending Items.

Pending List Items

Insurance Claim for DPW Vehicle

Borough Administrator noted a claim was submitted for the damage DPW truck and we received \$2,450 for the brake frame and \$1,950 for the gutter damage.

Councilwoman Huntley would like items #4, 10 and 39 removed from the pending list.

Adoption of Resolution #2011-3.19: Authorization for Executive Session

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

**RESOLUTION #2010-3.19
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 – 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.

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

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

RECONVENED

Mayor Dunleavy reconvened the meeting at 8:21 and noted that no action was taken during the Executive Session.

Adoption of Resolution #2011-3.20: Watermain Breaks

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

**RESOLUTION #2011-3.20
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

***Declaring An Emergency
For Purposes Of Awarding Contract for Ballston Street Water Service Repairs***

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares an emergency situation has developed at 18 Hamilton Street with

a Water Service repairs;

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

WHEREAS, the Governing Body further finds and declares that N.J.S.A. 40A:11-6 authorizes a municipality to negotiate and/or award a contract without public advertisement when an emergency affecting the public health, safety or welfare requires the immediate performance of services; and

WHEREAS, the Governing Body further finds and declares that the Water Utility Department, acting in the reasonable belief that an emergency affecting the public health, safety and welfare requires immediate remedial action without public advertisement for services;

WHEREAS, the Governing Body further finds and declares that the Water Utility Department has correctly recommended that the aforementioned Water Service repairs be remediated through the award to John Barrett Inc., 38 Main Street, Bloomingdale, NJ 07403 which submitted the following cost estimate;

•	John Barrett, Inc.	\$10,800.00
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and;

WHEREAS, the emergency costs to be funded through the 2011 Water Utility budget;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby declare the existence of a public emergency warranting the completion of the Ballston Street. Water Service repairs as soon as possible and does hereby award said project to John Barrett, Inc.

RESOLUTION #2011-3.____
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE

Declaring An Emergency
For Purposes Of Awarding Contract for 18 Hamilton Street Water Service Repairs

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale

("Borough") finds and declares an emergency situation has developed at 18 Hamilton Street with a Water Service repairs;

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

WHEREAS, the Governing Body further finds and declares that N.J.S.A. 40A:11-6 authorizes a municipality to negotiate and/or award a contract without public advertisement when an emergency affecting the public health, safety or welfare requires the immediate performance of services; and

WHEREAS, the Governing Body further finds and declares that the Water Utility Department, acting in the reasonable belief that an emergency affecting the public health, safety and welfare requires immediate remedial action without public advertisement for services;

WHEREAS, the Governing Body further finds and declares that the Water Utility Department has correctly recommended that the aforementioned Water Service repairs be remediated through the award to John Barrett Inc., 38 Main Street, Bloomingdale, NJ 07403 which submitted the following cost estimate;

- Phil Barrett, Inc. \$7,650.00

and;

WHEREAS, the emergency costs to be funded through the 2011 Water Utility budget;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby declare the existence of a public emergency warranting the completion of the 18 Hamilton Street. Water Service repairs as soon as possible and does hereby award said project to Phil Barrett, Inc.

Councilman Schiffman seconded the motion.

Discussion followed in regard to the emergency on Ballston Street. Water/Sewer Superintendent Rocco DiGregorio was in attendance and stated that while snaking 81 Reeve, there was a backup into a residents in this area.

Discussion as to cost for this emergency and it was noted that the contractor was awarded a

contract from the Borough for emergency services; his fees have been the same since 2008; Mr. DiGregorio stated that the problem is the infrastructure in these lines.

Councilwoman Huntley rescinded her motion to rename the resolution; seconded by Councilman Schiffman and carried on voice vote.

Adoption of Resolution #2011-3.20: Authorization for payment of emergency on Ballston Street

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

**RESOLUTION #2011-3.20
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

*Declaring An Emergency
For Purposes Of Awarding Contract for Ballston Street Water Service Repairs*

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares an emergency situation has developed at 18 Hamilton Street with a Water Service repairs;

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

WHEREAS, the Governing Body further finds and declares that N.J.S.A. 40A:11-6 authorizes a municipality to negotiate and/or award a contract without public advertisement when an emergency affecting the public health, safety or welfare requires the immediate performance of services; and

WHEREAS, the Governing Body further finds and declares that the Water Utility Department, acting in the reasonable belief that an emergency affecting the public health, safety and welfare requires immediate remedial action without public advertisement for services;

WHEREAS, the Governing Body further finds and declares that the Water Utility Department has correctly recommended that the aforementioned Water Service repairs be remediated through the award to John Barrett Inc., 38 Main Street, Bloomingdale, NJ 07403 which submitted the following cost estimate;

- John Barrett, Inc. \$10,800.00

and;

WHEREAS, the emergency costs to be funded through the 2011 Water Utility budget;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby declare the existence of a public emergency warranting the completion of the Ballston Street. Water Service repairs as soon as possible and does hereby award said project to John Barrett, Inc.

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

(The Resolution for the Watermain Break at 18 Hamilton will be on the next meeting)

Adoption of Resolution #2011-3.21: Payment of Municipal Obligations

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

**RESOLUTION - #2011 -3.21
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Payment of Municipal Obligations

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that certain municipal obligations have come due and are now payable; and

WHEREAS, the Governing Body further finds and declares that said obligations have been itemized on the annexed schedules, which are hereby deemed part of this Resolution;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize payment of said municipal obligations, in accordance with

the recommendations of the Chief Financial Officer and the Borough Treasurer, from the following accounts and in the following amounts:

BILLS LIST		PREPAID LIST	
CURRENT	1,336,139.57	CURRENT	
753,249.02			
UTILITY	76,140.55	UTILITY	
21,243.49			
CAPITAL	5,520.00	UNEMPLOY.	3,382.78
UTILITY CAPITAL	460.00	RECYCLING	
574.61			
TRUST	17,347.55	CAPITAL	
00,000.00			
DOG	771.00	TRUST	780.00
RECREATION	5,876.44	SPEC. ASSESS.	0,000.00
UNEMPLOYMENT	0,000.00	RECREATION	775.00
ROSE FUND	00,000.00	UTILITY CAP	
000.00			
RECYCLING	973.65	DOG	
000.00			
TOTAL	1,443,228.76	TOTAL	
780,004.90			

Councilman Schiffman seconded the motion.

Councilwoman Shortman noted that we have a bill on here this evening for Spartech and we do not have a contract; we need to renew that contract.

This will be discussed during budgets.

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

Adoption of Resolution #2011-3.22: Amending the 2011 Temporary Municipal Budget

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

RESOLUTION #2011-3.22
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE

Amending the 2011 Temporary Municipal Budget

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

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

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

Municipal Alliance Grant	Other Expenses	\$17,243.00
Municipal Alliance Grant Match	Other Expenses	\$4,310.00
Total Current		\$21,553.00

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

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.

Memorial Day Parade

Councilwoman Huntley moved that the road be closed for the April 9 Little League Parade and Memorial Day; seconded by Councilman Schiffman and carried on voice vote. The condition of the park will be discussed later.

Status of ROSE Fund

Mayor Dunleavy noted the first meeting will be held on March 31 at 7 p.m. and another meeting will have to be authorized.

Tri-State has been authorized to do the fence.

Status of Public Events

Councilwoman Huntley noted that a meeting will be held on Monday at 7 p.m. with Recreation and we will decide what we are going to do.

Mayor Dunleavy stated that this is not a Recreation issue.

Adoption of Resolutions for Tax Office

Councilman Vroom offered the following Resolutions and moved for their adoption:

Adoption of Resolution #2011-3.23:

**RESOLUTION #2011 – 3.23
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 that the Wells Fargo, homeowner’s mortgage company paid the 1st quarter 2011 in full, as did Title Agency at refinancing, therefore property owner is entitled to refund of overpayment in the amount of \$2,341.61.

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

Owner: Christopher & Cari Ann Synol
Property: Block 92.A Lot 21
Address: 38 Oak Street
Bloomingdale, NJ 07403

Refund Amount: \$2,341.61

Adoption of Resolution #2011-3.24:

**RESOLUTION #2011-3.24
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Redemption and Cancellation of Tax Title Lien Certificate #000483

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that, at the Borough Tax Sale held on March 30, 2009, a lien was sold on,
30 UNION AVENUE, BLOOMINGDALE, for delinquent year 2008 taxes, and

WHEREAS, the Governing Body further finds and declares that the foregoing property is also known as Block 76, Lot 3, owned by MONICA KAISER; and

WHEREAS, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 000483, which was sold to US BANK CUST FOR CCTS CAPITAL, LLC for a PREMIUM of \$ 100.00; and

WHEREAS, the Governing Body further finds and declares that the property owner, MONICA KAISER, has requested redemption of TTL # 000483, and

WHEREAS, the Governing Body further finds and declares that MONICA KAISER, has paid all monies due on TTL # 000483, 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

Bloomingtondale that the Borough Treasurer be and is hereby authorized to issue a checks in the amount of \$ 622.47 for the lien redemption and \$ 100.00 for return of the PREMIUM payable to US BANK CUST FOR CCTS CAPITAL, LLC, 2 Liberty Place, 50 South 16th Street- Suite 1950, Philadelphia, PA 19102 for the redemption and cancellation of Tax Title Lien Certificate # 000483.

1099 = \$ 11.42

Adoption of Resolution #2011-3.25

**RESOLUTION #2011 -3.25
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Redemption and Cancellation of Tax Title Lien Certificate #10-00009

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingtondale (“Borough”) finds and declares that, at the Borough Tax Sale held on February 3, 2011, a lien was sold on,

11 ANN STREET, BLOOMINGDALE, for delinquent year 2010 taxes, and

WHEREAS, the Governing Body further finds and declares that the foregoing property is also known as Block 39, Lot 9, owned by DANIEL & SUSAN DOCHERTY; and

WHEREAS, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 10-00009, which was sold to ACE PLUS, LLC for a PREMIUM of \$4,400.00; and

WHEREAS, the Governing Body further finds and declares that Daniel Docherty, Owner of record, has requested redemption of TTL # 10-00009; and

WHEREAS, the Governing Body further finds and declares that Daniel Docherty, has paid all monies due on TTL # 10-00009, including supporting affidavits from the lien holder and current taxes, to the Borough of Bloomingtondale;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingtondale that the Borough Treasurer be and is hereby authorized to issue checks in the amount of \$ \$7,632.27 for the lien redemption and \$4,400.00 for return of the PREMIUM payable to Ace Plus,LLC, 1416 Avenue L, Brooklyn, NY 11230, for the redemption and cancellation of Tax Title Lien Certificate # 10-00009.

1099 = \$ 132.91

Adoption of Resolution #2011-3.26

**RESOLUTION #2011 -3.26
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Redemption and Cancellation of Tax Title Lien Certificate #10-00011

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, 90 WOOD PLACE, BLOOMINGDALE, for delinquent year 2010 taxes, and

WHEREAS, the Governing Body further finds and declares that the foregoing property is also known as Block 44, Lot 97, owned by JAMES GORMLEY ESTATE; and

WHEREAS, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 10-00011, which was sold to ACE PLUS, LLC for a PREMIUM of \$7,300.00; and

WHEREAS, the Governing Body further finds and declares that Glen Gormley, Owner of record, has requested redemption of TTL # 10-00011; and

WHEREAS, the Governing Body further finds and declares that Glen Gormley, has paid all monies due on TTL # 10-00011, 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 \$ \$2,682.34 for the lien redemption and \$7,300.00 for return of the PREMIUM payable to Ace Plus,LLC, 1416 Avenue L, Brooklyn, NY 11230, for the redemption and cancellation of Tax Title Lien Certificate # 10-00011.

1099 = \$ 51.52

Adoption of Resolution #2011-3.27

**RESOLUTION #2011 – 3.27
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 that the First American, homeowner’s mortgage company paid the 1st quarter 2011 in full on Block 92.A, Lot 21, as did Title Agency at sale, therefore the mortgage company is entitled to refund of overpayment in the amount of \$2,138.79.

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

First American Real Estate Tax Services, Inc.
Address: PO Box 961250
Fort Worth, TX 76161

Refund Amount: \$2,138.79

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 as to Animal Shelter Bid Specifications

Mayor Dunleavy noted that we need to bid out the Animal Shelter Services; Borough Administrator will send the bids to the Borough Attorney for his review.

Passaic County Space Trust Fund

Mayor Dunleavy noted the deadline is June 17; he will reach out to recreation to get their input; his input would be to seek out funding for the rest rooms at the Walter T. Bergen School; this will be a pending item on the agenda.

At this time, Councilwoman Huntley discussed the fact that the lights at the Walter T. Bergen School which is a loan and is a lot of money and felt it should be scaled down.

Discussion as to monies coming out of the ROSE fund; Mayor noted that he will lobby hard to get the entire field lit; we will lose the money if we do not use it; interest is 2%.

Mayor stated we should wait until we get the bids.

Discussion in regard to NOISE ordinance

Assistant Borough Attorney stated that this is not a new item; this was discussed by the Ordinance Committee who did not recommend that it be adopted since it will entail another employee to investigate the noise; nuisance can be done by our Police Department; there is a decibel level issue.

Councilwoman Shortman moved this to the Public Health & Safety Committee for discussion and recommendation; seconded by Councilwoman Huntley and carried on voice vote.

Letter Supporting Passaic County Rehabilitation Program

Councilman Vroom moved that the Borough Administrator reach out to Passaic County in regard to their Rehabilitation Program; seconded by Councilwoman Huntley and carried on voice vote.

Discussion as to condition of sidewalks on Main Street

Mayor Dunleavy stated that he would like the Borough to use money from the ROSE fund to fix the sidewalks.

Councilwoman Huntley stated that she would like to hold off as she spoke to the Borough Engineer who noted he will go to the County and DOT to put a wing wall in Sloan Park and felt we should not fix the sidewalks until then.

Discussion followed and Mayor stated that it will take one year to do that.

Adoption of Resolution #2011-3.28: Authorization to obtain quotes to repair sidewalks

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

RESOLVED, that authorization be given for the Borough Administrator to obtain three quotes to repair the sidewalks at Sloan Park.

Councilman Vroom seconded the motion.

Councilman Conklin stated that you can pour concrete 2” down before you put the pavers in.

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

INTRODUCTION OF NON-AGENDA ITEMS

Councilwoman Shortman stated that the Planning Board adopted their by-laws and spoke in regard to Chapter 33-6 as to Conflicts of Interest and perhaps there is a problem of not permitting people on Boards to participate in discussions.

It was noted that in regard to the DelGuidice case , the Judge determined that directly interested property owner who happens to be on a Planning Board Member would be allowed as a private citizen to come up and speak at the microphone.

Borough Attorney will review it and get back.

PRBRSA Minutes

Councilwoman Shortman stated that in reading the minutes, it was stated that the Authority estimates Bloomingdales usage as they do not provide water meter readings. This is an item for executive session.

Mayor noted t hat we will put on the April 12 Agenda under New Business, review of all cost measure in the borough.

LATE PUBLIC COMMENT

Councilman Schiffman moved that the meeting be open to Late Public Comment; seconded by Councilman Vroom and carried on voice vote.

Leonard Dale, Reeve Avenue, spoke in regard to the sidewalks on Main street and noted that he offered to help the DPW repair it; DPW Superintendent stated that he would need approval from the Mayor and Council and there might be insurance issues.

Mr. Dale also discussed the bridge and ways to fix it and also the catch basins in the area..

Mr. Dale also discussed the police vehicles and fact that he did not feel 100,000 miles was a lot

of miles; it was noted that it is actually 300,000 miles because of idle time.

John Darcey, 80 South Road, discussed the lights at the Walter T. Bergen School and fact that we should go forward with this project and the benefits from it.

He discussed the recommendations of the ROSE Fund Committee which calls for the full utilization of the Walter T. Bergen and Martha B. Day schools.

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Geraldine DeLazier, 20 Glenwild Avenue, spoke against using the ROSE fund for the lights and felt we need to keep the split the way the voters voted on it.

Ron Caputo, 42 Bogue Drive, spoke in regard to the fact that we have 61 homes in foreclosure and spending \$400,000 on lights is not right; also asked what it will cost in electricity.

Mr. Caputo also felt we should revisit the Sloan Park Bridge and remove the abutments which are there; Mayor noted that we might not be able to do this because of the flow.

Ray Yazdi, 36 Bailey Avenue, noted that he wants to see the lights go up and discussed the other recreational programs which use the field.

Councilwoman Pituch spoke in regard to the foreclosures in the Borough and felt the ROSE Fund should be split 50/50. We could do what our master plans suggests with Open Space.

Mr. Yazdi stated the Recreation Commission should not take over Public Events which he feels Councilwoman Huntley wants; noted that the Butler Soccer club will have their first game at the Walter T. Bergen School on April 3 and asked if the fence will be done and it was indicated all work will be done.

Councilwoman Shortman stated that she wished people were as supportive of the school budget as they are of recreation.

Dawn Hudson, 12 Walnut Street, asked about the Reverse 911, and it was noted it is for emergency purposes only and one phone number can be registered; you can contact the police department to see if you can add or change it to a cell phone.

Mrs. Hudson also asked about the email archiving and the quote which was originally given for \$2,700 and asked what the disadvantage was of not using that provider and was informed a vote was taken not to use that provider.

Rich Dellaripa, Pine Tree Road, clarified the fact that there was an emergent issue with the email

and that is why we went with fuse mail at this time; server was not addressed.

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

Adoption of Resolution #2011-3.29: Authorization for Late Executive Session

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

**RESOLUTION #2010-3.29
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing the Convening of an Executive Session

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

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

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

1. The public shall be excluded from discussion of, and action upon, the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
3. The general nature of the subject matter to be discussed is as follows:
 - A. Contractural – 5 matters
 - B. Litigation - 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 Vroom seconded the motion and it carried on voice vote.

Adoption of Resolution #2011-30: Disciplinary Robert Hagberg

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

**RESOLUTION #2011-3.30
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

***Approving and Taking Disciplinary Action Against Borough of Bloomingdale
Employee Robert Hagberg***

WHEREAS, on June 1, 2009 Robert Hagberg was hired as an employee of the Borough of Bloomingdale, working in the Department of Public Works; and

WHEREAS, Robert Hagberg has engaged in a course of conduct that both the Superintendent of the Department of Public Works and Borough Administrator significantly impacts Robert Hagberg's ability to continue as an employee of the Borough unless immediate corrective action is taken; and

WHEREAS, Robert Hagberg received a Rice notice informing him that his employment status would be discussed during the March 22, 2011 Executive Session meeting of the Governing Body; and

WHEREAS, on March 22, 2011 the Governing Body did discuss with the Borough Administrator, the Superintendent of the Department of Public Works, Robert Hagberg and his Union representative the continued employment status of Mr. Hagberg; and

WHEREAS, the discussions resulted in an agreement being reached between Mr. Hagberg and the Borough concerning appropriate disciplinary action and Robert Hagberg's continued employment with the Borough:

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED, that the Governing Body of the Borough of Bloomingdale does hereby discipline Robert Hagberg as follows: (1) Robert Hagberg is suspended without pay for a period of ten (10) days; (2) In the sole

discretion of the Governing Body, Robert Hagberg may be sent a Rice notice for further discussion of his employment status to be conducted at the April 12 2011 Council meeting; and (3) Robert Hagberg shall be placed on a ninety (90) day probationary period beginning on April 12, 2011, during which time any infraction by Robert Hagberg shall be grounds for termination of employment.

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 #2011-3.31: Todd Prevost Resignation

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

**RESOLUTION #2011-3.31
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

***Accepting the Resignation of Borough of Bloomingdale Employee Todd
Prevost, Jr.***

WHEREAS, on November 3, 2008 Todd Prevost, Jr. was hired as an employee of the Borough of Bloomingdale, working in the Department of Public Works; and

WHEREAS, the Borough Administrator has informed the Governing Body that Mr. Prevost has resigned, effective as of March 11, 2011:

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED, that the Governing Body of the Borough of Bloomingdale does hereby accept the resignation of Todd Prevost, Jr., from employment with the Borough, said resignation to be effective as of March 11, 2011.

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

ADJOURNMENT

Since there was no further business to be conducted, Councilman Vroom moved to ADJOURN the meeting at 11:16 p.m.; seconded by Councilwoman Pituch and carried on voice vote with all Council Members voting YES.

Jane McCarthy, RMC
Municipal Clerk