

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

February 8, 2011

SALUTE TO THE AMERICAN FLAG

Mayor Dunleavy led the Salute to the Flag.

ROLL CALL

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

PUBLIC NOTICE STATEMENT

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

EARLY PUBLIC COMMENT

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

Tom Tintle, Van Dam Avenue, spoke in regard to the impound yard and expressed concern about whether it will be financially fiscal, i.e. cost, possibility of fuel leaking into the river and who will be responsible.

Also spoke about 48 parking spaces which should be at the Senior Center per initial approval.

Borough Administrator stated that he did not feel additional personnel would have to be hired; Police Department would normally handle this.

Mr. Tintle noted that you will not get the same service as you would with another impound yard, as someone will have to tow it out of the yard if it doesn't start, plow it out, process paperwork, etc. Discussion followed.

Mayor stated that we received a letter from Rudge Towing as to why we should not do this; these will be discussed and be part of the process as to our determination. This was one idea for a possible source of revenue.

Ray Lombard, South Road, spoke in regard to the impound yard spoke in regard to only about half of dozen municipalities which have impound yards; felts we should have more accurate facts as to how this will be profitable.

Discussion followed as to Washington Township who is currently doing this.

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

Adoption of Resolution #2011-2.1: Establishing 2011 Borough Council By-Laws

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

**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

No vote shall be taken and recorded with respect to any matter until it shall first have been reviewed by a Committee or Select Committee of the Council, which shall make by vote of its members a recommendation thereon to the full Council, except that a matter may be voted upon when a majority of the Committee or Select Committee with jurisdiction over said matter waives its jurisdiction and either (i) the Presiding Officer determines in his discretion that prompt action should be taken or (ii) a majority of the full membership of the Council determines that prompt action should be taken.

Section 3.7

The Mayor or any member of the Council shall have the right to request a recess of any meeting of the Council for the purpose of convening a caucus.

Section 3.8

The Council shall be permitted to engage in confidential deliberations during its meetings by convening an “executive session,” which shall not be open to attendance by any person who is not a member of the Council unless a majority of the members of the Council in attendance permits any such person to attend any such executive session.

Section 3.9

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 3.10

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 five (5) minutes per person, except this may be extended by approval of the majority 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 or the President from any meeting, the council member with the longest term on the council shall serve as the Presiding Officer. If no member has served longer than any other, 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) Early Public Comment [Reserved for Agenda Items]
- (e) Presentations to the Council (*Presentations*)
- (e) Presentations and Liaison/Keyperson Reports by the Mayor and/or Members of the Council (*Reports from the Mayor and Council*)
- (e) Presentation of Professional Reports (*Professional Reports*)
- (e) Presentation of Department Reports (*Department 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*)
- (m) *Late Public Comment Period [Reserved for Official Business of the Governing Body] (Late Public Comment)*
- (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, whenever appropriate, a Moment of Silence (*Flag Salute*)
- (d) Announcement of Prior Public Notification of Meeting by the Presiding Officer (*Public Notice Statement*)

- (e) Early Public Comment [Reserved for Agenda Items]
- (f) Presentations to the Council (*Presentations*)
- (g) Presentations and Liaison/Keyperson Reports by the Mayor and/or Members of the Council (Reports from the Mayor and Council)
- (h) Presentation of Professional Reports (*Professional Reports*)
- (i) Presentation of Department Reports (*Department Reports*)
- (j) Presentation and Consideration of the Consent Agenda of the Council (*Consent Agenda*)
- (k) Presentation and Consideration of Pending Business Agenda of the Council (*Pending Business*)
- (l) Presentation and Consideration of New Business Agenda of the Council (*Introduction of New Business*)
- (m) Presentation of Non-Agenda Business of the Council (*Introduction of Non-Agenda Business*)
- (n) Late Public Comment Period [Reserved for Official Business of the Governing Body] (*Late Public Comment*)
- (o) Consideration of Non-Agenda Business of the Council (*Formal Action on Non-Agenda Business*)
- (p) Referral of New Matters to Committee and/or Select Committee (*Referral of New Matters*)
- (q) Executive Session (*Late Executive Session*)
- (r) Introduction and Consideration with Public Comment of Executive Session Items (*Consideration of Executive Session Business with Public Comment*)

- (s) Announcement of Governing Body Meeting Schedule (*Governing Body Schedule*)
- (t) 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 a member of the Council and 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

(b) Committee Reports and Council Action thereon shall be introduced and considered by the Council in the following order:

- (1) Finance, Administration and Executive
- (2) Public Safety
- (3) Public Works
- (4) Recreation
- (5) Library
- (6) Budget Committee
- (7) Any other Select Committee

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, provided that the provisions of Section 3.6 are not violated thereby.

Section 6.11

Nothing herein shall prohibit any dialogue during any Public Comment Period between a citizen and the Mayor or a member of the Council provided that at all times any such commentary is directed to and through the Presiding Officer.

Section 6.12

A written agenda of each meeting of the Council shall be prepared and delivered to the Mayor and to each member of the Council no less than two (2) business days prior to the time established for such meeting or as reasonably practicable prior to such meeting as circumstances may otherwise permit.

Section 6.13

Any item requested to be placed on a written meeting agenda shall be submitted no less than three (3) business days prior to the time established for such meeting, or as reasonably practicable prior to such meeting as circumstances may otherwise permit.

Section 6.14

Any item not placed on a written meeting agenda may be entertained by the Council upon unanimous consent of the Mayor and Council, or by majority vote of the full membership of the Council in the absence of such unanimous consent.

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

All matters of procedure at meetings of the Council shall be governed by the principle of unanimous consent and shall be resolved by voice vote of the members of the Council unless objection from any member is heard, in which event a roll call vote shall be ordered and taken with respect to such matter upon motion having been duly made and seconded.

Section 7.5

All matters of substantive decision-making of the Council, including matters of general or special appropriation or expenditure of Borough funds, shall be governed by the principle of super majority rule and shall be recorded by roll call vote of the members of the Council. _

Section 7.6

(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) Ranking Senior Member in terms of longevity on the Council
- (3) Next Ranking Member in terms of longevity on the Council
- (4) Next Ranking Member in terms of longevity on the Council
- (5) 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 7.7

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

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

Section 7.8

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 7.9

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

Section 7.10

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 7.11

A vote of “Present” shall be counted for purposes of establishing a quorum and shall be recorded as indicating that the Member so voting was present at the time that the recorded vote was taken, but declined to express an opinion as to the merits of the matter then under consideration.

Section 7.12

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 “Present”.

Section 7.13

There shall be no new business heard after the 10 o'clock meeting unless duly voted on by the governing body.

ARTICLE VIII

Committees & Representatives of the Council

Section 8.1

The Council hereby establishes the following Committees:

- (a) Finance, Administration and Executive – Monitors Borough finances, personnel matters, monitors procedures and operations of administration and council
- (b) Public Safety – Monitors operations of the Borough public health and safety departments including police, fire board of health and animal control
- (c) Public Works – Monitors operations of the Borough public works departments, including DPW and Water & Sewer.
- (d) Recreation – Monitors recreational facilities and the various recreation departments.
- (f) Library – Monitors library
- (g) Budget Committee – Works with Finance and other departments to facilitate budget completion and monitors expenditures to ensure compliance with budget
- (h) Any other Select Committee

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. These appointments 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 8.5

(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 its 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. These appointments 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 8.9

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. These appointments 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 8.11

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. These appointments 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.

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. No purchases shall be made that are not specifically addressed in the budget over \$2,500 per month per vendor until approved by the council.

Section 9.2

Any member of the governing body that has any connection, i.e., business, personal, familial, shall recuse him/herself from voting on any payments or approval for purchases.

Section 9.3

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

Notwithstanding the provisions of Section 3.6, all proposed amendments, additions, repealers or other alterations of the By-Laws set forth herein shall be submitted in writing to the, which shall, upon review and consideration of the same, make an affirmative or negative recommendation to Executive, Administration and Finance Committee thereupon for action by the Council.

Section 11.3

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.

Discussion followed as to changes which were made; Councilman Vroom stated that since he just received this, he has not had a chance to review it.

Mayor spoke of purchases on an emergent basis.

Asst. Attorney stated that this was addressed last year; services are included.

Article 9.1 to exclude \$2,500 requirement for emergency situations/

Councilwoman Huntley amended the motion to include the amendment to Article 9.1; Councilwoman Shortman seconded the motion, and it carried as per the following roll call: Council Members: Conklin; Huntley; Pituch; Schiffman and Shortman all YES. Councilman Vroom, ABSTAINED

APPOINTMENTS:

Mayor Dunleavy deferred to Councilwoman Huntley.

Adoption of Resolution #2011-2.2: Special Counsel MacManimon & Scotland

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

RESOLUTION #2011-2.2

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

*Authorizing Award of Professional Services Agreement for Special Counsel Services
to McManimon & Scotland, L.L.C., Attorneys at Law*

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 retain the professional services of legal counsel to provide services to the Borough in the area of special legal counsel services related to redevelopment, environmental, litigation or other non-public finance services (Special Counsel); and

WHEREAS, the Governing Body further finds and declares that McManimon & Scotland, L.L.C., Attorneys at Law with offices at 1037 Raymond Boulevard, Suite 400, Newark, New Jersey (“Professional”), possesses the professional experience, judgment and aptitude necessary for the Professional to provide the Borough with legal services; and

WHEREAS, the Governing Body further finds and declares that the Professional has submitted a Professional Services Agreement (“Agreement”) for the performance of professional services as Special Counsel during the year 2011; and

WHEREAS, the Governing Body further finds and declares that the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*, authorizes the Governing Body to authorize the award of a contract for “extraordinary, unspecifiable services,” which include the professional services to be performed by the Professional under the Agreement; and

WHEREAS, the Governing Body further finds and declares that the New Jersey Local Unit “Pay to Play” Law, N.J.S.A. 40A:20-4, *et seq.*, governs the award of the Agreement because its value is anticipated to be in excess of the sum of \$17,500; and

WHEREAS, the Governing Body further finds and declares that the Professional has fully complied with the “Pay to Play” Law by completing and submitting to the Municipal Clerk a Business Entity Disclosure Certification (“Certification”), which certifies that the Professional has not made any reportable contributions to a political or candidate committee in the Borough during the previous year, and that the award of the Agreement will prohibit the Professional from making any reportable contributions through the one-year term of the Agreement; and

WHEREAS, the Governing Body further finds and declares that it is in the best interests of the citizenry of the Borough to authorize the execution of the Agreement with the Professional under such circumstances that the Professional has certified that he will not make any reportable contributions to a political or candidate committee in the Borough during the one-year term of the Agreement; and

WHEREAS, the Governing Body further finds and declares that it has reviewed the terms and conditions of the Agreement and finds them to be consistent with the needs of the Borough and purposes for which the Professional is being appointed; and

WHEREAS, the Governing Body further finds and declares that the Chief Financial Officer shall cause municipal funds to be encumbered pursuant to individual purchase orders submitted by the Professional for payment in accordance with the terms and conditions of the Agreement; and

WHEREAS, the Governing Body further finds and declares that it is in the best interests of the citizenry of the Borough to authorize the award of the Agreement to the Professional;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize the award of a Professional Services Agreement to McManimon & Scotland, L.L.C. for the performance of professional services as Special Counsel during the year 2011; and

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize any and all necessary and appropriate municipal officials to execute the foregoing Agreement; and

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby direct the Municipal Clerk to retain the foregoing Agreement and Certification on file with this Resolution, and to cause said Resolution to be published in the Official Newspaper of the Borough within twenty (20) days of the date hereof.

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 #2011-2.3: Borough Auditor

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

**RESOLUTION #2011-2.3
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

*Authorizing Award of Professional Services Agreement
to Municipal Auditor Dieter P. Lerch, RMA*

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 retain the professional services of a municipal auditor; and

WHEREAS, the Governing Body further finds and declares that of Lerch, Vinci & Higgins, LLP, 17-17 Route 208, Fair Lawn, New Jersey, represented by that Dieter Lerch, RMA. (“Professional”), has demonstrated the professional experience, judgment and aptitude to warrant appointment as Municipal Auditor for the year 2011; and

WHEREAS, the Governing Body further finds and declares that the Professional has submitted a Professional Services Agreement (“Agreement”) for the performance of professional services as Municipal Auditor during the year 2011; and

WHEREAS, the Governing Body further finds and declares that the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., authorizes the Governing Body to authorize the award of a contract for “extraordinary, unspecifiable services,” which include the professional services to be performed by the Professional under the Agreement; and

WHEREAS, the Governing Body further finds and declares that the New Jersey Local Unit “Pay to Play” Law, N.J.S.A. 40A:20-4, et seq., governs the award of the Agreement because its value is in excess of the sum of \$17,500; and

WHEREAS, the Governing Body further finds and declares that the Professional has fully complied with the “Pay to Play” Law by completing and submitting to the Municipal Clerk a Business Entity Disclosure Certification (“Certification”), which certifies that the Professional has not made any reportable contributions to a political or candidate committee in the Borough during the previous year, and that the award of the Agreement will prohibit the Professional from making any reportable contributions through the one-year term of the Agreement; and

WHEREAS, the Governing Body further finds and declares that it is in the best interests of the citizenry of the Borough to authorize the execution of the Agreement with the Professional under such circumstances that the Professional has certified that it will not make any reportable contributions to a political or candidate committee in the Borough during the one-year term of the Agreement; and

WHEREAS, the Governing Body further finds and declares that the Borough Attorney has reviewed the terms and conditions of the Agreement and finds them to be consistent with the terms and conditions of the Agreement entered into with the Professional in 2011;

WHEREAS, the Governing Body further finds and declares that the Chief Financial Officer shall cause municipal funds to be encumbered pursuant to individual purchase orders submitted by the Professional for payment in accordance with the terms and conditions of the Agreement; and

WHEREAS, the Governing Body further finds and declares that it is in the best interests of the citizenry of the Borough to authorize the award of the Agreement to the Professional;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize the award of a Professional Services Agreement to Lerch, Vinci & Higgins, LLP, Fair Lawn, New Jersey, represented by that Dieter Lerch, RMA., for the performance of professional services as Municipal Auditor during the year 2011; and

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize any and all necessary and appropriate municipal officials to execute the foregoing Agreement; and

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby direct the Municipal Clerk to retain the foregoing Agreement and Certification on file with this Resolution, and to cause said Resolution to be published in the Official Newspaper of the Borough within twenty (20) days of the date hereof.

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

Adoption of Resolution #2011-2.4: Bond Counsel McManimon & Scotland

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

**RESOLUTION #2011-2.4
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Award of Professional Services Agreement
For Bond Counsel Services to McManimon & Scotland, L.L.C., Attorneys at Law***

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 retain the professional services of legal counsel to provide services to the Borough in the area of Public Finance (Bond Counsel); and

WHEREAS, the Governing Body further finds and declares that McManimon & Scotland, L.L.C., Attorneys at Law with offices at 1037 Raymond Boulevard, Suite 400, Newark, New Jersey (“Professional”), possesses the professional experience, judgment and aptitude necessary for the Professional to provide the Borough with legal services; and

WHEREAS, the Governing Body further finds and declares that the Professional has submitted a Professional Services Agreement (“Agreement”) for the performance of professional services as Bond Counsel and Special Counsel during the year 2011; and

WHEREAS, the Governing Body further finds and declares that the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*, authorizes the Governing Body to authorize the award of a contract for “extraordinary, unspecifiable services,” which include the professional services to be performed by the Professional under the Agreement; and

WHEREAS, the Governing Body further finds and declares that the New Jersey Local Unit “Pay to Play” Law, N.J.S.A. 40A:20-4, *et seq.*, governs the award of the Agreement because its value

is anticipated to be in excess of the sum of \$17,500; and

WHEREAS, the Governing Body further finds and declares that the Professional has fully complied with the “Pay to Play” Law by completing and submitting to the Municipal Clerk a Business Entity Disclosure Certification (“Certification”), which certifies that the Professional has not made any reportable contributions to a political or candidate committee in the Borough during the previous year, and that the award of the Agreement will prohibit the Professional from making any reportable contributions through the one-year term of the Agreement; and

WHEREAS, the Governing Body further finds and declares that it is in the best interests of the citizenry of the Borough to authorize the execution of the Agreement with the Professional under such circumstances that the Professional has certified that he will not make any reportable contributions to a political or candidate committee in the Borough during the one-year term of the Agreement; and

WHEREAS, the Governing Body further finds and declares that it has reviewed the terms and conditions of the Agreement and finds them to be consistent with the needs of the Borough and purposes for which the Professional is being appointed; and

WHEREAS, the Governing Body further finds and declares that the Chief Financial Officer shall cause municipal funds to be encumbered pursuant to individual purchase orders submitted by the Professional for payment in accordance with the terms and conditions of the Agreement; and

WHEREAS, the Governing Body further finds and declares that it is in the best interests of the citizenry of the Borough to authorize the award of the Agreement to the Professional;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize the award of a Professional Services Agreement to McManimon & Scotland, L.L.C. for the performance of professional services as Bond Counsel during the year 2011; and

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize any and all necessary and appropriate municipal officials to execute the foregoing Agreement; and

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby direct the Municipal Clerk to retain the foregoing Agreement and Certification on file

with this Resolution, and to cause said Resolution to be published in the Official Newspaper of the Borough within twenty (20) days of the date hereof.

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

Adoption of Resolution #2011-2.5: Joint Insurance Fund

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

**RESOLUTION #2011-2.5
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Award of Professional Services Agreement
to Municipal Risk Management Consultant, Brown & Brown Metro, Inc. and MK Insurance
Brokers, LLC***

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 retain the professional services of a municipal risk management consultant; and

WHEREAS, the Governing Body further finds and declares that Brown & Brown Metro, Inc. and MK Insurance Brokers, LLC (“Professional”), has demonstrated the professional experience, judgment and aptitude to warrant appointment as Municipal Risk Management Consultant for the year 2011; and

WHEREAS, the Governing Body further finds and declares that the Professional has submitted a Professional Services Agreement (“Agreement”) for the performance of professional services as Municipal Risk Management Consultant during the year 2011; and

WHEREAS, the Governing Body further finds and declares that the Local Public Contracts Law,

N.J.S.A. 40A:11-1, et seq., authorizes the Governing Body to authorize the award of a contract for “extraordinary, unspecifiable services,” which include the professional services to be performed by the Professional under the Agreement; and

WHEREAS, the Governing Body further finds and declares that the New Jersey Local Unit “Pay to Play” Law, N.J.S.A. 40A:20-4, et seq., does not govern the award of the Agreement because its value does not excess of the sum of \$17,500; and

WHEREAS, the Governing Body further finds and declares that the Chief Financial Officer shall cause municipal funds to be encumbered pursuant to individual purchase orders submitted by the Professional for payment in accordance with the terms and conditions of the Agreement; and

WHEREAS, the Governing Body further finds and declares that it is in the best interests of the citizenry of the Borough to authorize the award of the Agreement to the Professional;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize the award of a Professional Services Agreement to Brown & Brown Metro, Inc. and MK Insurance Brokers, LLC, for the performance of professional services as Municipal Risk Management Consultant during the year 2011; and

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize any and all necessary and appropriate municipal officials to execute the foregoing Agreement; and

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby direct the Municipal Clerk to retain the foregoing Agreement on file with this Resolution, and to cause said Resolution to be published in the Official Newspaper of the Borough within twenty (20) days of the date hereof.

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

Adoption of Resolution #2011-2.6: Licensed Water/Sewer System Operator

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

**RESOLUTION #2011-2.6
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Designating Official Agent for NJDEP Wastewater Treatment Works Approval Applications

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that applications for wastewater treatment works approval must be submitted to the State of New Jersey, Department of Environmental Protection (“NJDEP”), in accordance with N.J.A.c. 7:14a-22.5; and

WHEREAS, the Governing Body further finds and declares that John Wegele, L.O. is qualified to serve as the Borough’s official agent for purposes of all wastewater treatment works approvals as may be required by the NJDEP;

WHEREAS, The Governing Body further finds and declares that John Wegele, L.O., was confirmed as Municipal Wastewater Collection Operator at an Official Meeting held on Tuesday, February 8, 2011;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that John Wegele, L.O., be and is hereby authorized to execute, as the official agent of the Borough of Bloomingdale, any and all treatment works approval applications required to be submitted to the State of New Jersey, Department of Environmental Protection, during the calendar year 2011.

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

Senior Citizen Advisory Appointments

Mayor’s Representative

Mayor Dunleavy appointed Frank Blacksmith as Mayor’s Representative to the Senior Citizen Advisory Board.

Councilwoman Shortman moved for the Confirmation of this appointment; seconded by

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

Senior Citizen Advisory Board Member

Councilman Vroom moved for the appointment of Eleanor Kraphol as Senior Citizen Advisory Member; seconded by Councilwoman Shortman and carried as per the following roll call: Council Members: Conklin; Huntley; Pituch; Schiffman; Shortman; Vroom all YES

PENDING BUSINESS:

Councilwoman Huntley made the following motion as to appointments:

Appointment of Standing Committee Liaisons

Public Health & Safety	Chairman Schiffman Members: Pituch & Vroom
Public Works	Chairman Conklin Members: Schiffman and Shortman
Finance, Adm & Exec	Chairwoman Huntley Members: Shortman and Schiffman
Recreation	Chairwoman Huntley Members: Dunleavy and Conklin
Library	Chairwoman Pituch Members: Huntley and Shortman

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

Adoption of Resolution in regard to Borough Vehicles

Councilwoman Huntley moved to TABLE this; seconded by Councilman Schiffman and carried on voice vote.

PROFESSIONAL REPORTS

Borough Administrator stated that we are looking to lower our operational costs and will be meeting with the committees now that they are set up.

Mayor stated that we authorized utilizing the county grant on Henion; Engineer came up with \$63,600 and he is awaiting to TV the lines.

Adoption of Ordinance #2-2011: Environmental Commission

AND ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING BOROUGH CODE SECTION 2-50; ENVIRONMENTAL COMMISSION was given second and final reading and consideration for adoption at this time.

The Deputy Municipal Clerk read the public notice statement.

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

The Deputy Municipal Clerk read the ordinance by title.

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

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

Councilwoman Huntley moved for the adoption of the ordinance; seconded by "Councilwoman Pituch Council Members: Conklin; Huntley; Pituch; Schiffman; Shortman; Vroom all YES

Adoption of Ordinance #3-2011: ROSE Fund

AND ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING BOROUGH CODE SECTION 2-65; Recreation and Open Space Establishment Trust Fund (ROSE Fund) was given second and final reading and consideration for adoption at this time.

The Deputy Municipal Clerk read the public notice statement.

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

The Deputy Municipal Clerk read the ordinance by title.

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

John Darcey, 80 South Road, asked what is the purpose of allowing Alternates.

Councilwoman Huntley felt it should be changed so that the Council can appoint their members on the ROSE fund.

Mr. Darcey stated that ultimately the recommendations of the ROSE Fund are approved by the Council.

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

Councilwoman Huntley moved for the adoption of the ordinance; seconded by "Councilman Schiffman.

Mayor Dunleavy noted that he will VETO this ordinance and not sign it.

Councilwoman Huntley disagreed with the Mayor.

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

Mayor Dunleavy noted that he will VETO this ordinance and not sign it.

Councilwoman Huntley moved to override the VETO; seconded by Councilwoman Pituch and carried as per the following roll call: Council Members: Conklin; Huntley; Pituch; Schiffman; Shortman all YES Councilman Vroom, NO

Appointment of Environmental Commission Members

Councilwoman Huntley moved for the appointment of Thomas Tintle and Geraldine Delazier as members of the Environmental commission; seconded by Councilwoman Shortman and carried following roll call: Council Members: Conklin; Huntley; Pituch; Schiffman; Shortman; Vroom all YES

Appointment to ROSE Fund Members

Councilwoman Huntley moved for the appointment of Drew Juhlin as a ROSE Fund Member; seconded by Councilwoman Pituch and carried as per the following roll call: Council Members: Conklin; Huntley; Pituch; Schiffman; Shortman all YES Councilman Vroom, NO

Discussion in regard to shared Services Reevaluation

Councilman Schiffman moved to TABLE this; seconded by Councilwoman Huntley and carried on voice vote.

Status of website and email server

Mayor stated that this will be discussed in Executive Session.

Status of PBA Negotiations

This is still pending.

Discussion in regard to James Street (Hemlock)

Mayor stated that we are still awaiting information.

Discussion in regard to use of email and procedure for documents

Councilman Schiffman moved to table this; seconded by Councilwoman Huntley and carried on voice vote.

Status of televising Borough Council Meetings

Mayor stated that this was approved at the last meeting and is awaiting a possible donation for camera.

Discussion in regard to impound yards

This is still being reviewed.

Discussion in regard to reports from Department Heads and appointments of Liaisons

Councilwoman Huntley stated that the Committees have been appointed this evening. Mayor stated that the Liaisons can discuss reports with their Departments.

A template should be put together as to what you want and you can report back to the Governing Body.

Councilwoman Shortman felt that each Department can come up with their own plan as to what goes on in their department and would like them monthly.

Councilwoman Pituch felt every Department should do one and it isn't up to the Liaison.

Discussion followed; Mayor stated that we need to identify for each department.

Councilwoman Shortman would like a report on personnel, absences, status of our equipment, maintenance, etc. We should also know when the Borough is on a delayed scheduled or closed.

Mayor strongly recommends the committees meet and see what they want from each committees.

Councilwoman Shortman would like each Department to do their own report. Mayor stated that the Liaisons should meet first and by March a template will be prepared as to what they want each department to do.

Notice in regard to Passaic County Development Block Grant

Deadline March 18; additional funding for either Reeve or Ryerson.

Any Actions in regard to Shared Service with Passaic County Improvement Authority

County has a 4 month extension on a state grant and are looking for input, i.e. catch basin cleaning, plowing, etc.

Sink Hole issues 22 Chestnut Street

Borough Administrator sent letter to Army corps of Engineers and no response as of this time. This could be a shared service with the County to clean out the catch basins per mayor.

Presentation at League

Councilwoman Shortman stated that Mr. Ehrenburg spoke at the League on behalf of Blue Shield Consulting in regard to Police Shared Service; Mr. Ehrenburg stated he spoke on behalf of the Borough also in regard to shared Service.

Councilwoman Shortman stated that she and council Members Pituch and Huntley attend the seminar on insurance at the League and will receive a discount on our insurance.

Adoption of Resolution #2011-2.7: Authorization for Executive Session

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

**RESOLUTION #2011-2.7
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
4. Minutes will be taken.
5. It is anticipated at this time that minutes of the above-referenced subject matter will be made public when it is in order to do so.
6. This Resolution shall take effect immediately.

Councilman Vroom seconded the motion, and it carried on voce vote.

NEW BUSINESS

Request for Proposals for Appraiser for Reevaluation

Borough Administrator stated we had a meeting with Wanaque and we are requesting proposals for an Appraiser.

This will be put on the pending list.

Status of 2011 Budget Committee

Councilwoman Huntley will speak with the Chief Financial Officer as to process and hope to have open sessions for the budget.

Discussion in regard to Goal Setting

Mayor stated this will be put on Work Session so we can establish goals and asked everyone to prepare a list.

Discussion in regard to Expand Permitted Used

Adoption of Resolution #2011-2.8: Seeking State Intervention to Increase Safety and Public Awareness on State Highway No. 23

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

**RESOLUTION #2011-2.8
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE TOWNSHIP OF THE BOROUGH OF BLOOMINGDALE,
COUNTY OF PASSAIC AND STATE OF NEW JERSEY SEEKING STATE
INTERVENTION TO INCREASE SAFETY AND PUBLIC AWARENESS ON STATE
HIGHWAY ROUTE 23**

WHEREAS, State Highway Route 23 was established in 1927, running 52.63 miles

from Verona New Jersey to the New York State border at Wantage, New Jersey; and

WHEREAS, the Township of West Milford has no authority to interfere with the structure, maintenance and/or design of this road which functions are within the purview of various divisions within State government; and

WHEREAS, State Highway Route 23 weaves through the Township of West Milford at a number of points along its course requiring that the Township provide emergency response services to provide for the safety of all those who travel this State highway; and

WHEREAS, in the 1960's the route was planned to be upgraded which plans were cancelled in the 1970's; and **WHEREAS**, in the 1980's certain portions of State Highway Route 23 south of the Township of West Milford were improved expanding certain portions to a six-lane highway; and

WHEREAS, the sections of Route 23 that traverse the Township of West Milford constitute the original route designed prior to 1927 and constructed in accordance with the needs of that time & the construction standards of the day; and

WHEREAS, there is a specific section of State Highway Route 23 encompassing the US postal addresses from 1899 Route 23 to 2200 Route 23 that is of particular concern to West Milford Township Officials; and

WHEREAS, that particular length of highway comprises a number of "S" turns may have contributed to higher than average incidences of motor vehicle collisions of varying severity including fatal accidents;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, in the County of Passaic and State of New Jersey that, in the interests of the residents of the Township, residents of surrounding communities both North and South of West Milford who regularly commute on Route 23, and all persons who have cause to operate an automotive conveyance on New Jersey State Highway Route 23, they do hereby request that the State of New Jersey, through the appropriate State departments, immediately conduct a study to determine both long-term and short-term safety improvements along State Highway Route 23

and in particular along that portion of said highway from US postal address 1899 Route 23 to 2200 Route 23 that encompasses a series of “S” turns; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be sent to Governor Chris Christie, Senator Joseph Pennachio, Assemblymen Alex DeCroce & Jay Webber, NJDOT Commissioner James S. Simpson; the sixteen municipalities within Passaic County, the Passaic County Board of Chosen Freeholders, each municipality within the Counties of Morris & Sussex and the Boards of Freeholders for

Councilwoman Shortman 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 #2011-2.9: Approval of Renewal of Liquor License #1601-33-008-010; NLS Management

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

**RESOLUTION #2011-2.9
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

***RENEWAL OF INACTIVE ALCOHOLIC BEVERAGE LICENSE
NLS MANAGEMENT LLC
#1601-33-008-010***

WHEREAS, the following names, persons and corporations have made application for the renewal of her inactive alcoholic beverage license; and

WHEREAS, said application was accompanied by the necessary fee; and

WHEREAS, the applicant has filed with the Borough Clerk a copy of the application for forwarding to the State Division of Alcoholic Beverage Control, together with the necessary \$200.00 fee for said Division; and

WHEREAS, a copy of the Tax Clearance Certificate has been received for the applicant from the State of New Jersey Department of Taxation; and

WHEREAS, no objection has been filed in writing with the Borough Clerk against the granting of this renewal and no objections being heard hereto; and

WHEREAS, the State of New Jersey has granted a Special Ruling as per their January 21, 2011 letter for the 2010-2011 license term;

NOW, THEREFORE, BE IT RESOLVED that the Clerk of this Borough be and she is hereby authorized to renew the alcoholic beverage licenses of the following place:

PLENARY RETAIL CONSUMPTION

NLS Management LLC
Nancy Soule
6 Mulberry Street
Kinnelon, NJ
INSERT

#1601-33-008-010

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.

Approval of Minutes

This will be carried until the February 22, 2011 meeting.

Discussion in regard to ANJEC Land Use Grant

This will be reviewed by Planning Board and Environmental Commission and asked the Mayor and Council to review and respond back by March 10.

Approval of Membership as Jr. Fireman

Councilman Vroom moved for the approval of Nicholas Steenstra as a Junior Firearm; seconded by Councilman Schiffman and carried on voice vote.

Adoption of Resolution #2011-2.10: Budget Transfer

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

**RESOLUTION #2011-2.10
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Appropriation of Reserves

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that N.J.S.A. 40A:4-58 provides that the Governing Body may, should it become necessary during the first three months of the fiscal year to expend for any of the purposes specified in the budget an amount in excess of any respective sums appropriated therefor and there shall be an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation, by resolution setting forth the facts and adopted by not less than two-thirds (2/3) vote of the full membership of the Borough Council, transfer the amount of such excess of those appropriations deemed to be insufficient; and

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale that the Chief Financial Officer be and is hereby authorized to make the following transfers in the FY2010 Reserve Budget:

FROM:

Audit	\$25,000.00
Water S&W	\$35,000.00

TO:

Group Insurance	\$25,000.00
Water OE	\$35,000.00

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

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

Introduction of Ordinance #5-2011: Amending Bond Ordinance #11-2008

BOND ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY, AMENDING BOND ORDINANCE NO. 11-2008 FINALLY ADOPTED MAY 27, 2008 IN ORDER TO INCREASE THE AMOUNT REFERRED TO IN SECTION 6(d) was introduced by title by Councilman Vroom who moved that second and final reading and public hearing be held on February 22, 2011 at 7 p.m.; seconded by Councilwoman Huntley and carried on voice vote.

Introduction of Ordinance #6-2011: Assistant Borough Attorney

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING THE BOROUGH CODE AND CREATING THE POSITION OF ASSISTANT MUNICIPAL ATTORNEY was introduced by title by Councilman Huntley who moved that second and final reading and public hearing be held on February 22, 2011 at 7 p.m.; seconded by Councilman Schiffman and carried as per the following roll call: Council Members: Conklin; Huntley; Pituch; Schiffman; Shortman and Vroom all YES.

Introduction of Ordinance #7-2011: Salary Ordinance

AN ORDINANCE ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY AND COMPENSATION FOR CATEGORIES AND TITLES OF OFFICERS, NON-CONTRACTUAL EMPLOYEES AND CONTRACTUAL EMPLOYEES OF THE BOROUGH OF BLOOMINGDALE was introduced by title by Councilwoman Huntley who moved that second and final reading and public hearing be held on February 22, 2011 at 7 p.m.; seconded by Councilman Schiffman and carried as per the following roll call: Council Members: Conklin; Huntley; Pituch; Schiffman; Shortman and Vroom all YES.

Four-Day work Week v. Five-Day Work Week

Asst. Borough Attorney has been asked by members of the Council to determine if continuation of the four-day work week is cost effective to the Borough. Councilwoman Huntley would like to see a determination of our infrastructure changes and cost savings.

Borough Administrator will review and further discussion will be held.

Pompton Lakes Utility Authority

Councilwoman Huntley stated that she has received a proposal which could possibly save us \$500,000 and would like the Borough Attorney to review. Mayor would like to review also.

Facebook

Mayor stated that he is a strong proponent and has a volunteer to help us set one up for the Borough; another avenue for the Borough to use for getting information out; like the Mayor and Council to consider.

Phase II Energy Grant

Mayor stated that we received paperwork to apply for it; Borough Administrator will pursue.

DOT Grant for Vreeland Avenue

Copied on grant notice for \$230,000 for Vreeland Avenue; PSE&G sent us a note that they are looking to install gas lines there; we should coordinate that.

Open Space Plan

Mayor stated that everyone was copied on the draft and asked that they review and give their comments to the Environmental Commission.

Introduction of Ordinance #4-2011: Traffic Ordinance

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE FOR PLACEMENT AND REMOVE OF TRAFFIC SIGNS AT VARIOUS LOCATIONS IN THE BOROUGH was reintroduced by title by Councilwoman Huntley who moved that second and final reading and public hearing be held on March 8, 2011 at 7 p.m.; seconded by Councilwoman Shortman and carried as per the following roll call: Council Members: Conklin; Huntley; Pituch; Schiffman; Shortman and Vroom all

YES.

LATE PUBLIC COMMENT

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

Mayor Dunleavy opened the meeting up to Late Public Comment.

Wendy Connolly, 74 South Road, spoke in regard to wonderful job done by the DPW during the snowstorms and praised them.

Mrs. Connolly stated that she is shocked at the interaction between members on the dais; felt that this isn't the people's house, it is your house and you are forgetting about the people in the town.

Mayor stated that there is some healing going on and things are getting better.

Ed Ball, 13 Crane Avenue, asked if the repairs on Truck #10 have been resolved.

Borough Administrator stated that there are additional issues and we are awaiting the cost analysis to bring it what Councilman Schiffman had proposed last meeting. The claim has been submitted to our Insurance.

Mr. Ball stated that this is not what we were supposed to get.

Rich Della Ripa, Pine Tree Road, thanked the DPW for helping the Board of Education in regard to icing on sidewalks on Glenwild Avenue.

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

Adoption of Resolution #2011-2.11: Late Executive Session

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

**RESOLUTION #2011-2.11
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. Negotiations – Two matters
 - B. Pending Litigation – One matter
4. Minutes will be taken.
5. It is anticipated at this time that minutes of the above-referenced subject matter will be made public when it is in order to do so.
6. This Resolution shall take effect immediately.

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

(At this time, 10:15 p.m.) the Mayor and Council went into Executive Session)

RECONVENED

Mayor Dunleavy reconvened the meeting at this time, 10:

Adoption of Resolution #2011-2.12: Jeannine Perry

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

**RESOLUTION #2011-2.12
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Award of Contract to Jeannine Perry for Borough Web Site Services

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 retain the services of Jeannine Perry for the purpose of getting the Borough of Bloomingdale web site up and running in a cost effective manner:

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize the awarding to Jeannine Perry of an agreement to provide web site services at a cost of \$1,200.00 for the purpose of getting the Borough web site up and running; and

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize any and all necessary and appropriate municipal officials to execute the foregoing agreement.

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

RESUMED EXECUTIVE SESSION

At this time, the Mayor and Council resumed Executive Session and Adjourned the meeting after the Executive Session.

Theresa K. Sauer
Deputy Municipal Clerk