

May 24, 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 7:03 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 (Entered at 7:28 p.m.) Glenn Schiffman Linda Shortman Mark Conklin
<i>Professionals Present:</i>	Municipal Clerk:	Jane McCarthy
	Borough Administrator:	Ted Ehrenburg
	Asst. Borough Attorney	Joseph 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.

PRESENTATIONS

At this time the Mayor and Council recognized “Kids Who Care” Program and Recreation Director Gail Galbraith who came up with the program and instituted it and the Senior Counselors.. The students help at public events, community project and assist at the Recreation Center.

The presentations were roundly applauded by all those in attendance.

At this time, the Mayor and Council presented a plaque of appreciation to Greg Tuck, Administrator for the Salvation Army for all their efforts in assisting our residents in various activities and most recently in assisting with housing during the flood.

The presentation was roundly applauded by all those in attendance.

EARLY PUBLIC COMMENT

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

At this time, Mayor Dunleavy asked in regard to the change in the by-laws if a person wants to speak as a private citizen and then a member of an organization, can they speak two times and it was noted that they would be allotted two five minute turns.

Jack Miller, Reeve Avenue, spoke in regard to fact that a flyer was sent out through Little

League asking for support of the lights at the Walter T. Bergen Field; felt this was inappropriate. Noted that he is not against recreation and spending money to improve the fields, but felt safety is first.

Lloyd Struble, 21 Chestnut Street, asked if he could extend his five minutes.

Councilwoman Huntley moved that he could have 10 minutes; seconded by Councilwoman Shortman and carried on voice vote.

Mr. Struble spoke in regard DeLazier Field and fact that lights are left on and stated that there is a problem with teenagers hanging out at the field and taking up valuable parking spaces. He presented pictures of the field and vandalism there.

(Councilwoman Pituch entered at this time, 7:28 p.m.)

Mayor stated that he will speak with Little League about turning the lights off and the DPW will check into the fence by the basketball court which Mr. Struble referred to.

Frank O'Reilly, 21 Pearl Street, spoke in support of the lights at Walter T. Bergen field and the need for more recreation facilities and also noted that there is now technology to shut off the lights remotely.

Ray Yazdi, 36 Bailey Avenue, spoke as President of Soccer Club and voiced his support of the lighting project.

Mr. Yazdi also asked Mr. MacMahon if the Department Head contracts were illegal; Mr. MacMahon stated that when he was the Borough Attorney and the contracts were voted on, he did not say they were illegal but did say there may be certain provisions which may be unenforceable. He stated he would not let the Mayor and Council take an illegal action.

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

PRESENTATION OF THE ROSE FUND RECOMMENDATIONS

At this time, Edward Simoni, Chairman of the ROSE Fund, spoke in regard to the fact that the ROSE Fund Committee held their two meetings and presented 14 bullet items which they have recommended.

The distribution of funds is as follows:

40% Recreation

40% Maintenance
20% Open Space

They also approved \$2,000 from the ROSE Fund for the Master Gardeners to do plantings behind the Senior Center and recommended the Walter T. Bergen Field lighting project

Mr. Simoni noted that they would like to see something put together for flood mitigation and it was noted that the Council has discussed this and the Committee also support Councilwoman Shortman idea as to a picnic area behind the Senior Center.

Mayor asked that Mr. Simoni present the recommendations in writing and that he notify the Committee that this will be on the June 14 meeting for approval.

REPORTS FROM THE MAYOR AND COUNCIL

Friends of Library – Councilwoman Shortman reported on the very successful book sale by the Friends of the Library and thanked the Seniors and the DPW for their assistance.

She also noted that they are selling Pizza Cards for AJ's pizza to assist the Library.

PROFESSIONAL REPORTS

Borough Attorney

Tax Appeals - Borough Attorney stated that he will report on pending tax appeals in Executive Session.

Farlas v. Bloomingdale – Borough Attorney report on the decision of the Judge in Farlas v. Bloomingdale whereby he agreed with the Borough and made a judgment against Mr. Farlas in the amount of \$40,000.

Mr. MacMahon commented Construction Official Dan Hagberg for pursuing this and for his hard work on this matter; Mayor also commended Mr. MacMahon for his handling of this case.

DEPARTMENT REPORTS

Municipal Clerk

Memorial Day – Municipal Clerk noted that the parade is Monday, May 30 and will start at 9 a.m. in Butler and proceed to Bloomingdale.

Finance Department

Councilwoman Shortman thanked the Finance Department for their report which was very helpful.

APPROVAL OF CONSENT AGENDA

Councilman Schiffman moved that the following Consent Agenda be approved:

- A. Approval of information Items List for Week Ending May 5; May 12; May 17; April 21 and 28, 2011
- B. Approval of Minutes: Executive Session February 8, 22, March 8, 15, 22, April 12 and 26 and May 10, 2011; Special Meeting March 15, 2011; Regular Meeting April 12 and 26, 2011 and Special Meeting May 17, 2011.

Councilman Vroom seconded the motion, and it carried as per the following roll call with Councilwoman Shortman ABSTAINING on the April 12 Regular and Executive Session minutes: Council Members: Conklin; Huntley; Pituch; Schiffman; Shortman and Vroom, all YES.

PENDING BUSINESS

Status of Walter T. Bergen Lighting Project

Mayor Dunleavy discussed the project and fact that this is a low interest loan and fact that if this is not approved, we will lose the funding; there is enough money to do the drainage and the lights. We will jeopardize our relationship with Green Acres if we do not accept this loan.

Councilman Vroom moved to approve the lighting project at the Walter T. Bergen field; seconded by Councilman Schiffman.

Discussion followed; Councilman Schiffman rescinded his second.

Discussion in regard to voting on this in two parts; the first being the drainage and the safety issues.

Councilwoman Huntley stated that she spoke with the Borough Engineer and he stated that this can be done.

Adoption of Resolution #2011-5.15: Authorizing the Use of Green Acres Project No. 1601-01-091 Funds for the Purposes of Addressing Drainage and Safety Issues at Walter T. Bergen and DeLazier Fields

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

**RESOLUTION #2011-5.15
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing the Use of Green Acres Project No. 1601-01-091 Funds for the Purposes of Addressing Drainage and Safety Issues at Walter T. Bergen and DeLazier Fields

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that it is in the best interests of the citizenry of the Borough to utilize Green Acres funding for the purposes of addressing identified drainage and safety issues at the Walter T. Bergen School fields and DeLazier Field; and

WHEREAS, by letter dated May 18, 2011 from the Administrator of the Green Acres Program, the Governing Body has been notified that funding for Project #1601-01-091 must be drawn down by June 30, 2011 or the funding will be cancelled on that date:

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize the Borough Administrator, Borough Engineer, and Borough Attorney, to take such steps as may be necessary to provide the Borough with the opportunity to undertake renovation/repair work at the Walter T. Bergen School fields and DeLazier Field utilizing funding awarded pursuant to Green Acres Project No. 1601-091.

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

Adoption of Resolution #2011-5.16..... Declining the Present Use of Green Acres Project No. 1601-01-091 Funds for the Purpose of Constructing Lighting at the Walter T. Bergen School Fields, Directing That the Issue of Whether the Borough Should Pay for Lighting at the Walter T. Bergen Fields be Submitted to the Residents by Referendum, and Inquiring as to Whether the Available Green Acres Funding can be Kept Available to the Borough Until After the Referendum Question is Submitted to the Residents

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

**RESOLUTION #2011-5.16
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Declining the Present Use of Green Acres Project No. 1601-01-091 Funds for the Purpose of

Constructing Lighting at the Walter T. Bergen School Fields, Directing That the Issue of Whether the Borough Should Pay for Lighting at the Walter T. Bergen Fields be Submitted to the Residents by Referendum, and Inquiring as to Whether the Available Green Acres Funding can be Kept Available to the Borough Until After the Referendum Question is Submitted to the Residents

WHEREAS, by letter dated May 18, 2011 from the Administrator of the Green Acres Program, the Governing Body has been notified that funding for Project #1601-01-091 (“Green Acres Funding”) must be drawn down by June 30, 2011 or the funding will be cancelled on that date; and

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) has determined that the question of whether the Borough should pay for lighting at the Walter T. Bergen fields should be submitted to the residents of the Borough by referendum; and

WHEREAS, notwithstanding the Administrator’s May 18, 2011 letter to the Borough, the Governing Body declines to draw down by June 30, 2011 the available funding for the Walter T. Bergen fields lighting and recognizes that the failure to utilize the Green Acres Funding by June 30, 2011 can result in the Green Acres Funding be canceled in accordance with the Administrator’s May 18, 2011 letter; and

WHEREAS, notwithstanding the Administrator’s May 18, 2011 letter to the Borough, the Governing Body nonetheless has expressed its intention to inquire of the Department of Environmental Protection Green Acres Program as to whether the Green Acres Funding can be kept available to the Borough until after the referendum is conducted in November 2011:

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize the Borough Clerk, Borough Administrator, Borough Engineer, Borough Attorney, and all other appropriate municipal officials to take all steps necessary to: (1) place the question of whether the Borough should pay for lighting at the Walter T. Bergen fields on the November 2011 ballot; (2) notify Green Acres that the Governing Body declines to draw down by June 30, 2011 the Green Acres Funding for the Walter T. Bergen fields lighting; and (3) inquire of the Department of Environmental Protection Green Acres Program as to whether the Green Acres Funding can be kept available to the Borough until after the referendum is conducted in November 2011.

Councilwoman Pituch seconded the motion.

Borough Attorney stated that the Mayor has received notification from Green Acres that if you do not award this project by June 30, 2010, you will lose the funding;

councilwoman Huntley stated she spoke with the Borough Engineer and he said it could be split; Passaic County funded another grant for another town.

Mayor stated that the earliest you could do a referendum would be November; noted that we have dedicated tax to use for this; Councilwoman Huntley state that this is a tax and has to be paid back.

Mayor Dunleavy stated last year Council Members Huntley and Schiffman voted to authorize money for the sample borings and for the ROSE Fund Recommendations. Councilman Schiffman stated that they were told it was a grant.

Councilwoman Huntley stated that this money in the ROSE fund is a tax and a loan that has to be paid back; bond for the next 20 years for the town.

Councilwoman Shortman spoke of possibly getting a low interest loan in the future and noted we have not seen revenue in 45 years.

Mayor Dunleavy stated this funding is coming out of a dedicated fund (ROSE Fund); if we don't use it for the lights, the tax still remains.

Councilwomen Pituch and Shortman stated that he was never stated as a loan; the minutes say grant; Mayor Dunleavy stated that it was always a loan; Mayor stated the audit says it is a loan and there has been possibly \$70,000 spent per date which you will have to pay for - \$20,000 would be in the budget.

Borough Attorney stated if you are not accepting the loan, there should be a resolution directly responding to the letter from the state which the Mayor received saying there are no further extensions.

Discussion as to contacting Green Acres and asking if we could transfer the money for drainage and put the lighting on referendum.

Borough Attorney stated that you must be aware that the funding for the lighting may be lost if you do nothing by June 30, 2011.

There was no consensus to bring this back on June 14 if Green Acres says no to the carrying the funding until after the referendum.

Discussion in regard to bonding this project.

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

RECESS

Mayor Dunleavy recess the meeting at this time, 8:55 p.m.

RECONVEND

Mayor Dunleavy reconvened the meeting at 9:15 p.m.

Borough Attorney noted that this question would be on the November 2011 ballot.

Discussion in regard to new Police Vehicle

Mayor Dunleavy stated that this is not in the budget and will be discussed in Executive Session.

At this time, Mayor Dunleavy discussed the fact we have \$165,000 in the legal line item in the budget which does not include litigation; this is \$125,000 more that we paid our prior Attorney.

Mayor stated that we cannot purchase a police vehicle, discuss furloughing employees but spend \$125,000 more in our legal line items.

Councilwoman Huntley stated we should not discuss this until Mr. Semeraro the Borough Attorney is present to address his fees.

Mayor stated we can revisit this during budget discussion later in the meeting.'

Update in regard to Energy Grant

Borough Administrator stated that the company who is performing the Audit is backlogged but will be here shortly to address the Borough's energy items which were outlined in the audit. This can be removed from the Pending Business.

Status of Email Archiving/Webmaster

This will be discussed in Executive Session.

Tax Liens/Update

Borough Attorney will be reporting on this. Mr. MacMahon stated that he will be discussing tax appeals in Executive Session. This will go on the Pending List.

Ethics Ordinance Amendment

Borough Attorney will report on this at the next meeting; this will stay on the Agenda.

Highlands Opt-In

This will stay on the pending list.

Five-day work week

This will be handling administratively and remain on Pending List.

Payment of bills on line

This will be discussed with the Webmaster and is a budget item; this will remain on Pending Agenda.

Revaluation/Shared Service with Wanaque

This will remain on the Pending List and removed from the Agenda.

Letter from Passaic County dated May 10, 2011 in regard to the Passaic County Master Plan

This is information.

Update on Traffic Ordinance

Traffic Officer is working on this and this will be on the June 14 agenda.

Discussion in regard to Police Manpower

Councilman Schiffman moved that this be referred to the Public Health & Safety Committee; seconded by Councilman Vroom and carried on voice vote.

Update on James Street.

This will be on the June 14 agenda.

Status on Fireworks

Councilwoman Huntley stated that this was removed from the budget this year as the Borough is having a circus.

Adoption of Resolution #2011-5.17: Award of Contract to Johns Lawn Service

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

RESOLVED, that a contract be awarded to Johns Lawn Service, Inc., 644 Green Pond Road, Rockaway, NJ 07866 as per his quotes dated April 10, 2011 as follows:

Walter T. Bergen School Field – 2011 Lawn Maintenance - \$375/week
Martha B. Day School Field - 2011 Lawn Maintenance - \$200/week

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

Adoption of Resolution #2011-5.18: Amendment to 2011 Bylaws

Councilwoman Huntley moved that the following By-Laws be amended as follows:

**RESOLUTION #2011-5.18
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 “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 President, the members of the majority party shall designate a member of the Council to serve as the Presiding Officer of any such meeting.

Section 4.6

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 4.7

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 4.8

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 4.9

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
- (e) 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.
- (e) Presentations to the Council (*Presentations*)

- (e) Presentation of Professional Reports (*Professional Reports*)
- (e) Presentation of Pending Business of the Council by Committee and/or Professional Report (*Pending Business*)
- (e) Presentation of New Business of the Council by Committee and/or Professional Report (*Introduction of New Business*)
- (e) 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, 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 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:

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

Approval of Henion Street

Mayor stated that we have received approval from the County to change the scope of the grant; this will stay on the Pending List. Borough Administrator will advise the Borough Engineer.

Status of Animal Shelter Bid Specifications

Mayor stated that we are awaiting this from the Borough Attorney and this will stay on the Pending Agenda.

INTRODUCTION OF NEW BUSINESS

Introduction of Ordinance #8-2011: CAP Ordinance

CALENDAR YEAR 2011 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A-4-45.14)
was introduced by title by Councilwoman Huntley who moved that second and final reading and public hearing be held on June 28, 2011 at 7:30 p.m.

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

Adoption of Resolution #2011-5.19: Reserve for Uncollected Taxes

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

**RESOLUTION #2011-5.19
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE
PASSAIC COUNTY, NEW JERSEY**

RESOLUTION RE: UTILIZING AN ALTERNATE METHOD OF CALCULATING THE

RESERVE FOR UNCOLLECTED TAXES

WHEREAS, N.J.S.A. 40A:4-41d permits the Director of the Division of Local Government Services to promulgate rules and regulations to permit a three year average to be utilized in calculating the reserve for uncollected taxes in lieu of the preceding year's tax collection rate, and

WHEREAS, the 2010 tax collection rate was lower than prior years due to the current economic recession, and

WHEREAS, the governing body of the municipality may elect to calculate the reserve for uncollected taxes by using the average of the percentages of taxes levied which were received in cash by the last day of the each of the three preceding fiscal years, and

WHEREAS, election of this choice shall be made by resolution, approved by a majority vote of the full membership of the governing body prior to the adoption of the municipal budget, and

WHEREAS, it is in the best interest of the taxpayers of the Borough of Bloomingdale that the Borough utilize this alternate method of calculating the reserve for uncollected taxes.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body that the Borough of Bloomingdale utilize a rate of 98.95% which is higher than the CY 2010 collection rate.

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.

Resolution for Cancellation of Capital Ordinances

Mayor Dunleavy stated that he would like to table this until June 14 and have the Chief Financial Officer speak with the Borough Auditor as there are problems with some of the items.

Adoption of Resolution #2011-5.20: Introduction of 2011 Municipal Budget

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

**RESOLUTION #2011-5.20
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE
COUNTY OF PASSAIC, NEW JERSEY**

Re: Introduction of 2011 Budget

BE IT RESOLVED, that the following statement of revenues and appropriations attached hereto constitute the local Budget of the Borough of Bloomingdale, Passaic County, New Jersey for the year 2011.

BE IT FURTHER RESOLVED, that the said budget be published in the Herald News in the issue of May 29, 2011, and that a hearing on the Budget will be held at the Borough Hall on June 28, 2011 at 7:30 PM or as soon thereafter as the matter may be reached.

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

Adoption of Resolution #2011-21: Payment of Bills

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

**RESOLUTION - #2011 -5.21
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	2,741,471.10	CURRENT
431,709.24		
UTILITY	7,092.30	UTILITY
21,918.97		
CAPITAL	8,971.08	UNEMPLOY.
UTILITY CAPITAL	46,354.30	177.05
524.40		RECYCLING

TRUST 00,000.00	18,994.67	CAPITAL
DOG 19,418.00	1,653.77	TRUST
RECREATION UNEMPLOYMENT 000.00	7,875.48 0,000.00	SPEC. ASSESS. 0,000.00 RECREATION
ROSE FUND 000,000.00	3,743.22	UTILITY CAP
RECYCLING 20,909.39	453.36	ROSE
TOTAL 494,657.05	2,836,609.28	TOTAL

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

Adoption of Resolutions #2011-5.22 through 2011-5.32

Councilwoman Huntley offered the following Resolutions and moved for their adoption:

**RESOLUTION #2011-5.22
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Redemption and Cancellation of Tax Title Lien Certificate #10-00028

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,
35 BALLSTON STREET, BLOOMINGDALE, for delinquent year 2010 water/sewer, and

WHEREAS, the Governing Body further finds and declares that the foregoing property is also known as Block 76, Lot 20, owned by TRICIA KANE; and

WHEREAS, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 10-00028, which was sold to JOHN R. LAFLAMME for a PREMIUM of \$200.00; and

WHEREAS, the Governing Body further finds and declares that Bank Of America Home Loans, mortgage holder, has requested redemption of TTL # 10-00028; and

WHEREAS, the Governing Body further finds and declares that BANK OF AMERICA HOME LOANS, has paid all monies due on TTL # 10-00028, 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 \$1,037.57 for the lien redemption and \$200.00 for return of the PREMIUM payable to John R. Laflamme, 9 Lisa Court, Oxford, NJ 07863, for the redemption and cancellation of Tax Title Lien Certificate # 10-00028.

1099 = \$ 20.28

**RESOLUTION #2011-5.23
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Redemption and Cancellation of Tax Title Lien Certificate #000478

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that, at the Borough Tax Sale held on January 21, 2008, a lien was sold on,
235 UNION AVENUE, BLOOMINGDALE, for delinquent year 2007 taxes, and

WHEREAS, the Governing Body further finds and declares that the foregoing property is also known as Block 92.G, Lot 72, owned by George & Denise Brewster; and

WHEREAS, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) #000478, which was sold to PLYMOUTH PARK TAX SERVICES, LLC for a PREMIUM of \$ 2,300.00; and

WHEREAS, the Governing Body further finds and declares that AMERICAN HOME MORTGAGE SERVICING, INC, mortgage holder, has requested redemption of TTL #000478, and

WHEREAS, the Governing Body further finds and declares that American Home Mortgage Servicing, Inc. has paid all monies due on TTL #000478, 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 \$ 66,026.55 for the lien redemption and \$2,300.00 for return of the PREMIUM payable to PLYMOUTH PARK TAX SERVICES, LLC, P.O. BOX 2288, MORRISTOWN, NJ for the redemption and cancellation of Tax Title Lien Certificate # 000478.

1099 = \$ 14,054.06

**RESOLUTION #2011- 5.24
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Redemption and Cancellation of Tax Title Lien Certificate #000486

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,
122 MAIN STREET, BLOOMINGDALE, for delinquent year 2008 taxes, and

WHEREAS, the Governing Body further finds and declares that the foregoing property is also known as Block 89, Lot 34, owned by George Mihalis & Gikas Fassilis; and

WHEREAS, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) #000486, which was sold to CRUSADER LIEN SERVICES for a PREMIUM of \$ 10,000.00; and

WHEREAS, the Governing Body further finds and declares that George Mihalis, property owner, has requested redemption of TTL #000486, and

WHEREAS, the Governing Body further finds and declares that George Mihalis has paid all monies due on TTL #000486, 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 \$30,740.05 for the lien redemption and \$10,000.00 for return of the PREMIUM payable to CRUSADER LIEN SERVICES, 115 West Avenue, Suite 300, Jenkintown, PA 19046 for the redemption and cancellation of Tax Title Lien Certificate # 000486.

1099 = \$ 4,660.63

**RESOLUTION #2011 – 5.25
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 property owner, paid the 2nd quarter 2011 taxes twice, therefore property owner is entitled to refund of overpayment in the amount of \$1,737.87

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

Owner: Donald Schonnot
Property: Block 85 Lot 30
Address: 29 Ryerson Avenue
Bloomingdale, NJ 07403

Refund Amount: \$1,737.87

**RESOLUTION #2011 – 5.26
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 Clarice Rose, previous owner of 65 Van Dam Avenue, known as Block 72, Lot 8.B on the tax maps, is entitled to refund for 2009 Homestead Rebate.

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

Clarice Rose
Address: 101 Boulevard – Apt K81
Pequannock, NJ 07440

Refund Amount: \$314.48

**RESOLUTION #2011 – 5.27
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 property owner, paid the 2nd quarter 2011 taxes twice, therefore property owner is entitled to refund of overpayment in the amount of \$3,780.66.

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

Owner: Herbert Califano
Property: Block 44 Lot 16
Address: 147 Pine Tree Road
Bloomingdale, NJ 07403

Refund Amount: \$3,780.66

**RESOLUTION #2011 -5.28
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Redemption and Cancellation of Tax Title Lien Certificate #10-00012

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, 30 HAMILTON STREET, BLOOMINGDALE, for delinquent year 2010 water/sewer, and

WHEREAS, the Governing Body further finds and declares that the foregoing property is also known as Block 78, Lot 11, owned by ANTHONY & CHERYL MALONE; and

WHEREAS, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 10-00012, which was sold to ACE PLUS, LLC for a PREMIUM of \$500.00; and

WHEREAS, the Governing Body further finds and declares that BANK OF AMERICA HOME LOANS, Mortgage holder, has requested redemption of TTL # 10-00012; and

WHEREAS, the Governing Body further finds and declares that Bank of America Home Loans, has paid all monies due on TTL # 10-00012, 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 \$970.84 for the lien redemption and \$500.00 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 # 10-00012.

1099 = \$ 18.15

**RESOLUTION #2011 -5.29
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Redemption and Cancellation of Tax Title Lien Certificate #10-00014

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,
156 VREELAND AVENUE, BLOOMINGDALE, for delinquent year 2010 water/sewer/electric,
and

WHEREAS, the Governing Body further finds and declares that the foregoing property is also known as Block 5, Lot 58.G, owned by Margaret Boeck; and

WHEREAS, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 10-00014, which was sold to US BANK CUST FOR PRO CAPITAL I, LLC at 18 percent; and

WHEREAS, the Governing Body further finds and declares that, Bank of America Home Loans, mortgage holder of property, has requested redemption of TTL # 10-00014, and

WHEREAS, the Governing Body further finds and declares that Bank of America Home Loans, has paid all monies due on TTL #10-00014, 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 \$ 1,104.14 for the lien redemption, payable to US BANK CUST FOR PRO CAPITAL I, LLC, 50 SOUTH 16TH STREET, SUITE 1950, PHILADELPHIA, PA 19102 for the redemption and cancellation of Tax Title Lien Certificate # 10-00014.

1099 = \$ 73.65

**RESOLUTION #2011 -5.30
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Redemption and Cancellation of Tax Title Lien Certificate #10-00015

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,
7 BAILEY AVENUE, BLOOMINGDALE, for delinquent year 2010 water/sewer, and

WHEREAS, the Governing Body further finds and declares that the foregoing property is also known as Block 25, Lot 38, owned by Ali & Valbona Osmani; and

WHEREAS, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 10-00015, which was sold to US BANK CUST FOR PRO CAPITAL I, LLC at a premium of \$100.00; and

WHEREAS, the Governing Body further finds and declares that, Bank of America Home Loans, mortgage holder of property, has requested redemption of TTL # 10-00015, and

WHEREAS, the Governing Body further finds and declares that Bank of America Home Loans, has paid all monies due on TTL #10-00015, 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 \$ 1,163.60 for the lien redemption, and \$100.00 for premium, payable to US BANK CUST FOR PRO CAPITAL I, LLC, 50 SOUTH 16TH STREET, SUITE 1950, PHILADELPHIA, PA 19102 for the redemption and cancellation of Tax Title Lien Certificate # 10-00015.

1099 = \$ 21.17

**RESOLUTION #2011 -5.31
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Redemption and Cancellation of Tax Title Lien Certificate #10-00003

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,
35 RYERSON AVENUE, BLOOMINGDALE, for delinquent year 2010 water/sewer/electric, and

WHEREAS, the Governing Body further finds and declares that the foregoing property is also known as Block 85, Lot 33, owned by CYNTHIA ZIRPOLO; and

WHEREAS, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 10-00003, which was sold to Stonefield Investment Fund I, LLC for a PREMIUM of \$ 600.00; and

WHEREAS, the Governing Body further finds and declares that PNC BANK MORTGAGE, Mortgage holder, has requested redemption of TTL # 10-00003, and

WHEREAS, the Governing Body further finds and declares that PNC Bank Mortgage, has paid all monies due on TTL # 10-00003, 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 \$ \$2,506.46 for the lien redemption and \$ 600.00 for return of the PREMIUM payable to Stonefield investment Fund I, LLC, 21 Robert Pitt Drive #202, Monsey, NY 10952 for the redemption and cancellation of Tax Title Lien Certificate # 10-00003.

1099 = \$ 62.74

**RESOLUTION #2011 –5.32
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 Hudson City Savings, previous homeowner’s mortgage company paid the 2nd quarter 2011 in full on Block 5, Lot 120, as did Signature Closing Services Title Agency at sale, the Title Agency has requested a refund of overpayment in the amount of \$2,342.85.

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

Signature Closing Services
Address: 520 Speedwell Avenue
Morris Plains, NJ 07950

Refund Amount: \$2,342.85

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

Adoption of Resolution #2011-5.33: Sewer Lateral Repair 12 Oakwood Terrace

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

RESOLUTION #2011-5.33
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE

Declaring An Emergency

For Purposes Of Awarding Contract for Oakwood Terrace Sewer Lateral Repairs

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares an emergency situation has developed at 12 Oakwood Terrace with a sewer lateral repair;

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 sewer lateral repair be remediated through the award to Phil Barrett Inc., 16 Main Street, Bloomingdale, NJ 07403 which submitted the following cost estimate;

- Phil Barrett, Inc. \$3,350.00

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 Oakwood terrace sewer lateral 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: Schiffman; Shortman; Vroom; Conklin; Huntley and Pituch all YES.

Request for waiver of Flea Market application fee

Councilman Vroom moved that the request to waive the Flea Market Fee for the Butler High School Girls Soccer Team be approved; seconded by Councilwoman Huntley and carried as per the following roll call: Council Members: Vroom; Conklin; Huntley; Pituch; Schiffman and Shortman all YES.

Adoption of Resolution #2011-5.34: Eagle Scout Recognition

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

RESOLUTION #2011-5.34
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, Cameron Ameye has participated in the Boy Scouts of America, a national organization founded in 1910 for the purpose of assisting young boys develop character, citizenship and physical and mental fitness through training in wood, field and handicraft activities and community service; and

WHEREAS, Cameron Ameye has graduated within the organization by achieving successive ranks and merit badges through his successful completion of activities intended to foster the purpose of the Boy Scouts of America, and has attained the high rank of Eagle Scout as a result; and

WHEREAS, the Governing Body of the Borough of Bloomingdale finds and declares that

Cameron Ameye has brought honor to his community, his family and himself through his attainment of the high rank of Eagle Scout and has distinguished himself as an example to others of what it means to be a Scout;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby recognize and congratulate Cameron Ameye on his attainment of the high rank of Eagle Scout; does commend to him continued participation in civic and scouting activities as a means of fulfilling his status as an Eagle Scout; and does extend to him best wishes in all of his future endeavors.

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

Mayor Dunleavy asked that Cameron be invited to the June 14 meeting.

Adoption of Resolution #2011-5.35: Request to erect knee wall for 6 Reeve Avenue

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

RESOLVED, that authorization be given for the residents at 6 Reeve Avenue to erect an 18” kneewall in the Borough right-of-way based upon approval by the Construction Official and in the event the town needs the right-of-way, the residents will remove the wall at their expense.

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

Discussion in regard to new phone system

This will remain on the pending agenda; Borough Administrator is meeting with two more vendors.

Adoption of Resolution #2011-5.36: Rescinding contract to Zignorski Landscaping and award contract to Johns Lawn Service

Councilman Schiffman offered the following Resolution and moved for its adoption

RESOLVED, that the contract to Zignorski Landscaping which was previously approved be rescinded due to their not being able to meet the requirements of the low qualified bidder and that it be awarded to John's Lawn Service.

Councilman Vroom seconded the motion.

Discussion followed as to DPW cutting the lawn; Councilman Conklin noted that he spoke with the DPW Superintendent who said they could do it.

DPW Superintendent was in attendance and noted that they would need equipment and a trailer; lawn mower at about \$15,000; manpower would be an issue.

Mayor felt we cannot do this for this year as we do not have the equipment in place, etc but agreed that he felt the DPW should do it.

Councilman Schiffman ***amended*** his motion to just rescind the contract for Zignorski; seconded by Councilman Vroom and carried as per the following roll call: Council Members: Huntley; Pituch; Schiffman; Shortman; Vroom and Conklin all Yes.

Adoption of Resolution #2011-5.37: Award of contract to Johns Lawn Service

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

RESOLVED that a contract be awarded to Johns Lawn Service in the amount of \$525/month for the cutting of the Walter T. Bergen and Martha B. Day fields.

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

Mayor stated that we should keep this on the pending list to get prices, etc.

INTRODUCTION OF NON-AGENDA ITEMS

Honorary Renaming of Main Street

Mayor Dunleavy noted that DPW Superintendent approached the County to honorary rename Hamburg Turning in memory of Frank Hallat who was murdered. He needs six signs at a cost of \$315.

Councilman Schiffman stated that he will pay for these out of his Councilman's salary; everyone thanked Mr. Schiffman for his generous gesture.

LATE PUBLIC COMMENT

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

Edward Simoni, 352 Glenwild Avenue, asked the Council to look again at the Walter T.

Bergen project as a hole and not let history repeat itself when we had the opportunity to purchase the Salvation Army and didn't and lost a recreational opportunity for the borough.

John Darcey, 80 South Road, expressed his disappointment with the Council in not voting for the lights and also spoke in regard to what we are getting for the legal fees we are expending.

Meredith Mascitello, 43 Bailey Avenue, expressed her disappointment in not having the fireworks this year and asked if we the council will still have "Nightmare on Bailey Avenue" and if not will there be an issue in shutting down the street.

Councilwoman Huntley stated that we will still have Pride Day; Nightmare on Bailey Avenue will be a private event and would have to be discussed with the Police Chief; and the Christmas Event will be scaled down.

Mrs. Mascitello asked if there are ordinances on the agenda can she speak twice according to the by-laws and it was noted that there is a Public Hearing portion on the adoption of ordinances.

Jack Miller, Reeve Avenue, spoke in regard to the flooding on Main Street and asked where we stand with it.

Mayor Dunleavy stated that it all comes down to funding. Discussion followed as to county being contacted and they came out and vacuumed the catch basin but did not jet vac them.

Mrs. DeLazier's storm drain is plugged and we contacted the County who put up a barrel and place it over the grid.

Councilwoman Huntley spoke of the Army Corps of Engineers looking at the area for money for studies; an application would need to be filled out.

John D'Amato, 35 Bailey Avenue, noted that he is happy the budget was introduced and noted we are \$45,000 over. Noted that we still have not received the bills for the Borough Attorney and the current legal line item is substantially more.

Mayor Dunleavy stated that with respect to the Borough Attorney Mark Semeraro, all he did was submit a proposal and the Governing Body accepted that proposal; they hired him at that rate.

Ray Yazdi, 36 Bailey Avenue, asked why extra was spent on the legal line item.

Mayor stated we would need a motion for the Council to engage in discussion with Mr. Yazdi.

Councilwoman Huntley stated when we will address it when the borough Attorney is present.

Mayor stated that the Council stated that the professionals they were appointing would not cost anything additional.

Councilwoman Huntley stated that there are certain fees that would be additional.

Mayor spoke of the ordinance which required Requests for Proposals and the Council stated they did not have to do them since the Mayor made an initial appointment.

Mayor stated that the majority appointed Mr. Semeraro and the question should be posed to the Governing body.

Councilman Schiffman moved that the Council engage in discussion; seconded by Councilwoman Huntley and carried on voice vote.

Councilman Schiffman stated that we had additional costs, i.e. litigation with the PBA.

Mr. Yazdi noted that he has been asking since January "What is your Plan". Legal Line item is \$125,000 more than last year.

Councilwoman Huntley stated the budget is not complete yet. Right now as the budget stands it will go up \$140/house.

Pete Ensley, 10 Sunrise Avenue, disappointed that the fireworks were taken out of the budget and felt that the Council is so disgruntled and we should see smiles up on the dais, not disgruntled members; noted it is very important to have an extra police car.

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

Adoption of Resolution #2011-5.38: Authorizing Executive Session

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

**RESOLUTION #2011-5.38
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. Contract negotiations – Two matters
 - B. Pending Tax Appeals – four Matters
4. Minutes will be taken.
5. It is anticipated at this time that minutes of the above-referenced subject matter will be made public when it is in order to do so.
6. This Resolution shall take effect immediately.

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

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

RECONVENED

Mayor Dunleavy reconvened the meeting at 11:56 p.m. and noted that no action was taken during the Executive Session.

Adoption of Resolution #2011-5.39: Authorization to execute contract with Webmaster Jeannine Perry

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

RESOLVED, that a contract be awarded to Jeannine Perry to redesign our website at the rate of \$2,000 and she will be available for assistance and training at the rate of \$35/hr.

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

ADJOURNMENT

Since there was no further business to be conducted, Councilman Vroom moved to ADJOURN the meeting at 11:58 p.m.; seconded by councilman Schiffman and carried on voice vote.

Jane McCarthy, RMC
Municipal Clerk

SECOND DRAFT – August 2, 2011