

Eighteenth Regular Meeting of the Township Council.

The meeting commenced at 7:32 p.m., and was called to order by Municipal Clerk Louise M. Palagano, who stated that Mayor McCarthy would not be present for the meeting, and asked that the Council make a motion to appoint an Acting Chairperson for the meeting.

Councilman Venezia moved that Councilman Bernard Hamilton be appointed Acting Chairperson for the meeting, which was seconded by Councilwoman Litterio.

Roll call vote showed the following:

Councilwoman Litterio - Yes	Councilman Venezia - Yes
Councilman Joanow - Yes	Councilwoman Dunigan - Absent
Councilman Ruane - Absent	Councilman Hamilton - Yes
Mayor McCarthy - Absent	

Thereafter, Councilman Bernard moved to the Mayor's Chair.

Notice of the 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 Star Ledger.

This was followed by the Pledge of Allegiance.

Acting Chairperson Hamilton moved to the order of business and asked the Municipal Clerk to call the roll.

Roll call showed:

Councilwoman Litterio – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Absent
Councilman Ruane – Absent	Councilman Hamilton – Yes
Mayor McCarthy – Absent	

Also present were the following:

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

Acting Chairperson Hamilton read the following Proclamation aloud:

**PANCREATIC CANCER AWARENESS MONTH - NOV 2011  
TOWNSHIP OF BLOOMFIELD - NEW JERSEY DECLARES THE MONTH OF  
NOVEMBER 2011 “PANCREATIC CANCER AWARENESS MONTH”**

**WHEREAS**, in 2011, an estimated 44,030 people will be diagnosed with pancreatic cancer in the United States and 37,660 will die from the disease; **and**

**WHEREAS**, pancreatic cancer is one of the deadliest cancers and is the fourth leading cause of cancer death in the United States; **and**

**WHEREAS**, when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and 74 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years; **and**

**WHEREAS**, of all the racial/ethnic groups in the United States, African Americans have the highest incidence rate of pancreatic cancer, between 34 percent and 70 percent higher than the other groups;

**WHEREAS**, approximately 1140 deaths will occur in New Jersey in 2011; **and**

**WHEREAS**, there is no cure for pancreatic cancer and there have been no significant improvements in survival rates in the last 40 years, **and**;

**WHEREAS**, the Federal Government invests significantly less money in pancreatic cancer research than it does in any of the other leading cancer killers; and pancreatic cancer research constitutes only approximately 2 percent of the National Cancer Institute's federal research funding, a figure far too low given the severity of the disease, its mortality rate, and how little is known about how to arrest it; **and**

**WHEREAS**, the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in the Township of Bloomfield and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; **and**

**WHEREAS**, the Pancreatic Cancer Action Network and its affiliates in the Township of Bloomfield support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure; **and**

**WHEREAS**, the good health and well-being of the residents of the Township of Bloomfield are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments; therefore be it; **and**

**NOW, THEREFORE, I, RAYMOND J. McCARTHY**, as Mayor of the Township of Bloomfield, along with the members of the Township Council, do hereby proclaim and designate the month of **November 2011 as "Pancreatic Cancer Awareness Month"** in the Township of Bloomfield, New Jersey.

Thereafter, Michael Weinstein, a six-year survivor of pancreatic cancer, and a member of the Pancreatic Cancer Action Network accepted the Proclamation from Acting Chairperson Hamilton, and thanked the Mayor, Councilmembers, and the residents of the Township of

Bloomfield for their support of the network. Councilwoman Litterio moved, and Councilman Joanow seconded, the approval of the following:

Minutes of September 26, 2011 Conference Meeting  
Minutes of October 11, 2011 Conference Meeting  
Minutes of October 17, 2011 Special Meeting  
Minutes of October 17, 2011 Regular Meeting

Vote showed the following:

Councilwoman Litterio - Yes	Councilman Venezia - Yes
Councilman Joanow - Yes	Councilwoman Dunigan - Absent
Councilman Ruane - Absent	Councilman Hamilton - Yes
Mayor McCarthy - Absent	

Acting Chairperson Hamilton stated that there were no bids to be opened or read.

Acting Chairperson Hamilton then stated that there was no Administrative Agenda to be presented by the Township Administrator.

Acting Chairperson Hamilton called upon Councilman Venezia, who moved that the following individuals be appointed as members of the Restaurant Week Committee, which was seconded by Councilman Joanow:

Linda Barucky  
Kathleen DeMarino  
Andres Quesada  
Ryan DePersio  
Anthony DePersio  
Francesco Palmieri  
Nancy Zimmerman

Vote showed the following:

Councilwoman Litterio - Yes	Councilman Venezia - Yes
Councilman Joanow - Yes	Councilwoman Dunigan - Absent
Councilman Ruane - Absent	Councilman Hamilton - Yes
Mayor McCarthy - Absent	

Thereafter, Linda Barucky, Kathleen DeMarino, Andres Quesada, Francesco Palmieri

and Nancy Zimmerman were sworn in as members of the Restaurant Week Committee by Councilman Venezia. Messrs. DePersio were not present and therefore both of them were not sworn in.

Acting Chairperson Hamilton called for communications.

Municipal Clerk Louise M. Palagano stated that there were no written communications.

Thereafter, the oral portion of the meeting was called by Acting Chairperson Hamilton.

Kevin Lindahl, 40 Conger Street, Bloomfield, New Jersey, took the microphone and thanked the Councilmembers for the Township's proposed new rent control ordinance.

Gabe Fisch, 40 Conger Street, Bloomfield, New Jersey, took the microphone and thanked the Councilmembers for the Township's proposed new rent control ordinance.

Aurora Castaner, 79 Spruce Street, Bloomfield, New Jersey, took the microphone to ask the Councilmembers to reduce the cap rate in the proposed rent control ordinance from 5% to 3%.

Patricia Comstock, 170 Davey Street, Bloomfield, New Jersey, took the microphone and thanked the Councilmembers for the Township's proposed new rent control ordinance, and to also ask when a Recycling Coordinator would be hired by the Township, to which Township Administrator Yoshi Manale responded.

Acting Chairperson Hamilton thanked the speakers, and asked the Council for a motion to close the oral portion of the meeting. Councilwoman Litterio so moved, and the motion was seconded by Councilman Joanow.

Vote showed the following:

Councilwoman Litterio - Yes	Councilman Venezia - Yes
Councilman Joanow - Yes	Councilwoman Dunigan - Absent
Councilman Ruane - Absent	Councilman Hamilton - Yes
Mayor McCarthy - Absent	

Acting Chairperson Hamilton call for the Introduction of Proposed Ordinances on First Reading.

Councilman Joanow submitted the following Ordinance on First Reading:

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 526, TAXICABS AND LIMOUSINES, ARTICLE I, Taxicabs AND ARTICLE II, Limousines and Autocabs 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 526, entitled: "TAXICABS AND LIMOUSINES," Article I § 526-3. License required; fee; expiration and Paragraph B and § 526-6. Taxicab driver's license required; fee; expiration Paragraph B of the Code of the Township of Bloomfield is hereby amended by revising the following sections to read as follows:

**§ 526-3. License required; fee.**

B Effective January 1, 2011, every applicant for such license shall pay to the Municipal Clerk an annual license fee of \$150.00 for each taxicab or other motor vehicle for hire.

**§ 526-6. Taxicab driver's license required; fee; expiration**

B. Effective January 1, 2011, every applicant for a driver's license required by the preceding subsection shall pay to the Township Clerk the sum of \$50.00 for the use of the Township and shall receive a license from the Township Clerk.

**Section 2.** Chapter 526, entitled: "TAXICABS AND LIMOUSINES," Article II Limousines and Autocabs § 526-20. license required; fee; of the Code of the Township of Bloomfield is hereby amended by revising the following sections to read as follows:

C Effective January 1, 2012, every applicant for such license shall pay to the Municipal. Clerk an

annual license fee of \$50.00 for each livery automobile or limousine for hire.

**Section 3.** All ordinances inconsistent herewith are hereby repealed.

**Section 4.** This ordinance shall take effect upon final passage and publication in accordance with the law.

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

Vote showed the following:

Councilwoman Litterio – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Absent
Councilman Ruane – Absent	Councilman Hamilton – Yes
Mayor McCarthy – Absent	

Councilwoman Litterio submitted the following Ordinance on First Reading:

**AN ORDINANCE TO AMEND CHAPTER 363, MOTOR VEHICLE SALES, § 363-4, License fees; duration of license; revocation 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.** Paragraph A of Chapter 363, Motor Vehicle Sales, §363-4, License fees; duration of license; revocation of the Code of the Township of Bloomfield, County of Essex, State of New Jersey, is hereby amended to read as follows:

**§ 363-4. License fees; duration of license; revocation.**

- A. Effective January 1, 2012, the annual license fee for an open-air parking station for the sale, display or exchange of motor vehicles shall be as follows: (1) For any such parking station having a square-foot area of not more than 5,000 square feet: the sum of \$200.00 per year. (2) For any such parking station having a square-foot area of 5,001 square feet and not in excess of 10,000 square feet: the sum of \$250.00 per year. (3) For any such parking station having a square-foot area of 10,001 square feet and not in excess of 15,000 square feet: the sum of \$300.00 per year. (4) For any such parking

station having a square-foot area of 15,001 square feet or more: the sum of \$350.00 per year.

**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 Litterio, and seconded by Councilman Joanow, same was passed on first reading.

Vote showed the following:

Councilwoman Litterio – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Absent
Councilman Ruane – Absent	Councilman Hamilton – Yes
Mayor McCarthy – Absent	

Councilman Venezia submitted the following Ordinance on First Reading:

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 374, NEWSRACKS, § 374-5 Registration by owners; fees 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 374, entitled: “Newsracks”, §374-5 Registration by owners; fees of the Code of the Township of Bloomfield, County of Essex, State of New Jersey are hereby amended to read as follows:

**§ 374-5 Registration by owners; fees**

Any person, firm or corporation owning a newsrack in the Township of Bloomfield shall, within 15 days after beginning said maintenance, register his name, address and phone number and the location(s) of the newsrack(s) maintained in the Township and shall pay, effective January 1, 2012, an annual fee of \$50.00 for one and \$25.00 for each additional rack to defray the costs to the Township for registration and inspection of said racks. For every subsequent year, the owner shall pay the annual fee as aforesaid by January 10 of that year. The owner shall at all times promptly notify the Township Clerk of any changes in the registration information.

**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 Councilman Venezia, and seconded by Councilwoman Litterio, same was passed on first reading.

Vote showed the following:

Councilwoman Litterio – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Absent
Councilman Ruane – Absent	Councilman Hamilton – Yes
Mayor McCarthy – Absent	

Councilman Venezia submitted the following Ordinance on first reading:

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 408, PEDDLING AND SOLICITING, ARTICLE II, HAWKERS, PEDDLERS AND TRANSIENT MERCHANTS § 408-10 Applications for licenses; investigations; issuance; classes; number 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 408, entitled: “Peddling and Soliciting,” Article II, Hawkers, Peddlers and Transient Merchants, § 408-10. Applications for licenses; investigations; issuance; classes; number, Paragraph A of the Code of the Township of Bloomfield, County of Essex, State of New Jersey are hereby amended to read as follows:

**§ 408-10. Applications for licenses; investigations; issuance; classes; number.**

A. Applications. Effective January 1, 2012, all applications for peddlers' licenses shall be accompanied by an application/license fee of \$200.00 and shall be made to the Township Clerk on forms provided by the Clerk and shall contain the following information

**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 Councilman Venezia, and seconded by Councilwoman Litterio, same was passed on first reading.

Vote showed the following:

Councilwoman Litterio – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Absent
Councilman Ruane – Absent	Councilman Hamilton – Yes
Mayor McCarthy – Absent	

Councilwoman Litterio submitted the following Ordinance on First Reading:

**AN ORDINANCE TO AMEND CHAPTER 128, “AMUSEMENTS AND AMUSEMENT DEVICES”, ARTICLE I, § 128-3, “Fees; expiration of license.” AND ARTICLE II, § 128-5, “Expiration of License.” 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 128 “Amusements and Amusement Devises”, Article I, § 128-3, “Fees; expiration of license”, of the Code of the Township of Bloomfield, County of Essex, State of New Jersey, is hereby amended to read as follows:

**§128-3. Fees; expiration of license:**

A. Effective January 1, 2012, the annual dance hall license fee shall be \$150.00. The license shall be signed by the Township Clerk.

**Section 2.** Chapter 128 “Amusements and Amusement Devises”, Article II, § 128-5, “Expiration of license”, of the Code of the Township of Bloomfield, County of Essex, State of New Jersey, is hereby amended to read as follows:

**§128-5. Expiration of license:**

A. License fees.

(1) License fees shall be as follows:

(c) Effective January 1, 2012, for music machines: \$100.00.

**Section 3.** All ordinances inconsistent herewith are hereby repealed.

**Section 4.** This ordinance shall take effect upon final passage and publication in accordance with the law.

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

Vote showed the following:

Councilwoman Litterio – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Absent
Councilman Ruane – Absent	Councilman Hamilton – Yes
Mayor McCarthy – Absent	

Councilwoman Litterio submitted the following Ordinance on First Reading:

**AN ORDINANCE TO AMEND CHAPTER 318, LANDSCAPERS, § 318-5, License and decals fees; terms of license; renewal, PARAGRAPH A 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.** The following Paragraphs of Chapter 318, Landscapers, §318-5, License and decals fees; terms of license; renewal, Paragraph A of the Code of the Township of Bloomfield, County of Essex, State of New Jersey, are hereby amended to read as follows:

**§ 318-5. License and decal fees; term of license; renewal**

A. Upon filing such application, the applicant shall pay to the Municipal Clerk effective January 1, 2011 a fee of \$75.00, which will entitle the applicant to one decal. Additional decals shall cost \$25.00 each. Any fractional year will be considered a full year for the purposes of this section.

**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 Litterio, and seconded by Councilman Joanow, same was passed on first reading.

Vote showed the following:

Councilwoman Litterio – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Absent
Councilman Ruane – Absent	Councilman Hamilton – Yes
Mayor McCarthy – Absent	

Councilman Joanow submitted the following Ordinance on First Reading:

**AN ORDINANCE TO AMEND CHAPTER 443, “SALES, SPECIAL”, ARTICLE I “Going-Out-Of-Business Sales” § 443-4 “License required” 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 443 “SALES, SPECIAL”, Article I, “Going-Out-Of-Business Sales”, § 443-4, “License required”, of the Code of the Township of Bloomfield, County of Essex, State of New Jersey, is hereby amended to read as follows:

**§ 443-4 License required**

Effective January 1, 2012, any applicant for a license hereunder shall submit to the Township Clerk with his application a license fee of \$200.00. Any applicant for a renewal license hereunder shall submit to the Township Clerk with his renewal application a renewal fee of \$200.00.

**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 Councilman Joanow, and seconded by Councilman Venezia, same was passed on first reading.

Vote showed the following:

Councilwoman Litterio – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Absent
Councilman Ruane – Absent	Councilman Hamilton – Yes
Mayor McCarthy – Absent	

Councilman Venezia submitted the following Ordinance on First Reading:

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF BLOOMFIELD, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$2,537,600 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,410,720 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.**

**BE IT ORDAINED**, by the Township Council of the Township of Bloomfield, in the County of Essex, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

**Section 1.** The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Bloomfield, in the County of Essex, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$2,537,600, including the aggregate sum of \$126,880 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

**Section 2.** In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,410,720 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**Section 3.** The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
<b>A) Municipal Clerk's Office</b> 1) Book binding and the acquisition of records management, including all related costs and expenditures incidental thereto.	\$31,885	\$30,290	5 years
<b>B) Fire Department</b> 1) Purchase of station wear and turnout gear, including all related costs and expenditures incidental thereto.	\$132,853	\$126,210	5 years
2) Improvements to Station 3 and the acquisition of radios, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.	\$31,885	\$30,290	10 years
<b>C) Health &amp; Human Services</b> 1) Acquisition of a sports utility vehicle, including all related costs and expenditures incidental thereto.	\$31,885	\$30,290	5 years
2) Renovation of the animal shelter, including all work and materials necessary therefor and incidental thereto.	\$31,353	\$29,785	10 years
<b>D) Information Systems</b> 1) Acquisition of computer equipment and police computer equipment, including all related costs and expenditures incidental thereto.	\$132,853	\$126,210	5 years
<b>E) Police Department</b> 1) Acquisition of various equipment for the Police Department, Fire Department and Emergency Management Services and the	\$45,701	\$43,415	10 years

acquisition of weapons, including all related costs and expenditures incidental thereto.

**F) Recreation Department** 1) \$18,068 \$17,165 5 years  
 Acquisition of a tractor, including all related costs and expenditures incidental thereto.

2) Acquisition and installation of \$5,846 \$5,555 10 years  
 doors, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.

3) Various park improvements and \$54,204 \$51,495 15 years  
 the acquisition of a scarifier, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.

**G) Department of Public Works** \$180,680 \$171,645 5 years  
 1) Acquisition of a dump truck, including all related costs and expenditures incidental thereto.

**H) WBMA-TV** 1) Acquisition \$7,971 \$7,575 5 years  
 and installation of studio drapes, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.

2) Acquisition and installation of a \$21,894 \$20,800 10 years  
 video capture and archive system, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.

**I) Violations** 1) Acquisition of \$1,594 \$1,515 5 years  
 chairs, including all related costs of expenditures incidental thereto.

2) Acquisition and installation of a \$2,126 \$2,020 10 years  
 security camera, including all work and materials necessary therefor and incidental thereto and further

including all related costs and expenditures incidental thereto.

**J) Various Road and Sidewalk Improvements**      \$850,259                      \$807,745                      10 years

1) Various road and sidewalk improvements, consisting of Kinder Drive, Pieretti Court, Brighton Avenue, Petit Street, Bellevue Avenue, North 15<sup>th</sup> Street and North Center, including all work and materials necessary therefor and incidental thereto.

**K) Public Buildings and Grounds**      \$743,977                      \$706,780                      10 years

1) Various improvements to public buildings and grounds, consisting of the replacement of the Library, Central Communications and Emergency Management Services roofs, improvements to the Library boiler room and various improvements to Fire Department buildings and the Municipal Building, including all work and materials necessary therefor and incidental thereto.

**L) Sewer**      1) Acquisition and installation of a sewer lining, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.                      \$212,565                      \$201,935                      40 years

TOTALS                                      \$2,537,600                      \$2,410,720

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

**Section 4.**      All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as

may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

**Section 5.** The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

**Section 6.** The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Township may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 11.56 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,410,720, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

**Section 7.** The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

**Section 8** Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

**Section 9** The chief financial officer of the Township is hereby authorized to prepare

and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**Section 10.** The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

**Section 11.** This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

Vote showed the following:

Councilwoman Litterio – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Absent
Councilman Ruane – Absent	Councilman Hamilton – Yes
Mayor McCarthy – Absent	

Councilwoman Litterio submitted the following Ordinance on First Reading:

**2011 ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BLOOMFIELD, COUNTY OF ESSEX, STATE OF NEW JERSEY APPROVING AMENDMENTS TO THE BLOOMFIELD CENTER REDEVELOPMENT PLAN - PHASE I AND THE BLOOMFIELD CENTER REDEVELOPMENT PLAN - PHASE II**

**WHEREAS**, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the “Redevelopment Law”), on August 19, 2002, the Mayor and Council (the “Mayor and Council”) of the Township of Bloomfield (the “Township”) adopted a Resolution designating all land within the municipal boundaries of the Township of Bloomfield as an area in need of rehabilitation (the Rehabilitation Area”); and

**WHEREAS**, pursuant to the Redevelopment Law, the Mayor and Council, by way of Resolution adopted on August 10, 2009, affirmed the 2002 designation of the entire Township as an “area in need of rehabilitation”; and

**WHEREAS**, pursuant to the Redevelopment Law, on December 5, 2000, the Mayor and Council adopted a Resolution determining that certain parcels within the Township encompassing sixty-seven (67) properties that comprise approximately 13.5 acres generally bordered by Bloomfield Avenue to the east, the New Jersey Transit lines to the west, Glenwood Avenue to the south and Ward Street to the north, more commonly known as Bloomfield Center, constituted an area in need of redevelopment, (the “Redevelopment Area”); and

**WHEREAS**, on October 14, 2003 the Mayor and Council approved Ordinance No 3-34, adopting the Bloomfield Station Redevelopment Plan, dated September 15, 2003, which has been amended from time to time (hereinafter the “Bloomfield Station Redevelopment Plan”) to

govern the redevelopment of the Redevelopment Area; and

**WHEREAS**, following a decision in the Superior Court of New Jersey, Essex County, invalidating the December, 2000 redevelopment designation without prejudice, on August 7, 2006, the Mayor and Council adopted a Resolution pursuant to the Redevelopment Law confirming that the 67 properties in Bloomfield Center as an area in need of redevelopment and that a supplemental study of Bloomfield Center corrected the defects in the 2000 study identified by the Court; and

**WHEREAS**, by way of ordinance adopted on December 15, 2008 pursuant to the Redevelopment Law, the Mayor and Council adopted the “Bloomfield Center Redevelopment Plan - Phase I” (the “Phase I Plan”) encompassing most, but not all of the properties in the Redevelopment Area and additional properties within the Rehabilitation Area; and

**WHEREAS**, the Phase I Plan encompassed the following properties situated in the Redevelopment Area: Block 220, Lot 40;

Block 225, Lots 1 and 9  
Block 227, Lots 1, 3, 5, 6, 8, 9, 10, 11, 12, 13, 15, 16, 17, 19, 20, 22, 24, 26, 30, 31, 32, 35;  
Block 228, Lots 1, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 21, 24, 27, 28, 29, 30, 31, 33, 35; and  
Block 243, Lots 1, 3, 4, 5, 6, 7, 8, 10, 11, 13, 15, 17, 18, 20; and

**WHEREAS**, the Phase I Plan encompassed the following properties within the Rehabilitation Area:

Block 242, Lot 13;  
Block 243, Lots 22, 24, 25, 27, 28, 30, 31, 32, 37, 38, 39, 40, 41, 42, 43, 44, 45;  
Block 255, Lot 1; and

**WHEREAS**, by way of ordinance adopted on November 9, 2009, the Mayor and Council adopted pursuant to the Redevelopment Law a redevelopment plan for certain properties within

the Rehabilitation Area entitled the “Bloomfield Center Redevelopment Plan - Phase II” (the “Phase II Plan”); and

**WHEREAS**, the Phase II Plan encompassed the following properties within the Rehabilitation Area:

Block 153, Lots 1, 2, 4, 5, 6, 8, 10, 11, 13, 16, 17, 18, 19, 20, 21, 22, 23, 25, 27, 29, 31, 32, 41, 42, 43, 44, 47, 50;  
Block 225, Lots 12 and 15;  
Block 226, Lots 1, 3, 4, 6, 8, 10, 12, 13, 15, 18, 19, 20, 22, 24, 28, 29, 30, 31, 32;  
Block 241, Lots 1, 5, 7, 9, 17, 19, 20, 21, 32, 33, 35, 37, 39, 41, 42, 43, 45, 47;  
Block 244, Lots 1, 6, 8, 10, 19, 22, 24, 46, 47;  
Block 253, Lots 1, 7, 8, 10, 12, 33;  
Block 301, Lots 1, 8, 9, 10, 21, 22, 23, 27, 28, 29;  
Block 302, Lots 1, 6, 38, 39, 40; and  
Block 311, Lots 1, 4, 5, 6, 7, 8, 13, 27, 28, 29; and

**WHEREAS**, on January 19, 2010, following an investigation by and public hearing before the Township of Bloomfield Planning Board (the “Planning Board”), the Mayor and Council adopted a Resolution pursuant to the Redevelopment Law designating the following properties in the Rehabilitation Area (except for Block 243, Lot 13, which was in the Redevelopment Area by virtue of the 2002 and 2006 redevelopment designations) and encompassed within the Phase I or II Plan as an area in need of redevelopment:

Block 243, Lots 13, 25, 27, 28, 30, 31, 32, 37, 38; and

**WHEREAS**, on October 18, 2010, following a new investigation by and public hearing before the Planning Board, the Mayor and Council adopted a Resolution pursuant to the Redevelopment Law designating all of Block 228 and Block 220, Lot 40 as an area in need of redevelopment; and

**WHEREAS**, on February 2, 2011, the Mayor and Council adopted an ordinance adopting the “Redevelopment Plan for Block 228 and Block 220, Lot 40”, thereby removing all

of Block 228 and Block 220, Lot 40 from the Phase I Plan; and

**WHEREAS**, on July 11, 2011, the Mayor and Council adopted a Resolution which, among other things, directed the Planning Board to review the Phase I Plan and the Phase II Plan and propose amendments to the Mayor and Council for their consideration pursuant to N.J.S.A. 40A:12A-7(f); and

**WHEREAS**, in addition to the July 11, 2011 Resolution, on July 25, 2011, the Mayor and Council referred to the Planning Board for review and recommendation in accordance with N.J.S.A. 40A:12A-7(e), a proposed ordinance amending the Phase II Plan which would authorize the Planning Board, when reviewing applications for properties encompassed within the Phase II Plan, to grant exceptions, design waivers and (c) variances, but which would continue to prohibit (d) variances (the “Phase II Amendment”); and

**WHEREAS**, the Planning Board held a public hearing to review the Phase II Amendment, consider public comments on the Amendment and make recommendations to the Mayor and Council concerning the same; and

**WHEREAS**, the Mayor and Council adopted a Resolution on August 8, 2011, outlining its determinations with regard to the recommendations of the Planning Board; and

**WHEREAS**, on August 8, 2011, the Mayor and Council adopted the Phase II Amendment; and

**WHEREAS**, at its meetings of September 13, 2011 and October 4, 2011, the Planning Board considered this proposed ordinance amending the Phase I Plan and further amending the Phase II Plan, and adopted a resolution recommending that the Mayor and Council adopt the proposed amendments to the Phase I Plan and Phase II Plan as set forth below.

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Township

of Bloomfield, New Jersey, as follows:

**Section 1.** The above WHEREAS paragraphs are hereby incorporated herein by reference as though specifically set forth herein below.

**Section 2.** The Phase I Plan shall be amended as follows:

(a) “Table 1. Permitted Uses” in Section 4.1 on Page 22 of the Phase I Plan is hereby deleted in its entirety and replaced with the following:

**Table 1. Permitted Uses**

<b>Bloomfield Center Redevelopment Plan Permitted Uses</b> <i>Uses permitted by specific provisions of the Municipal Land Use Law are also permitted in the Redevelopment Plan Area.</i>	<b>Commercial Corridor</b>	<b>Washington Street South</b>	<b>Main Street Campus</b>
Single-use multi-unit residential buildings		√ (1)	
Townhouses		√ (1)	
Retail stores, service and financial establishments	√	√	√
Buildings containing a mixture of residential, office or commercial uses except that residential uses are prohibited on the ground floor	√ (2)	√ (2)	√ (2)
Office buildings	√		√
Specialty food markets (less than 30,000 SF)	√	√ (3)	
Hotels	√ (4)	√ (4)	√ (4)
Restaurants and cafes	√	√	√
Art Studios and galleries		√	√
Performing arts theaters	√	√	√
Schools and Educational Institutions			√
Conference and meeting facilities	√ (5)	√ (5)	√ (5)
Public plazas and recreation areas	√	√	√
Indoor recreation facilities	√	√	√
Organized open-air markets and festivals with temporary structures for retail sales and displays subject to all applicable state and local permits	√ (6)	√ (6)	√ (6)
Parking facilities operated by a governmental entity	√	√	√

(1) Ground floor residential is only permitted for buildings fronting on Farrand Street, Ward Street and Conger Street. It is recommended that all ground floor units have private entrances with stoops on the street. Ground floor parking within the footprint of a residential building shall be enclosed in a manner that makes it as inconspicuous as possible from the street through coordination with the architectural design of the façade of the building. (2) On Washington Street, offices are permitted on the second floor only. In all three districts, ground floor parking within the footprint of the building is prohibited. (3) Specialty food markets are recommended on Conger Street but not prohibited elsewhere. (4) Hotel rooms are not permitted on the ground floor. The ground floor area fronting on a street is restricted to the hotel lobby and retail and restaurant uses only, which shall have separate entrances from the street (in addition to any access from inside the hotel). (5) Conference facilities are permitted as an accessory use to a hotel but shall be prohibited from the ground floor. (6) It is recommended that this use be focused on Washington Street, south of Bloomfield Avenue, as a priority and be coordinated with current events hosted by the BCA.

(b) In Section 4.2 of the Phase I Plan, on page 23, entitled “Parking Schedule,” the

subsection entitled “Parking Provisions” is hereby deleted in its entirety and replaced with the following:

**Parking Provisions**

1. Only those projects which require the developer to be designated as a redeveloper and to enter into a Redeveloper Agreement pursuant to Sections 9:1-3 and 9.4-5 on pages 70 and 71 of this Plan shall be subject to these Parking Schedule provisions. All other projects shall have no parking requirement, although the provision of off-street parking is encouraged for all development projects where feasible.
2. For all projects for which these parking provisions apply, 100% of the parking supply shall be provided within 400 feet of an entrance to the proposed buildings served by the parking spaces. The developer shall comply with the parking standards set forth in “Table 2. Base Parking Calculation” and, if it can demonstrate the appropriateness of a shared parking arrangement, “Table 3. Occupancy Rate Calculation.”
3. The developer may secure the required number of spaces either through construction of parking stalls as an accessory use on the property to be developed or by leasing spaces in an existing parking lot within the 400 foot radius, or a combination of the two.
4. If the developer cannot provide the required number of parking spaces within the 400 foot radius, the developer shall make a contribution to a parking fund which shall be utilized by the Township to develop, improve or maintain public parking in Bloomfield Center. The amount of the contribution shall be based on the deficiency between the number of spaces required by either Table 2 or the shared parking analysis in Table 3 and the number provided for the development, multiplied by an amount to be negotiated between the Mayor and Council and the developer. The contribution amount shall be set forth in the Redevelopment Agreement. Any deficiency shall be subject to the developer obtaining variance relief from the Planning Board.
5. The Planning Board, in reviewing a site plan application, shall determine whether a shared parking arrangement is appropriate for the proposed development and may grant a variance from the number of parking stalls required by Table 2 or Table 3. The final contribution amount required by paragraph 4, above, shall be a function of the deficiency approved by the Planning Board.

(c) Section 9.5 on page 71 of the Phase I Plan, entitled “Project Approvals Process,”

is hereby deleted in its entirety and replaced with the following:

### **Project Approvals Process**

The Mayor and Council have determined that only development projects of a certain scope and impact require a developer to be subject to the Redeveloper Selection process set forth in Section 9.1-3 on page 70 of this Plan. Other development projects may be of sufficient scope to warrant Planning Board review, but should be exempt from the Redeveloper Selection process. A third group of projects should need only to obtain construction permits to proceed, without Planning Board review. The intent is to streamline the approval process for low and medium impact projects which by their nature implicate few if any design standards set forth in Section 5 of this Plan, while ensuring that larger projects are consistent with the intent and purpose of this Plan and its vision.

### **Projects Subject to the Redeveloper Selection Process**

Prior to the development of any vacant site, which shall include a site where buildings have been demolished either in whole or in part, or prior to the construction of any addition to an existing building which increases the existing floor area by more than 100%, the Mayor and Council, acting as the Redevelopment Entity, shall review concept plans for such development at a public meeting to ensure that the proposed project is consistent with this Phase I Plan. The Mayor and Council may assign the initial review to a committee of the Governing Body, and may retain any experts it deems necessary and appropriate to advise it or the committee. The committee assigned the initial review shall make its recommendations to the Mayor and Council for discussion at a public meeting. Pursuant to Section 9.1-3 of the Phase I Plan, the Mayor and Council may, in its discretion, elect to enter into an interim redevelopment agreement and require the establishment of an escrow fund to cover its costs prior to its consistency review. Designation of the developer as the redeveloper of the site and negotiation of a Redeveloper Agreement shall follow the consistency review if the Mayor and Council deem such steps appropriate.

After the designated redeveloper and the Township have executed a Redeveloper Agreement, the developer shall submit its application for site plan and/or subdivision approval and any other necessary relief to the Township of Bloomfield Planning Board

pursuant to the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1, *et seq.*

Any application for development which is subject to the Redeveloper Selection process shall be deemed incomplete if the developer and the Township have not executed a Redeveloper Agreement.

#### **Projects Exempt from the Redeveloper Selection Process but Subject to Site Plan Review**

Prior to the construction of any addition to an existing building which increases the floor area by 100% or less, or prior to any renovations to the front façade of a building which alters the character of the façade (including, without limitation, any change to the façade materials), a developer must submit an application to the Planning Board for site plan review. The developer of any such project shall be exempt from the Redeveloper Selection process.

#### **Projects Exempt from the Redeveloper Selection Process and Site Plan Review**

Any project limited to the rehabilitation of a building or site which does not involve alterations to the character of the front building façade or its materials, or in which only internal renovations and/or a change of use are proposed, shall be exempt from both the Redeveloper Selection process and site plan review, provided the proposed use of the building or site is permitted by this Plan. The developer of any such project may apply directly to the construction office and zoning official for permits.

#### **Planning Board Review**

In reviewing an application for site plan or subdivision approval, the Planning Board shall determine whether the development project is consistent with this Plan and meets the requirements for site plan or subdivision approval set forth in the Land Development Ordinance, Chapter 315 of the Township Code. The Planning Board shall be permitted to grant deviations from the terms and requirements of the Phase I Plan in the form of exceptions, design waivers and bulk (“c”) variances. The Planning Board shall be permitted to grant such deviations upon an affirmative showing by the applicant that the requirements of N.J.S.A. 40:55D-70(c) have been met, that the granting of the deviations will advance and not violate the intent and purpose of

the Redevelopment Plan or applicable redevelopment agreement and are not otherwise prohibited by law. The Planning Board shall not be permitted to grant variances pursuant to N.J.S.A. 40:55D-70(d).

**Section 3.** The Phase II Plan shall be amended as follows:

(a) “Table 1. Permitted Uses” in Section 4.1 on Page 22 of the Phase II Plan is hereby deleted in its entirety and replaced with the following:

**Table 1.** Permitted Uses

<b>Bloomfield Center Redevelopment Plan Permitted Uses</b>	<b>Uses permitted by specific provision of the Municipal Land Use Law are also permitted in the Redevelopment Plan Area.</b>	<b>Commercial Corridor</b>	<b>Washington Street South</b>	<b>Main Street Campus</b>	<b>Civic District</b>
Single-use multi-unit residential buildings			√ (1)	√ (1)	√ (1)
Townhouses			√ (1)	√ (1)	√ (1)
Retail stores, service and financial establishments	√	√	√	√	√
Buildings containing a mixture of residential, office or commercial uses except that residential uses are prohibited on the ground floor	√ (2)	√ (2)	√ (2)	√ (2)	√ (2)
Office buildings	√			√	√
Specialty food markets (less than 30,000 SF)	√		√ (3)		
Hotels	√ (4)		√ (4)	√ (4)	
Restaurants & cafes	√		√	√	√
Art Studios and galleries			√	√	√
Performing arts theaters	√		√	√	
Schools and Educational Institutions	√		√	√	√
Conference and meeting facilities	√ (5)		√ (5)	√ (5)	
Public plazas and recreation areas	√		√	√	√
Indoor recreation facilities	√		√	√	√
Organized open-air markets and festivals with temporary structures for retail sales and displays subject to all applicable state and local permits	√ (6)		√ (6)	√ (6)	√ (6)
Houses of worship & related facilities (on parcels of 10,000 SF or greater)	√		√	√	√
Parking facilities operated by a governmental entity	√		√	√	√

(1) Ground floor residential is only permitted for buildings fronting on Farrand Street, Ward Street and Conger Street. It is recommended that all ground floor units have private entrances with stoops on the street. Ground floor parking within the footprint of a residential building shall be enclosed in a manner that makes it as inconspicuous as possible from the street through coordination with the architectural design of the façade of the building. (2) In all four districts, ground floor parking within the footprint of the building is prohibited, except in the westerly sector of the Washington Street South District, where ground floor parking within the footprint of the building shall be permitted provided that the parking is enclosed in a manner that makes it as inconspicuous as possible from the street through coordination with the architectural design of the façade of the building. (3) Specialty food markets are recommended on Conger Street but not prohibited elsewhere. (4) Hotel rooms are not permitted on the ground floor. The ground floor area fronting on a street is restricted to the hotel lobby and retail and restaurant uses only, which shall have separate entrances from the street (in addition to any access from inside the hotel). (5) Conference facilities are permitted as an accessory use to a hotel but shall be prohibited from the ground floor. (6) It is recommended that this use be focused on Washington Street, south of Bloomfield Avenue, as a priority and be coordinated with current events hosted by the BCA.

(b) In Section 4.2 of the Phase II Plan, on page 23, entitled “Parking Schedule,” the

subsection entitled “Parking Provisions” is hereby deleted in its entirety and replaced with the following:

**Parking Provisions**

1. Only those projects which require the developer to be designated as a redeveloper and to enter into a Redeveloper Agreement pursuant to Sections 8.1 and 8.4 of the Phase II Plan, shall be subject to these Parking Schedule provisions. All other projects shall have no parking requirement, although the provision of off-street parking is encouraged for all development projects where feasible.
2. For all projects for which these parking provisions apply, 100% of the parking supply shall be provided within 400 feet of an entrance to the proposed buildings served by the parking spaces. The developer shall comply with the parking standards set forth in “Table 2. Base Parking Calculation” and, if it can demonstrate the appropriateness of a shared parking arrangement, “Table 3. Occupancy Rate Calculation.”
3. The developer may secure the required number of spaces either through construction of parking stalls as an accessory use on the property to be developed or by leasing spaces in an existing parking lot within the 400 foot radius, or a combination of the two.
4. If the developer cannot provide the required number of parking spaces within the 400 foot radius, the developer shall make a contribution to a parking fund which shall be utilized by the Township to develop, improve or maintain public parking in Bloomfield Center. The amount of the contribution shall be based on the deficiency between the number of spaces required by Table 2 or the shared parking analysis in Table 3 and the number provided for the development, multiplied by an amount to be negotiated between the Mayor and Council and the developer. The contribution amount shall be set forth in the Redevelopment Agreement. Any deficiency shall be subject to the developer obtaining variance relief from the Planning Board.
5. The Planning Board, in reviewing a site plan application, shall determine whether a shared parking arrangement is appropriate for the proposed development and may grant a variance from the number of parking stalls required by Table 2 or Table 3. The final contribution amount required by paragraph 4, above, shall be a function of the deficiency approved by the Planning Board.

- (c) The outline delineating the section numbers and titles of Chapter 8 on page 64 of

the Phase II plan is hereby deleted in its entirety and replaced with the following:

- 8.1 Redeveloper Selection
- 8.2 Affordable Housing Requirement
- 8.3 Public Financing and Incentives
- 8.4 Project Approvals Process

(d) The Sections on pages 65 and 66 of this Phase II Plan, entitled: “Projects That May Proceed Directly to the Planning Board;” “Substantial Rehabilitation Projects;” “Role of Township;” and “Redeveloper Selection” are hereby deleted in their entirety and replaced with the following:

#### **Redeveloper Selection**

The entire Township of Bloomfield has been designated as an Area in Need of Rehabilitation pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (“LRHL”). This Plan governs properties within Bloomfield Center which fall within the rehabilitation designation, but does not govern any properties which have been designated as an area in need of redevelopment pursuant to the LRHL. Since the LRHL permits the use of eminent domain only for properties within a redevelopment area, and specifically prohibits the use of eminent domain for properties within a rehabilitation area, the Mayor and Council hope and expect that this Phase II Plan will spur property owners in the Phase II Area to rehabilitate and redevelop their parcels. The Mayor and Council nonetheless believe that larger development projects, as articulated in Section 8.2, entitled “Project Approval Process,” should be subject to the redeveloper selection process set forth herein to ensure compliance with the goals and standards set forth in this Plan.

Thus, for any development which falls within the criteria set forth in the subsection of Section 8.2 entitled “Projects Subject to the Redeveloper Selection Process” the Mayor and Council, acting as the Redevelopment Entity, may, in its discretion, make interim redeveloper selections, subject to the negotiation and execution of an interim redevelopment agreement, and may require the interim redeveloper to establish a separate escrow to reimburse the Township for all expenses in connection therewith.

In order to assure that the vision of the Phase II Plan will be successfully implemented in an effective and timely way to achieve the goals of this Plan, the Redevelopment Entity will designate the redeveloper of any project subject to the Redeveloper Selection Process. All redevelopers so designated shall be required to execute as Redeveloper Agreement satisfactory to the Mayor and Council prior

to filing an application with the Planning Board seeking development approvals.

The Redeveloper Agreement required for all such projects shall include, along with any other provisions deemed necessary by the Mayor and Council, the following requirements:

1. The redeveloper will be obligated to carry out the specified improvements in accordance with this Phase II Plan;
2. The redeveloper and its successor or assigns shall develop the property in accordance with the uses and building requirements specified in this Phase II Plan;
3. Until the required improvements are completed and a Certificate of Completion is issued by the Redevelopment Entity, the redeveloper covenants provided for in N.J.S.A. 40A:12A-9 and imposed in any Redeveloper Agreement, lease, deed or other instrument shall remain in full force and effect;
4. The obligation, if any, of the redeveloper to provide for any affordable housing obligation resulting from the development;
5. Provisions to ensure the timely construction of the project, the qualifications, financial capability and financial guarantees of the redeveloper and any other provisions to assure the successful completion of the project;
6. Provisions detailing the installation or upgrade of infrastructure related to the project, either on-site, on-tract, off-site or off-tract. Infrastructure items include, without limitation, gas, electric, water, sanitary and storm sewers, telecommunications, recreation or open space, streets, curbs, sidewalks, street lighting and street trees;
7. A provision requiring all utilities to be placed underground;
8. The extent to which the project will qualify for LEED certification and a requirement that all costs related to achieving such certification will be the responsibility of the redeveloper;
9. All infrastructure improvements shall comply with applicable local, state and federal law and regulations; and
10. Any other obligations of the redeveloper, which may include amenities, benefits, fees and payments in addition to those authorized under the Municipal Land Use Law.

(e) Section 9.5 on page 71 of the Phase I Plan, entitled “Project Approvals Process,” is hereby deleted in its entirety and replaced with the following:

### **Project Approvals Process**

The Mayor and Council have determined that only development projects of a certain scope and impact require a developer to be subject to the Redeveloper Selection process set forth in Section 8.1 of this Phase II Plan. Other development projects may be of sufficient scope to warrant Planning Board review, but should be exempt from the Redeveloper Selection process. A third group of projects should need only to obtain construction permits to proceed, without Planning Board review. The intent is to streamline the approval process for low and medium impact projects which by their nature implicate few if any design standards set forth in Section 5 of this Plan, while ensuring that larger projects are consistent with the intent and purpose of this Plan and its vision.

### **Projects Subject to the Redeveloper Selection Process**

Prior to the development of any vacant site, which shall include a site where buildings have been demolished either in whole or in part, or prior to the construction of any addition to an existing building which increases the existing floor area by more than 100%, the Mayor and Council, acting as the Redevelopment Entity, shall review concept plans for such development at a public meeting to ensure that the proposed project is consistent with this Phase II Plan. The Mayor and Council may assign the initial review to a committee of the Governing Body, and may retain any experts it deems necessary and appropriate to advise it or the committee. The committee assigned the initial review shall make its recommendations to the Mayor and Council for discussion at a public meeting. Pursuant to Section 8.1 of the Phase I Plan, the Mayor and Council may, in its discretion, elect to enter into an interim redevelopment agreement and require the establishment of an escrow fund to cover its costs prior to its consistency review. Designation of the developer as the redeveloper of the site and negotiation of a Redeveloper Agreement shall follow the consistency review if the Mayor and Council deem such steps appropriate.

After the designated redeveloper and the Township have executed

a Redeveloper Agreement, the developer shall submit its application for site plan and/or subdivision approval and any other necessary relief to the Township of Bloomfield Planning Board pursuant to the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1, *et seq.*

Any application for development which is subject to the Redeveloper Selection process shall be deemed incomplete if the developer and the Township have not executed a Redeveloper Agreement.

### **Projects Exempt from the Redeveloper Selection Process but Subject to Site Plan Review**

Prior to the construction of any addition to an existing building which increases the floor area by 100% or less, or prior to any renovations to the front façade of a building which alters the character of the façade (including, without limitation, any change to the façade materials), a developer must submit an application to the Planning Board for site plan review. The developer of any such project shall be exempt from the Redeveloper Selection process.

### **Projects Exempt from the Redeveloper Selection Process and Site Plan Review**

Any project limited to the rehabilitation of a building or site which does not involve alterations to the character of the front building façade or its materials, or in which only internal renovations and/or a change of use are proposed, shall be exempt from both the Redeveloper Selection process and site plan review, provided the proposed use of the building or site is permitted by this Plan. The developer of any such project may apply directly to the construction office for permits.

### **Planning Board Review**

In reviewing an application for site plan or subdivision approval, the Planning Board shall determine whether the development project is consistent with this Plan and meets the requirements for site plan or subdivision approval set forth in the Land Development Ordinance, Chapter 315 of the Township Code. The Planning Board shall be permitted to grant deviations from the terms and requirements of the Phase I Plan in the form of exceptions, design waivers and bulk (“c”) variances. The Planning

Board shall be permitted to grant such deviations upon an affirmative showing by the applicant that the requirements of N.J.S.A. 40:55D-70(c) have been met, that the granting of the deviations will advance and not violate the intent and purpose of the Redevelopment Plan or applicable redevelopment agreement and are not otherwise prohibited by law. The Planning Board shall not be permitted to grant variances pursuant to N.J.S.A. 40:55D-70(d).

**Section 4.** If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

**Section 5.** All ordinances and resolutions or parts thereof inconsistent with the ordinance are hereby rescinded.

**Section 6.** This ordinance shall take effect in accordance with applicable law.

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

Vote showed the following:

Councilwoman Litterio – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Absent
Councilman Ruane – Absent	Councilman Hamilton – Yes
Mayor McCarthy – Absent	

Acting Chairperson Hamilton stated that there were no Ordinances for Hearing, Adoption or Amendment on Second Reading.

Acting Chairperson Hamilton then called for the Consent Agenda Resolutions.

Councilman Venezia moved, and Councilwoman Litterio seconded, the adoption of the following eleven (11) Consent Agenda Resolutions:

**RESTAURANT WEEK MARCH 4th to MARCH 10th 2012**

**WHEREAS**, the Mayor and Council of the Township of Bloomfield would like to promote Bloomfield Restaurants; and

**WHEREAS**, in order to promote Bloomfield Restaurants, Bloomfield will be holding Restaurant Week which will take place from March 4<sup>th</sup> to March 10<sup>th</sup>, 2012; and

**WHEREAS**, it will be beneficial to have a Restaurant Committee to organize this event; and

**WHEREAS**, each restaurant will set their own prefixed menus during Restaurant week.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey proclaims that March 4<sup>th</sup> to March 10<sup>th</sup> is hereby Restaurant week and hopes that residents come out and explore the wide variety of cuisines available to you in your own hometown of Bloomfield.

**BE IT FURTHER RESOLVED**, that there is hereby created a seven member committee that will be appointed by the Mayor and Council to organize and promote this event; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council hereby appoint, Linda Barucky, Kathleen DeMarino, Andres Quesada, Ryan DePersio, Anthony DePersio, Francesco Palmieri and Nancy Zimmerman to the committee.

#### **RE-DRAWING OF WARD BOUNDARIES**

**WHEREAS**, as a result of the 2010 census, the Township of Bloomfield must re-draw their ward boundaries pursuant to the provisions of the Municipal Ward Law, N.J.S.A. 40:44-9 et seq.; and

**WHEREAS**, pursuant to N.J.S.A. 40:44-12, the governing body shall, upon certification of the ward commissioners, provide for necessary expenses and compensation; and

**WHEREAS**, on July 27, 2011, the Bloomfield Ward Commission adopted a resolution

certifying a portion of such necessary expenses and compensation; and

**WHEREAS**, during the course of undertaking the statutory duty of re-drawing the ward boundaries of the Township of Bloomfield the Bloomfield Ward Commissioners may be required to certify additional reasonable and necessary expenses to accomplish their task.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey that the Township of Bloomfield shall provide for the necessary expenses and compensation of the Bloomfield Ward Commission pursuant to a resolution, duly adopted by the Commission on July 27, 2011, and such other necessary and reasonable expenses as may be further certified by the Bloomfield Ward Commissioners, pursuant to the Municipal Ward Law.

**RESOLUTION OF THE TOWNSHIP OF BLOOMFIELD, IN THE COUNTY OF ESSEX  
CANCELING TAXES AND WATER CHARGES OWED BY THE PARKING  
AUTHORITY OF THE TOWNSHIP OF BLOOMFIELD**

**WHEREAS**, in order to, among other things, operate and/or manage parking facilities located within the Township of Bloomfield (the “Township”), the Township Council of the Township (the “Township Council”), pursuant to Ordinance 03-27 (the “Creation Ordinance”) duly adopted August 4, 2003 and the Parking Authority Law of the State of New Jersey (the “State”), N.J.S.A. 40A:11A-1 *et seq.*, as amended and supplemented (the “Act”), created and established the Parking Authority of the Township of Bloomfield (the “Authority”) as a public body corporate and politic of the State and an agency of the Township with all the powers, privileges, and authority conferred by the Creation Ordinance and the Act; and

**WHEREAS**, the Authority was created to operate and/or manage on-street and other parking facilities located within the Township and to enforce applicable law, ordinances and

regulations as to the parking of vehicles in the Township, and the consequent promotion of free movement of traffic and relief of traffic congestion on the streets of the Township and improvement of conditions affecting the public safety and welfare therein; and

**WHEREAS**, by ordinance adopted on March 15, 2004, the Township agreed to guaranty the Authority's bonds, notes or other obligations issued to finance certain start-up costs of the Authority, as well as costs related to the financing of the design, development and construction of a parking garage (the "Parking Garage"), including the acquisition of properties necessary therefor; and

**WHEREAS**, pursuant to that certain Intra-Local Agreement by and between the Authority and the Township, dated July 1, 2004, the Authority pays a portion of its excess revenues to the Township at the end of each fiscal year; and

**WHEREAS**, activities undertaken by the Authority, in particular, those relating to the construction of parking facilities such as the Parking Garage, serve the interests of the Township and its residents; and

**WHEREAS**, by resolution adopted on October 12, 2010, the Township Council of the Township of Bloomfield (the "Township Council") designated the properties known as Block 228, Lots 1, 4, 5, 7 (formerly 7 & 8), 10, 11, 13, 14, 15, 16, 17, 18, 19, 21, 24 (formerly 24 & 27), 28, 29, 31 (formerly 30 & 31) and 33 (formerly 33 & 35), and Block 220, Lot 40 on the Township's Tax Map (the "Redevelopment Area") as an area in need of redevelopment, in accordance with the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et. seq.* (the "Redevelopment Law"); and

**WHEREAS**, by ordinance adopted on February 7, 2011, the Township Council approved and adopted a redevelopment plan for the Redevelopment Area, known as the "Redevelopment

Plan for Block 228 and Block 220, Lot 40” (the “Redevelopment Plan”); and

**WHEREAS**, the Redevelopment Plan contemplates the construction of the Parking Garage; and

**WHEREAS**, since September 15, 2010, the Authority acquired a number of properties in Block 228 on the Township’s tax map, which properties are necessary for the construction of the Parking Garage, including the properties located at lots 4, 29, 31 and 33, which properties were all formerly owned by private entities (the “Prior Owners”); and

**WHEREAS**, pursuant to the Act, specifically, N.J.S.A. 40:11A-19, properties owned by the Authority are generally exempt from real property taxation; and

**WHEREAS**, through lease agreements between tenants and the Prior Owners, and tenants and the Authority, the properties located at lots 4, 29, 31 and 33 on Block 228 were occupied and used by private parties after October 1, 2010; and

**WHEREAS**, as a result, such properties were required to be listed as taxable properties on the Township’s tax rolls for the year 2011; and

**WHEREAS**, the private parties occupying and using such properties after October 1, 2010, however, have since vacated such properties; and

**WHEREAS**, the Township believes that it would be inequitable, unnecessary and unreasonable to require the Authority to pay property taxes to the Township; and

**WHEREAS**, by Resolution No. 10b, duly adopted by the Township Council on February 22, 2011, the Township expressed its intent to provide, pursuant to applicable law, including N.J.S.A. 54:4-99, for the cancellation of property taxes due on properties owned by the Authority, by official action to be taken after the tax rate for the year 2011 is set; and

**WHEREAS**, the tax rate for the year 2011 has been set and, accordingly, the Township

desires to provide for the cancellation of property taxes and water charges, along with interest thereon, due on properties owned by the Authority as set forth in more detail in **Exhibit A** hereto.

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

**Section 1.** The recitals hereof are incorporated herein as though set forth more fully herein.

**Section 2.** Property taxes and water charges, and interest thereon, due on the properties set forth in **Exhibit A** hereto, are hereby canceled.

**Section 3.** The Mayor, tax collector, chief financial officer and all other Township personnel are hereby authorized and directed to take any and all actions necessary to effectuate the purposes of this resolution.

**Section 4.** This resolution shall take effect immediately.

**Exhibit A**

<b>Block 228, Lot #</b>	<b>Street Address</b>	<b>Property Taxes*</b>	<b>Water Charges*</b>
4	288 Glenwood Avenue	\$9,257.45	\$85.97
29	31 Lackawanna Place	\$8,090.08	\$113.95
31	25 Lackawanna Place	\$26,964.11	\$51.71
33	21 Lackawanna Place	\$2,293.18	\$306.48

\*Amount set forth includes interest calculated through November 30, 2011

**RESOLUTION OF THE MAYOR AND TOWNSHIP COUNCIL OF THE TOWNSHIP OF BLOOMFIELD IN THE COUNTY OF ESSEX AUTHORIZING SETTLEMENT OF THE 2010 AND 2011 TAX APPEAL ENTITLED 600 BLOOMFIELD LLC V. TOWNSHIP OF BLOOMFIELD, DOCKET NOS.: 0011854-2010 AND 004115-2011 OF THE TAX ASSESSMENT OF BLOCK 227, LOT 20, KNOWN AS 600-604 BLOOMFIELD AVENUE, IN THE TOWNSHIP OF BLOOMFIELD, ESSEX COUNTY, NEW JERSEY**

**WHEREAS**, an appeal of the real property tax assessment for tax years 2010 and 2011, involving Block 227, Lot 20, has been filed by the Taxpayer, 600 Bloomfield LLC; and

**WHEREAS**, the proposed settlement agreement has been reviewed and recommended by the Township Tax Assessor; and

**WHEREAS**, settlement of said matter as more fully set forth below is in the best interest of the Township of Bloomfield.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township of Bloomfield, New Jersey, as follows:

1. Settlement of the 2010 tax appeals are hereby authorized as reflected in the attached Stipulation of Settlement which is summarized as follows:

600 Bloomfield Avenue  
Block 227, Lot 20

**Years: 2010**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$564,500	N/A	\$564,500
Imprvts:	\$1,209,000	N/A	\$980,700
Total:	\$1,773,500	N/A	\$1,545,000

2. Settlement of the 2011 tax appeal is hereby authorized as follows:

600 Bloomfield Avenue  
Block 227, Lot 20

**Years: 2011**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$564,500	N/A	\$564,500
Imprvts:	\$1,209,000	N/A	\$857,100
Total:	\$1,773,500	N/A	\$1,421,000

3. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

### **REFUND PROPERTY TAX OVERPAYMENTS**

**WHEREAS**, property taxes on certain properties in the Township have been overpaid; and

**WHEREAS**, the overpayments require a refund in a total of \$540.74 for 2011.

**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 refund checks totaling of \$540.74 for 2011.

**CANCEL TAXES RECEIVABLE**

**WHEREAS**, the Township Assessor has advised the Tax Collector that the following individual has applied for and received an exemption from taxes under N.J.S.A. 54:4-03.30 as a “100 % permanently and totally disabled veteran”; and

**WHEREAS**, certain 2011 taxes should be cancelled as a result of the pro-rate exemption effective as detailed below; and

**WHEREAS**, the total 2011 pro-rated taxes amount to \$4,087.29 as analyzed;

<u>Owner</u>	<u>Property Location</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>	<u>Effective Date</u>
Radoslaw Polanski	19 Birch St.	828	8	\$4,087.29	3/2/11

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, that the Tax Collector is hereby authorized to cancel the amount of \$4,087.29 from the tax records for the tax year 2011.

**2011 RESOLUTION FOR AWARD OF NON-FAIR AND OPEN PROFESSIONAL SERVICE FOR THE WATSESSING TRAIN STATION TOD PLAN - MASER CONSULTING, P.A. IN AN AMOUNT NOT TO EXCEED \$50,000**

**WHEREAS**, The Township of Bloomfield has a need to acquire professional services for the preparation of a Transit Oriented Development Plan (TOD) for the Watsessing Train Station Area; and

**WHEREAS**, the Township desires to make this appointment under the provisions of

N.J.S.A. 19:44A-20.5, as a non-fair and open contract; and

**WHEREAS**, the Township Engineer has determined that the value of these services may exceed \$17,500; and

**WHEREAS**, this contract will end upon completion of the project; and

**WHEREAS**, Maser Consulting , P.A., 311 Newman Springs Road, Suite 203, Red Bank, New Jersey 07701 (hereinafter “Professional”) has submitted the attached proposal indicating they will provide the necessary services at a cost of \$50,000.00; and.

**WHEREAS**, the Professional has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of Bloomfield in the previous one year and that the contract will prohibit the Professional from making any reportable contributions during the term of the contract; and

**WHEREAS**, the Director of Finance has indicated that funding is available through a Smart Growth Grant from the State of New Jersey which will fully fund preparation of this TOD Plan; and

**WHEREAS**, award of this contract is further conditioned upon approval of the professional by the New Jersey Department of State, Office for Planning Advocacy.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey hereby authorized the Township Engineer to enter into a contract with the professional herein; and.

**BE IT FURTHER RESOLVED**, that no minimum payment is implied or guaranteed; and

**BE IT FURTHER RESOLVED**, that the Business Entity Disclosure Certification, the

Township Administrator's Determination of Value, the proposal of the Professional and the contract itself be placed on field with this resolution; and

**BE IT FURTHER RESOLVED**, that the above documents shall be available for public inspection at the office of the Township Clerk during regular business hours; and

**BE IT FURTHER RESOLVED**, that the Township reserves the right to cancel this contract upon thirty (30) days' notice and the Professional shall only be paid for the work completed or on a pro-rated amount if the contract calls for a monthly retainer; and

**BE IT FURTHER RESOLVED**, that a notice of this action shall be printed once in the official newspaper of the Township of Bloomfield.

**PART-TIME TEMPORARY COURT STAFF**

**WHEREAS**, the Township of Bloomfield's Court needs to hire an additional part-time temporary staff member that will work until the end of the year; and

**WHEREAS**, the employee will be paid through Parking Offense Adjudication Act Fund and shall not be a burden to the Township budget; and

**WHEREAS**, the James Spieczynski has agreed that he will work twenty-two (22) to twenty-four (24) hours per week at the rate of \$12.00/per hour and will not receive health benefits as a part-time employee; and

**WHEREAS**, the Director of Finance has indicated that funding is available in the account.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey hereby hires James Spieczynski as a part-time temporary employee starting November 10, 2011 and ending on December 31, 2011 at a rate of \$12.00/per hour not to exceed 24 hours in any one week.

**AUTHORIZING THE AWARD OF A CONTRACT FOR NETWORK SERVICES**

**WHEREAS**, in accordance to N.J.S.A 19:44A-20.5 et. seq. a professional service contract under \$17,500.00 is not subject to the Pay-to-Play regulations; and

**WHEREAS**, the Township of Bloomfield has a need to maintain the network services for both the local and wide area network for all Township owned buildings; and

**WHEREAS**, the IT Director received a proposal from United Computer, 100 Dobbs Lane, Suite 208, Cherry Hill, New Jersey 08034 at a cost of \$2,00.00 every 2 weeks and not to exceed \$12,000.00; and

**WHEREAS**, this contract will end on December 31, 2011; and

**WHEREAS**, it was determined by the IT Director that United Computer is qualified to perform this work based upon their experience; and

**WHEREAS**, the Director of Finance has certified that funds are available to cover the cost of these services.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and the Council of the Township of Bloomfield, County of Essex, State of New Jersey that a professional service contract be awarded to United Computer, 100 Dobbs Lane, Suite 208, Cherry Hill, New Jersey 08034 at a cost of \$2,000 every 2 weeks and not to exceed \$12,000.

**AUTHORIZING THE AWARD OF A CONTRACT FOR WIRELESS SERVICES**

**WHEREAS**, in accordance to N.J.S.A 19:44A-20.5 et. seq. a professional service contract under \$17,500.00 is not subject to the Pay-to-Play regulations; and

**WHEREAS**, the Township of Bloomfield has a need to continue to design, develop, install, and/or maintain wireless networks for all Township owned buildings; and

**WHEREAS**, the IT Director received a proposal from O-MC Signal Research, Inc., 451

Essex Avenue, Bloomfield, New Jersey 07003 at a rate of \$95.00 per hour and not to exceed \$12,000.00; and

**WHEREAS**, this contract will end on December 31, 2011; and

**WHEREAS**, it was determined by the IT Director that O-MC Signal Research, Inc. is qualified to perform this work based upon their experience; and

**WHEREAS**, the Director of Finance has certified that funds are available to cover the cost of these services.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and the Council of the Township of Bloomfield, County of Essex, State of New Jersey that a professional service contract be awarded to O-MC Signal Research, Inc., 451 Essex Avenue, Bloomfield, New Jersey, 07003 not to exceed \$12,000.

**PROVISIONAL CODE ENFORCEMENT OFFICER**

**WHEREAS**, the Director of Inspections has indicated a need to hire a provisional employee to fill the position of Code Enforcement Officer; and

**WHEREAS**, Raymond Ramos has indicated that if provisionally appointed to Code Enforcement Officer that he will comply with all of the requirements to become permanently appointed to the position; and

**WHEREAS**, Raymond Ramos has agreed that if he does not get permanently appointed to the position of Code Enforcement Officer that his position with the Township will be terminated immediately; and

**WHEREAS**, Raymond Ramos recognizes that even if he complies with all the requirements to become permanently appointed to the position of Code Enforcement Officer the Mayor and Council may not permanently fill the position and as a provisional appointment the

Mayor and Council can remove him from this position at any time; and

**WHEREAS**, the Finance Director has certified that funds are available to make this provision position.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, that Raymond Ramos is hereby appointed to the position of provisional Code Enforcement Officer at Step 1 in the salary set forth in the salary ordinance for that position effective December 1, 2011, subject to the terms of this resolution.

Vote on the preceding eleven (11) Consent Agenda Resolutions showed the following:

Councilwoman Litterio – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Absent
Councilman Ruane – Absent	Councilman Hamilton – Yes
Mayor McCarthy – Absent	

Acting Chairperson Hamilton called for Resolutions.

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

**APPOINTMENT: FIREFIGHTER PATRICK FAZZINI**

**WHEREAS**, a vacancy exists in the Bloomfield Fire Department in the position of Firefighter; and

**WHEREAS**, the Department of Civil Service Commission of the State of New Jersey has promulgated a list of eligible candidates, who have qualified by competitive examination, for appointment to the position of Firefighter in the Bloomfield Fire Department; and

**WHEREAS**, Patrick J. Fazzini appears on the list of eligible candidates; and

**WHEREAS**, the Finance Director has certified that funding is available to hire this

candidate; and

**WHEREAS**, on September 6, 2011 the Mayor and Council passed a resolution making a conditional offer of employment to Patrick J. Fazzini which he declined; and

**WHEREAS**, Patrick J. Fazzini has indicated he is now interested in becoming a Bloomfield Firefighter; and

**WHEREAS**, the Fire Chief recommends that Patrick J. Fazzini be appointed to the position of Firefighter, effective November 22, 2011.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, that Patrick J. Fazzini be and is hereby appointed Firefighter in the Fire Department of the Township of Bloomfield effective November 22, 2011 at the 1<sup>st</sup> step of salary in effect as reflected in the Union Agreement, subject to certification by the Civil Service Commission, residency verification, successful medical review and criminal background check.

**BE IT FURTHER RESOLVED**, that if the Fire Chief in consultation with the Township Administrator and Township Attorney find that the above candidate does not meet the Township's residency requirement or the candidate does not receive medical clearance or has any criminal history this conditional offer of employment will automatically be withdrawn without further action of the council.

Vote showed the following:

Councilwoman Litterio – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Absent
Councilman Ruane – Absent	Councilman Hamilton – Yes
Mayor McCarthy – Absent	

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

**APPOINTMENT: FIREFIGHTER JOSEPH CRITCHLEY**

**WHEREAS**, a vacancy exists in the Bloomfield Fire Department in the position of Firefighter; and

**WHEREAS**, the Department of Civil Service Commission of the State of New Jersey has promulgated a list of eligible candidates, who have qualified by competitive examination, for appointment to the position of Firefighter in the Bloomfield Fire Department; and

**WHEREAS**, Joseph Critchley appears on the list of eligible candidates; and

**WHEREAS**, the Finance Director has certified that funding is available to hire this candidate; and

**WHEREAS**, the Fire Chief recommends that Joseph Critchley be appointed to the position of Firefighter, effective November 22, 2011.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, that Joseph Critchley be and is hereby appointed Firefighter in the Fire Department of the Township of Bloomfield effective November 22, 2011 at the 1<sup>st</sup> step of salary in effect as reflected in the Union Agreement, subject to certification by the Civil Service Commission, residency verification, successful medical review and criminal background check.

**BE IT FURTHER RESOLVED**, that if the Fire Chief in consultation with the Township Administrator and Township Attorney find that the above candidate does not meet the Township's residency requirement or the candidate does not receive medical clearance or has

any criminal history this conditional offer of employment will automatically be withdrawn without further action of the council.

Vote showed the following:

Councilwoman Litterio – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Absent
Councilman Ruane – Absent	Councilman Hamilton – Yes
Mayor McCarthy – Absent	

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

**APPOINTMENT: FIREFIGHTER ROBERT POWELL**

**WHEREAS**, a vacancy exists in the Bloomfield Fire Department in the position of Firefighter; and

**WHEREAS**, the Department of Civil Service Commission of the State of New Jersey has promulgated a list of eligible candidates, who have qualified by competitive examination, for appointment to the position of Firefighter in the Bloomfield Fire Department; and

**WHEREAS**, Robert Powell appears on the list of eligible candidates; and

**WHEREAS**, the Finance Director has certified that funding is available to hire this candidate; and

**WHEREAS**, the Fire Chief recommends that Robert Powell be appointed to the position of Firefighter, effective November 22, 2011.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, that Robert Powell be and is hereby appointed Firefighter in the Fire Department of the Township of Bloomfield effective November 22, 2011 at the 1<sup>st</sup> step of salary in effect as reflected in the Union Agreement, subject to certification by the Civil Service Commission, residency verification, successful medical review

and criminal background check.

**BE IT FURTHER RESOLVED**, that if the Fire Chief in consultation with the Township Administrator and Township Attorney find that the above candidate does not meet the Township's residency requirement or the candidate does not receive medical clearance or has any criminal history this conditional offer of employment will automatically be withdrawn without further action of the council.

Vote showed the following:

Councilwoman Litterio – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Absent
Councilman Ruane – Absent	Councilman Hamilton – Yes
Mayor McCarthy – Absent	

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

**APPOINTMENT: IT DIRECTOR**

**WHEREAS** the Mayor and Township Council of the Township of Bloomfield have determined that it is in the best interest of the Township of Bloomfield to appoint Jean-Guy R. Lauture to the position of Information Technology Director within the Township of Bloomfield.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey that Jean-Guy R. Lauture be and is hereby appointed IT Director for the Township of Bloomfield effective December 19, 2011 at Step 1 in the salary ordinance for that position.

Vote showed the following:

Councilwoman Litterio – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Absent
Councilman Ruane – Absent	Councilman Hamilton – Yes
Mayor McCarthy – Absent	

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

**AUTHORIZING TRANSFERS BETWEEN BUDGET APPROPRIATIONS CURRENT #1**

**WHEREAS**, under N.J.S.A. 40A:4-58 transfers are permitted between budget appropriations during the last two months of the fiscal year; and

**WHEREAS**, the Director of Finance recommends the Mayor and Council approve the following transfers:

<u>ACCOUNT NO.</u>	<u>TITLE</u>	<u>FROM</u>	<u>TO</u>
1-01-20-703-011	Mayor and Council Salaries & Wages	15,000.00	
1-01-22-725-011	UCC Salaries & Wages	70,000.00	
1-01-22-726-011	Housing Inspections Salaries & Wages	20,000.00	
1-01-25-745-011	Police Department Salaries & Wages	30,000.00	
1-01-26-767-011	Services Buildings Salaries & Wages	10,000.00	
1-01-26-773-011	Sewer Maintenance Salaries & Wages	10,000.00	
1-01-28-795-011	Department of Rec Salaries & Wages	20,000.00	
1-01-31-821-075	Street Lighting	14,760.00	
1-01-25-752-011	Fire Department Salaries & Wages	4,000.00	
1-01-21-720-011	Department of Planning Salaries & Wages		5,000.00
1-01-25-746-014	Comm. Center OT		30,000.00
1-01-26-767-025	Service Buildings & Maintenance of Motor Vehicle		100,000.00
1-01-26-772-011	Public Buildings & Grounds Salaries & Wages		1,000.00
1-01-26-776-011	Care Shade Trees & Grounds Salaries & Wages		17,000.00
1-01-27-785-011	Board of Health Salaries & Wages		30,000.00
1-01-28-796-012	Sr. Citizen Trans P/T		5,000.00
1-01-38-773-131	Second River Joint Meeting		1,620.00
1-01-38-773-132	Third River Joint Meeting		140.00
1-04-20-707-011	Info Systems Salaries & Wages		4,000.00
		<u>193,760.00</u>	<u>193,760.00</u>

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Bloomfield in the County of Essex, State of New Jersey, that the transfers between 2011 Budget Appropriation s be made as follows:

**TOWNSHIP OF BLOOMFIELD**  
**BUDGET TRANSFERS # 1**

<u>ACCOUNT NO.</u>	<u>TITLE</u>	<u>FROM</u>	<u>TO</u>
1-01-20-703-011	Mayor and Council Salaries & Wages	15,000.00	

1-01-22-725-011	UCC Salaries & Wages	70,000.00	
1-01-22-726-011	Housing Inspections Salaries & Wages	20,000.00	
1-01-25-745-011	Police Department Salaries & Wages	30,000.00	
1-01-26-767-011	Services Buildings Salaries & Wages	10,000.00	
1-01-26-773-011	Sewer Maintenance Salaries & Wages	10,000.00	
1-01-28-795-011	Department of Rec Salaries & Wages	20,000.00	
1-01-31-821-075	Street Lighting	14,760.00	
1-01-25-752-011	Fire Department Salaries & Wages	4,000.00	
1-01-21-720-011	Department of Planning Salaries & Wages		5,000.00
1-01-25-746-014	Comm. Center OT		30,000.00
1-01-26-767-025	Service Buildings & Maintenance of Motor Vehicle		100,000.00
1-01-26-772-011	Public Buildings & Grounds Salaries & Wages		1,000.00
1-01-26-776-011	Care Shade Trees & Grounds Salaries & Wages		17,000.00
1-01-27-785-011	Board of Health Salaries & Wages		30,000.00
1-01-28-796-012	Sr. Citizen Trans P/T		5,000.00
1-01-38-773-131	Second River Joint Meeting		1,620.00
1-01-38-773-132	Third River Joint Meeting		140.00
1-04-20-707-011	Info Systems Salaries & Wages		4,000.00
		<u>193,760.00</u>	<u>193,760.00</u>

Vote showed the following:

Councilwoman Litterio – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Absent
Councilman Ruane – Absent	Councilman Hamilton – Yes
Mayor McCarthy – Absent	

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

**TRANSFERS BETWEEN BUDGET APPROPRIATIONS WATER #1**

**WHEREAS**, under N.J.S.A. 40A:4-58 transfers are permitted between budget appropriations during the last two months of the fiscal year; and

**WHEREAS**, the Director of Finance recommends the Mayor and Council approve the following transfers:

<u>ACCOUNT NO.</u>	<u>TITLE</u>	<u>FROM</u>	<u>TO</u>
1-05-23-733-095	Group Ins for Employee	150,000.00	
1-05-36-837-137	FICA	15,000.00	
1-05-23-733-093	Group Ins for Employee WCI		150,000.00
1-05-26-511-014	Water Maintenance OT		15,000.00
		<u>\$165,000.00</u>	<u>\$165,000.00</u>

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Bloomfield in the County of Essex, State of New Jersey, that the transfers between 2011 Budget Appropriations be made as follows:

**TOWNSHIP OF BLOOMFIELD  
WATER UTILITY TRANSFERS 1W**

<u>ACCOUNT NO.</u>	<u>TITLE</u>	<u>FROM</u>	<u>TO</u>
1-05-23-733-095	Group Ins for Employee	150,000.00	
1-05-36-837-137	FICA	15,000.00	
1-05-23-733-093	Group Ins for Employee WCI		150,000.00
1-05-26-511-014	Water Maintenance OT		15,000.00
		<u>\$165,000.00</u>	<u>\$165,000.00</u>

Vote showed the following:

Councilwoman Litterio – Yes	Councilman Venezia – Yes
Councilman Joanow – Yes	Councilwoman Dunigan – Absent
Councilman Ruane – Absent	Councilman Hamilton – Yes
Mayor McCarthy – Absent	

Acting Chairperson Hamilton stated that there was no Unfinished Business to be discussed.

Under New Business, Councilman Venezia moved that the following individuals be granted licenses, which was seconded by Councilwoman Litterio:

**LICENSES FOR NOVEMBER 9, 2011**

**TAXICAB OPERATOR'S LICENSE**

Robert Farina  
55 Monroe Place  
Apartment 103  
Bloomfield, New Jersey 07003  
(Renewal - Bloomfield Taxi)

**RAFFLE LICENSES**

HSA St. Thomas the Apostle School  
60 Byrd Avenue  
Bloomfield, New Jersey 07003  
On Premises 50-50 - December 10, 2011

HSA St. Thomas the Apostle School  
60 Byrd Avenue  
Bloomfield, New Jersey 07003  
On Premise Merchandise Raffle - December 10, 2011

**MASSAGE/BODY WORK/SOMATIC THERAPIST LICENSE (INDIVIDUAL)**

Kathleen Hope Whittam  
14 Laurel Place  
Glen Ridge, New Jersey 07028

Vote showed the following:

Councilwoman Litterio - Yes	Councilman Venezia - Yes
Councilman Joanow - Yes	Councilwoman Dunigan - Absent
Councilman Ruane - Absent	Councilman Hamilton - Yes
Mayor McCarthy - Absent	

Acting Chairperson Hamilton stated that there was no Miscellaneous Business to be discussed.

There being no further business, Acting Chairperson Hamilton asked for a motion to adjourn the meeting. Councilman Joanow moved to adjourn the meeting, which was seconded by Councilwoman Litterio, and agreed to by all the Councilmembers present. The Meeting Adjourned at 8:13 p.m.

Respectfully submitted,

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Louise M. Palagano, Municipal Clerk