

Sixth Regular Meeting of the Township Council.

The meeting commenced at 7:38 PM.

The meeting was called to order by Mayor Raymond J. McCarthy.

Notice of time, date, location and agenda of this meeting, to the extent then known was provided at least forty eight (48) hours prior to the commencement of this meeting in the following manner pursuant to the provisions of Chapter 231 of the Law of 1975 (The Open Public Meetings Act).

1. By posting such notice on the bulletin board in the Municipal Building, and
2. By mailing such notice to the offices of the Independent Press, Bloomfield Life and the Star Ledger.

This was followed by the Pledge of Allegiance.

Mayor McCarthy moved to the order of business and asked the Municipal Clerk to call the roll.

Roll Call showed:

Councilwoman Maly – Present	Councilman Venezia – Present
Councilman Joanow – Present	Councilwoman Dunigan – Present
Councilman Ruane – Present	Councilman Hamilton – Present
Mayor McCarthy – Present	

Also present were the following:

Municipal Clerk Louise M. Palagano
Township Administrator Yoshi Manale
Township Attorney Brian Aloia
Township Engineer Paul Lasek

Councilwoman Maly moved the following Proclamation, which was seconded by Councilman Joanow:

WHEREAS; Autism is a pervasive developmental disorder affecting the social, learning, and behavioral skills of those affected by it; and

WHEREAS; Autism was once thought to be a relatively rare disorder, affecting only 1 in 1,000 people; and

WHEREAS; as more and more health professionals become proficient in diagnosing Autism, more children are being diagnosed on the Autism spectrum, resulting in rates as high as 1 in 150 children nationally and 1 in 94 in New Jersey; and

WHEREAS; while there is no cure for Autism, it is well documented that if individuals with Autism receive treatment early in their lives, it often is possible for those individuals to lead significantly improved lives; and

WHEREAS; the New Jersey State Federation of Women's Clubs of GFWC and the Woman's Club of Bloomfield join with women's clubs throughout the State of New Jersey and with Autism New Jersey (formerly COSAC) to spearhead an awareness effort in order to educate parents, professionals and the general public about Autism and its effects:

NOW, THEREFORE, I, RAYMOND J. McCARTHY, as Mayor of the Township of Bloomfield, along with the Members of the Township Council, do hereby proclaim April 2011 as **AUTISM AWARENESS MONTH** in the Township of Bloomfield. Further, we do hereby join the dedicated volunteers of the New Jersey State Federation of Women's Clubs of GFWC, the Woman's Club of Bloomfield and Autism New Jersey and urge all employees and residents to participate in Autism Awareness Month activities, in order to become better educated on the subject of Autism Spectrum Disorders.

Vote showed the following:

Councilwoman Maly – Yes

Councilman Joanow – Yes

Councilman Ruane – Yes

Mayor McCarthy – Yes

Councilman Venezia – Yes

Councilwoman Dunigan – Yes

Councilman Hamilton – Yes

Mayor McCarthy then called upon The Honorable James G. Troiano, Superior Court Judge of the County of Essex, to swear in Vincent A. Pirone as Municipal Court Judge of the Township of

Bloomfield, after which Judge Pirone received his robe. Both Judge Troiano and Judge Pirone made brief statements after the swearing in ceremony.

Thereafter, Mayor McCarthy called upon the Council to move to the Resolution portion of the Agenda, specifically to those items wherein members of the Bloomfield Police Department were to be promoted.

Councilwoman Dunigan moved, and Councilman Venezia the seconded, the adoption of the following Resolution:

2011 RESOLUTION – APPOINTMENT OF CAPTAIN

WHEREAS, a vacancy exists in Bloomfield Police Department in the position of Police Captain; and

WHEREAS, the Department of Civil Service of the State of New Jersey has certified a list of eligible candidates, who have qualified by competitive examination for appointment to the position of Police Captain; and

WHEREAS, Joseph Pulido appears in the first position on the list of eligible candidates; and

WHEREAS, the Chief of Police recommends that Joseph Pulido be promoted to the position of Police Captain, effective April 5, 2011.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, that Joseph Pulido is hereby promoted to the position of Police Captain in the Police Department of the Township of Bloomfield effective April 5, 2011.

Vote showed the following:

Councilwoman Maly – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Yes
Councilman Ruane – No	Councilman Hamilton – Yes
Mayor McCarthy – Yes	

Joseph Pulido was then sworn in by Mayor McCarthy as a Police Captain of the Township of Bloomfield Police Department.

Councilman Hamilton moved, and Councilwoman Maly seconded, the adoption of the following Resolution:

2011 RESOLUTION – APPOINTMENT OF LIEUTENANT

WHEREAS, a vacancy exists in Bloomfield Police Department in the position of Police Lieutenant; and

WHEREAS, the Department of Civil Service of the State of New Jersey has certified a list of eligible candidates, who have qualified by competitive examination for appointment to the position of Police Lieutenant; and

WHEREAS, Sean Schwindt appears in the first position on the list of eligible candidates; and

WHEREAS, the Chief of Police recommends that Sean Schwindt be promoted to the position of Police Lieutenant, effective April 5, 2011.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Bloomfield, that Sean Schwindt is hereby promoted to Lieutenant of the Bloomfield Police Department effective April 5, 2011.

Vote showed the following:

Councilwoman Maly – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Yes
Councilman Ruane – No	Councilman Hamilton – Yes
Mayor McCarthy – Yes	

Sean Schwindt was then sworn in by Councilman Hamilton as a Lieutenant of the Township of Bloomfield Police Department.

Councilwoman Maly moved, and Councilman Joanow seconded, the adoption of the following Resolution:

2011 RESOLUTION - APPOINTMENT OF SERGEANT

WHEREAS, a vacancy exists in the Bloomfield Police Department in the position of Police Sergeant; and

WHEREAS, the Department of Civil Service of the State of New Jersey has certified a list of eligible candidates, who have qualified by competitive examination for appointment to the position of Police Sergeant; and

WHEREAS, Anthony Argento appears on the list of eligible candidates; and

WHEREAS, the Chief of Police recommends that Anthony Argento be promoted to the position of Police Sergeant, effective April 5, 2011.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey that Anthony Argento is hereby promoted to Sergeant of the Bloomfield Police Department effective April 5, 2011.

Vote showed the following:

Councilwoman Maly – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Yes
Councilman Ruane – No	Councilman Hamilton – Yes
Mayor McCarthy – Yes	

Anthony Argento was then sworn in by Councilwoman Maly as a Sergeant of the Township of Bloomfield Police Department.

Councilman Joanow moved, and Councilman Venezia seconded, the adoption of the following Resolution:

2011 RESOLUTION - APPOINTMENT OF SERGEANT

WHEREAS, a vacancy exists in the Bloomfield Police Department in the position of Police Sergeant; and

WHEREAS, the Department of Civil Service of the State of New Jersey has certified a list of eligible candidates, who have qualified by competitive examination for appointment to the position of Police Sergeant; and

WHEREAS, Patsy Spatola appears on the list of eligible candidates; and

WHEREAS, the Chief of Police recommends that Patsy Spatola be promoted to the position of Police Sergeant, effective April 5, 2011.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey that Patsy Spatola is hereby promoted to Sergeant of the Bloomfield Police Department effective April 5, 2011.

Vote showed the following:

Councilwoman Maly – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Yes
Councilman Ruane – No	Councilman Hamilton – Yes
Mayor McCarthy – Yes	

Patsy Spatola was then sworn in by Councilman Venezia as a Sergeant of the Township of Bloomfield Police Department.

Councilman Venezia moved, and Councilwoman Dunigan seconded, the adoption of the following Resolution:

2011 RESOLUTION - APPOINTMENT OF SERGEANT

WHEREAS, a vacancy exists in the Bloomfield Police Department in the position of Police Sergeant; and

WHEREAS, the Department of Civil Service of the State of New Jersey has certified a list of eligible candidates, who have qualified by competitive examination for appointment to the position of Police Sergeant; and

WHEREAS, George Ricci appears on the list of eligible candidates; and

WHEREAS, the Chief of Police recommends that George Ricci be promoted to the position of Police Sergeant, effective April 5, 2011.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey that George Ricci is hereby promoted to Sergeant of the Bloomfield Police Department effective April 5, 2011.

Vote showed the following:

Councilwoman Maly – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Yes
Councilman Ruane – No	Councilman Hamilton – Yes
Mayor McCarthy – Yes	

George Ricci was then sworn in by Mayor McCarthy as a Sergeant of the Township of Bloomfield Police Department.

Mayor McCarthy then congratulated each of the members of the Police Department who were promoted.

Mayor McCarthy returned to the Agenda and asked if there were any Minutes of previous meeting to approve.

Councilman Ruane moved, and Councilman Venezia seconded, the approval of the following:

March 1, 2010 Regular Meeting Minutes

March 7, 2011 Regular Meeting Minutes
March 21, 2011 Regular Meeting Minutes

Vote showed the following:

Councilwoman Maly – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Yes
Councilman Ruane – Yes	Councilman Hamilton – Yes
Mayor McCarthy – Yes	

Mayor McCarthy then stated that there were no bids to be opened or read.

Mayor McCarthy stated that there was no business to be considered or discussed under the Administrative Agenda, presented by the Township Administrator.

Mayor McCarthy stated that there were no Reports of Special Council Committees or any Appointments by Council.

The Mayor called for written communications, to which the Municipal Clerk read aloud an email received from Mary Shaughnessy, 41 Lowell Terrace, Bloomfield, New Jersey, who wrote concerning the Open Space Trust Fund. The Municipal Clerk also indicated that the Mayor and Council had received in excess of 80 written communications from not only Township residents, but also individuals from across the country, all in support of keeping the Township's animal shelter open.

Thereafter, the oral portion of the meeting was called by the Mayor.

Ed Brasseur, 124 Lindbergh Boulevard, Bloomfield, New Jersey, took the microphone to discuss the 2011 Municipal Budget; to support full staffing of both the Police Department and the Fire Department; asked for civility amongst the members of the Council.

James P. O'Connell, 93 Darling Avenue, Bloomfield, New Jersey, took the microphone to indicate his support for the elimination of the Open Space Trust Fund tax, and to indicate that he was against increasing property taxes.

Bhakti Pandya, 505 Bloomfield Avenue, Nutley, New Jersey, took the microphone to discuss the possible closure of the Bloomfield Township animal shelter.

Patricia Gilleran, 43 Sunset Avenue, Bloomfield, New Jersey, took the microphone to discuss the Open Space Trust Fund, and also to inquire about a methadone clinic in the Township of Bloomfield.

Susan Hebert, 33 Benson Street, Bloomfield, New Jersey, took the microphone to discuss the Open Space Trust Fund.

Michael Elias, 103 North Spring Street, Bloomfield, New Jersey, took the microphone to discuss potential staffing cuts within the Fire Department of the Township of Bloomfield.

Steven Rosen, 56 Winding Lane, Bloomfield, New Jersey, took the microphone to discuss potential staffing cuts within the Fire Department of the Township of Bloomfield.

Maria Probst, 569 Broad Street, Bloomfield, New Jersey, took the microphone to discuss the proposed installation of a cell phone tower at the intersection of Bay Avenue and Broad Street; the 2011 Municipal Budget; the Open Space Trust Fund; her opposition to a methadone clinic opening in the Township.

Gary Iacobacci, 252 Franklin Street, Bloomfield, New Jersey, took the microphone to oppose a methadone clinic opening in the Township.

Mark Emerson, 103 Demarest Avenue, Bloomfield, New Jersey, took the microphone to discuss health benefits paid to the Mayor and members of the Council; inquired of the Municipal Clerk how to file a referendum to eliminate the health benefits given to the Mayor and members of the Council; inquired of the Mayor how to obtain alternate side of the street parking for Demarest Street.

Candy Straight, 518 E. Passaic Avenue, Bloomfield, New Jersey, took the microphone to ask the Mayor and Council to consider every possible way to cut costs to the Township's budget.

Brian McDade, 15 Marcy Street, Bloomfield, New Jersey, took the microphone to discuss potential staffing cuts within the Fire Department of the Township of Bloomfield and also the Safer Grant which was filed on behalf of the Township.

Stephen O'Byrne, 38 Main Street, Bloomfield, New Jersey, took the microphone to ask the Municipal Clerk to read into the record the contents of all of the 80 or so written communications received in opposition to the closing of the animal shelter in the Township of Bloomfield.

Mayor McCarthy responded to Mr. O'Byrne by stating that there was no need to read the communications into the record since everyone on the Council had received a copy of each written communication.

Mayor McCarthy thanked the speakers and asked the Council for a motion to close the oral portion of the meeting. Councilman Ruane so moved and the motion was seconded by Councilman Venezia.

Vote showed the following:

Councilwoman Maly – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Yes
Councilman Ruane – Yes	Councilman Hamilton – Yes
Mayor McCarthy – Yes	

The Mayor then called for the introduction of proposed Ordinances on first reading.

Councilwoman Dunigan submitted the following Ordinance on first reading:

AN ORDINANCE TO AMEND CHAPTER 122, ALCOHOLIC BEVERAGES, ARTICLE I, GENERAL PROVISIONS, §122-2 LICENSE FEES, PARAGRAPH B WITHIN THE TOWNSHIP CODE OF THE TOWNSHIP OF BLOOMFIELD

BE IT ORDAINED, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, as follows:

Section 1. Chapter 122, entitled, "ALCOHOLIC BEVERAGES" ARTICLE I, General Provisions, §122-2 License fees paragraph B, of the Code of the Township of Bloomfield, County of Essex, State of New Jersey is hereby amended to read as follows:

B. For each plenary retail distribution license: the sum of \$2,250 per annum.

Section 2. All ordinances inconsistent herewith are hereby repealed.

Section 3. This ordinance shall take effect upon final passage and publication in accordance with the law.

On motion of Councilwoman Dunigan, and seconded by Councilman Venezia, same was passed on first reading.

Vote showed the following:

Councilwoman Maly – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Yes
Councilman Ruane – Yes	Councilman Hamilton – Abstained
Mayor McCarthy – Yes	

Councilman Hamilton submitted the following Ordinance on first reading:

AN ORDINANCE APPROVING THE INTERSECTION IMPROVEMENTS FROM DODD STREET AND JFK DRIVE – NORTH IN THE TOWNSHIP OF BLOOMFIELD, ESSEX COUNTY, NEW JERSEY

WHEREAS, the Mayor and Council of the Township of Bloomfield, Essex County, find it in the best interest of public safety to install a traffic signal at the intersection of Dodd Street and JFK Drive – North; and

WHEREAS, the Township Engineer has submitted and certified all of legislative requirements pursuant to N.J.S.A. 39:4 – 120.1; N.J.A.C. 16:27-4.6, and the criteria as set forth by the New Jersey Department of Transportation, Bureau of Traffic Engineering and Investigations have been met.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey as follows:

Section 1. That the intersection of Dodd Street and JFK Drive – North shall be controlled by a Traffic Signal in accordance with the as-built traffic signal plan on file in the Engineering Department.

Section 2. That the Traffic control signal has been designed and constructed in accordance with the provisions of the Manual on Uniform Traffic Control Devices, Title 39 of the Revised Statutes and the New Jersey Administrative Code, and shall be operated in conformance with the designated plan.

Section 3. That all prior ordinances or resolutions or portions thereof inconsistent herewith be repealed.

Section 4. That this Ordinance shall become effective upon adoption and publication as required by law and upon approval of the Commissioner of the New Jersey Department of Transportation.

Section 5. That if any clause, section or provision of this ordinance is declared invalid by a Court of competent jurisdiction, such provision shall be deemed separate, distinct and independent and shall not affect the validity of the remaining portion hereof.

Section 6. When the Ordinance is finally adopted, the Township Clerk shall send a certified copy to Douglas R. Bartlett, or the current Manager of Traffic Engineering and Investigations, N.J. Department of Transportation, P.O. Box 613, Trenton, 08625-0613.

On motion of Councilman Hamilton, and seconded by Councilwoman Maly, same was passed on first reading.

Vote showed the following:

Councilwoman Maly – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Yes
Councilman Ruane – Yes	Councilman Hamilton – Yes
Mayor McCarthy – Yes	

Prior to the following Ordinance being moved, Mayor McCarthy indicated that it had been deferred:

ORDINANCE OF THE TOWNSHIP OF BLOOMFIELD, COUNTY OF ESSEX, NEW JERSEY RATIFYING THE ADOPTION, ON MARCH 7, 2011, OF ORDINANCE NUMBER 11-11 AND ORDINANCE NUMBER 11-1 (DEFERRED)

The following is the discussion that took place amongst the Mayor and Council concerning the Ordinance pertaining to Amending Chapter 112 of the Township Code dealing with affordable housing. The Ordinance was moved after the discussion below ended.

Prior to the following Ordinance being moved (Amending Chapter 112 of the Bloomfield Code), Councilman Joanow stated that he wanted to have the Ordinance deferred or tabled because the subject matter of the Ordinance had not been discussed and properly vetted at the Conference Meeting held on March 28, 2011.

Joseph Bauman, Esq., a redevelopment attorney hired by the Township, took the microphone to respond to Councilman Joanow's concerns. Mr. Bauman stated to Councilman Joanow that the Ordinance was placed on the Agenda because it needed to be considered by the Planning Board at its next regularly scheduled meeting, and the Planning Board could not consider the Ordinance if it did not pass on first reading by the Council. He went on to explain that the Ordinance puts the decision making power of affordable housing in redevelopment projects in the hands of the Mayor and Township Council, and takes it away from the Planning Board.

Councilman Joanow stated that the content of the Ordinance should have been vetted at the previous conference meeting and not placed on the Agenda as an emergent issue, and that it was his intent to vote no on the first reading of the Ordinance.

Councilman Ruane commented that the Ordinance should be deferred and placed on the next conference meeting's agenda.

Mayor McCarthy stated that the Ordinance needs to be moved on first reading so that the redevelopment projects could move forward.

Councilwoman Maly asked why the Planning Board would be willing to turn over the decision making power on the affordable housing issue in redevelopment projects to the Mayor and the Council.

Mr. Bauman responded to Councilwoman Maly's concern, and also stated that that Ordinance was prepared at the recommendation of the redevelopment attorney to ensure that the Mayor and Council would have final decision making authority over the issue.

Councilwoman Maly stated that she voted no to an Ordinance passed at a previous meeting which placed time limits on placing items on a meeting agenda, and that the Ordinance about to be introduced is a prime example of why she had voted no.

Councilman Hamilton finally submitted the following Ordinance on first reading;

ORDINANCE OF THE TOWNSHIP OF BLOOMFIELD, COUNTY OF ESSEX, NEW JERSEY AMENDING CHAPTER 112 OF THE TOWNSHIP CODE

WHEREAS, In 2008, the Township Council (the "Township Council") of the Township of Bloomfield (the "Township") adopted an ordinance that was subsequently codified in Chapter 112 of the Township Code ("Chapter 112"), the stated purpose of which is to facilitate the provision of affordable housing in connection with residential and nonresidential development in compliance with the requirements of statutory law and the Coalition on Affordable Housing's Revised Round Three rules; and

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"), the Township Council, after appropriate investigation and review by the Planning Board of the Township, has determined that certain areas within the Township constitute areas in need of redevelopment, and has adopted redevelopment plans governing the development of such areas; and

WHEREAS, the Township Council has determined, because of the unique financial challenges presented in connection with the development of areas deemed to qualify as areas in need of redevelopment, that it would be in the best interest of the Township to address certain matters, such as the construction of affordable housing in such areas, if any, in agreements to be entered into by and between the Township and designated redevelopers, rather than through the strict application of Chapter 112 of the Township Code thereto; and

WHEREAS, the Township Council desires to amend Chapter 112 of the Township Code to provide that it shall not apply to the development of projects in areas designated by the Township as areas in need of redevelopment under the Redevelopment Law.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Township of Bloomfield, New Jersey as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Chapter 112-3 of the Township Code is hereby amended and restated in its entirety as follows:

“Except as otherwise set forth herein, this chapter sets forth mechanisms by which developers shall provide for a fair share of affordable housing based on growth that is associated with development taking place within all zoning districts within the Township. This chapter shall not apply to any parcel within the Township which would not accommodate five or more dwelling units where the zoning would require a twenty-percent set-aside. Pursuant to N.J.A.C. 5:97-6.4(b)7, this chapter shall apply to any parcel within the Township which would accommodate five or more dwelling units as a result of a "d" variance pursuant to N.J.S.A. 40:55D-70, where the zoning would require a twenty-percent set-aside. Notwithstanding anything herein to the contrary, this chapter shall not apply to development in any areas designated by the Township as areas in need of redevelopment under the Redevelopment Law. The affordable housing obligation for a project undertaken in a designated redevelopment area, if any, will be determined through negotiations between the redevelopment entity and a designated redeveloper, and incorporated into a redevelopment agreement.”

Section 3. This ordinance shall take effect in accordance with applicable law.

On motion of Councilman Hamilton, and seconded by Councilman Venezia, same was passed on first reading.

Vote showed the following:

Councilwoman Maly – Yes	Councilman Venezia – Yes
Councilman Joanow – No	Councilwoman Dunigan – Yes
Councilman Ruane – No	Councilman Hamilton – Yes
Mayor McCarthy – Yes	

Councilman Venezia asked that the following Ordinance be tabled to a later date:

AN ORDINANCE TO AMEND CHAPTER 42, FUNDS, ARTICLE II “OPEN SPACE TRUST FUND § 42-11 “ESTABLISHMENT OF OPEN SPACE TRUST FUND.”

BE IT ORDAINED, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, as follows:

Section 1. Chapter 42, Funds, Article II “Open Space Trust Fund § 42-11 “Establishment of Open Space Trust Fund,.” paragraph B “Funding” section (2) of the Code of the Township of Bloomfield, County of Essex, State of New Jersey is hereby amended to read as follows:

B. Funding.

- (2) Effective January 1, 2011 the Open Space Trust Fund shall be funded through the dedication to the fund of an amount of zero cents (\$0.00) per \$100 of assessed valuation of the annual tax levy. Effective January 1, 2012 and every year after, the Open Space Trust Fund Shall be funded through the dedication of the Fund of an amount of one cent (\$0.01) per \$100.00 of the assessed valuation of each annual tax levy. The Open Space Trust Fund shall also be permitted to accept donations and testamentary bequests. The monies accumulated within Open Space Trust Fund may be utilized for the acquisition of land and/or easements. Any and all interest accruing shall remain in the Open Space Trust Fund and may be utilized for the above-described purpose. Effective January 1, 2011.

Section 2. All ordinances inconsistent herewith are hereby repealed.

Section 3. This ordinance shall take effect upon final passage and publication in accordance with the law.

Councilman Venezia stated that the Ordinance should be tabled so that it could be amended, based upon new information just acquired by the Councilman.

Mayor McCarthy asked the Municipal Clerk to poll the Council on tabling the aforesaid Ordinance to a later date.

Vote to table the Ordinance showed the following:

Councilwoman Maly – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Yes
Councilman Ruane – Yes	Councilman Hamilton – Yes
Mayor McCarthy – Yes	

Mayor McCarthy stated that the Ordinance was tabled.

Mayor McCarthy then called for those Ordinances listed for Hearing, Adoption or Amendment of Proposed Ordinances on Second Reading.

The Municipal Clerk read the following Ordinance by title:

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 387 OF THE BLOOMFIELD TOWNSHIP CODE, PROVIDING PARKING FOR PHYSICALLY LIMITED PERSONS (73 BERKELEY AVENUE AND 105 NORTH 15TH STREET)

Councilman Ruane moved that the Ordinance be adopted on final reading, which was seconded by Councilman Venezia.

Mayor McCarthy called for comments from the public or Council. There being none, he asked the Municipal Clerk to poll the Council.

Vote showed the following:

Councilwoman Maly – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Yes
Councilman Ruane – Yes	Councilman Hamilton – Yes
Mayor McCarthy – Yes	

The Municipal Clerk read the following Ordinance by title:

AN ORDINANCE TO FIX AND DETERMINE THE SALARIES OF CERTAIN OFFICERS AND MEMBERS OF THE BLOOMFIELD POLICE DEPARTMENT OF THE TOWNSHIP OF BLOOMFIELD, NEW JERSEY

Councilwoman Dunigan moved that the Ordinance be adopted on final reading, which was seconded by Councilman Hamilton.

Mayor McCarthy called for comments from the public.

A member of the public asked that the salary range for the position, as contained in the Ordinance, be read aloud, to which the Township Attorney, Brian Aloia, responded.

Mayor McCarthy then called for comments from the Council. There being none, he asked the Municipal Clerk to poll the Council.

Vote showed the following:

Councilwoman Maly – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Yes
Councilman Ruane – No	Councilman Hamilton – Yes
Mayor McCarthy – Yes	

Councilman Hamilton moved, and Councilwoman Maly seconded, the adoption of the following 4 Consent Agenda Resolutions:

2011 RESOLUTION TO REFUND TAX OVERPAYMENT DUE TO TAX APPEAL

WHEREAS, a New Jersey State or County Board Judgment has been favorably awarded to some Township of Bloomfield property owners after filing tax appeals; and

WHEREAS, such judgments have resulted in overpayment of taxes on the properties.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey hereby authorizes the Township Treasurer to issue checks totaling \$2,736.48 for 2009, \$2,899.97 for 2010 and \$2,574.06 for

2011 for the overpayment of property taxes in accordance with the tax appeal judgments entered;
and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Tax Collector and Township Treasurer.

2011 RESOLUTION – AWARD OF CONTRACT – LIBERTY STREET & JFK DRIVE INTERSECTION IMPROVEMENTS

WHEREAS, after the required legal advertising was published, sealed bids were received in the Council Chambers of the Municipal Building, Bloomfield, New Jersey on March 15, 2011 by the Purchasing Committee of the Township of Bloomfield in accordance with N.J.S.A. 40A:11-1 et seq., “Local Public Contracts Law” for the Liberty Street & JFK Drive Intersection Improvements; and

WHEREAS, a total of four (4) bids were received and were referred to the Township Engineer for review; and

WHEREAS, after review of the bids and upon recommendation by the project consultant, Maser Consulting, P.A., the Township Engineer hereby recommends that the contract be awarded to the lowest responsible bidder, Foggia Trinity Electric, LLC, Inc., 1608 E. 2nd Street, Scotch Plains, New Jersey 07076 for a total contract cost of \$279,214.42; and

WHEREAS, the Director of Finance has indicated that funding is available within Township Account #0-01-40-302-157 and is reimbursable through a grant from the New Jersey Department of Transportation Trust Fund.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey hereby accepts the recommendation of the Township Engineer and he may enter into a contract for the above

intersection improvements with Foggia Trinity Electric, LLC, Inc., 1608 E. 2nd Street, Scotch Plains, New Jersey 07076 for a total contract cost of \$279,214.42.

2011 RESOLUTION – AWARD OF CONTRACT – ASBESTOS REMOVAL & ABATEMENT AT THE MUNICIPAL BUILDING BOILER HOUSE

WHEREAS, after the required legal advertising was published, sealed bids were received in the Council Chambers of the Municipal Building, Bloomfield, New Jersey on March 22, 2011 by the Purchasing Committee of the Township of Bloomfield in accordance with N.J.S.A. 40A:11-1 et seq., “Local Public Contracts Law” for Asbestos Removal & Abatement At the Municipal Building Boiler House; and

WHEREAS, a total of twelve (12) bids were received and were referred to the Township Engineer for review; and

WHEREAS, after review of the bids and upon recommendation by the project consultant, Maser Consulting, P.A., the Township Engineer hereby recommends that the contract be awarded to the lowest responsible bidder, Savic Construction Corp., 205 Route 46, Suite 15, Totowa, New Jersey 07512 for a total bid of \$67,550.00; and

WHEREAS, the Director of Finance has indicated that funding is available within Township Capital Account #C-04-55-989-947 and C-04-55-810-947.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey hereby accepts the recommendation of the Township Engineer and he may enter into a contract for the above work with Savic Construction Corp., 205 Route 46, Suite 15, Totowa, New Jersey 07512 for a total bid of \$67,550.00.

2011 RESOLUTION TO REFUND TAX OVERPAYMENT DUE TO TAX APPEAL

WHEREAS, a New Jersey State or County Board Judgment has been favorably awarded to some Township of Bloomfield property owners after filing tax appeals; and

WHEREAS, such judgments have resulted in overpayment of taxes on the properties.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey hereby authorizes the Township Treasurer to issue checks totaling \$1,867.74 for 2010 for the overpayment of property taxes in accordance with the tax appeal judgments entered; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Tax Collector and Township Treasurer.

Vote on the above 4 Consent Agenda Resolutions showed the following:

Councilwoman Maly – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Yes
Councilman Ruane – Yes	Councilman Hamilton – Yes
Mayor McCarthy – Yes	

Councilman Hamilton moved, and Councilman Venezia seconded, the adoption of the following Consent Agenda Resolution:

2011 RESOLUTION – PURCHASE OF VEHICLE, RECREATION DEPARTMENT

WHEREAS, the Director of Parks and Recreation requested that the Township purchase a 2011 Ford Model F450 Dump Truck for the Recreation Department; and

WHEREAS, Warnock Fleet, 175 Route 10, East Hanover, NJ 07936 has the Ford Dump Truck Available; and

WHEREAS, Warnock Fleet, has submitted a proposal under MJ State Contract Number A73961, to sell 2011 Ford Model F450 Dump Truck to the Bloomfield Recreation Department at a cost of \$46,198.00; and

WHEREAS, the Director of Finance has certified funds are available in the Capital budget.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is authorized to sign and the Clerk to attest an agreement to purchase 2011 Ford Model F450 4x4 Crew Cab, Dump Truck, V.I.N. No. 1FDPW4HY3BEB76414 with Warnock Fleet, 175 Route 10, East Hanover, NJ 07936 at a total cost of \$46,198.00.

Vote showed the following:

Councilwoman Maly – Yes

Councilman Venezia – Yes

Councilman Joanow – Yes

Councilwoman Dunigan – Yes

Councilman Ruane – No

Councilman Hamilton – Yes

Mayor McCarthy – Yes

Councilman Hamilton moved, and Councilwoman Dunigan seconded, the adoption of the following Resolution:

2011 RESOLUTION - BUDGET INTRODUCTION RESOLUTION

WHEREAS, the Township Administrator recommends that the Mayor and Council introduce the attached budget; and

WHEREAS, based upon the Township Administrator's recommendation the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey desires to approve the local municipal budget for the Fiscal Year 2011.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Bloomfield hereby approves the following as the Budget for the Fiscal Year 2011; and

BE IT FURTHER RESOLVED, that the following statement of revenues and appropriations shall constitute the Municipal Budget for the year 2011; and

BE IT FURTHER RESOLVED, that the Clerk shall publish the budget as required by law.

AYES:

NAYS:

ABSTAINED:

**RECORDED
VOTE**

ABSENT:

A Hearing on the Budget and Tax Resolution will be held in the Council Chambers, Municipal Building on May 2, 2011 at 7:30 o'clock p.m. at which time and place objection to said Budget and Tax Resolution for the year 2011 may be presented by taxpayers or other interested persons.

General Appropriation for: Municipal Appropriations within "CAPS"	\$57,779,838.00
Municipal Appropriations Excluded from "CAPS"	\$ 9,011,686.35
Reserve for Uncollected Taxes	<u>\$ 3,109,312.96</u>
TOTAL GENERAL APPROPRIATIONS	\$69,900,837.31
Less: Anticipated Revenues Other Than Current Property Taxes	<u>\$14,894,831.21</u>
Amount to be Raised by Taxes for Support of Municipal Budget	<u>\$55,006,006.10</u>

Councilman Ruane commented that he did not have enough of an opportunity to fine tune the numbers in the budget, and that he was going to vote no to the adoption of the Resolution.

Vote showed the following:

Councilwoman Maly – No	Councilman Venezia – Yes
Councilman Joanow – No	Councilwoman Dunigan – Yes
Councilman Ruane – No	Councilman Hamilton – Yes
Mayor McCarthy – Yes	

Councilwoman Maly moved, and Councilman Joanow seconded, the adoption of the following Resolution:

2011 RESOLUTION – AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN-HOLDER

WHEREAS, at past Municipal Tax Sales, liens were sold on outstanding property taxes, water charges, and landscaping charges to outside lien-holders; and

WHEREAS, these liens were redeemed by parties of interest as of April 4, 2011 for the redemption and return of premium totaling \$105,219.95.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey hereby authorizes the Treasurer to issue a check, made payable to the lien-holders for the redemption of the tax sale certificates plus any premiums held on that account.

Councilman Ruane objected to the concept of the Resolution.

Vote showed the following:

Councilwoman Maly – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Yes
Councilman Ruane – No	Councilman Hamilton – Yes
Mayor McCarthy – Yes	

Councilwoman Dunigan moved, and Councilman Hamilton seconded, the adoption of the following Resolution:

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BLOOMFIELD, IN THE COUNTY OF ESSEX, REFERRING PROPOSED AMENDMENT TO CHAPTER 112 OF THE TOWNSHIP CODE TO THE PLANNING BOARD FOR REVIEW

WHEREAS, In 2008, the Township Council (the “Township Council”) of the Township of Bloomfield (the “Township”) adopted an ordinance that was subsequently codified in Chapter 112 of the Township Code (“Chapter 112”), the stated purpose of which is to facilitate the provision of

affordable housing in connection with residential and nonresidential development in compliance with the requirements of statutory law and the Coalition on Affordable Housing's Revised Round Three rules; and

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the "Redevelopment Law"), the Township Council, after appropriate investigation and review by the Planning Board of the Township (the "Planning Board"), has determined that certain areas within the Township constitute areas in need of redevelopment, and has prepared and adopted redevelopment plans governing the development of certain areas; and

WHEREAS, the Township Council has determined, because of the unique financial challenges presented in connection with the development of areas deemed to qualify as areas in need of redevelopment, that it would be in the best interest of the Township to address certain matters, such as the construction of affordable housing in such areas, if any, in agreements to be entered into by and between the Township and designated redevelopers; and

WHEREAS, the Township Council desires to amend Chapter 112 of the Township Code to provide that it shall not apply to the development of projects in areas designated by the Township as areas in need of redevelopment under the Redevelopment Law (the "Proposed Amendment"), which amendment is set forth in an ordinance of the Township Council introduced on first reading on April 4, 2011; and

WHEREAS, the Township Council desires to refer the Proposed Amendment to the Planning Board for review and recommendation, and to direct the Planning Board to prepare a report regarding its recommendations as to the Proposed Amendment.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Bloomfield as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. The Township Council hereby refers the Proposed Amendment to the Planning Board for review. The Planning Board is directed to prepare a report regarding its recommendations as to the Proposed Amendment and submit same to the Township Council as soon as possible.

3. This Resolution shall take effect immediately.

Councilman Joanow asked the Mayor and the Council to defer the above referenced Resolution until it had been discussed and vetted at a conference meeting.

Councilwoman Maly asked the Mayor and the Council to defer the above referenced Resolution until after it had been discussed and vetted at a Conference Meeting.

Councilman Ruane stated that he objected to the adoption of the Resolution because it had not been discussed previously at a conference meeting. He also stated that he was not questioning the substance of the Resolution, rather, he was objecting to the procedure surrounding the appearance of the Resolution on the Agenda.

Mayor McCarthy stated that there would be further discussion on the Resolution at the next Conference Meeting.

Councilman Joanow stated that the Council was violating its own rules.

Councilwoman Maly commented that the matter could have been discussed at a previous conference meeting, but that she was going to vote yes to pass the Resolution so that the redevelopment projects could proceed without haste.

Vote showed the following:

Councilwoman Maly – Yes

Councilman Joanow – No

Councilman Ruane – No

Councilman Venezia – Yes

Councilwoman Dunigan – Yes

Councilman Hamilton – Yes

Mayor McCarthy – Yes

Mayor McCarthy stated that there was no unfinished business to be discussed at the meeting.

Councilwoman Ruane moved that the following be awarded Licenses:

Licenses for Monday, April 4, 2011

MUSIC MACHINE LICENSE

Town Pub, Inc.
378 Broad Street
Bloomfield, New Jersey (Renewal)

OPEN AIR PARKING STATION

Berkeley Auto Body
3 Berkeley Avenue
Bloomfield, New Jersey (Renewal)

BMW of Bloomfield
425 Bloomfield Avenue
Bloomfield, New Jersey (Renewal)

Bloomfield Auto Body
236 Broad Street
Bloomfield, New Jersey (Renewal)

LANDSCAPER LICENSE

Nicastro & Sons
59 St. Marys Place
Nutley, New Jersey 07110 (Renewal)

Ronald Scholtz Landscaping, LLC
W 51 Hollybrook Road
Paramus, New Jersey 07652 (Renewal)

T. Rogers Landscaping
P.O. Box 426
Hawthorne, New Jersey 07507 (Renewal)

Tropiano Lawn & Garden Care, LLC
48 Sussex Road
Clifton, New Jersey 07012

Jose Serrano Landscaping
94 Broughton Avenue
Bloomfield, New Jersey 07003 (Renewal)

Virgin Landscaping
10 Highland Avenue
Nutley, New Jersey 07110 (Renewal)

Annunziat Molinari
Nunzio's Landscaping, Inc.
40 Jefferson Street
Nutley, New Jersey 07110 (Renewal)

John Petrucci
Petrucci Landscaping
45 Ackerman Street
Nutley, New Jersey 07110 (Renewal)

Eric Zimmermann
Eric Zimmermann Landscaping
241 Winifred Drive
Totowa, New Jersey 07512

Julius E. Farruggia
SJMF Landscaping, LLC
137 Hawthorne Avenue
Nutley, New Jersey 07110 (Renewal)
Al Freig
A. Greig Landscaping & Contracting
24 Waverly Terrace
Bloomfield, New Jersey 07003

RAFFLE LICENSES

Oakeside Bloomfield Cultural Center
240 Belleville Avenue
Bloomfield, New Jersey 07003
May 6, 2011 – 50/50

Oakeside Bloomfield Cultural Center
240 Belleville Avenue
Bloomfield, New Jersey 07003
May 6, 2011 – Tricky Tray

HSA Queen of Peace High School
191 Rutherford Place
North Arlington, New Jersey 07031
May 2, 2011 - 50/50

St. Valentines Altar & Rosary Sodality
125 N. Spring Street
Bloomfield, New Jersey 07003
May 6, 2011 – 50/50

St. Valentines Altar & Rosary Sodality
125 N. Spring Street
Bloomfield, New Jersey 07003
May 6, 2011 – Tricky Tray

Sacred Heart Church
76 Broad Street
Bloomfield, New Jersey 07003
May 14, 2011 – Casino Night

HSA Bloomfield Middle School
60 Huck Road
Bloomfield, New Jersey 07003
June 9, 2011 – On Premises Merchandise

Said motion was seconded by Councilwoman Maly and carried.

Vote showed the following:

Councilwoman Maly – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Yes
Councilman Ruane – Yes	Councilman Hamilton – Yes
Mayor McCarthy – Yes	

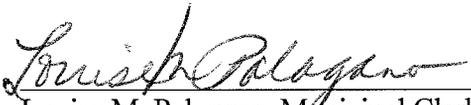
Mayor McCarthy stated that there were no Ad Authorizations to be discussed.

Mayor McCarthy stated that there were no Miscellaneous items to discuss.

Thereafter the Mayor called for a Motion to Adjourn the meeting.

Councilman Venezia motioned, and Councilwoman Dunigan seconded, the Adjournment of the meeting. The meeting adjourned at 9:37 p.m.

Respectfully submitted,


Louise M. Palagano, Municipal Clerk