

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

November 10, 2008

Mayor Steenstra called the meeting to order at 7:06 p.m.

ROLL CALL

<i>In Attendance:</i>	Mayor:	William Streenstra
	Council President:	Jennifer Altfield
	Council Members:	Thomas Marinaro Dean Specchio Linda J. Huntley
Absent:	Council Members:	Henry Sloomaker (Excused) Bernie Vroom (Entered Later)
<i>Professionals Present:</i>	Municipal Clerk:	Jane McCarthy, RMC
	Borough Administrator:	Ted Ehrenburg
	Borough Attorney:	Joseph V. "Joe" MacMahon, Esq.

SALUTE TO THE AMERICAN FLAG

Mayor Steenstra led the Salute to the Flag.

PUBLIC NOTICE STATEMENT

Mayor Steenstra stated that on December 17, 2007, publication notification of the date, time and place of this Official Meeting was faxed and mailed to all local news media and posted in the Bloomingdale Municipal Building.

EARLY PUBLIC COMMENT

Councilman Specchio opened the meeting up to Public Comment; seconded by Councilman Marinaro and carried on voice vote with all Council Members present voting YES. ABSENT: Council Members: Sloomaker and Vroom (Excused)

Since there was no one who wished to speak under Public Comment, Councilman Specchio moved that it be closed; seconded by Councilman Marinaro and carried on voice vote with all

Council Members present voting YES. ABSENT: Council Members: Sloomaker and Vroom (Excused)

PROFESSIONAL REPORTS

Municipal Clerk

Veterans Day – Municipal Clerk stated that there will be a Veterans Day Ceremony at Sloan Park on November 11, 2008 at 11 a.m. and encouraged all to attend.

Borough Administrator

Morse Lakes Road – Borough Administrator stated that Mike Fitzpatrick the contractor for the Morse Lakes Road paving contract has completed the project.

The contractor for the watermain, Petillo, started today and the Department of Public Works went into Morse lakes and made one final sweep of the leaves before the project started.

Borough Attorney

Borough Attorney stated that he will have some matters under New Business.

PENDING BUSINESS

Governmental Operations Committee

Report by Borough Administrator as to DPW Pole Barn Bids

Borough Administrator stated that bids were received and the low bidder was Pioneer Pole Buildings at a bid of \$94,477.00 and recommended the award to Pioneer with all five Options.

(Councilman Vroom entered the meeting at this time, 7:08 p.m.)

Resolution #2008-11.1: Award of Contract to Pioneer Pole Buildings

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

RESOLVED, that a contract be awarded to Pioneer Pole Buildings for their contract bid as follows:

Primary Bis	\$94,477.00
Option 1 (Overhead Door Operators)	\$ 5,000.00
Option 2 (Concrete Floor)	23,700.00

Option 3 (Insulated Walls)	13,312.00
Option 4 (Insulated Ceiling)	20,400.00
Option 5 (Protective Wall Lining)	15,360.00

Councilman Marinaro seconded the motion, and it carried as per the following roll call: Council Members: Altfield; Vroom; Huntley; Marinaro and Specchio all YES. ABSENT: Councilman Sloomaker

Adoption of Resolution #2008-11.2: Authorization to Advertise for Bids for DPW Site Work

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

RESOLVED, that the Borough Administrator be authorized to solicit bids for site work for the new DPW building.

Councilman Specchio seconded the motion, and it carried as per the following roll call: council members: Vroom; Huntley; Marinaro; Specchio and Altfield all YES. ABSENT: Councilman Sloomaker

Adoption of Resolution #2008-11.3: Authorization to Reject Bids for Water and Sanitary Sewer System Maintenance

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

**RESOLUTION #2008-11.3
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Rejecting Bids for Water and Sanitary Sewer System Maintenance

WHEREAS, the Borough of Bloomingdale inadvertently solicited proposals for bids in connection with water and sanitary sewer system maintenance without formal action of the Governing Body having been taken authorizing the soliciting of such bid; and

WHEREAS, the Borough of Bloomingdale received bid proposals in response to the bid solicitation, which proposals must be rejected in light of the aforesaid legal deficiency in the bid process; and

WHEREAS, it is the intention of the Governing Body to authorize the solicitation of proposals for water and sanitary sewer system maintenance in accordance with applicable law.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby reject all bids submitted by vendors in connection with the solicitation of bids for water and sanitary sewer system maintenance Planning Area.

Councilwoman Altfield seconded the motion, and it carried as per the following roll call:
Council Members: Huntley; Marinaro; Specchio; Altfield and Vroom all YES. ABSENT:
Councilman Sloomaker

Adoption of Resolution #2008-11.4: Authorization to Advertise for Bids for Water and Sanitary Sewer System Maintenance

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

RESOLVED, that the Borough Administrator be authorized to solicit bids for the maintenance of the water and sanitary sewer system.

Councilman Vroom seconded the motion, and it carried as per the following roll call: Council members: Marinaro; Specchio; Altfield; Vroom and Huntley all YES. ABSENT: Councilman Sloomaker

Ordinance Review Committee

Councilman Vroom noted that the Ordinance Review Committee will be meeting Wednesday evening.

Grant Writers Committee

Councilwoman Huntley noted that the Grant Writers Committee will be meeting on December 4.

INTRODUCTION OF NEW BUSINESS

Governmental Operations Committee

Adoption of Resolution #2008-11.5: Dedication by Rider for Interlocal Construction Fees

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

**RESOLUTION - #2008-11.5
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION DEDICATING BY RIDER FEES COLLECTED FOR
INTERLOCAL CONSTRUCTION FEES TO BE DEPOSITED IN A TRUST
FUND**

WHEREAS, N.J.S.A. 40A:4-39 allows the governing body of local units to dedicate revenues anticipated during the fiscal year when the revenue is not subject to accurate estimates in advance, and

WHEREAS, the Chief Financial Officer has requested that such a "Dedication by Rider" to the budget be created for Interlocal Construction Service Fees and that those funds are to be accounted for separately;

NOW THEREFORE BE IT RESOLVED, that such fees received by the Borough of Bloomingdale for interlocal services be placed in a specific trust account and that such trust account shall be considered a "Dedication by Rider" to the budget per N.J. S. A. 40A:4-39 for the sole purpose stated above.

Councilman Vroom seconded the motion, and it carried as per the following roll call: Council Members: Specchio; Altfield; Vroom; Huntley and Marinaro all YES. ABSENT: Councilman Sloomaker

Introduction of Ordinance #22-2008: Appropriating \$285,575 from the General Capital Surplus

ORDINANCE APPROPRIATING \$285,575.00 AVAILABLE FROM THE GENERAL CAPITAL SURPLUS FUND TO PROVIDE FOR VARIOUS PURPOSES DESCRIBED HEREIN IN AND BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY was introduced by title by Councilman Vroom who moved that second and final reading and public hearing be held on December 9, 2008 at 7:30 p.m.; seconded by Councilman Specchio.

Councilwoman Huntley asked if Police Cars could be bonded and the Borough Attorney stated that he will check into it; Borough Administrator stated that it is his understanding they can be.

The ordinance was introduced by title as per the following roll call: Council members: Vroom; Huntley; Marinaro; Specchio and Altfield all YES. ABSENT: Councilman Sloomaker

Adoption of Resolution #2008-11.7: Authorizing the Transfer of 2008 Appropriations

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

**RESOLUTION - #2008-11.7
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

RESOLUTION RE: Authorizing the Transfer of 2008 Appropriations

WHEREAS, Title 40A:4-58 provides that should it become necessary during the last two 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 therefore 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, the Governing Body may by resolution setting forth the facts adopted by not less than 2/3 vote of the full membership thereof, 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 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 she is hereby authorized to make the following transfers in the FY2008 Budget.

FROM:			
Planning Board OE		8-01-21-180-001-024	\$ 8,000.00
Planning Board OE		8-01-21-180-001-028	7,500.00
Sanitation OE		8-01-32-465-001-201	8,000.00
Salary Adjustment		8-01-30-415-001-100	4,000.00
Roads S&W		8-01-26-290-001-011	2,500.00
Total			\$ 30,000.00
TO:			
Construction OE		8-01-22-195-001-051	\$ 2,000.00
Street Lighting OE		8-01-31-435-001-100	5,000.00
Health Benefits		8-01-23-220-001-100	23,000.00
Total			\$ 30,000.00

Councilman Vroom seconded the motion, and it carried as per the following roll call: Council Members; Huntley; Marinaro; Specchio; Altfield and Vroom all YES.

Adoption of Resolution #2008-11.8: Establishing 2009 Mayor and Council Meeting Schedule

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

**RESOLUTION #2008-11.8
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

***Establishing Official 2009 Meeting Schedule of the Governing Body
of the Borough of Bloomingdale***

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale (“Governing Body”) shall hold Work Sessions on the following Tuesdays (unless

otherwise indicated) for the year 2009, commencing at 7:00 p.m. in the Council Chambers of the Municipal Building of the Borough of Bloomingdale:

January 13	February 10	March 10
April 14	May 12	June 9
September 8	October 13	November 10
December 8		

ACTION MAY BE TAKEN

BE IT FURTHER RESOLVED that the Governing Body shall hold Regular Business Meetings on the following Tuesdays during the year 2009, commencing at 7:00 p.m. in the Council Chambers of the Municipal Building of the Borough of Bloomingdale:

January 6** (Reorganization Meeting)		
January 27	February 24	March 24
April 28	May 26	June 23
July 21	August 18	September 22
October 27	November 24	December 22

ACTION WILL BE TAKEN

****All Meetings commence at 7:00 p.m.***

PUBLIC COMMENT SHALL BE HEARD AT ALL MEETINGS OF THE GOVERNING BODY

BE IT FURTHER RESOLVED that the Governing Body reserves the right to designate or cancel meetings when it is deemed necessary to do so.

Councilman Specchio seconded the motion, and it carried on voice vote with all Council members present voting YES. ABSENT: Councilman Sloomaker

Acceptance of Resignation of Elizabeth Campoli as member of Recreation and Municipal Alliance

Councilman Vroom moved to accept with regret the resignation of Elizabeth Campoli as a member of the Recreation Commission; seconded by Councilwoman Huntley and carried on voice vote with all Council Members present voting YES. Absent: Councilman Sloomaker

Adoption of Resolution #2008-11.9: Authorizing participation in Toys for Tots Program

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

**RESOLUTION #2008-11.9
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Municipal Participation in the U.S.M.C. Toys for Tots Program

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that the United States Marine Corps conducts an annual “Toys for Tots” Program (“Program”) to help provide donated toys to needy children in an effort to share the joys of the Christmas holiday with all members of our society; and

WHEREAS, the Governing Body further finds and declares that the Program is a noble cause that is worthy of support from every citizen of our community and for which the Corps should be recognized and honored; and

WHEREAS, the Governing Body further finds and declares that the Borough has for several years participated in the Program as an official depository for toys donated by citizens of our community and region; and

WHEREAS, the Governing Body further finds and declares that it is manifestly appropriate for the Borough to once again participate in the Program this Christmas season as an official depository for toys donated by citizens of our community and region;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize the Borough’s continued participation in the United States Marine Corps’ “Toys for Tots” Program for the upcoming Christmas season and does hereby designate Municipal Clerk Jane McCarthy as the Borough’s official representative for this purpose.

Councilman Marinaro seconded the motion, and it carried on voice vote with all Council Members present voting YES. ABSENT: Councilman Sloomaker

Adoption of Resolution #2008-11.10: Veteran’s Day

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

**RESOLUTION #2008 – 11.10
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Recognizing Veterans’ Day in the Borough of Bloomingdale: November 11, 2008

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that Armistice Day was proclaimed by President Woodrow Wilson on November 11, 1919, the one-year anniversary of the signing -- at the eleventh hour of

the eleventh day of the eleventh month of 1918 -- of the armistice that brought an end to what was then hoped would be the “War to End All Wars”; and

WHEREAS, the Governing Body further finds and declares that the Congressional Resolution signed by President Wilson stated that Armistice Day “should be commemorated with thanksgiving, prayer and exercises designed to perpetuate peace through good will and mutual understanding between nations”; and

WHEREAS, the Governing Body further finds and declares that the Congressional Resolution also called for Armistice Day to be observed with appropriate ceremonies in schools, churches and other places of public demonstration; and

WHEREAS, the Governing Body further finds and declares that, notwithstanding President Wilson’s efforts to ensure a lasting peace, many brave souls perished in the Second World War and in the Korean War, thereby causing Armistice Day to be renamed as Veterans’ Day in 1954 in honor of all those who have fallen in the defense of our nation and her people; and

WHEREAS, the Governing Body further finds and declares that the Borough has sent its own citizens to fight on behalf of our nation and has seen fit to remember those brave souls who perished by establishing at the entrance to Sloan Park monuments bearing their names for all time; and

WHEREAS, the Governing Body further finds and declares that we, as Americans, enjoy freedom and liberty today because of the brave service of all of our veterans, and are now called upon to unite together in a living testament to their brave service by continuing the fight for freedom and liberty against terrorism here and across the globe;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby recognize November 11, 2008, as Veterans’ Day in the Borough of Bloomingdale and calls upon all of the Borough’s citizens to commemorate the lives of all of the brave men and women, who sacrificed themselves in the defense of our nation and her people, by pausing to honor those brave souls, give thanks for their courage and pledge to continue their fight for freedom and liberty for all mankind.

Councilman Marinaro seconded the motion, and it carried on voice vote with all Council Members present voting YES. ABSENT: Councilman Sloomaker

Introduction of Ordinance #23-2008

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY, AUTHORIZING THE EXECUTION AND DELIVERY OF THE 2008 AMENDMENT TO THE 1990 AMENDMENT TO THE 1985 SERVICE CONTRACT BETWEEN THE AUTHORITY AND THE BOROUGHS OF BLOOMINGDALE, BUTLER AND KINNELON was introduced by title by councilman Specchio who moved that second and final reading and public hearing be held on December 9, 2008.

Councilwoman Huntley seconded the motion, and it carried as per the following roll call: Council Members: Marinaro; Specchio; Altfeld; Vroom and Huntley all YES. ABSENT: councilman Sloomaker (Excused)

Adoption of Resolution #2008-11.11: Notice of Intent to Petition the Highlands Council for Plan Conformance

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

**RESOLUTION #2008-11.11
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Notice of Intent to Petition the Highlands Council for Plan Conformance

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., finds and declares that protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other key natural resources; and

WHEREAS, the Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council (Highlands Council) to prepare and adopt a Regional Master Plan for the Highlands Region and requiring that within nine to fifteen months after September 8, 2008, each county and municipality located wholly or partially in the Preservation Area must submit a Petition for Plan Conformance to the Highlands Council for that portion of its jurisdiction lying within the Preservation Area; and

WHEREAS, the Highlands Act specifies that conformance with the Regional Master Plan (Plan Conformance) requires revisions to municipal and county master plans and development regulations as applicable to the development and use of land to align them with the goals, requirements, and provisions of the Regional Master Plan; and

WHEREAS, the Highlands Council's Plan Conformance Guidelines require that for jurisdictions with any lands in the Preservation Area, a Notice of Intent to conform to the Regional Master Plan must be submitted to the Highlands Council as soon as practicable, but not later than February 1, 2009 and that for any lands in the Planning Area, a Notice of Intent may be submitted at any time; and

WHEREAS, the Borough of Bloomingdale lies within the Highlands Region as defined by the Highlands Act; and

WHEREAS, the Governing Body of the Borough of Bloomingdale believes that it is in the best interest of the Borough of Bloomingdale to conform to the Regional Master Plan.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby provide the Highlands Council with this Notice of Intent to petition the Highlands Council for Plan Conformance for all lands lying within the Preservation Area; and

BE IT FURTHER RESOLVED this Notice of Intent additionally specifies that the Governing Body of the Borough of Bloomingdale intends to include all lands lying within the Planning Area in the petition. In accordance with the Highlands Council's Plan Conformance Guidelines, this Notice of Intent is not binding with respect to lands located within the Planning Area; and

BE IT FURTHER RESOLVED, this Notice of Intent provides notice to the Highlands Council that the Governing Body of the Borough of Bloomingdale has set December 8, 2009 as the target date for submission of a Petition for Plan Conformance.

Councilman Marinaro seconded the motion and it carried as per the following roll call: Council members: Specchio; Altfield; Vroom; Huntley and Marinaro all YES. ABSENT: Councilman Sloomaker

Adoption of Resolution #2008-11.12: Authorizing Submission of a Highlands Initial Assessment Grant Application

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

**RESOLUTION #2008-11.12
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Submission of a Highlands Initial Assessment Grant Application

WHEREAS, in recognition of the costs associated with local government efforts to conform to the Regional Master Plan (RMP), the Highlands Act provided a funding mechanism through the creation of the Highlands Protection Fund; and

WHEREAS, the Highlands Protection Fund includes significant grant funds that are available for municipalities and counties seeking to conform or considering voluntary conformance with the RMP; and

WHEREAS, the Highlands Water Protection and Planning Council (Highlands Council) has adopted an Initial Assessment Grant Program. This grant program will fund preliminary municipal and county Plan Conformance activities for lands within the Preservation Area where conformance is mandatory, as well as in the Planning Area where conformance is voluntary. These grants will allow local jurisdictions and counties to engage their professionals to assess the requirements and benefits of Plan Conformance; and

WHEREAS, the Governing Body of the Borough of Bloomingdale believes that it is in the best interest of the Borough of Bloomingdale to apply to the Highlands Council for an Initial Assessment Grant.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize the submission of the aforementioned Highlands Initial Assessment Grant Application to the Highlands Council

Councilman Specchio seconded the motion, and it carried as per the following roll call: Council Members: Altfield; Vroom; Huntley; Marinaro and Specchio all YES.

Public Health & Safety Committee

Adoption of Resolution #2008-11.13: Approval for membership in Bloomingdale Fire Department; Matthew Duffy

RESOLVED, that Matthew Duffy be approved for membership in the Bloomingdale Fire Department.

Councilman Vroom seconded the motion, and it carried as per the following roll call: Council members: Huntley; Marinaro; Specchio; Altfield and Vroom all YES. ABSENT: Councilman Slootmaker

Adoption of Resolution #2008-11.14: Approval for membership in Bloomingdale Fire Department; Brian D'Amato as Junior member

RESOLVED, that Brian D'Amato be approved as a Junior Member of the Bloomingdale Fire Department.

Councilman Marinaro seconded the motion, and it carried as per the following roll call: Council members: Marinaro; Specchio; Altfield; Vroom and Huntley all YES. ABSENT: Councilman Slootmaker

LATE PUBLIC COMMENT

Councilman Specchio moved to open the meeting up to Late Public Comment; seconded by Councilman Marinaro and carried on voice vote with all Council Members present voting YES. ABSENT: Councilman Slootmaker

Since there was no one who wished to speak during Late Public Comment; councilwoman Altfield moved that it be closed; seconded by Councilman Vroom and carried on voice vote with all Council Members present voting YES.

LATE EXECUTIVE SESSION

Adoption of Resolution #2008-10.15: Authorization for Executive Session

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

**RESOLUTION #2008-10.15
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. Litigation – One matter – Farlas v. Borough of Bloomingdale
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 Specchio seconded the motion, and it carried on voice vote with all Council Members present voting YES. ABSENT: Councilman Sloomaker

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

RECONVENED

Mayor Steenstra reconvened the meeting at 11:16 p.m.

Adoption of Resolution #2008-11.16: Settlement with Farlas v. Bloomingdale

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

**RESOLUTION #2008-11.16
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing the Settlement of Borough of Bloomingdale v. Flarlas, LLC Litigation

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) authorized and directed the commencement of litigation against Flarlas, LLC to recover fines and penalties imposed by the Bloomingdale Construction Official; and

WHEREAS, an action encaptioned Borough of Bloomingdale v. Flarlas, LLC was commenced on behalf of the Borough in the Superior Court of New Jersey, Law Division, Passaic County, Docket No. L-17-08 (the “Flarlas Litigation”); and

WHEREAS, the Governing Body has determined that settlement of the Flarlas Litigation upon the terms specified hereinbelow is in the interest of the Borough and its residents;

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

The Flarlas Litigation hereby is settled upon the following terms: (1) Flarlas, LLC will meet with Dan Hagberg, Bloomingdale Construction Official/ Zoning Official within one of November 3, 2009 at the Flarlas property; (2) Dan Hagberg will determine what is required to bring the property into compliance with the Uniform Construction Code and Borough Code, and will notify Flarlas, LLC of required action (3) Flarlas, LLC will have 90 days from notification to bring the property into compliance; (4) If Dan Hagberg is satisfied that the property now is in compliance, Flarlas, LLC shall pay a \$5,000.00 penalty to Bloomingdale, payment terms to be reasonable under the circumstances and the Borough being permitted to place a lien on the subject property if payment is not made as agreed or if no agreement for payment is reached; and (5) If Dan Hagberg is not satisfied that the property is in compliance within 90 days as aforesaid, Flarlas, LLC shall owe a \$40,000.00 penalty to the Borough, with a lien attached to the property.

Councilman Specchio seconded the motion, and it carried as per the following roll call: Council Members: Specchio; Altfield; Vroom; Huntley and Marinaro all Yes. ABSENT: Councilman Sloomaker

ADJOURNMENT

Since there as no further business to be conducted, Councilwoman Altfield moved to ADJOURN the meeting at 11:18 p.m.; seconded by Councilman Mariano and carried on voice vote with all Council Members present voting YES. Absent: Councilman Sloomaker

Jane McCarthy, RMC
Municipal Clerk