

July 26, 2011

A Regular Meeting of the Governing Body of the Borough of Bloomingdale was held on the above date in the Council Chambers of the Municipal Building, 101 Hamburg Turnpike. Mayor Dunleavy called the meeting to order at 7:06 p.m.

**SALUTE TO THE AMERICAN FLAG**

Mayor Dunleavy led the Salute to the Flag.

**ROLL CALL**

<i>In Attendance:</i>	Mayor:	Jon Dunleavy
	Council President:	Linda Huntley
	Council Members:	Bernie Vroom Jo-Ann Pituch Glenn Schiffman Linda Shortman Mark Conklin
<i>Professionals Present:</i>	Municipal Clerk:	Jane McCarthy
	Borough Administrator:	Ted Ehrenburg
	Borough Attorney:	Mark Semeraro, Esq.

**PUBLIC NOTICE STATEMENT**

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

**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.

Mark Lime, 13 Highland Avenue, asked what the status is for the renaming of roads in honor of Mildred Bird and Bud Bennett.

Borough Administrator stated that we are in discussion with the renaming of two streets; Councilman Vroom has made some suggestions and this will be researched.

Mr. Lime stated that possibly they could be named honorary as the town is doing for Frank the Barber; Mayor Dunleavy stated that this will be on the next agenda.

Alice Moore, Fayson Lakes in Kinnelon, spoke in regard to a recent attack on her dog by a dog which was adopted by the BASS Shelter and questioned the adoption procedures which are followed and noted that this dog was aggressive for small prey and wonder why it was adapted out to a family with small children.

It was noted that we do not have control over their policies; Borough Administrator stated that we have recently gone out to bid for animal shelter services; there was nothing in the bid specifications in this regard.

Question was raised if this was brought in by our Animal Control Officer; Borough

Administrator will follow-up.

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

## **REPORTS FROM THE GOVERNING BODY**

### **Master Gardeners**

Councilwoman Shortman noted that there will be a tour by the Master Gardeners on August 27 from 10 a.m. to 12 p.m. and encouraged everyone to come and see the beautiful work they have done at the Senior Citizens Center.

Councilwoman Shortman also noted there is a rumor going around that dumpsters will be placed by the parking lot at the Senior center and also a recycling center there. She stated that this is a beautiful area and nothing should be put there; it should be at the DPW; councilwoman Pituch agreed.

Councilwoman Shortman stated that Sonny Brennan of the Master Gardeners will be getting a State award for all her hard work.

## **PROFESSIONAL REPORTS**

### **Municipal Clerk**

Municipal Clerk stated that she will be implementing shortly the on-line records/retention Artemis system as required by the state.

Municipal Clerk spoke in regard to the email archiving and noted that there is nothing to report; this will remain on the agenda as a budgetary item per Mayor Dunleavy.

### **Borough Attorney**

Borough Attorney stated that in his original contract there was concern in regard to his 250 hour cap and noted that he will not be charging anything over the 250 hour cap for general municipal work.

### **Borough Administrator**

#### **Woodward Avenue**

Borough Administrator stated that a preconstruction meeting was held and work will be within two weeks.

#### **Chestnut Street Sink Hole**

Borough Administrator stated that the bid package will be out shortly.

**Henion Street/Oakwood Lake**

Borough Administrator stated that the bid packages will be out shortly.

**DEPARTMENT REPORTS**

**Property Maintenance**

Councilwoman Shortman stated that the reports from property maintenance have been very concise and she appreciates the work Mr. Tyson has done in the few hours he works in the Borough.

Councilwoman Short man stated that she would like a list of roads which are in need of repair; Mayor stated that the DPW Superintendent will be requested for a list and asked the Council to email the Administrator with the roads they are concerned with; this will be on the August 23 agenda. The list should be prioritized and if there are utility issues, they should be listed also.

**Department of Public Works**

Councilwoman Shortman stated that we have talked about the DPW cutting the fields and the DPW Superintendent noted he needs a full time person; this is a budgetary item.

Councilwoman Shortman stated that the DPW Superintendent does a good job with his reports but she wants to know what equipment we own and the condition of the equipment.

Councilwoman Shortman also noted that they are working on a program for stickers for trash cans that are put out on the wrong date.

Council Members Conklin and Shortman and the Liaisons for the DPW and will discuss these issues with him.

**Water Department**

Report on file.

**Ceremony for deceased “Frank the Barber”**

This will be postponed and rescheduled in the future.

**APPROVAL OF CONSENT AGENDA**

Councilwoman Huntley asked that the minutes of June 14 and 28, 2011 be pulled at this time.

Councilman Vroom moved that the following Consent Agenda be approved, pulling the June 14

and June 28, 2011 minutes:

- A. Approval of Minutes: Work Session May 10, 2011; Special Meeting March 29, 2011; Regular Meeting March 22, 2011; Work Session March 8, 2011
- B. Informational Items – Weeks ending June 23 and 30
- C. Request from Girl Scout Troop to waive fee for their garage sale; August 13
- D. Request from Stephanie Borsi for Road Closure at 21 Reeve Avenue for Block Party

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

### **EARLY EXECUTIVE SESSION**

Mayor Dunleavy noted that former Ptl. Jeff Breakenridge was in attendance and the Mayor and Council will go into a brief Early Executive Session.

At this time, he thanked Ptl. Jeff Breakenridge for his dedicated service to the community as to the Municipal Clerk.

### **Authorization for Executive Session**

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

**RESOLUTION #2011-A  
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.

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

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

**RECONVENED**

The Mayor reconvened the meeting at this time.

**PENDING BUSINESS**

**Adoption of Resolution #2011-B: Authorizing purchase and installation of new phone system**

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

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

***Authorizing the purchase and installation of a new phone system for Borough Hall***

WHEREAS, the administration of the Borough of Bloomingdale has determined that the phone system currently servicing the municipal building located at 101 Hamburg Turnpike, Bloomingdale, New Jersey is antiquated and results in excess phone related expenses; and

WHEREAS, the administration and the governing body has concluded that it is in the best interests and welfare of the Borough and its citizenry to purchase and install a new state of the art phone system; and

WHEREAS, the funds necessary to pay for said phone system have already been allocated; and

WHEREAS, the administration has concluded that the new phone system and all of its component parts can be purchased off of the state contract without the need for public bidding; and

WHEREAS, the estimated cost for the same including all equipment and labor for design and installation, projected to be \$17,889.00 or less, below the bid threshold; and

NOW, THEREFORE, BE IT RESOLVED, that the administration is authorized to purchase all equipment and services necessary for the installation of a new phone system for the entire municipal building including all offices which currently exist within the municipal building even those serving autonomous bodies in an amount not to exceed \$17,889.00.

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

**Adoption of Resolution #2011-7.1: Authorizing submission of application to NJDOT for Sloan Park Bridge Discretionary Aid Application**

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

**(See Pages Spread in full Pages A-E)**

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

**Status of On-Line Bill Paying**

Noted that the Chief Financial Officer has indicated that in the current budget this money was not identified; the money has been set aside for the League of Municipalities and there is no money for the on-line bill paying.

Discussion followed; Councilwoman Huntley stated that it was initially \$1,200 for this and there is money available in the Municipal Clerk's budget which she had indicated when the Departments were asked to go back and see if they could cut additional money; she indicated there was around \$2,000.

This item will be tabled until there is confirmation of the funding.

**Introduction of Ordinance #12-2011: Traffic Ordinance**

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE FOR PLACEMENT OF A STOP SIGN AT PEARL STREET AND PEARL STREET AT ITS INTERSECTION WITH CAPTOLENE AVENUE*** was introduced by title by Councilman Vroom who moved that second and final reading and public hearing be held on August 23, 2011 at 7:30 p.m.

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

**Introduction of Ordinance #13-2011: Fee Ordinance**

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE FOR FEES CHARGED FOR MUNICIPAL SERVICE*** was introduced by title by Councilman Vroom who moved that second and final reading and public hearing be held on August 23, 2011 at 7:30 p.m.

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

***Agreement with RER***

Borough Administrator stated that they are reviewing the proposed contract.

***Status of 2011 Goal Setting***

Mayor Dunleavy asked everyone to come up with a list of their goals.

Councilwoman Shortman noted she would like to see the following:

- Continue exploring solutions to flooding in the town
- Work on the infrastructure in the town
- Compile a list of roads which need to be addressed – Mayor stated that the way to do that is through revenue through grown and substantial shared services

Mayor Dunleavy spoke in regard to development and noted that the Avalon Bay development alone would help with our infrastructure.

***Review of Door Access Code***

Mayor Dunleavy noted that he was upset to hear that at the meeting he could not attend, the Council reversed their prior decision and authorized the access code to be given out to the Governing Body.

Councilman Schiffman stated that he changed his mind when he had to come to the Borough Hall and no one was there to let him in and he had to make copies; Councilwoman Huntley stated that it is only for those Council Members who request it.

***Status of Grants for Lighting and Drainage at Walter T. Bergen School***

Discussion followed in regard to fact that Mayor had said previously that he would solicit donations from contractors to do the drainage if the lights were approved.

Councilwoman Huntley asked if they would still donate their time, to which Mayor Dunleavy stated that the initial offer was if the lights were approved; he did not speak to them after the lights were voted down nor if the referendum passes.

Councilwoman Huntley stated that she will contact contractors to see if they will donate their time to do the drainage.

**Status of Formation of Flood Mitigation Committee**

Mayor Dunleavy stated that he would like to appoint a Flood Mitigation Committee comprised of the following to work with the Borough Engineer in regard to our flooding problems.

Mayor Dunleavy  
Council Members: Schiffman and Huntley  
Mr. Miller  
Ray Yazdi

Councilwoman Huntley noted she would like Ron Caputo also on the committee to which Mayor Dunleavy agreed.

Councilman Vroom moved that the following Flood Committee be approved:

Mayor Dunleavy  
Council Members: Schiffman and Huntley  
Mr. Miller  
Ray Yazdi  
Ron Caputo

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

**Update on four day v. five-day work week**

Mayor Dunleavy discussed a brochure which was sent out by the Republican Committee indicating that the Borough is going back to a five day work week in September and noted that this matter has not bee resolved with the White Collar Union as to evening hours, etc

Councilwoman Huntley did not feel this is appropriate to discuss in regard to a political brochure; Borough Administrator will contact the Union and ask for some in writing as to where the Union stands.

**Status of Recycling Center Concept**

Borough Administrator is working on the concept of a recycling center as to manpower and location; no discussion has been held as to the Senior Center parking lot; there is no room at the current DPW.

Mayor stated that we need to know the initial capital outlay; Borough Administrator will work on this.

**Update on Status of Energy Grant**

Noted that the funding has been approved for the firehouse upgrades; we are waiting on the funding for the Municipal Building.

**Status of email archiving**

This is a matter pending budgetary availability; Municipal Clerk stated that we do have the emails on the server which is backed up each night so we are preserving the emails; problem is when and if we would get a request for specific emails, it would be easier to retrieve if we had an archiving system in place.

**Update on Tax Lien Foreclosures and Tax Appeals**

Borough Attorney is working on these; hope to have title searches for the foreclosures in the next couple of weeks. Noted that we have three tax appeals on for discussion later in the meeting.

**Balance due for Walter T. Bergen Engineering Soil Study**

Mayor stated that we have spent with engineering \$120,000 and we need to fund the capital budget; only way to do it is to bond it out of the ROSE fund.

Mayor suggested that we look at the bonding for the drainage as well; this will be on the August 23 agenda.

**Walter T. Bergen Drainage**

Mayor will get the costs; B&B Soccer will give a donation.

**Lighting for Walter T. Bergen School Referendum**

Borough Attorney will prepare the question for referendum; Mayor wants to review it; it must be to the County Clerk by August 19.

**Pending List Items**

Discussion followed as to items on the pending list; Mayor asked that the dumpster ordinance which Councilman Vroom stated is in our zoning be put in his mailbox to review.

Councilwoman Pituch noted that the list of fire department concerns for the building should be on the pending list; Mayor Dunleavy stated anyone can request an item be placed on the list.

**RECESS**

Mayor Dunleavy recessed the meeting at this time.

**RECONVENED**

Mayor Dunleavy reconvened the meeting at this time, 9:00 p.m.

**INTRODUCTION OF NEW BUSINESS**

**Adoption of Resolution #2011-7.2: Payment of Municipal Obligations**

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

**RESOLUTION - #2011 -7.2  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Payment of Municipal Obligations***

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that certain municipal obligations have come due and are now payable; and

**WHEREAS**, the Governing Body further finds and declares that said obligations have been itemized on the annexed schedules, which are hereby deemed part of this Resolution;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby authorize payment of said municipal obligations, in accordance with the recommendations of the Chief Financial Officer and the Borough Treasurer, from the following accounts and in the following amounts:

**BILLS LIST  
PREPAID LIST**

CURRENT	1,463,529.51		CURRENT
787,065.05			
UTILITY	66,456.67		UTILITY
36,265.26			
CAPITAL	3,785.00	UNEMPLOY.	78.24
UTILITY CAPITAL	000.00		RECYCLING
1,054.28			
TRUST	11,168.78		CAPITAL
00,000.00			
DOG	314.00		TRUST
000.00			
RECREATION	520.00	SPEC. ASSESS.	0,000.00
UNEMPLOYMENT	161.00		RECREATION
000.00			
ROSE FUND	255.00		UTILITY
CAP 000.00			
RECYCLING	470.00		DOG
2,495.00			
TOTAL	1,546,659.96		TOTAL
826,957.83			

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

**Rescheduling of November 8, 2011 Council Meeting**

Councilwoman Shortman moved to reschedule the Regular Meeting of the Mayor and Council which was scheduled for November 8, 2011 (Election Day) to Tuesday, November 1, 2011 at 7:00 p.m. in the Council Chambers of the Municipal Building; seconded by Councilman Schiffman and carried as per the following roll call: Council members: Pituch; Schiffman; Shortman; Vroom; Conklin and Huntley all YES.

**League of Municipalities Conference**

Discussion followed in regard to attendance at the League Conference; noted that Councilwomen Huntley; Shortman and Pituch will be attending.

**Update on BASS utility bills**

Mayor Dunleavy noted that this should be addressed in open session; Borough attorney stated that this is a legal issue and should be discussed in Executive Session.

Councilwoman Huntley moved that this be discussed during the Late Executive Session; seconded by Councilwoman Shortman and carried as per the following roll call: Council Members: Schiffman, YES; Shortman, YES; Vroom, ABSTAIN; Conklin, NO; Huntley, YES and Pituch, YES.

**Update on Animal Shelter Bid Specifications**

Discussion followed in regard to bids that were held and there was one bidder.

Borough Attorney stated that there were some issues about the specifications where changes were not incorporated in the specifications, i.e. lease was not part of the specifications and therefore the bid is defective; this is not debatable, the bid is defective and should be rejected.

Mayor felt the bid should be confidential and it was noted that it is a public document and once the bid was open, any member who requests to view the bid can review it. In fact the bid has already been OPRA'd and upon legal advice has been released.

**Adoption of Resolution #2011-7.4: Authorization to REJECT the bid and Rebid the Animal Shelter Services**

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

**RESOLUTION #2011-7.4  
OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***Rejecting bid on Animal Shelter and authorizing rebid for Animal Shelter***

WHEREAS, on June 30, 2011, the Borough of Bloomingdale posted bid for a not-for-profit contractor to provide animal shelter services; and

WHEREAS, bids were closed on July 19, 2011 at 10:00 a.m.; and

WHEREAS, only one bidder submitted a proposal with respect to the same; and

WHEREAS, this package was of defective due to the fact that material terms such as the lease for real property relative to the Borough's animal shelter was inadvertently omitted; and

WHEREAS, the omission of the lease was material to the bid specifications and proposed form of contract as its terms were incorporated by reference; and

WHEREAS, the Municipal Attorney as well as the governing body have concluded that as a consequence of this inadvertent omission of material terms resulted in bidders and prospective bidders not being afforded a full opportunity to be aware of full material terms of services to be provided; and

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

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

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

BEING FURTHER RESOLVED, that the administration of the Borough of Bloomingdale shall seek new bids for said services correcting the prior deficiencies.

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

**Adoption of Resolution #2011-7.5: Chapter 159/Over the Limit Under Arrest 2011 Grant**

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

**RESOLUTION #2011-7.5  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

*Authorizing the Insertion into the FY2010 Municipal Budget Pursuant to N.J.S.A. 40A:4-87  
(Chapter 159, P.L. 1948) of a Special Item of Revenue in the Form of a State of New Jersey  
Over the Limit Under Arrest 2011 Grant*

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services (“Director”), within the State of New Jersey Department of Community Affairs, may approve the insertion of any special item of revenue in the budget of any county or municipality; and

**WHEREAS**, the Governing Body further finds and declares that N.J.S.A. 40A:4-87 provides that the Director may also approve the insertion of any item of appropriation for an equal amount; and

**WHEREAS**, the Governing Body further finds and declares that it is in the best interests of the citizens of the Borough to request approval of the insertion into the Borough’s FY2011 Municipal Budget of an item of revenue based upon a grant secured by the Borough from the State of New Jersey;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby request that the Director of the Division of Local Government Services, within the State of New Jersey Department of Community Affairs, approve the insertion into the Borough’s FY2011 Municipal Budget of an item of revenue in the sum of \$4,400.00, which item is now available as revenue in the form of a State of New Jersey Current Fund – Over the Limit Under Arrest 2011 Grant; and

**BE IT FURTHER RESOLVED** that a like sum of \$4,400.00 be and the same is hereby appropriated under the caption:

*Public and Private Revenues Offset with Appropriations  
Over the Limit Under Arrest 2011 Grant*

**AND BE IT FURTHER RESOLVED** that three (3) certified copies of this Resolution be forwarded to the Office of the Director of Local Government Services, within the State of New Jersey Department of Community Affairs, for this purpose.

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

**Adoption of Resolution #2011-7.6: Renewal of Inactive License NLS Management LLC**

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

**RESOLUTION #2011-7.6  
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 July 8, 2011, letter for the 2011-2012 license term with a special condition that no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2012, except if good cause for reconsideration is shown;

**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	#1601-33-008-010
Nancy Soule	
6 Mulberry Street	
Kinnelon, NJ	(Inactive License)

Councilwoman Huntley 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 #2011-7.7: Declaring an Emergency for Water Service Repairs – 13***

Jeffrey Drive

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

**RESOLUTION #2011-7.7  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Declaring an Emergency For Purposes of Awarding Contract for 13 Jeffrey Drive Water Service Repairs***

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares an emergency situation has developed at 13 Jeffrey Drive with a Water Service repairs;

**WHEREAS**, the Governing Body further finds and declares that this poses an imminent threat to the public health, safety and welfare of an emergent nature that warrants immediate remedial action; and

**WHEREAS**, the Governing Body further finds and declares that N.J.S.A. 40A:11-6 authorizes a municipality to negotiate and/or award a contract without public advertisement when an emergency affecting the public health, safety or welfare requires the immediate performance of services; and

**WHEREAS**, the Governing Body further finds and declares that the Water Utility Department, acting in the reasonable belief that an emergency affecting the public health, safety and welfare requires immediate remedial action without public advertisement for services;

**WHEREAS**, the Governing Body further finds and declares that the Water Utility Department has correctly recommended that the aforementioned Water Service repairs be remediated through the award to John Barrett Inc., 38 Main Street, Bloomingdale, NJ 07403 which submitted the following cost estimate;

- John Barrett, Inc. \$7,327.50

and;

**WHEREAS**, the emergency costs to be funded through the 2011 Water Utility budget;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby declare the existence of a public emergency warranting the completion of the 13 Jeffrey Drive Water Service repairs as soon as possible and does hereby award said project to John Barrett, Inc.

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

**Adoption of Resolution #2011-7.8: Authorizing Veteran Exemption**

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

**RESOLUTION #2011-7.8  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Veteran Exemption***

**WHEREAS**, on June 1, 2010 the Tax Assessor granted a VETERAN EXEMPTION for the taxing year of 2011, and

**WHEREAS**, the Governing Body further finds and declares that the foregoing property owner has paid their first-half 2011 taxes in full, and is now entitled to refund.

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

Veteran: Joseph J. Portello  
Property: Block 92.B Lot 9  
Address: 70 Rafkind Road  
Bloomingtondale, NJ 07403

2011 Refund Amount: \$ 4,542.02

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to cancel the balance of the 2011 taxes.

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

**Adoption of Resolution #2011-7.9: Authorizing TTL #000493**

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

**RESOLUTION #2011 -7.9  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Redemption and Cancellation of Tax Title Lien Certificate #000493***

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that, at the Borough Tax Sale held on March 30, 2009, a lien was sold on,  
30 OAK STREET, BLOOMINGDALE, for delinquent year 2008 taxes, and

**WHEREAS**, the Governing Body further finds and declares that the foregoing property is also known as Block 92.A, Lot 23, owned by BRUCE TOMCHIN; and

**WHEREAS**, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 000493, which was sold to US BANK CUST FOR CCTS CAPITAL for a PREMIUM of \$8,100.00; and

**WHEREAS**, the Governing Body further finds and declares that TD BANK, Mortgage Holder, has requested redemption of TTL # 000493; and

**WHEREAS**, the Governing Body further finds and declares that TD BANK, has paid all monies due on TTL #000493, including supporting affidavits from the lien holder and current taxes, to the Borough of Bloomingdale;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Bloomingdale that the Borough Treasurer be and is hereby authorized to issue checks in the amount of \$30,603.97 for the lien redemption and \$8,100.00 for return of the PREMIUM payable to US BANK CUST FOR CCTS CAPITAL, 2 Liberty Place, 50 South 16<sup>th</sup> Street, Suite 1950, Philadelphia, PA 19102 for the redemption and cancellation of Tax Title Lien Certificate # 000493.

1099 = \$ 4,574.75

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

**Adoption of Resolution #2011-7.10: Authorizing TTL #000469**

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

**RESOLUTION #2011 -7.10  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Redemption and Cancellation of Tax Title Lien Certificate #000469***

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

**WHEREAS**, the Governing Body further finds and declares that the foregoing property is also known as Block 5, Lot 5, owned by CHARLES & LOIS MANELLA; and

**WHEREAS**, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 000469, which was sold to CHUN T. LI at 16%; and

**WHEREAS**, the Governing Body further finds and declares that CHARLES & LOIS MANELLA, owners, have requested redemption of TTL # 000469; and

**WHEREAS**, the Governing Body further finds and declares that, CHARLES & LOIS MANELLA have paid all monies due on TTL #000469, including supporting affidavits from the lien holder and current taxes, to the Borough of Bloomingdale;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Bloomingdale that the Borough Treasurer be and is hereby authorized to issue checks in the amount of \$5,858.59 for the lien redemption payable to Chun T. Li, 102 Barnegat Beach Drive, Waretown, NJ 08758 for the redemption and cancellation of Tax Title Lien Certificate # 000469.

1099 = \$ 2,153.37

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

**Adoption of Resolution #2011-7.11: *Authorizing Payment for Unused Sick Time Upon Retirement for Robert "Jeff" Breckenridge***

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

**RESOLUTION #7.11  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing the payment for unused sick time and the  
execution of Severance Agreement***

WHEREAS, Jeff Breckenridge, employee holding the rank of Patrolman, with the Bloomingdale Police Department has retired effective on June 30, 2011 after 24 years of service; and

WHEREAS, upon retirement, Jeff Breckenridge had accumulated 60 unused sick days; and

WHEREAS, pursuant to the Collective Bargaining Agreement between the Bloomingdale PBA and the Borough of Bloomingdale that was in effect upon his retirement, Jeff Breckenridge was entitled to the daily payment of \$595.56 for each unused sick day up to 60 days, totaling \$35,733.60; and

WHEREAS, the governing body wishes to authorize the administration to make the aforementioned payment to Jeff Breckenridge for his unused sick days

NOW, THEREFORE, BE IT RESOLVED, that the administration be and is hereby authorized to make payment to Mr. Breckenridge in the amount of \$35,733.60 in full and final payment for his unused sick days and execute a Severance Agreement that incorporates the terms and conditions of his retirement providing him only those benefits to which he is entitled to under Collective Bargaining Agreement, Municipal Ordinance and Statute.

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

#### **Authorization for Membership in Bloomingdale Fire Department**

Councilman Vroom moved for authorization for the following in the Bloomingdale Fire Department:

Nick Katsock – Jr. Squad  
Amy Demarest – Regular Member

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.

#### **INTRODUCTION OF NON-AGENDA BUSINESS**

##### **New Businesses in Borough**

Mayor Dunleavy spoke of new businesses in the Borough as did Councilwoman Shortman and he asked that she contact them and arrange a ribbon cutting ceremony.

##### **Pride Day**

Councilwoman Huntley noted that Pride Day will be October 1 from 12 p.m. until 5 p.m.

##### **River Cleanup**

Councilwoman Huntley noted that the River Cleanup will be August 20.

#### **LATE PUBLIC COMMENT**

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

Mark Lime, 13 Highland Avenue, spoke of the parking lot by firemen's hall and asked when the

Mayor and Council will repair it as that was the agreement when they donated the land to the Borough; Borough Administrator is working on this and this will be kept on the pending agenda.

Lori Weinbrock, Highland Road, expressed her concern with the “rumor” that there will be a recycling center behind the senior Center or an impound yard and Mayor Dunleavy noted that this is just a rumor; there is nothing on the table for this.

JoAnn Prentzel, Kampfe Lake, expressed her concern with roads in the Borough having the same name and fact that she has discussed this with the Police Chief and he is in favor of renaming them.

Mayor stated that we will have the Borough Attorney review private roads as in Kampfe Lake v. public named changes – this would be a police matter as concern with 911; Borough Administrator will reach out to the Police Chief for a prioritized list.

Mrs. Prentzel also expressed the need for senior housing in the Borough to which Mayor Dunleavy noted that we have tried to get developers in here to do such housing but there was no interest.

Ray Yazdi, 36 Bailey Avenue, expressed his disappointment that councilwoman Huntley could find \$2,000 for the League but not for the fireworks.

Discussion followed as to this being after the budget was introduced. In response to Mr. Yazdi as to how Councilwoman Huntley would have voted on the budget when it was finalized, she said since she was presiding over the meeting, she was advised she could not vote but she would have voted YES.

Lynn Ferrara, 164 Reeve Avenue, spoke in regard to the door access code and express her concern as to the security of items in the office and felt that there should be a sign-in sheet when people come into the office for security reasons.

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

**Authorization for Late Executive Session**

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

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

***Authorizing the Convening of an Executive Session***

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale

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

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

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

1. The public shall be excluded from discussion of, and action upon, the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
3. The general nature of the subject matter to be discussed is as follows:
  - A. Negotiations – Eight Matters
  - B. Personnel – Two matters
4. Minutes will be taken.
5. It is anticipated at this time that minutes of the above-referenced subject matter will be made public when it is in order to do so.
6. This Resolution shall take effect immediately.

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

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

### **RECONVENED**

Mayor Dunleavy reconvened the meeting at 11:35 p.m. and noted that Councilwoman Huntley left during the Executive Session due to a conflict.

### ***Adoption of Resolution #2011-7.12: Au theorizing and Approving Loreng & Brugaletta Tax Appeal***

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

**RESOLUTION #2011-7.12  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing and Approving Loreng & Brugaletta Tax Appeal Settlement***

**WHEREAS**, Loreng & Brugaletta T/A W & J commenced a 2009 Tax Court tax appeal against the Borough of Bloomingdale, bearing Docket No. 014958-2009 and a 2010 Tax Court appeal bearing Docket No. 011894-2010; and

**WHEREAS**, the Governing Body has received and considered the recommendations of the Assistant Municipal Attorney and Municipal Tax Assessor that the above tax appeals be amicably resolved as set forth below; and

**WHEREAS**, the Governing Body has determined that is in the best interest of the residents of Bloomingdale to settle the tax appeals as recommended by the municipal professionals:

**NOW, THEREFORE, BE IT ORDAINED AND RESOLVED**, that the Governing Body of the Borough of Bloomingdale does hereby authorize and approve the settlement of the Loreng & Brugaletta 2009 tax appeal bearing Docket No. 014958-2009, upon the following terms: (1) the original 2009 assessment of \$84,800.00 for Land and \$308,400.00 for Improvements, for a Total Assessment of \$393,200.00, hereby is revised to a Settlement Assessment of \$84,800.00 for Land and \$177,400.00 for Improvements, for a Total Assessment of \$262,200.00; and (2) the original 2010 assessment of \$84,800.00 for Land and \$308,400.00 for Improvements, for a Total Assessment of \$393,200.00, hereby is revised to a Settlement Assessment of \$84,800.00 for Land and \$177,000.00 for Improvements, for a Total Assessment of \$262,200.00.

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

**Adoption of Resolution #2011-7.13: Authorizing and Approving Salvatore and Carmel Pagliarulo Tax Appeal Settlement**

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

**RESOLUTION #2011-7.13  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing and Approving Salvatore and Carmel Pagliarulo Tax Appeal Settlement***

**WHEREAS**, Salvatore and Carmel Pagliarulo commenced a 2009 Tax Court tax appeal against the Borough of Bloomingdale, bearing Docket No. 014955-2009 and a 2010 Tax Court appeal bearing Docket No. 011902-2010; and

**WHEREAS**, the Governing Body has received and considered the recommendations of the Assistant Municipal Attorney and Municipal Tax Assessor that the above tax appeals be amicably resolved as set forth below; and

**WHEREAS**, the Governing Body has determined that is in the best interest of the residents of Bloomingdale to settle the tax appeals as recommended by the municipal professionals:

**NOW, THEREFORE, BE IT ORDAINED AND RESOLVED**, that the Governing Body of the Borough of Bloomingdale does hereby authorize and approve the settlement of the Salvatore and Carmel Pagliarulo 2009 tax appeal bearing Docket No. 014955-2009, upon the following terms: (1) the original 2009 assessment of \$201,600.00 for Land and \$169,700.00 for Improvements, for a Total Assessment of \$371,300.00, hereby is revised to a Settlement Assessment of \$201,600.00 for Land and \$102,700.00 for Improvements, for a Total Assessment of \$304,300.00; and (2) the original 2010 assessment of \$201,600.00 for Land and \$169,700.00 for Improvements, for a Total Assessment of \$371,300.00, hereby is revised to a Settlement Assessment of \$201,600.00 for Land and \$88,400.00 for Improvements, for a Total Assessment of \$290,000.00.

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

***Adoption of Resolution #2011-7.14: Authorizing and Approving PJM Property Management LLC***

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

**RESOLUTION #2011-7.14  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing and Approving PJM Property Management, LLC Tax Appeal Settlement***

**WHEREAS**, PJM Property Management, LLC (“PJM”) commenced a 2009 Tax Court tax appeal against the Borough of Bloomingdale, bearing Docket No. 014959-2009 and a 2010 Tax Court appeal bearing Docket No. 011896-2010; and

**WHEREAS**, the Governing Body has received and considered the recommendations of the Assistant Municipal Attorney and Municipal Tax Assessor that the above tax appeals be amicably resolved as set forth below; and

**WHEREAS**, the Governing Body has determined that is in the best interest of the residents of Bloomingdale to settle the tax appeals as recommended by the municipal professionals:

**NOW, THEREFORE, BE IT ORDAINED AND RESOLVED**, that the Governing Body of the Borough of Bloomingdale does hereby authorize and approve the settlement of the PJM 2009 tax appeal bearing Docket No. 014959-2009, upon the following terms: (1) the original 2009 assessment of \$149,900.00 for Land and \$246,600.00 for Improvements, for a Total Assessment of \$396,500.00, hereby is revised to a Settlement Assessment of \$149,900.00 for Land and \$134,800.00 for Improvements, for a Total Assessment of \$284,700.00; and (2) the original 2010 assessment of \$149,900.00 for Land and \$246,600.00 for Improvements, for a Total Assessment of \$396,500.00, hereby is revised to a Settlement Assessment of \$149,900.00 for Land and

\$111,100.00 for Improvements, for a Total Assessment of \$261,000.00.

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

**ADJOURNMENT**

Since there was no further business to be conducted under this special call, Councilwoman Huntley moved that it be closed at 9:50 p.m.; seconded by Councilman Vroom and carried on voice vote.

Jane McCarthy, RMC  
Municipal Clerk