

**WORK SESSION
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

May 10, 2011

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:	Jonathan Dunleavy
	Council President:	Linda Huntley
	Council Members:	Bernard Vroom Jo-Ann Pituch Glenn Schiffman Linda Shortman
<i>Absent:</i>		Mark Conklin (Excused)
<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.

PRESENTATIONS/RECOGNITIONS

At this time, the Mayor and Council presented the following Resolution to the family of former Fire Chief Duane Edwin Muldoon who recently passed away:

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

Honoring Deceased Exempt Fireman Duane Edwin Muldoon, Jr.

WHEREAS, the Governing Body of the Borough of Bloomingdale (“Governing Body”) finds and declares that its most fundamental responsibility is to protect the health, safety and welfare of the citizens of the Borough of Bloomingdale; and

WHEREAS, the Governing Body is substantially and capably aided in this regard by the loyal, dedicated volunteer members of the Bloomingdale Volunteer Fire Department, whose primary aim in serving the citizens of this Borough is their protection from fire-borne hazards and risks through fire safety and emergency response measures; and

WHEREAS, the Governing Body was saddened to learn of the recent passing of *Edwin Duane Muldoon, Jr.* exempt volunteer member of the Bloomingdale Volunteer Fire Department, and wishes to express its sincerest condolences to his family and its sincerest gratitude for his dedicated public service to the protection of the citizens of our community from fire-borne hazards;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body does hereby express, on behalf of the citizens of the Borough of Bloomingdale, sincerest condolences to the family of *Edwin Duane Muldoon, Jr.* upon his untimely passing and sincerest gratitude and appreciation for his loyal, dedicated and exemplary service in protecting the citizens of our community as a volunteer member of the Bloomingdale Volunteer Fire Department serving a Fire Chief from 1999 to 2001 and a member of the Hook and Ladder Company for 43 years; and

BE IT FURTHER RESOLVED that the Municipal Clerk be and is hereby directed to forward a true copy of the foregoing Resolution to the family of *Edwin Duane Muldoon, Jr.* in recognition of his dedicated public service to the citizens of our community.

Mayor Dunleavy offered condolences on behalf of the Governing Body and expressed appreciation for Duane’s years of volunteerism.

ATTENDANCE OF POLICE CHIEF JOSEPH BORELL

At this time, Police Chief Borell was in attendance and discussed the status of his Department in regard to manpower due to injuries and pending retirements. He noted that this is a hardship on the department and asked the Governing Body to consider applying for the COPS Grant program whereby we can hire an officer through the grant and there will be no expenses to the Borough for three years. It requires that we keep the officer one year following the termination of the grant.

Discussion followed. Chief Borell noted that he will have to cut programs due to his staffing, i.e. DARE Program, door checks, radar checks, child safety car seats; now we have to be reactive rather than proactive.

Adoption of Resolution #2011-5.1: Authorization to apply for COPS Grant

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

RESOLUTION #2011-5.1
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE

2011 Cops Recovery Hiring Program Grant

WHEREAS, the U.S. Department of Justice has made funds available through the Office of Oriented Policing Services to hire new and/or rehire career law enforcement officers in an effort to create and preserve jobs and, to increase community policing and crime prevention efforts; and

WHEREAS, such funds will be made available through participation in the Cops Hiring Recovery Program (CHRP); and

WHEREAS, the Borough of Bloomingdale agrees to retain each officer position awarded for at least twelve (12) months following the conclusion of thirty-six (36) months of federal funding for that position; and

WHEREAS, the Borough of Bloomingdale acknowledges the retention requirement cannot be satisfied through attrition;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby declare its full support of the Cops Hiring Recovery Program for 2011; and

BE IT FURTHER RESOLVED that the governing Body of the Borough of Bloomingdale does hereby authorize the submission to the U.S. Department of Justice, an application for a 2011 Cops Recovery Hiring Program Grant and does hereby further authorize the appropriate municipal officials to complete any and all tasks necessary to perfect such an application.

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

Noted that a Committee will meet with the Police Chief to look at the numbers to see if we can do more and look at the budget; this will be on the May 24 agenda.

EARLY PUBLIC COMMENT

Councilwoman Huntley 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.

Frank O'Reilly, 21 Pearl Street, handed out an analysis he did in regard to the proposed traffic ordinance this evening and suggestions as to signage and stop signs and four ton limit signs in this area.

Discussion followed and Mayor noted that Mr. O'Reilly brings up some good points. The Borough Attorney will review and the Traffic Officer Sgt. Gildersleeve will look at Mr. O'Reilly's proposal and report back.

Borough Administrator will follow up with property Maintenance in regard to the hedges in the area which are hindering site distance.

The following residents spoke in regard to their concern of the proposed lights at the Walter T. Bergen Field and the drainage problems

Walter Rutkowski	Walter Drive
Jack Miller	Reeve Avenue
Leonard Dale	Reeve Avenue
James Thek	Walter Drive

The following residents spoke of the approval and or suggestions of the lights at the field:

Bill Wright	Tri Boro Little League
Rick Bevarage	212 Glenwild Avenue
Mike Fitzpatrick	125 Reeve Avenue
Drew Janis	5 James Avenue
Ray Yazdi	

The following residents spoke in regard to the defeated school board budget:

Paul Laman	10 Andrews Drive
Kathy Gurbisz	Vreeland Avenue
Lesley Monsees	153 Rafkind Road

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

REPORTS FROM THE MAYOR AND COUNCIL

FEMA

Councilwoman Huntley noted she met with FEMA and noted that if one has a loss of \$1,000 or more they can get help and noted some suggestions FEMA made.

PROFESSIONAL REPORTS

Municipal Clerk

Memorial Day Parade – Municipal Clerk stated that the parade will be Monday, May 30, 2011 and start at 9 a.m. in Butler and parade to Bloomingdale.

Voter Registration – Municipal Clerk stated that the last day to register to vote is May 17, 2011 and the clerk's office will be open until 9 p.m.

Borough Administrator

Chestnut Street Drainage – Borough Administrator stated we are working on obtaining the right of ways; Borough attorney will work on the legal aspects.

Quotes for replacement of lampposts on Hamburg Turnpike - DPW Superintendent has received a low quote from Tuit of \$4,000.

Henion Street

Borough administrator stated we are waiting on the resolution from the County as to receiving the grant.

Energy Grant

Borough Administrator stated that the contractor is coming out on Friday for a site look at the building.

PENDING BUSINESS

Status of Walter T. Bergen Lighting Project

Mayor Dunleavy noted that since Councilman Conklin isn't here this evening, he suggested that this item be tabled.

Councilman Vroom moved to TABLE this item until May 24, 2011; seconded by Councilman Schiffman and carried as per the following roll call: Council Members: Huntley; YES; Pituch, Yes; Schiffman, YES; Shortman, NO; Vroom, YES. ABSENT: Conklin

Police Vehicle

This item is tabled until the budget is introduced.

Status of email archiving

Mayor Dunleavy noted that we have received a proposal from our current webmaster; this is a budgetary item; this will be put on the next agenda for review.

Tax Foreclosure Update

Borough attorney stated that we have everything we need to proceed; we could possible foreclosure end of the year.

Municipal Budget

Councilwoman Huntley noted that she is awaiting Administrator to make the cuts she gave them; Borough Administrator stated that we are awaiting the legal costs.

Borough Administrator stated that he needs to know where we stand on pursuing shared services.

Councilwoman Huntley moved that the Borough Administrator and Chief Financial Officer present a budget by Thursday; seconded by Councilman Schiffman.

Discussion followed as to shared services, possible lay-offs if we do not make the cap.

Councilwoman Huntley stated that she is still awaiting salary information.

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

Status of Ethics Ordinance

Mayor Dunleavy asked what the status is of the Ethics Ordinance; Borough Attorney stated that our current ordinance is unenforceable due to the fact we do not have a Local Ethics Board. He will have an amended ordinance for the next meeting.

Highland Opt-In

Mayor Dunleavy noted that he and the Administrator met last week with the Highlands Council; and stated that if we adopt the Highlands Plan, we can still make adjustments to it; it is an on-going process.

Discussed the Modular 8 which is a cursory review by Burgis and paid for by the Highlands; we should make sure Mr. Burgis does the review.

On-line bill payments

This is a budgetary item.

Reevaluation

Borough Administrator is awaiting the status from the Borough Administrator of Wanaque; he will reach out to him again.

RECESS

Councilman Vroom moved for a recess at this time, 7:40 p.m.; seconded by Councilman Schiffman and carried on voice vote.

RECONVENED

Mayor Dunleavy reconvened the meeting at 7:55 p.m.

Status of ROSE Fund

Mayor Dunleavy stated we are awaiting recommendations from the ROSE Fund Committee; Municipal clerk will contact the Chairman for his input for the May 24, 2011 meeting.

Status of Animal Shelter Bids

Borough Administrator stated that he will have these by the end of the week. Mayor noted that he can go out to bid as approval was already given.

Status of James Street

This will be on the May 24, 2011 meeting; we will wait for the Borough Engineer's report.

Library Furniture

Borough Attorney stated letter was sent to the firm which filed for bankruptcy; we sent a letter out and are awaiting response.

Woodward Avenue Project and Henion Street

Contract has been reviewed and approved by the Attorney; Borough Administrator will contact the contractor as to a start date.

Passaic County Open Space Grant

Mayor stated that the deadline is June 17. Discussion followed as to projects for this grant.

Councilman Vroom moved that the Borough Administrator be authorized to apply for a grant for the Main Street focus study; apply for \$100,00 for the restrooms at the Walter T. Bergen Field and \$50,000 for drainage; seconded by Councilwoman Huntley and carried as per the following roll call: Council Members: Shortman; Vroom; Huntley; Pituch and Schiffman all YES. ABSENT: Councilman Conklin

Adoption of Resolution #2011-5.2: Authorization for borough Attorney to notify White Collar Union Employees to return to five-day work week

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

**RESOLUTION #2011-5.2
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

WHEREAS, the Borough Council is desirous of restoring a five-day work week to the white collar employees of the Borough employed at the municipal complex; and

WHEREAS, said employees are subject to a Collective Bargaining Agreement that was entered on or about December 5, 2006 effective from January 1, 2007 through December 31, 2012 entitled "Agreement by and between Borough of Bloomingdale, Passaic County, New Jersey (Borough) and Communication's Workers of America AFL CIO, Local 1032 White-collar Unit (Union) January 1, 2007 through December 31, 2012; and

WHEREAS, said contract Article IV Section 1 calls for:

In such cases as a full-time employee work schedule shall be changed, the employee shall be provide with thirty (30) days notice of the change before implementation except in such cases where the employee agrees to the change or in cases of emergency as determined by the Borough Administrator or designee; and

BE IT HEREBY RESOLVED, that the Borough Attorney is hereby instructed to draft formal notification to all affected employees providing them thirty (30) days advance notice of such change in work schedule from a four day work schedule Monday through Thursday 8 AM to 6 PM to a five day work schedule Monday through Friday 8:30 AM to 4:30 PM.

Councilwoman Pituch seconded the motion.

Discussion followed; Mayor stated that he did not remember the Governing Body as a whole discussing this change. Mayor stated that this has to be discussed with the Union; you cannot arbitrarily change it; Councilwoman Huntley stated the contract notes we have the right to change hours; it is a non negotiable issue.

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

Adoption of Resolution #2011-5.3: Notification to Administrative Employees with Contracts that they are Illegal

Discussion followed in regard to how much this will cost in legal fees to defend if the affected employees sue; Borough Attorney stated at least \$10,000.

Borough attorney stated that each employee will be notified and asked to sign a letter acknowledging that their contracts are illegal and unenforceable; if they do not, we will go before a Judge to get a determination.

Councilwoman Huntley noted that they will have a Labor Attorney handle this; and in response to the Mayor, this is not a budgetary item as yet.

Borough Administrator spoke on behalf of his contract and fact that the Borough wrote two prior contracts for him and approved them. He noted he would like to discuss some options he has for the Borough to have five day week 8 a.m. to 6 p.m. coverage; Councilwoman Huntley would like to see the details.

Borough Administrator spoke in regard to the clause in his contract which Councilwoman Huntley refers to as the “parachute clause” and noted that the only way he would collect that is if he was terminated and asked if that is the intent.

Borough Attorney advised the Council not to comment; Mr. Ehrenburg would have to be Rice Noticed to discuss his contract or waive the RICE notice.

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

**RESOLUTION #2011-5.3
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

WHEREAS, the Borough Attorney upon direction of the Borough Council, reviewed and analyzed the legality of all the employment contracts entered into during the calendar year of 2010 with members of the Administration; and

WHEREAS, said research resulted in the Municipal Attorney's legal opinion that said contracts were unenforceable as they violated various New Jersey statutes; and

WHEREAS, the Municipal Attorney's contract analysis revealed that there were no severability clauses contained in the contract and in fact, the contracts themselves indicated that if any provision of the contract was adjudicated by a Court of competent jurisdiction to be unenforceable, the entire contract would be void and terminated; and

WHEREAS, it was the Municipal Attorney's opinion that in each and every one of the contracts in question, the duration and term of the contracts were one area where each of the contracts violated the law; and

WHEREAS, the Municipal Attorney opined that the law prevented said contracts from extending beyond December 31, 2010; and

WHEREAS, the Borough Council is desirous of terminating each and every one of the aforementioned employment contracts without litigation; and

IT IS HEREBY RESOLVED, that the Borough Attorney is hereby authorized and directed to the draft correspondence to each and every one of the employees afforded employment contracts seeking their acknowledgment that the contract is unenforceable and thereby void and that their failure to acknowledge and agreement for the same in writing would result in the Borough seeking a declaratory judgment in a Superior Court, Passaic County vicinage that their employment contracts is void and unenforceable.

Councilwoman Pituch seconded the motion.

Mayor Dunleavy stated that we can anticipate lawsuits on fighting contracts which have no financial impact on the borough as they stand now.

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

Adoption of Resolution #2011-5.4: Revision to 2011 By-laws

Mayor Dunleavy stated that he does not know why we are discussing this or why it was referred to the Borough attorney.

Councilwoman Huntley stated that the meetings have become unruly and the public disrespectful and noted that we need some dignity back and discussed the amendments.

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

**RESOLUTION #2011-1
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE,
PASSAIC COUNTY, NEW JERSEY**

Adopting 2011 By-Laws

WHEREAS, it is the prerogative of the Borough Council of the Borough of Bloomingdale (“Borough Council”) to adopt By-Laws for the orderly, efficient and public-friendly performance of its official duties as the Governing Body of the Borough of Bloomingdale (“Borough”); and

WHEREAS, the Borough Council hereby finds that the amendment to the By-Laws will foster the orderly, efficient and public-friendly performance of its official duties as the Governing Body of the Borough;;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that any and all By-Laws heretofore adopted by the Borough Council be and are hereby repealed; and

BE IT FURTHER RESOLVED that the By-Laws set forth hereinafter be and are hereby amended by the Borough Council as the By-Laws governing the proceedings of meetings of the Borough Council for the calendar year of 2011:

AMENDED BY-LAWS FOR THE YEAR 2011 OF THE BOROUGH COUNCIL OF THE BOROUGH OF BLOOMINGDALE

ARTICLE I

Definitions

Section 1.1

The term “Borough” shall mean the Borough of Bloomingdale.

Section 1.2

The term “Borough Clerk” shall mean the Borough Clerk of the Borough of Bloomingdale.

Section 1.3

The term “Committee” shall mean a duly appointed and constituted Standing Committee of the Borough Council of the Borough of Bloomingdale.

Section 1.4

The term “Council” shall mean the Borough Council of the Borough of Bloomingdale.

Section 1.5

The term “Mayor” shall mean the Mayor of the Borough of Bloomingdale.

Section 1.6

The term “President” shall mean the President of the Borough Council of the Borough of Bloomingdale.

Section 1.7

The term “President *Pro Tem*” shall mean the President *Pro Tem* of the Borough Council of the Borough of Bloomingdale.

Section 1.8

The term “Select Committee” shall mean a duly appointed and constituted Select Committee of the Borough Council of the Borough of Bloomingdale.

ARTICLE II

Governing Rules of Order

Except as otherwise provided by provision of the succeeding By-Laws, it is hereby determined and declared that *Robert’s Rules of Order* shall be the controlling source of authority for all matters of procedural governance of all meetings of the Council.

ARTICLE III

Meetings of the Council

Section 3.1

At or prior to its Annual Reorganization Meeting, the Council shall by Resolution establish a regular schedule of Work Session and Regular Business Meetings of the Council for the succeeding year. Unless otherwise determined to be necessary and/or appropriate by the Presiding Officer or by a majority of the full membership of the Council, official business shall be reserved for transaction at Regular Business Meetings of the Council.

Section 3.2

The Mayor shall have the discretion and authority to call a Special Meeting of the Council by directing the Borough Clerk to notify in writing the members of the Council of such Special Meeting.

Section 3.3

Notwithstanding the foregoing, four (4) members of the Council may call a Special Meeting of the Council by directing the Borough Clerk to serve upon the Mayor and each member of the Council a written notice signed by each of the four (4) members.

Section 3.4

Any notice of a Special Meeting of the Council shall specify the time, purpose and place within the Borough of any such Special Meeting and shall be delivered to the Mayor and to each member of the Council no less than 48 hours prior to the time set forth in said notice.

Section 3.5

Emergency Meetings of the Council shall be convened in accordance with the provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10A:4-6, *et seq.*

Section 3.6

The subject matter of an executive session shall be limited to such topics as are permitted to be discussed in confidential deliberations by the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12(b).

Section 3.7

Provision shall be made for a reasonable period of time for public comment at all meetings of the Council not otherwise reserved for meetings of committees and/or select committees, including prior to any vote being taken and recorded on any motion and/or resolution arising or resulting from an executive session of the Council. Public comment will be limited to one five (5) minute presentation per person, except this may be extended by approval of the majority of the Governing Body.

(A) The purpose of a public comment is to permit the public to address the governing body. There is to be no dialogue between members of the governing body and administration and the public unless authorized by a majority vote of the governing body.

(B) Members of the public shall be permitted to speak for only a period of 5 minutes unless authorized by a majority vote of the governing body.

(C) Prior to each member of the public speaking, the Clerk shall announce the time so that the five-minute clock for each speaker is noted in the official record.

(D) The Borough Clerk shall maintain, track of the five-minute period and announced its expiration at which time, a motion can be entertained if so moved, to extend that individual's time to speak for a predetermined period of time.

(E) Each member of the public shall be permitted to address the governing body at the public portion for only one occasion unless authorized by majority vote of the governing body.

ARTICLE IV

Officers of the Council

Section 4.1

The Presiding Officer shall be responsible for ensuring an orderly and productive flow of Official Business at meetings of the Council and shall have the authority to render rulings with respect to matters of procedure and decorum at such meetings.

Section 4.2

A ruling of the Presiding Officer shall control unless a majority of the full membership of the Council shall, by roll call vote, override any such ruling.

Section 4.3

The Mayor shall serve as the Presiding Officer of all meetings of the Council.

Section 4.4

In the event of the absence of the Mayor from any meeting of the Council, the President shall serve as the Presiding Officer of any such meeting.

Section 4.5

In the event of the absence of the Mayor and the Council President from any meeting of the Council, the President *Pro Tem* shall serve as the Presiding Officer of any such meeting.

Section 4.6

In the event of the absence of the Mayor, the President and the President *Pro Tem* from any meeting of the Council, the members of the majority party shall designate a member of the Council to serve as the Presiding Officer of any such meeting.

Section 4.7

The Borough Clerk shall be responsible for recording, in writing or by electronic means, the discussions and votes cast at all meetings of the Council, including executive sessions as described in Section 3.8.

Section 4.8

In the event of the absence of the Borough Clerk from any meeting of the Council, the Presiding Officer shall appoint a Clerk *Pro Tem* for any such meeting.

Section 4.9

The Borough Clerk shall prepare and distribute to the Mayor and to each member of the Council for review and revision, where appropriate, a draft copy of the minutes compiled of each meeting of the Council.

Section 4.10

Minutes of the meetings of the Council shall be reviewed, revised and approved by the members of the Council by no later than at each succeeding month's Regular Business Meeting of the Council or as soon thereafter as shall be reasonably practicable to do so.

ARTICLE V

Quorum of the Council

Section 5.1

A quorum shall be necessary to transact official business of the Borough at meetings of the Council and shall be established when the Mayor and at least three (3) members of the Council are present, or at least four (4) members of the Council are present.

Section 5.2

A quorum shall no longer exist, and no official business of the Borough shall be conducted, in the absence of any of the circumstances set forth in Section 5.1.

Section 5.3

Notwithstanding the provisions of Section 5.1 and provided that no quorum is thereby established as provided in Section 5.1, individual members of the Council shall be permitted to meet to discuss and debate matters of governance of the Borough, including by attendance at meetings of either Committees or Select Committees as well as at public or private events.

ARTICLE VI

Business of the Council

Section 6.1

Except as otherwise determined by the Presiding Officer, or a majority of the Borough Council, the Regular Order of Business at all Work Session Meetings of the Council shall be as follows:

- (a) Call to Order by the Presiding Officer (*Call to Order*)
- (b) Roll Call of Members by the Borough Clerk and Recognition by the Presiding Officer of Borough Officials in attendance (*Roll Call*)
- (c) Salute to the American Flag and, whenever appropriate, a Moment of Silence (*Flag Salute*)
- (d) Announcement of Prior Public Notification of Meeting by the Presiding Officer (*Public Notice Statement*)
- (e) Any Motions to remove matters from Agenda
- (f) Early Public Comment [Reserved for Agenda Items]
 - (1) Subject matter shall be limited to agenda items.
 - (2) The purpose of a public comment is to permit the public to address the governing body. There is to be no dialogue between members of the governing body and administration and the public unless authorized by a majority vote of the governing body.
 - (3) Members of the public shall be permitted to speak for only a period of 5 minutes unless authorized by a majority vote of the governing body.
 - (4) Prior to each member of the public speaking, the Clerk shall announce the time so that the five-minute clock for each speaker is noted in the official record.
 - (5) The Borough Clerk shall maintain, track of the five-minute period and announced its expiration at which time, a motion can be entertained if so moved, to extend that individual's time to speak for a predetermined period of time.
 - (6) Each member of the public shall be permitted to address the governing body at the public portion for only one occasion unless authorized by majority vote of the governing body.

- (g) Presentations to the Council (*Presentations*)
- (h) Presentation of Professional Reports (*Professional Reports*)
- (i) Presentation of Pending Business of the Council by Committee and/or Professional Report (*Pending Business*)
- (j) Presentation of New Business of the Council by Committee and/or Professional Report (*Introduction of New Business*)
- (k) Action on New Business Presented to the Council (*Formal Action on New Business*)
- (l) Public Comment Period

(1) The purpose of a public comment is to permit the public to address the governing body. There is to be no dialogue between members of the governing body and administration and the public unless authorized by a majority vote of the governing body.

(2) Members of the public shall be permitted to speak for only a period of 5 minutes unless authorized by a majority vote of the governing body.

(3) Prior to each member of the public speaking, the Clerk shall announce the time so that the five-minute clock for each speaker is noted in the official record.

(4) The Borough Clerk shall maintain, track of the five-minute period and announced its expiration at which time, a motion can be entertained if so moved, to extend that individual's time to speak for a predetermined period of time.

(5) Each member of the public shall be permitted to address the governing body at the public portion for only one occasion unless authorized by majority vote of the governing body.

- (m) Presentations and Liaison/Keyperson Reports *by the Mayor and/or Members of the Council (Reports from the Mayor and Council)*
- (n) Executive Session
- (o) Introduction and Consideration with Public Comment of Essential Executive Session Items (*Consideration of Executive Session Business with Public Comment*)

- (p) Announcement of Governing Body Meeting Schedule (*Governing Body Schedule*)
- (q) Adjournment (*Adjournment*)

Section 6.2

Except as otherwise determined by the Presiding Officer, or a majority of the Borough Council, the Regular Order of Business at all Regular Business Meetings of the Council shall be as follows:

- (a) Call to Order by the Presiding Officer (*Call to Order*)
- (b) Roll Call of Members by the Borough Clerk and Recognition by the Presiding Officer of Borough Officials in attendance (*Roll Call*)
- (c) Salute to the American Flag, Recitation of the Governing Body Prayer and, whenever appropriate, a Moment of Silence (*Flag Salute and Governing Body Prayer*)
- (d) Announcement of Prior Public Notification of Meeting by the Presiding Officer (*Public Notice Statement*)
- (e) Any Motions to remove matters from Agenda
- (f) Early Public Comment [Reserved for Agenda Items]
 - (1) Subject matter shall be limited to agenda items.
 - (2) The purpose of a public comment is to permit the public to address the governing body. There is to be no dialogue between members of the governing body and administration and the public unless authorized by a majority vote of the governing body.
 - (3) Members of the public shall be permitted to speak for only a period of 5 minutes unless authorized by a majority vote of the governing body.
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 - (5) The Borough Clerk shall maintain, track of the five-minute period and announced its expiration at which time, a motion can be entertained if so moved, to extend that individual's time to speak for a predetermined period of time.

(6) Each member of the public shall be permitted to address the governing body at the public portion for only one occasion unless authorized by majority vote of the governing body.

- (g) Presentations to the Council (*Presentations*)
- (h) Presentation of Professional Reports (*Professional Reports*)
- (i) Presentation and Consideration of the Consent Agenda of the Council (*Consent Agenda*)
- (j) Presentation and Consideration of Pending Business Agenda of the Council (*Pending Business*)
- (k) Presentation and Consideration of New Business Agenda of the Council (*Introduction of New Business*)
- (l) Presentation of Non-Agenda Business of the Council (*Introduction of Non-Agenda Business*)
- (m) Public Comment Period

(1) The purpose of a public comment is to permit the public to address the governing body. There is to be no dialogue between members of the governing body and administration and the public unless authorized by a majority vote of the governing body.

(2) Members of the public shall be permitted to speak for only a period of 5 minutes unless authorized by a majority vote of the governing body.

(3) Prior to each member of the public speaking, the Clerk shall announce the time so that the five-minute clock for each speaker is noted in the official record.

(4) The Borough Clerk shall maintain, track of the five-minute period and announced its expiration at which time, a motion can be entertained if so moved, to extend that individual's time to speak for a predetermined period of time.

(5) Each member of the public shall be permitted to address the governing body at the public portion for only one occasion unless authorized by majority vote of the governing body.

- (n) Consideration of Non-Agenda Business of the Council (*Formal Action on Non-Agenda Business*)

- (o) Referral of New Matters to Committee and/or Select Committee
(Referral of New Matters)
- (p) Executive Session *(Late Executive Session)*
- (q) Introduction and Consideration with Public Comment of Executive Session Items
(Consideration of Executive Session Business with Public Comment)
- (r) Announcement of Governing Body Meeting Schedule *(Governing Body Schedule)*
- (s) Adjournment *(Adjournment)*

Section 6.3

Following the Early Executive Session and upon resumption of the public meeting of the Council, the Presiding Officer shall indicate what action, if any, is intended to be taken with respect to any such executive session item by the Council and that such action shall be taken during that portion of the meeting designated for “Pending Business” unless otherwise indicated.

Section 6.4

At the discretion of the Presiding Officer or by unanimous consent of those members of the Council in attendance, a member of the general public may be permitted to speak to a non-agenda item during the Early Public Comment Period.

Section 6.5

The Consent Agenda shall include any and all items as to which it is determined that there shall be no need for public discussion by the Council, including, but not limited to, the following:

- (a) Approval of Certified Minutes of Council Meetings
- (b) Internal Communications of Borough Departments and Professionals
- (c) Communications generated and/or received by the Council
- (d) Approval of unanimous resolutions of the Council

Section 6.6

The Mayor or any member of the Council shall be permitted to unilaterally request that any item be removed from the Consent Agenda and reserved for discussion by the Council during that portion of its meeting designated for “Introduction of New Business”.

Section 6.7

- (a) Pending Business of the Council shall be presented in the following order:

(1) Committee Reports by the respective Committee or Select Committee Chairperson (or, in his absence, by the Ranking Majority Committee Member)

(2) Council Action based upon the recommendations of the respective Committee or Select Committee.

(3) Open the floor to any Council Committee Chairperson to report on any relevant information at their discretion.

Section 6.8

Council Liaisons and Keypersons shall issue their reports to the Mayor and Council in accordance with the provisions of Sections 8.9 and 8.11, respectively.

Section 6.9

The Presiding Officer shall have the authority to reserve any portion of the meeting of the Council, designated for Public Comment, for the presentation and discussion of issues of official business of the Borough or of the Council.

Section 6.10

The Borough Administrator and the Municipal Clerk shall be responsible for the establishment and distribution of an agenda in a form consistent with the provisions of Article VI. The Mayor or any member of the Council shall have the right to place on a meeting agenda and/or to introduce at a meeting of the Council a matter of Official Business of the Council.

Section 6.11

Agenda

(A) The agenda for each regular and special meeting of the Council shall be prepared by the Clerk.

(B) The agenda for each regular meeting of the Council shall include only such matters of Council business as have been presented or delivered to the Clerk by the Mayor or a Councilperson not later than 4:30 p.m. on the Friday preceding the meeting; provided, however, that emergency matters may be added to the agenda at the time with the approval of the President of the Council, and any Councilperson shall have the right to present any new matter under "new business," notwithstanding the fact that such matters are not included on the prepared agenda, with exception of ordinances and resolutions.

(C) Furthermore, each agenda may have no more than one addendum, which addendum must be delivered to each Councilperson's box no later than 4:30 p.m. on the Monday preceding the meeting.

(D) All ordinances and resolutions on the agenda must be delivered to each Councilperson's box no later than 4:30 p.m. on the Monday preceding the meeting. If said information is not delivered within the time period prescribed by this chapter, that item cannot be considered at the meeting unless waived by a majority of the Council present at said meeting.

(E) As soon as the agenda for each meeting has been prepared, the Clerk shall cause a copy thereof to be delivered to each Councilperson's box, the Mayor and each department head by 4:30 p.m. on the day the agenda is prepared. He/she shall, upon request, make available for inspection copies of each agenda.

ARTICLE VII

Voting of the Council

Section 7.1

Unless otherwise determined by unanimous consent, and except for matters involving the expenditure of public funds which shall always be resolved by formal roll call vote, all matters brought before the Council for decision shall be resolved by a call by the Presiding Officer for a formal motion and/or resolution, which must be duly seconded to be entitled to a vote and which only then shall be voted upon by the members of the Council.

Section 7.2

A vote of the Council shall be taken and recorded with respect to a particular motion and/or resolution whenever a member of the Council "calls the question" on any such motion and/or resolution.

Section 7.3

Proxy voting shall not be permitted.

Section 7.4

(a) Voting of members of the Council shall be conducted on a rotating basis, with the first vote at each Council meeting being taken and recorded in the following order:

- (1) Council President
- (2) Council President *Pro Tem*
- (3) Ranking Senior Member in terms of longevity on the Council
- (4) Next Ranking Member in terms of longevity on the Council
- (5) Next Ranking Member in terms of longevity on the Council
- (6) Least Ranking Member in terms of longevity on the Council

(b) In the event that two members both qualify as “Ranking Senior Member” or “Next Ranking Member”, the order of their voting shall be determined by mutual consent of the respective members, or in the absence of such mutual consent, then by the Presiding Officer.

(c) Each succeeding vote shall be taken and recorded by having, on a rotating basis, the first voting member become the last voting member and each next voting member moving one position closer to becoming the first voting member.

Section 7.5

When asked to cast a vote, members of the Council shall be permitted the following options:

- (a) Yes;
- (b) No;
- (c) Abstain; or
- (d) Pass.

Section 7.6

A “Yes” vote shall be recorded as an affirmative vote in favor of the motion or resolution as to which the vote has been taken.

Section 7.7

A “No” vote shall be recorded as a negative vote against the motion or resolution as to which the vote has been taken.

Section 7.8

A vote of Abstention shall be counted for purposes of establishing a quorum, but shall not be recorded as an affirmative or negative vote.

Section 7.9

A vote of “Pass” shall signify that the Member is not prepared to vote when called upon to do so and shall require the Borough Clerk to recall the Member for the purpose of voting once each other Member who has cast a “non-Pass” vote has voted. A member who upon being recalled again votes by way of a “Pass” shall be recorded as having been “Abstain”.

ARTICLE VIII

Committees & Representatives of the Council

Section 8.1

The Council hereby establishes the following Committees and areas of jurisdictional authority:

(a) Shared Services Committee: Explores opportunities for the Borough to enter into shared services agreements with other municipalities and/or governmentally controlled entities to share municipal services in a cost effective manner that is beneficial to the residents of the Borough;

(b) Governmental Operations Committee: Regulates Borough finances and personnel matters; reviews proposed ordinances; and monitors procedures and operations of administration, public works, utilities and Governing Body;

(c) Ordinance Review Committee: Reviews zoning ordinances, implements Master Plan and Main Street revitalization, administers business affairs, monitors construction-related departments and property maintenance;

(d) Public Health & Safety Committee: Monitors operations of Borough public health & safety departments, including police department, fire department, board of health and animal control

(e) Grant Writing Committee: Explore opportunities for the Borough to obtain grants from the County, State and Federal governments, or other public funding sources, and oversee the preparation of grant applications submitted by the Borough to the appropriate funding authorities.

Section 8.2

(a) The Council shall create such other Select Committees as it may from time to time find and determine to be necessary and beneficial to the efficient and effective conduct of the Official Business of the Borough and operation of the Council.

(b) The jurisdiction of a Select Committee shall be determined by the Council and, to the extent permitted, shall supersede the jurisdiction of a Standing Committee with respect to any issue as to which said Select Committee is given jurisdiction.

Section 8.3

In the event that more than one Committee seeks to exercise jurisdiction over a matter or where there is uncertainty as to which Committee shall exercise jurisdiction over a matter, then any

such dispute or uncertainty shall be resolved by a majority vote of the full membership of the Council or, in the absence thereof, by the Presiding Officer.

Section 8.4

Each Committee shall have at least two members but no more than three members, one of whom shall be appointed as Committee Chairperson. The Mayor may appoint, subject to the advice and consent of the Council, such Committee members who are not members of the Council as is determined to be appropriate and in the interest of the citizens of the Borough.

Section 8.5

(a) Each Committee shall meet at least monthly unless its Chairperson determines that there is no Official Business of the Borough or of the Council warranting such a meeting.

(b) Each Select Committee shall meet at such time as it's Chairperson or the Presiding Officer shall determine is necessary to consider Official Business of the Borough falling within the scope of its jurisdiction.

Section 8.6

All Committees shall maintain a written record of the subject matter discussed and recommendations made during each Committee meeting, which record shall be prepared and presented by the Committee Chairperson at the next Work Session Meeting of the Council next succeeding the Committee meeting to which the report pertains.

Section 8.7

The Mayor shall have the authority to nominate members of the Council for appointment to Committee or Select Committee positions, which nominations shall be subject to the advice and consent of the Council by a recorded, roll call, majority vote. In the event that a Mayoral nominee for a particular position does not receive a majority vote, then any member of the Council may move another nominee for the same position and, upon obtaining a second for any such motion, request a recorded, roll call vote of the full membership of the Council.

Section 8.8

The Mayor shall appoint, subject to the advice and consent of the Council, members and/or designees of the Council to serve as non-voting Liaisons to such municipal boards, commissions and/or committees and to such civic, business, governmental or other entities as may be determined to be in the best interests of the Borough and/or the Council.

Section 8.9

A Council Liaison shall be responsible for communicating, and establishing a good-working relationship, with those entities as to which such liaison may serve and shall regularly report any and all activities of such entities to the Mayor and Council.

Section 8.10

The Mayor shall appoint, subject to the advice and consent of the Council, members of the Council to serve as Keypersons with respect to such matters of importance to the Borough or to the Council as may be determined to be necessary to effectuate the work of the Borough and/or the Council.

Section 8.11

A Council Keyperson shall be responsible for monitoring all matters to which he shall have been assigned and for regularly reporting upon the same to the Mayor and Council.

Section 8.12

The Mayor shall have the authority to make nominations with respect to other positions the appointment of which is not otherwise provided for by State Statute or Borough Ordinance, subject to the provisions of Section 8.7.

ARTICLE IX

Appropriations by the Council

Section 9.1

Bills, invoices or other claims for payment by the Borough shall be considered for such payment by the Council in accordance with Borough Code and State Law.

Section 9.2

Each resolution directing the payment of any bill, invoice or other claim for payment shall be deemed to require that the Borough Treasurer must certify the availability of funding before any such bill, invoice or other claim for payment can be satisfied.

ARTICLE X

Official Seal of the Borough

Section 10.1

The Official Seal of the Borough shall be circular in form and shall contain the following information:

THE BOROUGH OF BLOOMINGDALE

1918

PASSAIC COUNTY, NEW JERSEY

Section 10.2

The Borough Clerk shall maintain custody of the Official Seal of the Borough, which shall be affixed by the Borough Clerk to all documents upon which the Official Seal is legally required to be affixed as well as upon any other such documents as the Council may from time to time so direct be affixed with the Official Seal.

ARTICLE XI

Amendment of the By-Laws

Section 11.1

The By-Laws set forth herein shall not be amended or otherwise altered except as permitted herein.

Section 11.2

The By-Laws set forth herein shall not be amended or otherwise altered except upon a two-thirds (2/3) vote of the full membership of the Council.

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

Pending list Items

FEMA – Councilman Schiffman asked when we are getting the FEMA money back; Borough Administrator stated that the Chief financial officer is on top of it and will let us know.

INTRODUCTION OF NEW BUSINESS

Webmaster Contract

Councilwoman Shortman will reach out the Webmaster and discuss her proposal with her.

Defeated School Board Budget

Councilwoman moved that the Borough Auditor be authorized to review the Defeated School board Budget at a cost of \$3,000; seconded by Councilwoman Pituch and carried as per the following roll call: Council Members: Pituch; Schiffman; Shortman, Vroom and Huntley all Yes. ABESENT: Conklin

Authorization for Special Meeting

Councilman Schiffman moved that a Special Meeting be held at a mutually agreed date of either May 17 or 18 with the Board of Education at 7 p.m.; seconded by Councilwoman Shortman and carried on voice vote. ABSENT: Councilman Conklin

Adoption of resolution #2011-5.5: Request to install fence at 72 Knolls Road

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

**RESOLUTION #2011-5.5
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

WHEREAS, Neil and Margaret Holster residing at 74 Knolls Road otherwise known as block 92G lot 26 within the Borough of Bloomingdale wishes to construct the fence and/or repair of fence that encroaches upon a municipal right-of-way located at 74 Knolls Road.

WHEREAS, the governing body wishes to permit said encroachment without any obligations or liabilities being imposed upon the Borough of Bloomingdale; and

WHEREAS the governing body wishes to memorialize an agreement with setting forth the terms and conditions of the same.

BE IT HEREBY RESOLVED, that the Administration for the Borough of Bloomingdale is hereby permitted to execute an agreement with Neil and Margaret Holster relative to the aforementioned encroachment a copy of which is attached hereto as Exhibit A.

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

Adoption of Resolution #2011-5.6: Authorizing Sick Leave for Mark Johnson

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

**RESOLUTION #2011-5.6
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Granting Paid Sick Leave to Bloomingdale Police Officer Mark Johnson

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that Mark Johnson (“Employee”) is an officer and employee of the Borough’s Police Department; and

WHEREAS, the Governing Body further finds and declares that the Employee will be out of work on paid sick leave as of May 11, 2011; and

WHEREAS, the Governing Body further finds and declares that the Employee has sick leave days accrued that could be used for salary compensation during the duration of his paid sick leave;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby grant paid sick leave to Borough Employee Mark Johnson during the period of May 11, 2011 until no later than October 11, 2011; and

BE IT FURTHER RESOLVED that the Municipal Clerk be and is hereby directed to formally notify the Police and Fire Retirement System of said status and to cause the same to be included in the records maintained for said employee.

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

Adoption of Resolution #2011-5.7: Authorizing the Temporary Hiring of Greg Ryan as an Authorized Electrical Inspector

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

**RESOLUTION #2011-5.7
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing the Temporary Hiring of Greg Ryan as an Authorized Electrical Inspector for the Borough of Bloomingdale

WHEREAS, the Governing Body has determined that it is in the public interest to ensure that a licensed electrical inspector is available to assist the Borough and its residents on a regular basis; and

WHEREAS, the Governing Body has been informed that the previously appointed electrical inspector will be unavailable to provide services for up to thirty days; and

WHEREAS, the Construction Office and the Borough Administrator have recommended that Greg Ryan be appointed electrical inspector on a temporary basis for a period not to exceed thirty days, which time period may have commenced prior to passage of the within Resolution:

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED, that the Governing Body of the Borough of Bloomingdale does hereby approve and authorize the utilization of Greg Ryan as temporary electrical inspector for the Borough of Bloomingdale for a period of time not to exceed thirty days and upon the same terms of compensation payable to the Borough's permanent electrical inspector.

BE IT FURTHER ORDAINED AND RESOLVED, that the Governing Body of the Borough of Bloomingdale does hereby ratify and approve any customary activities that may have been conducted by temporary electrical inspector Greg Ryan prior to his appointment to that position and occurring within the last thirty days.

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

Adoption of Resolution #2011-5.8: Temporary budget Emergency Resolution

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

RESOLUTION #2011-5.8
BOROUGH OF BLOOMINGDALE
EMERGENCY RESOLUTION
N.J.S.A.40A:4-20 (TEMPORARY APPROPRIATIONS)

WHEREAS, pursuant to N.J.S.A. 40a:4-19 the Borough council of the Borough of Bloomingdale adopted Resolutions to provide temporary funds for the period from January 1, 2011 until the adoption of the Operating Budget for the Borough of Bloomingdale, New Jersey; and

WHEREAS, additional appropriations will be required from May 10, 2011 until the adoption of the budget; and

WHEREAS, N.J.S.A. 40A:4-20 provides that the governing body by two-thirds vote may make temporary emergency appropriations for any purpose for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF BLOOMINGDALE, NEW JERSEY, that:

1. The governing body by a two-thirds vote of its full membership hereby amends its temporary budget by making the following emergency temporary appropriations:

CURRENT FUND

General Administration	Salary & Wages		\$15,000.00
General Administration	Other Expenses		\$5,000.00
Mayor & Council	Other Expenses		\$200.00
Municipal Clerk	Salary & Wages		\$20,000.00
Finance	Other Expenses		\$1,000.00
Tax Collection	Salary & Wages		\$10,000.00
Tax Collection	Other Expenses		\$1,500.00
Tax Assessment	Salary & Wages		\$4,000.00
Tax Assessment	Other Expenses		\$1,000.00
Legal Services	Other Expenses		\$13,000.00
Engineering	Other Expenses		\$6,000.00
Planning Board	Salary & Wages		\$2,000.00
Planning Board	Other Expenses		\$3,000.00
Uniform Construction Code	Salary & Wages		\$10,000.00
Group Insurance	Other Expenses		\$70,000.00
Police	Salary & Wages		\$210,000.00
Police Dispatchers	Salary & Wages		\$6,000.00
Fire Dept	Other Expenses		\$5,000.00
Fire Prevention	Other Expenses		\$1,000.00
Roads	Salary & Wages		\$100,000.00
Roads	Other Expenses		\$15,000.00
Sanitation	Salary & Wages		\$15,000.00
Sanitation	Other Expenses		\$10,000.00
Animal Control	Salary & Wages		\$20,000.00

Animal Control	Other Expenses		\$10,000.00
Recreation	Salary & Wages		\$2,000.00
Recreation	Other Expenses		\$5,000.00
Celebration of Public Events	Other Expenses		\$2,000.00
Senior Citizens	Salary & Wages		\$2,000.00
Senior Citizens	Other Expenses		\$2,000.00
Gasoline	Other Expenses		\$10,000.00
Telephone	Other Expenses		\$3,000.00
Social Security	Other Expenses		\$50,000.00
Municipal Court	Salary & Wages		\$10,000.00
Municipal Court	Other Expenses		\$1,000.00
Interlocal Construction	Salary & Wages		\$32,093.00
Webmaster	Other Expenses		\$1,200.00
Clean Communities Grant	Other Expenses		\$11,466.00
Interlocal Pequannock Health	Other Expenses		\$13,000.00
TOTAL			\$688,469.00

WATER AND SEWER UTILITY FUND

Municipal Utility Services	Salary & Wages		\$25,000.00
Municipal Utility Services	Other Expenses		\$500,000.00
Total			\$525,000.00

2. This action shall take effect May 10, 2011.

3. A copy of this resolution shall be immediately filed with the Director of Local Government Services by the Borough Clerk of the Borough of Bloomingdale.

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

Discussion in regard to pickup of DPW materials

Borough Administrator stated that this is being handled administratively.

Discussion followed as to white appliances being put out and not logged in; Councilwoman Shortman felt that possibly the DPW can put a notice on them when they see they on the curb and note that they have not been called in for a pickup.

Authorization to waive fee for circus/Tri Borough Little League

Councilman Schiffman moved to waive the \$100 application fee for Tri Boro Little League for a circus permit; seconded by Councilman Vroom and carried on voice vote. ABSENT: Conklin

Adoption of Resolution #2011-5.9: Permanent Status for William Morris

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

**RESOLUTION #2011-5.9
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Official Employment Status for DPW Laborer William R. Morris III

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) has been advised by Borough Water/Sewer Department Superintendent Rocco DiGregorio and Superintendent Albert Gallagher Department of Public Works that William R. Morris III has completed a one year probationary period which started on January 4, 2010 and was completed on January 4, 2011. William Morris has obtained the required Commercial Driver License; and

WHEREAS, the Governing Body finds and declares that the Superintendents have determined that William Morris a Laborer for the Department of Public Works is a “valuable asset” to the Borough and has recommended his full-time, official employment status, and that Administrator Ted Ehrenburg has submitted this recommendation to the Borough Council for its confirmation;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize full-time, official employment status for Laborer William R. Morris III on May 10, 2011

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

Adoption of Resolution #2011-5.10: Emergency Break at 16 Main Street

Councilman Vroom offered the following motion and moved for it adoption:

**RESOLUTION #2011-5.10
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

**Declaring an Emergency
For Purposes of Awarding Contract for Main 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 16 Main 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 Phil Barrett Inc., 16 Main Street, Bloomingdale, NJ 07403 which submitted the following cost estimate;

- Phil Barrett, Inc. \$5,970.00

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 Main Street Water Service repairs as soon as possible and does hereby award said project to Phil Barrett, Inc.

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

Adoption of Resolution #2011-5.11: Emergency Leak at 27 Poplar Street

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

Discussion in regard to town Fireworks

Councilwoman Huntley will contact another company to get a quote.

Award of Fertilizing Program

Noted that we are waiting on one more bid; action will be at the next meeting.

Award of Bid for Walter T. Bergen and Martha B. Day Fields Grass cutting

Councilwoman Huntley moved to award the bid to Zignorski Landscaping; seconded by Councilwoman Shortman and carried as per the following roll call: Council Members; Vroom, no; huntley, YES: Pituch, Yes; Schiffman, Yes and Shortman, YES. ABSENT: Conklin

Adoption of Resolution #2011-5.12: Hiring of Part-Time Animal Canvassers

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

**RESOLUTION #2011-5.12
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authoring Animal Canvassers

WHEREAS, there exists a need to perform an Animal Canvass for the Borough of Bloomingdale and the Borough of Ringwood; and

WHEREAS, there is a need to hire animal canvassers to perform this duty; and

WHEREAS, this position was advertised and interviews were held for prospective candidates; and

WHEREAS, based on these interviews, it was determined that the following were successful candidates:

- Nicole Hammond, West Milford, NJ
- Danielle Strubie, Wanaque, NJ
- Frank Riker, North Stockholm, NJ
- Tyler Descafano, Bloomingdale, NJ
- Jennifer Parrello, Hewitt, NJ

NOW BE IT RESOLVED that the candidates listed above be hired as an Animal Canvassers at a salary of \$10.00 per hour, to begin on or about May 15, 2011.

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

Proclamation in Honor of National Military Appreciation Month

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

Proclamation

WHEREAS, *The freedom and security that citizens of the United States enjoy today are direct results of the bloodshed and continued vigilance given by the United States Armed Forces over the history of our great nation; and*

WHEREAS, *the sacrifices that such members of the United States Armed Forces and of the family members that support them, have preserved the liberties that have enriched this nation making it unique in the world community; and*

WHEREAS, *the United States Congress, in two thousand and four, passed a resolution proclaiming May as National Military Appreciation Month, calling all Americans to remember those who gave their lives in defense of freedom and to honor the men and women of all of our Armed Services who have served and are now serving our Country, together with their families; and*

WHEREAS, *the months of May and June were selected for this display of patriotism because during these months, we celebrate Victory in Europe (VE) Day, Military Spouse Day, Loyalty Day, Armed Forces Day/Week, National Day of Prayer, Memorial Day, Navy Day, Army Day and Flag Day;*

NOW, THEREFORE, *I, Jonathan Dunleavy, Mayor of the Borough of Bloomingdale do hereby proclaim the period May 1, through June 14, 2011 as a special time to show appreciation for our Military and proclaim it as*

NATIONAL MILITARY APPRECIATION MONTH

in the State of New Jersey and encourage all citizens to join me in showing our gratitude by the appropriate display of flags and ribbons during the designated period.

Councilman Vroom seconded the ^{motion}, and it carried on voice vote. ABSENT: Conklin

ORDINANCES

Ordinance #4-2011: Traffic ordinance

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE FOR PLACEMENT AND REMOVE OF TRAFFIC SIGNS AT VARIOUS LOCATIONS IN THE BOROUGH was given second and final reading and consideration for adoption at this time.

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

The Municipal Clerk read the ordinance by title:

ORDINANCE 4-2011

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE FOR PLACEMENT AND REMOVE OF TRAFFIC SIGNS AT VARIOUS LOCATIONS IN THE BOROUGH

WHEREAS, the Governing Body of the Borough of Bloomingdale finds and declares that it in the interest of the public health, safety and welfare of the residents to amend the Borough Ordinances with the following traffic regulations:

WHEREAS, the Governing Body of the Borough of Bloomingdale finds and declares that it in the interest of the public health, safety and welfare of the residents to place signs enforcing the Borough's weight limit for the parking of trucks on the Borough's streets;

WHEREAS, the Governing Body of the Borough of Bloomingdale finds and declares that it in the interest of the public health, safety and welfare of the residents to remove the "left turn prohibited" signs located at Van Dam Avenue at Main Street and Wallace Avenue and Main Street;

WHEREAS, the Governing Body of the Borough of Bloomingdale finds and declares that it in the interest of the public health, safety and welfare of the residents to add a "stop" sign at the intersection of Waterfall Court and Hamburg Turnpike with the "stop" sign being placed on Waterfall Court;

WHEREAS, the Governing Body of the Borough of Bloomingdale finds and declares that it in the interest of the public health, safety and welfare of the residents to add a "stop" sign at Anne Street and Lakeside Avenue with the "stop" sign being placed on Lakeside Avenue;

WHEREAS, the Governing Body of the Borough of Bloomingdale finds and declares that it in the interest of the public health, safety and welfare of the residents to add yield signs to both intersections of Pleasant View Avenue and Grove Street;

WHEREAS, the Governing Body of the Borough of Bloomingdale finds and declares that it in the interest of the public health, safety and welfare of the residents to remove the handicapped parking sport currently located at 129 Clark Street;

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

I. Code Section 7-11 is hereby amended as follows:

7-11 PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS.

No person shall park a vehicle at any time upon any streets or parts thereof described.

<i>Name of Street</i>	<i>Side</i>	<i>Location</i>
Bailey Avenue	East	Easterly side of Bailey Avenue for the first 100 feet from the intersection of Hamburg Turnpike
Bogue Drive	North	From the intersection of Glenwild Avenue on the northern side of Bogue Drive, continuing in an easterly direction for a distance of 378 feet
Captoline Avenue	North	From Grove Street to Glenwild Avenue
Crane Avenue	North	From the point of its intersection with Glenwild Avenue to a point fifty (50) feet west of Glenwild Avenue
Grove Street	West	From Captoline Avenue to PleasantView Avenue
Hamburg Turnpike	East	within 25 feet in either direction of the driveway entrance to the property commonly known as 237 Paterson Turnpike otherwise known as Block 19, Lot 2
Hillside Drive		<p>a. North From the intersection with Glenwild Avenue proceeding east on Hillside Drive North for a distance of 275 feet to the east side of number 12 Hillside Drive</p> <p>b. Both From the east side of number 12 Hillside Drive, proceeding east on Hillside Drive North for a distance of 310 feet to the east side of number 24 Hillside Drive</p> <p>c. Both From the east side of number 62 Hillside Drive, proceeding east on Hillside Drive North for a distance of 751 feet to the south side of 93 Hillside Drive</p> <p>d. West From the south side of number 93 Hillside Drive, proceeding south on Hillside Drive</p>

		<p>East for a distance of 390 feet to the north side of Reeve Avenue intersection</p> <p>e. West/North From a point 100 feet south of the south side of number 124 Hillside Drive, proceeding south on Hillside Drive East and west on Hillside Drive South for a distance of 262 feet to a point 70 feet east of the east side of number 134 Hillside Drive</p>
Hillside Drive East	Both	<p>Proceeding north from the Reeve Avenue extension and continuing on Hillside Drive North to Glenwild Avenue (Specifically omitted from this section are Hillside Drive East south of the Reeve Avenue extension continuing on Hillside Drive South to its end, all of Hillcrest Avenue and all of Cook Court)</p>
Leary Avenue	East	<p>Between Main street and a point four hundred (400) feet northerly thereof</p>
Main Street	South	<p>From the westerly corner of the driveway of 53 Main Street, continuing in a westerly direction for a distance of 12 feet</p>
Paterson-Hamburg Turnpike		<p>a. South From the projection of the westerly curblineline of Union Avenue two hundred (200) feet west along Paterson-Hamburg Turnpike and from the projection of the easterly Union Avenue curblineline east along Paterson-Hamburg Turnpike for a distance of one hundred (100) feet</p> <p>b. North For a distance of two hundred (200) feet east of the easterly curblineline of Union Avenue and two hundred (200) feet west of the westerly curblineline of Union Avenue</p>
PleasantView Avenue		<p>a. South From Grove Street to Valley View Avenue</p> <p>b. North From Valley View Avenue to Reeve Avenue</p> <p>c. South From Valley View Avenue to Reeve Avenue</p>
Reeve Avenue		<p>West From Main Street to Oak Street</p>
Reeve Avenue Extension	Both	<p>Between Andrew Place and Hillside Drive</p>
Ryerson Avenue	Both	<p>Within a distance of fifty (50) feet from its intersection with Main Street</p>
Second Street	South	<p>Sixty (60) feet from Hamburg Turnpike</p>

Intersection

Andrew Place and Reeve Avenue

Ann Street and Elm Street

Ann Street at Lakeside Avenue

Ballston Avenue and Wallace Avenue

Bogue Drive and Sandra Lane

Captolene Avenue and Grove Street

Captolene Avenue and Pearl Street

Captolene Avenue and Valley View Street

Charles Street and Roy Avenue

Chestnut Street and Maple Avenue

Clark Street and Sunrise Avenue

Clark Street and Walter Drive

Cook Court and Hillcrest Drive

Intersection

Elizabeth Street and Catherine Street

Elizabeth Street and William Street

Elm Street and Charles Street

Fichter and Crane Avenue-Sally Street

Glen Road and Andrew Place

Glenwild Avenue and Anna Rose Court

Glenwild Avenue and Babcock Lane

Glenwild Avenue and Clue House Road

Glenwild Avenue and Demarest Road

Glenwild Avenue and East Shore Road

Glenwild Avenue and Glade Road

Glenwild Avenue and Pine Tree Road

Glenwild Avenue and West Shore Drive

STOP Sign on:

Andrews Place

Ann Street

Ann Street (both directions)

Wallace Avenue

Sandra Lane

Grove Street

Captolene Avenue

Captolene Avenue

Roy Avenue

Maple Avenue

Sunrise Avenue

Walter Drive

Cook Court

STOP Sign on:

Catherine Street

Elizabeth Street Southbound

Elm Street

Crane Avenue-Sally Street

Glen Road

Anna Rose Court

Babcock Lane

Club House Road

Demarest Road

East Shore Road

Glade Road

Pine Tree Road

West Shore Drive

Hamburg Turnpike and First Street	First Street
Hamburg Turnpike and Second Street	Second Street
Hamburg Turnpike and Third Street	Third Street
Hamilton Street and Wallace Avenue	Wallace Avenue
Hennion Place and Ryerson Avenue	Hennion Place
Highland Avenue and Cedar Street	Highland Avenue
Hillcrest Drive and hillside Drive South	Hillcrest Drive
Hillcrest Drive (East) and Reeve Avenue	Hillcrest Drive (East)
Hillside Drive (North) and Bogue Drive	Bogue Drive
<i>Intersection</i>	<i>STOP Sign on:</i>
Hillside Drive (North) and Hillcrest Drive	Hillcrest Drive
James Avenue and Roy Avenue	James Avenue
Lakeside Avenue and Charles Street	Charles Street
Lakeside Avenue and Oakwood Terrace	Oakwood Terrace
Lakeside Avenue and Woodward Avenue	Lakeside Avenue
Leary Avenue and Oak Street	Leary Avenue
Linden Lane and Sandra Lane	Linden Lane
Main Street and Brandt Lane	Brandt Lane
Matthews Drive and Pleasant View Avenue	Matthews Drive
Matthews Terrace and Jeffrey Drive	Matthews Terrace
Memorial Court and Lakeside Avenue	Memorial Court
Oakwood Terrace and Fichter Street	Fichter Street
Orchard Street and Wallace Avenue	Wallace Avenue
Park Avenue and Chestnut Street	Park Avenue
Pearl Street and Captolene Avenue	Captolene Avenue
Pearl Street and Pleasant View Avenue	Pearl Street
Polar Street and Maple Avenue	Maple Avenue
Roy Avenue and Charles Street	Charles Street

Ryerson Avenue and Oak Street	Ryerson Avenue
Star Lake Road and Clark Street	Clark Street
Star Lake Road and Old Ridge Road	Old Ridge Road
Star Lake Road and Webber Street	Webber Street
<i>Intersection</i>	<i>STOP Sign on:</i>
Tice Street and Maple Avenue	Maple Avenue
Union Avenue and Oak Street	Oak Street
Valley View Avenue and Pleasant View Avenue	Valley View Avenue
Vreeland Avenue and Mary Street	Mary Street
Walnut Drive and Maple Avenue	Maple Avenue
Walter Drive and Roy Avenue-Winifred Court	Roy Avenue-Winifred Court
Warren Street and Mary Street	Warren Street
Waterfall Court at Hamburg Turnpike	Waterfall Court
White Haven Place and Park Avenue	White Haven Place
William Street and Ella Street	Ella Street
Woodward Avenue and Fichter Street	Fichter Street (both directions)

V. Code Section 7-31 is hereby amended as follows:

7-31 YIELD INTERSECTIONS

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

<i>Intersection</i>	<i>Yield Sign on:</i>
Bogue Drive and Linden Lane	Linden Lane
Lakeside Avenue and Ann Street	Ann Street
Pleasant View Avenue at Grove Street	Pleasant View Avenue (both directions)
Red Wig Trial and Clark Street	Clark Street

VI. Code Section 7-49.1 is hereby amended as follows:

7-49.1 Handicapped Parking On-Street.

In accordance with the provisions of N.J.S.A. 39:4-197 et seq., the following on street locations are designated as handicapped parking spaces. Such spaces are for use by persons who have been issued special vehicle identification cards or plates or placards by the New Jersey Division of Motor Vehicles, or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these spaces.

<i>Street</i>	<i>Number of Spaces</i>	
[129 Clark Street]	[1]	[This space is reserved for use of person residing therein.]

ABOVE PORTIONS IN BRACKETS HAVE BEEN REMOVED

- VII. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
- VIII. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
- IX. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Councilman Vroom moved that the meeting be open to a Public Hearing on this ordinance; seconded y Councilman Schiffman and carried on voice vote. ABSENT: Conklin

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

Councilman Vroom moved for the adoption of this ordinance; seconded by Councilman Schiffman and carried on voice vote: Council Members: Pituch; Schiffman; Shortman; Vroom and Huntley all Yes. ABSENT: Conklin

Adoption of Resolution #2011-5.13A : Public Agency Compliance Officer

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

**RESOLUTION #2011-5.13A
DESIGNATION OF PUBLIC AGENCY
COMPLIANCE OFFICER**

WHEREAS, in accordance with N.J.A.C. 17:27-3.2 each public agency shall designate an individual to serve as it Public Agency Compliance Officer (PACO), which serves as the liaison between the Department of the Treasury, Division of Public Contracts Equal Employment Opportunity and the Borough, and

WHEREAS, the PACO serves as the Public Agency's point of contact for all matters concerning implementation and administration of the above referenced statute;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Bloomingdale, County of Passaic, State of New Jersey, hereby appoints Ted Ehrenburg, Borough Administrator as the Borough's PACO for the calendar year 2011; and

BE IT FURTHER RESOLVED, that in accordance with NJAC 17:27 the Borough Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the State of New Jersey Department of the Treasury Division of Contract Compliance and EEO in Public Contracts.

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

Municipal land Use Law

Mayor noted notice from League of Municipalities as to the Municipal Land Use may be modified every ten laws rather and six years.

LATE PUBLIC COMMENT

Councilman Vroom moved that the meeting b open to late Public Comment; seconded by Councilwoman Huntley and carried o voice vote. ABSENT: Conklin

Ray Yazdi, 36 Bailey Avenue, spoke in regard to his dissatisfaction of the amendment to the by-laws limiting Public Comment and noted that the Council is limiting his freedom of speech.

John D'Amato, 35 Bailey Avenue, spoke in regard to the fact that tonight is the first time the budget has been discussed and noted that 9% is spent before we even introduce it. He asked how many times the Committee met with each Department.

Mr. D'Amato also noted that in regard to the contracts, they could be worded to become legal if the council desired.

Judy Miller, Reeve Avenue, spoke in regard to the hostility at the meetings and felt that the Council should work together.

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

Authorization for Executive Session

Councilman Schiffman offered the following Resolution and moved for it s adoption:

**RESOLUTION #2011-5.13
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing the Convening of an Executive Session

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

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

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

1. The public shall be excluded from discussion of, and action upon, the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
3. The general nature of the subject matter to be discussed is as follows:
 - A. Pending Litigation – 7 matters
 - B. 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.

Councilman Vroom seconded the motion, and it carried on voice vote. ABSENT: Conklin

(At this time the Mayor and Council went into Executive Session-

Resolution #2011-5.13B: Authorization for termination of Victor Gamble

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

**RESOLUTION #2011-5.13B
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Termination of Victor Gamble

WHEREAS, as a matter of law, the governing body of the Borough Bloomingdale is the disciplinary authority for employees and whereas on charges for the removal and/or the non-appointment of a permanent position have been brought before the governing body with respect to employee Victor Gamble; and

WHEREAS, the governing body finding good cause predicated upon neglect of duty and insubordination not to award Victor Gamble permanent status thus severing his employment with the Borough Bloomingdale.

BE IT HEREBY RESOLVED, that Victor Gamble's employment with the Borough Bloomingdale be hereby terminated by operation of his not being awarded permanent employment status.

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

(At this time, the Mayor and Council resumed Executive Session)

RECONVENED

Mayor Dunleavy reconvened the meeting at 11:59 p.m. and noted that no action was taken during the Executive session

ADJOURNMENT

Since there was no further business to be conducted, Councilman Schiffman moved that the meeting be adjourned at 11:59 p.m.; seconded by Councilwoman Pituch and carried on voice vote.

Jane McCarthy, RMC
Municipal Clerk