

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

September 13, 2011

Mayor Dunleavy called the meeting to order at 7:04 p.m.

SALUTE TO THE AMERICAN FLAG

Mayor Dunleavy led the Salute to the Flag followed by a moment of silence in remembrance of the 10th anniversary of September 11, 2001.

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</i>	Municipal Clerk:	Jane McCarthy
<i>Present:</i>	Borough Administrator:	Ted Ehrenburg
	Borough Attorney:	Mark Semeraro, Esq.

PUBLIC NOTICE STATEMENT

Mayor Dunleavy stated that adequate notice of this meeting was posted in the Bloomingdale Municipal Building and provided to The Suburban Trends; The North Jersey Herald & News; and all other local news media on January 5, 2011.

EARLY PUBLIC COMMENT

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

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

REPORTS FROM THE MAYOR AND COUNCIL

Recreation Commission

Councilwoman Huntley noted that there was no Recreation meeting due to a lack of quorum; meeting will be held next week at 8 p.m.

Hurricane Irene

Mayor Dunleavy thanked all the volunteers who did a tremendous job during Hurricane Irene and would like to have a special meeting in which we can honor these volunteers.

Candlelight Walk

Mayor thanked all those who came out for the Candlelight Walk and thanked the Municipal Clerks of Butler and Bloomingdale for their efforts in organizing the event.

DEPARTMENT REPORTS

Mayor noted that the Department Reports are in the Mayor and Council agenda books this evening.

Municipal Clerk

Voter Registration

Last Day to Register to Vote before the November 8, 2011 Election is October 18, 2011; Clerk's office open until 9 p.m.

PROFESSIONAL REPORTS

Borough Attorney

In Rem Foreclosures

Borough Attorney noted that the In Rem Foreclosures have been filed and notices have been sent out to the affected property owners.

PENDING BUSINESS

Update on Projects for Henion, Oakwood Park, Vreeland and James Street

Borough Administrator stated that bids will go out October 11, 2011 for Chestnut and Henion.

Vreeland and James will not be ready until the survey is done by DMC.

High Street Drainage

Borough Administrator stated that this is certainly a condition we have to address; it is a matter of funding; he has one quote and will solicit two more and we could add this to the Woodward Avenue project.

Oakwood Park

Borough Administrator stated that this has been approved and will be going to bid before the winter.

Status on Survey on First Street

Mayor Dunleavy noted that we could not find a survey which might have been done years ago by DAB Surveying; DMC has been authorized to do a survey on this property.

Status of Repair of Fire Department Parking Lot

Borough Administrator stated that we have one estimate and are awaiting two more. Mayor noted that this will stay as a Pending Item and we need to find the funding.

Ribbon Cutting Ceremony for New Businesses

Consensus that we will contact the new Barber Shop on Main Street and the Antique Shop for a ribbon cutting ceremony at 6 p.m. on September 27, 2011 before our meeting.

Honorary Street/Frank the Barber

Noted that this has been rescheduled for October 8, 2011.

EARLY EXECUTIVE SESSION

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

**RESOLUTION
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
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 was carried on voice vote.

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

RECONVENED

Mayor Dunleavy Reconvened the meeting at 8:25 p.m.

INTRODUCTION OF NEW BUSINESS

Award of Animal Shelter contract

At this time, the Borough Attorney noted that the Mayor and Council discussed the two bids which were received for Animal Shelter services and noted that both were defective and not reasonable and will be rejected and the matter will be rebid as competitive bidding.

Adoption of Resolution #2011-9.1: Rejection of Animal Shelter Services Bids

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

**RESOLUTION #2011-9.1
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Rejecting bid on Animal Shelter and authorizing rebid for Animal Shelter

WHEREAS, on September 7, 2011, the Borough of Bloomingdale posted bid for a not-for-profit contractor to provide animal shelter services; and

WHEREAS, bids were closed at 10:00 a.m.; and

WHEREAS, only two bidders submitted a proposal with respect to the same; and

WHEREAS, both bidders bids were defective as they were materially in conflict with the bid specifications and documents; and

WHEREAS, the Municipal Attorney as well as the Governing Body have concluded that of these material conflicts, disqualified each bidder for consideration, leaving no qualified bidder; and

WHEREAS, the Borough of Bloomingdale has the power to reject all bids pursuant to N.J.S.A. 40A:11-24 and Marvec Const. Corp. vs. the Township of Belleville, 254 N.J. Super. 282, 288-290 (Law Div. 1992), so long as the rejection is not arbitrary, capricious or unreasonable; and

WHEREAS, N.J.S.A. 40:48-5.1, expressly supersedes State Public Bidding Laws; and

WHEREAS, THE Borough as received approval from the Department of Consumer Offices, Division of Local Government Services, to seek proposals through a contract through Competitive Contractions;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of Borough of Bloomingdale hereby rejects all bids for the administration of the animal shelter; and

BEING FURTHER RESOLVED, that the administration of the Borough of Bloomingdale shall seek proposals for said services through competitive contracting procedures permitted by NJ law.

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

Adoption of Resolution #2011-9.2: Authorizing Competitive Bidding for Animal Shelter Services

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

RESOLUTION #9.2

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

***Bloomington Animal Shelter Services to Retain a Not-For-Profit
Contractor to Operate its Animal Shelter and Assume Responsibility for Various Statutory
Duties Imposed by the Borough***

WHEREAS, it is in the best interest and welfare of the Borough of Bloomingdale and its residents to retain the services of a not-for-profit Contractor to operate its Animal Shelter and assume responsibility for various statutory duties imposed upon the Borough by virtue of N.J.S.A. 4:19-15.14 and N.J.A.C. 8:23A-1 *et seq.*; and

WHEREAS, the Borough had previously contemplated awarding such a Contract through public bidding; and

WHEREAS, the process through public bidding did not yield sufficient qualified bids; and

WHEREAS, under the Laws of the State of New Jersey, specifically N.J.S.A. 40A:11-4.1, Competitive Contracting is permissible under certain circumstances; and

WHEREAS, the Department of Consumer Affairs, a Division of Local Government Services has issued permission to the Borough of Bloomingdale to award a Contract for the aforementioned services through Competitive Bidding

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body hereby authorizes the administration to draft under the Municipal Attorney's final approval, specifications and requests for proposals to be posted and accepted in accordance with N.J.S.A. 40A:11-4.5 through a Competitive Contracting Process, proposals for the operation and maintenance of the Bloomingdale Animal Shelter and performance of statutory duties on the behalf of the Borough of Bloomingdale by virtue of N.J.S.A. 4:19-15.14 and N.J.A.C. 8:23A-1 *et seq.*

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

Adoption of Resolution #2011-9.3: Authorization to submit application for DOT flooding 25% reimbursement for Paterson/Hamburg Turnpike walks, flood walls at Sloan park, cleaning stream misc

Mayor spoke in regard to submitting this grant application in the hopes that the monies for FEMA are approved; he did not want to miss out on any funding which may become available.

DPW Superintendent and Sgt. Gildersleeve in regard to the sidewalks at Sloan park and explained that winter is coming up and this situation should be addressed sooner than later; they will come up with some dates to work it out.

Councilman Vroom offered the Resolution and moved for its adoption:

(See Pages A-F)

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

Adoption of Resolution #2011-9.4: Authorization to submit application for DOT flooding 25% reimbursement for Van Dam Repairs at walks, drainage and desilting

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

(See Pages G-L)

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

Discussion in regard to budget shortfalls

At this time, mayor Dunleavy noted we are down to \$8,000 in engineering, \$3,000 in legal, short in police overtime and social security; we will have to do an emergency resolution.

Councilwoman Huntley noted that she will ask the Chief Financial Officer where we are with all line items and know where we have money and where we do not.

Discussion in regard to Developers Fee Ordinance

This will be put on the Pending List.

Adoption of Resolution #2011-9.5: Authorization to submit an application to the State DOT for a Grant for Safe Street to School application for sidewalks on Rafkind Road

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

***RESOLUTION 2011-9.5
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE***

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE RAFKIND ROAD IMPROVEMENTS

WHEREAS, the Bloomingdale Mayor and Council desire to construct improvements to Rafkind Road, including resurfacing, reconstruction of sidewalks, concrete curb repairs and drainage repairs; and,

WHEREAS, the Bloomingdale Mayor and Council desire to request aid from the State of New Jersey in the amount of \$800,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Bloomingdale Borough, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-Bloomingdale Borough-00400 to the New Jersey Department of Transportation on behalf of Bloomingdale Borough.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Bloomingdale Borough and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

Introduction of Ordinance #__-2011: Authorizing Special Emergency of \$35,000 for payment of contractually required severance obligations

Councilwoman Huntley moved to TABLE this and discuss in Late Executive Session; seconded by councilwoman Pituch and carried as per the following roll call: Council Members: Vroom; Conklin; Huntley; Pituch; Schiffman; Shortman and Vroom all YES.

Honorary Street naming for Frank the Barber

Noted that this has been rescheduled for October 8, 2011.

Adoption of Resolution #2011-9.6: Approval of RER Contract

Borough Attorney noted that there need to be some changes in the contract, i.e. it is a two year with a one-year option along with additional changes which he will forward to the Borough Administrator.

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

**RESOLUTION #9.6
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Bloomingdale RER, Center , LLC

WHEREAS, the Borough of Bloomingdale is desirous to hire an outside Contractor to provide the marketing of recyclable materials, specifically agricultural debris, and ancillary activities and services related thereto; and

WHEREAS, the Borough has utilized property commonly known as the Department of Public Works recycling yard, located upon a portion of 188 Union Avenue, Bloomingdale, New Jersey for that purpose; and

WHEREAS, said property had been used for said purpose by Third-Party Contractor pursuant to Contracts with the Borough; and

WHEREAS, said Contractor is exempt from public bidding in accordance with N.J.S.A. 40A:11-5(1)(s); and

WHEREAS, RER Center, LLC, a Contractor who has provided said services to the Borough for the past _____ years is desirous of contracting with the Borough for a period of two (2) years with a one (1) year option; and

WHEREAS, the Borough Administrator has negotiated terms with RER Center, LLC acceptable to the Governing Body as provided in the proposed form of Contract attached hereto; and

WHEREAS, the Governing Body has concluded that it is in the best interest and welfare of the Borough and its residents to enter into said Contract.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Administrator of the Borough of Bloomingdale is hereby authorized to execute the aforementioned Contract.

Councilman Schiffman seconded the motion.

Councilwoman Shortman expressed her concern in regard the condition the road leading into the DPW is left by RER.

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

Adoption of Resolution #2011-9.7: Approval of DOT Road construction Grant Application for Raffkind Avenue

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

RESOLUTION 2011-9.7

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE RAFKIND ROAD IMPROVEMENTS

WHEREAS, the Bloomingdale Mayor and Council desire to construct improvements to Rafkind Road, including resurfacing, reconstruction of sidewalks, concrete curb repairs and drainage repairs; and,

WHEREAS, the Bloomingdale Mayor and Council desire to request aid from the State of New Jersey in the amount of \$800,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Bloomingdale Borough, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-Bloomingdale Borough-00400 to the New Jersey Department of Transportation on behalf of Bloomingdale Borough.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Bloomingdale Borough and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

Acceptance of Resignation of Matthew Walters as Jr. Firefighter

Councilwoman Huntley moved to accept the resignation of Matthew Walters as a Jr. Firefighter with regret; seconded by Councilman Schiffman and carried on voice vote.

Adoption of Resolution #2011-9.8: Overpayment in Tax Office; Block 92.A; Lot 21

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

**RESOLUTION #2011 -9.8
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 Corelogic, homeowner’s mortgage company, paid the 3rd

quarter 2011 taxes in full, as did the property owner. Therefore the property owner is entitled to refund of overpayment in the amount of \$1,951.41.

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

Owner: Karen Wnek
Property: Block 92.A Lot 21
Address: 19 Pearl Street
Bloomingdale, NJ 07403

Refund Amount: \$1,951.41

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

Adoption of Resolution #2011-9.9: Cancellation of TTL #10-00007

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

**RESOLUTION #2011-9.9
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Redemption and Cancellation of Tax Title Lien Certificate #10-00007

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,
34 OAK STREET, BLOOMINGDALE, for delinquent year 2010 taxes, and

WHEREAS, the Governing Body further finds and declares that the foregoing property is also known as Block 92.A, Lot 22, owned by JESS & LAURA JACOBSON; and

WHEREAS, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 10-00007, which was sold to ACE PLUS, LLC for a PREMIUM of \$300.00; and

WHEREAS, the Governing Body further finds and declares that Residential Credit Solutions, Inc. mortgage holder, has requested redemption of TTL # 10-00007; and

WHEREAS, the Governing Body further finds and declares that Residential Credit Solutions, has paid all monies due on TTL # 10-00007, 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 \$ \$1,179.78 for the lien redemption and \$300.00 for return of the PREMIUM payable to Ace Plus, LLC, 1416 Avenue L, Brooklyn, NY 11230, for the redemption and cancellation of Tax Title Lien Certificate #10-00007.

1099 = \$ 29.51

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

Adoption of Resolution #2011-9.10: Renewal Agreement with Morris County Cooperative Pricing Council

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

**RESOLUTION 2011-9.10
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Execution of an Agreement with the Morris County cooperative Pricing Council to Renew Membership therein for the Period of October 2011 through September 30, 2016

WHEREAS, THE Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, board of education’s, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, the Governing Body of the Borough of Bloomingdale desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency to renew its membership in the MCCPC for the period of October 1, 2011 through September 30, 2016;

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

1. The Governing Body of the Borough of Bloomingdale hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2011 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for renewal of membership in the MCCPC for a five (5) year period from October 1, 2011 through September 30, 2016.
2. The Governing Body of the Borough of Bloomingdale's Municipal Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Borough of Bloomingdale officials are authorized and directed to perform all required acts to affect the purpose of this resolution.

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

Request from Bloomingdale Fire Department Ladies Auxiliary to waive fee

Councilman Vroom moved for the approval to waive the permit fee of \$150 for the Ladies Fire Department Auxiliary for their upcoming fundraiser; seconded by councilwoman Huntley and carried on voice vote.

Adoption of Resolution #2011-9.11: Joining the National Moment of Remembrance of the 10th Anniversary of September 11

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

**RESOLUTION #2011-9.11
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

**Borough of Bloomingdale *Joining* the National Moment of Remembrance of the 10th
Anniversary of September 11th**

WHEREAS, the governing body of the **Borough of Bloomingdale** *expresses* their support of the United State's Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

WHEREAS, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

WHEREAS, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

WHEREAS, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and

WHEREAS, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

WHEREAS, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

WHEREAS, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed; and

WHEREAS, countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and

WHEREAS, the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history; and

WHEREAS, the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day; and

WHEREAS, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

WHEREAS, the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

WHEREAS, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

WHEREAS, 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and

WHEREAS, on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and

WHEREAS, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

WHEREAS, in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111–13; 123 Stat. 1460); and

WHEREAS, in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

WHEREAS, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States;

NOW, THEREFORE BE IT RESOLVED that the governing body of the **Borough of Bloomingdale**:

- (1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation; and
- (2) Offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and
- (3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives; and
- (4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States; and
- (5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

BE IT FURTHER RESOLVED that on the 10th anniversary of this tragic day in United States history the governing body of the **Borough of Bloomingdale** calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including (i) media outlets; (ii) houses of worship; (iii) military organizations; (iv) veterans organizations; (v) airlines; (vi) airports; (vii) railroads; (viii) sports teams; (ix) the Federal Government; (x) State and local governments; (xi) police, fire, and other public institutions; (xii) educational institutions; (xiii) businesses; and (xiv) other public and private institutions; and

BE IT FURTHER RESOLVED that the governing body of the **Borough of Bloomingdale** *encourages* the observance of the moment of remembrance to last for 1 minute beginning at 1:00 p.m. Eastern Daylight Time by, to the maximum extent practicable ceasing all work or other activity; and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

Councilman Vroom seconded the motion and it carried as per the following roll call: Council members: Pituch; Schiffman; Shortman; Vroom; Conklin and Huntley all Y ES.

Items Q and R on the Agenda will be carried.

Adoption of Resolution #2011-9.12: Authorization to place liens on certain properties in the Borough

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

**RESOLUTION #2011-9.12
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Bloomingdale to Empower Liens on Property Owners for Their Failure to Maintain Their Property in Accordance with Municipal Code Section 15-16 et seq.

WHEREAS, the Borough of Bloomingdale has been caused to perform maintenance on various properties due to the private property owner's failure to maintain their property, after being directed to do so, in accordance with Municipal Code; and

WHEREAS, pursuant to *N.J.S.A. 40:48-2.13* and Municipal Code Section 15-16.5, the Administration is empowered to impose liens against said property owners for the expenses incurred by the Borough in performing those maintenance services on said properties that the private property owners failed and/or refused to perform themselves; and

WHEREAS, the properties in question are:

28 Bailey Avenue
14 Leary Avenue
35 Ryerson Avenue
56 Vreeland Avenue
84 Vreeland Avenue
195 Union Avenue

WHEREAS, the Governing Body believes that it is in the best interest of the Borough and its residents to recover all expenses associated with the Borough performing these services on private property.

IT IS HEREBY RESOLVED that the Municipal Attorney and the Law Offices of Kaufman, Semeraro, Bern, Deutsch & Leibman, LLP are hereby authorized to take all legal action necessary to assert liens on said properties with respect to the same in an amount equivalent to all expenses incurred by the Borough with respect to property maintenance issues.

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.

Adoption of Resolution Commending Municipal Response to Hurricane Irene and Welcoming an Investigation into that of Certain Public utilities

Mayor stated that this refers specifically for Jersey central Power and Light and we use Butler Power and Light and we do not want any interpretation that we have any problem with Butler Electric. We will commend our volunteers at another time.

INTRODUCTION OF NON-AGENDA ITEMS

Permit Fees for damage caused by Hurricane

Mayor noted that he would like to waive the permit fees for anything which has been damaged by the Hurricane; this will be voted on after Public Comment.

Construction Office Hours

Borough Administrator referred to a problem with coverage for the Construction office due to the five-day work week and fact that the part-time person cannot cover due to her hours for part-time; there will be times when the Control Person is away t hat there will be no coverage.

Discussion followed; Councilwoman Huntley stated that a sign should be put on the door to come to the Municipal Building and leave a message and someone will get back to them.

Tractor at Walter T. Bergen School

Mayor Dunleavy noted that he would like approval to purchase a tractor at a cost not to exceed \$1,000 as the tractor which was used to drag the fields, the engine blew in it and it could come out of the ROSE fund.

LATE PUBLIC COMMENT

Mayor Dunleavy opened the meeting to Late public Comment.

Leslie Monsees, 153 Rafkind Road, spoke in regard to fact that animal Shelter bids were rejected and felt the Borough should negotiate a contract with BASS.

Borough Attorney noted that the Mayor and Council have rejected the bids and will go out for competitive contracting.

Jack Miller, Reeve Avenue, spoke in regard to the sink hole at 22 Chestnut Street and asked the status.

Mayor Dunleavy stated that the fact that this was considered an emergency in the past and fixed once, we now have to go through the bid process. His recommendation would be to bond and get it done.

Discussion as to whether DPW could do anything and it was noted that due to DEP requirements, what we can do is limited.

Ellen Ribitzki, 19 Windbeam Road, noted her disappointment as to the rejection of bids and stated that they are almost out of funds and may have to walk away from the shelter.

Kelly Kaspan, 12 Powderhonn Drive, Kinnelon, NJ also reiterated her concern for the shelter and the animals and felt that nothing has been done in regard to damage caused by the flooding.

Borough Administrator disagreed and stated that there are mold issues there and the Health Department has noted their concerns; we did send an electrician and plumber down to access the damages.

Wendy Connolly, Lake Iosco, spoke in regard to shutting down the Animal Shelter and put the onus on someone else and let another town do it.

Trudy Miller, Reeve Avenue, expressed her dissatisfaction with the sprinklers being on at DeLazier field before the expected flood.

Mayor Dunleavy agreed with her concern and noted that the rain gauge failed; he will make a concentrated effort to make sure the sprinklers are turned off.

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

Authorization to Waiver Permit Fees for Construction Office

Councilwoman Huntley moved that the permit fees for damages caused by Hurricane Irene be waived; seconded by councilman Vroom and carried as per the following roll call: Council Members: Shortman; Vroom; Conklin; Huntley; Pituch and Schiffman all YES.

Authorization to Purchase Tractor for Fields

Councilman Vroom moved for authorization to purchase a tractor out of the ROSE Fund not to exceed \$1,000 for dragging the fields; seconded by Councilwoman Huntley and carried as per

the following roll call: Council Members: Vroom; Conklin; Huntley; Pituch; Schiffman and Shortman al YES.

LATE EXECUTIVE SESSION

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

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

Authorizing the Convening of an Executive Session

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

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

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

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

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

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

RECONVENED

Mayor Dunleavy reconvened the meeting at 9:49 p.m. and noted that Councilwoman Huntley left during the Executive Session due to being conflicted with an item.

Introduction of Ordinance #14-2011: Special Emergency Appropriation

ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$35,000 FOR THE PAYMENT OF CONTRACTUALLY RQUIRED SEVERANCE OBLIGATIONS AND LIABILITIES, IN AND BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC was introduced by title by Councilman Schiffman who moved that second and final reading and Public Hearing be held on September 27,2 011 at 7:30 p.m.

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

ADJOURNMENT

Since there was no further business to be conducted, Councilman Schiffman moved that the meeting be adjourned at 9:45 p.m.; seconded by Councilman Vroom and carried on voice vote. ABSENT: Councilwoman Huntley (Excused)

Jane McCarthy, RMC
Municipal Clerk