

Fifteenth Regular Meeting of the Township Council.

The meeting commenced at 7:40 PM.

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

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

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

This was followed by the Pledge of Allegiance.

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

Roll Call showed:

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

Also present were the following:

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

Mayor McCarthy then read aloud the following Proclamation:

BLOOMFIELD VOLUNTEER EMERGENCY SQUAD 50th ANNIVERSARY

WHEREAS The Bloomfield Volunteer Emergency Squad of the Township of Bloomfield will celebrate their Fiftieth Anniversary on September 9, 2011; and

WHEREAS, The Bloomfield Volunteer Emergency Squad, over a span of 50 years, has saved countless lives and served the emergency needs of the people of Bloomfield with the high set of standards, their wide spectrum of services and many hours of time and dedication; and

WHEREAS, the organization started operating in 1961 with one used ambulance and has grown to the point where it now operates three fully equipped modular ambulances; and

WHEREAS, it is fitting to celebrate and honor our Volunteer Emergency Squad for its distinguished, exceptional and meritorious service, conscientiously and unselfishly given over the years to public safety and the community and to properly thank the families of the members who have supported their dedication; and

NOW, THEREFORE, I Raymond J. McCarthy, as Mayor of the Township of Bloomfield, along with the Township Council, acknowledge this monumental 50th Anniversary of the Bloomfield Volunteer Emergency Squad and thank them for their dedication to the residents of this community.

Mayor McCarthy then thanked all of the members of the Emergency Squad, and presented Fred Menzel with the Proclamation.

Mayor McCarthy asked for a motion to approve the Minutes of previous meetings. As such, Councilwoman Litterio moved, and Councilman Joanow seconded, the approval of the following:

September 6, 2011 Regular Meeting Minutes
August 22, 2011 Conference Meeting Minutes
March 28, 2011 Conference Meeting Minutes
March 14, 2011 Conference Meeting Minutes

Vote showed the following:

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

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

Mayor McCarthy stated that new Township police officers and firefighters would be introduced and sworn into service under the Administrator Agenda to be presented by the Township Administrator.

Mayor McCarthy then called upon Anthony Cruz, who he then sworn in as a Police Office of the Township of Bloomfield.

Mayor McCarthy then called upon Raymond A. Diaz, who he then sworn in as Police Officer of the Township of Bloomfield.

Mayor McCarthy then moved to Unfinished Business.

Councilman Joanow moved, and Councilman Hamilton seconded, the adoption of the following three (3) Resolutions:

2011 RESOLUTION – FIRE APPOINTMENT

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, Thomas Hemmer Jr. 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 Thomas Hemmer Jr. be appointed to the position of Firefighter, effective immediately.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, that Thomas Hemmer Jr. be and is hereby

appointed Firefighter in the Fire Department of the Township of Bloomfield effective immediately at the annual 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.

2011 RESOLUTION – FIRE APPOINTMENT

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, John DeVito III 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 John DeVito III be appointed to the position of Firefighter, effective immediately.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, that John DeVito III be and is hereby appointed Firefighter in the Fire Department of the Township of Bloomfield effective

immediately at the annual 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.

2011 RESOLUTION – FIRE APPOINTMENT

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, Erick Stone 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 Erick Stone be appointed to the position of Firefighter, effective immediately.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, that Erick Stone be and is hereby appointed Firefighter in the Fire Department of the Township of Bloomfield effective immediately at the annual 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 on the three (3) preceding Resolutions showed the following:

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

Mayor McCarthy then introduced Robert Lee, Jr., Jarrett Francisco, Joseph Calleros, Thomas Hemmer, Jr., John DeVito, III and Erick Stone, who were called to the podium by Mayor McCarthy, and all were congratulated on becoming firefighters in the Township's Fire Department.

Thereafter, a five minutes recess was called by Mayor McCarthy so that the new police officers and firefighters could be photographed by the news media.

When the meeting was called back to order, Mayor McCarthy stated that there were two appointments to be made under Reports of Special Council Committees.

Mayor McCarthy moved to appoint Jack Sims to the Recreation Commission. This being a mayoral appointment, no vote was necessary.

Thereafter, Jack Sims was sworn in as a member of the Recreation Commission by Mayor McCarthy

Councilman Venezia moved to appoint Jason Focco to the Rent Advisory Committee, which was seconded by Councilwoman Dunigan.

Vote showed the following:

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

Mr. Focco was not present and therefore was not sworn in as a member of the Rent Advisory Committee at the meeting.

Mayor McCarthy called for written communications, to which the Municipal Clerk responded there were none.

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

Kevin Lindahl, 40 Conger Street, Bloomfield, New Jersey, took the microphone and expressed his opinion that rent control was not being treated as an emergency by the Mayor and Council, and asked that an emergency 3.5% rent cap be instituted in the Township for a period of two years.

Patricia Comstock, 170 Davey Street, Bloomfield, New Jersey, took the microphone and commented upon the length of time the issue of reintroducing the Township's previous rent control ordinance had been discussed with the Mayor and Council, with no definitive action having been taken.

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

Vote showed the following:

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

Mayor McCarthy then called for the Introduction of Ordinances for First Reading.

Councilman Ruane submitted the following Ordinance on First Reading:

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 387 OF THE BLOOMFIELD TOWNSHIP CODE, PROVIDING PARKING FOR PHYSICALLY LIMITED PERSONS (42 CHARLES STREET)

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 387, entitled: “PARKING FOR HANDICAPPED”, Section 387-4A “Enumeration of restricted parking areas”, of the Code of the Township of Bloomfield is hereby amended by the addition of the following:

(415) Charles Street, west side, starting at a point 94 feet north of the northerly curb line of Cross Street and running 20 feet south there from (42 Charles Street).

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 Ruane, 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 – Yes
Councilman Ruane – Yes	Councilman Hamilton – Yes
Mayor McCarthy – Yes	

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

The Municipal Clerk read the following Ordinance by title:

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 387 OF THE
BLOOMFIELD TOWNSHIP CODE, PROVIDING PARKING FOR PHYSICALLY
LIMITED PERSONS (21 DONALD STREET AND 48 HILL STREET)**

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

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

Vote showed the following:

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

The Municipal Clerk read the following Ordinance by title:

**DINANCE TO AMEND THE TOWNSHIP OF BLOOMFIELD ORDINANCE
ADOPTING TITLES FOR EMPLOYEES AND FIXING SALARY RANGES (DEPUTY
MUNICIPAL CLERK)**

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

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

Vote showed the following:

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

The Municipal Clerk read the following Ordinance by title:

**AN ORDINANCE TO AMEND TOWNSHIP OF BLOOMFIELD'S ORDINANCE
ADOPTING TITLES FOR EMPLOYEES AND FIXING SALARY RANGES
(DIRECTOR OF PUBLIC WORKS AND PARKS)**

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

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

Vote showed the following:

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

The Municipal Clerk read the following Ordinance by title:

**AN ORDINANCE TO AMEND CHAPTER 491, “SOLID WASTE,” ARTICLE II
“RECYCLING” § 491-4 “Definitions.” WITHIN THE TOWNSHIP CODE OF THE
TOWNSHIP OF BLOOMFIELD**

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

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

Vote showed the following:

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

Mayor McCarthy called for the Consent Agenda Resolutions.

Councilman Ruane moved, and Councilman Venezia seconded, the adoption of the following five (5) Consent Agenda Resolutions:

2011 RESOLUTION – MUNICIPAL ALLIANCE GRANT ALCOHOLISM AND DRUG ABUSE

WHEREAS, the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey recognize that the abuse of alcohol and drugs is a serious problem our society amongst persons of all ages; and

WHEREAS, the Mayor and Council further recognize that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Mayor and Council have applied for funding from the Governor's Council on Alcoholism and Drug Abuse through the County of Essex.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey hereby recognize the following:

1. The Mayor and Council does hereby authorize submission of an application for the Bloomfield Municipal Alliance grant for the calendar year 2012 in the amount of \$36,000.00.
2. The Mayor and Council acknowledge the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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 FAIRVIEW BLOOMFIELD ASSOCIATES V. TOWNSHIP OF BLOOMFIELD, DOCKET NOS.: 004905-2010 AND 003295-2011 OF THE TAX ASSESSMENT OF BLOCK 309, LOT 10, KNOWN AS 9 FAIRVIEW PLACE, 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 309, Lot 10, has been filed by the Taxpayer, Fairview Bloomfield Associates; 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 appeal is hereby authorized as follows:

9 Fairview Place

Year: 2010

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$440,000	N/A	\$440,000
Imprvts:	\$709,500	N/A	\$620,700
Total:	\$1,149,500	N/A	\$1,060,700

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

9 Fairview Place

Year: 2011

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$440,000	N/A	\$440,000
Imprvts:	\$709,500	N/A	\$535,000
Total:	\$1,149,500	N/A	\$975,000

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.

2011 RESOLUTION TO 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 \$3,133.77 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 check totaling \$3,133.77 for 2011.

2011 RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE PERIOD OF OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2016

WHEREAS, the Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of educations, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, The Township of Bloomfield desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency to renew its membership in the MCCPC for the period of October 1, 2011 through September 30, 2016; and

WHEREAS, the Finance Director certified that funding will be included in the appropriate budgets to cover the cost of this membership.

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

1. Mayor and Council of the Township of Bloomfield, Essex County, New Jersey hereby authorizes the Mayor of the Township of Bloomfield to execute an Agreement with the Morris County Cooperative Pricing Council by the Township

of Randolph as Lead Agency dated October 1, 2011 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for renewal of membership in the MCCPC for a five (5) year period from October 1, 2011 through September 30, 2016.

2. The Township of Bloomfield Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate officials of the Township of Bloomfield are authorized and directed to perform all required acts to affect the purpose of this resolution.

2011 RESOLUTION – APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE CONGER STREET & GLENWOOD AVENUE INTERSECTION IMPROVEMENTS

WHEREAS, the New Jersey Transportation Trust Fund Authority Act has provided funds for the improvement of municipal roads and infrastructure; and

WHEREAS, an application is hereby made to the Commissioner of Transportation for aid under the Municipal Aid Program portion of the above Act for improvements at the intersection of Conger Street and Glenwood Avenue in the Township of Bloomfield, County of Essex, State of New Jersey or such portion thereof as may be approved by the Commissioner of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-Bloomfield Town Township-00340 to the New Jersey Department of Transportation on Behalf of the Township of Bloomfield; and

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to sign the grant agreement of behalf of the Township of Bloomfield and their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Vote on the preceding five (5) Consent Agenda Resolutions showed the following:

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

Mayor McCarthy called for Resolutions.

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

2011 RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BLOOMFIELD, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, TERMINATING THE DESIGNATION OF THE HABERMAN BUILDING CORPORATION AS THE CONDITIONAL REDEVELOPER OF A PORTION OF THE BLOOMFIELD CENTER REDEVELOPMENT AREA AND TERMINATING A MEMORANDUM OF UNDERSTANDING IN CONNECTION THEREWITH

WHEREAS, by resolution duly adopted on September 8, 2000, the Mayor and Council (“Mayor and Council”) of the Township of Bloomfield (the “Township”) authorized and directed the Planning Board of the Township (the “Planning Board”) to undertake an investigation and determine whether the properties identified as Block 220, Lots 26, 27, 30, 35, 40 and 80, 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 and 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 and 35, and Block 243, Lots 1, 3, 4, 5, 6, 7, 8, 10, 11, 13, 15, 17, 18 and 20 on the Township’s tax map (collectively, the “2000 Study Area”), met the statutory criteria for

designation as an area in need of redevelopment pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the “Redevelopment Law”); and

WHEREAS, at the direction of the Planning Board, Heyer Gruel Associates, P.A. (“Heyer Gruel”) conducted the investigation and prepared a report, dated November 3, 2000 (the “2000 Study”) regarding whether the 2000 Study Area met the statutory criteria set forth in the Redevelopment Law for designation as an area in need of redevelopment; and

WHEREAS, the Planning Board considered the 2000 Study during a public hearing and, by resolution adopted on December 5, 2000, recommended that the 2000 Study Area be designated as an area in need of redevelopment; and

WHEREAS, by resolution duly adopted on December 18, 2000, the Mayor and Council agreed with the Planning Board’s recommendation and designated the 2000 Study Area as an area in need of redevelopment (the 2000 Study Area shall hereinafter be referred to as the “Redevelopment Area”); and

WHEREAS, in an opinion dated August 3, 2005, the Superior Court of New Jersey, Essex County (the “Court”), in the matter known as *Township of Bloomfield v. 110 Washington Street Associates*, held that the 2000 Study did not include all substantial evidence in support of its conclusion that the Redevelopment Area met the statutory criteria set forth in the Redevelopment Law for designation as an area in need of redevelopment; and

WHEREAS, in 2006, the Mayor and Council directed the Planning Board to undertake a supplemental study of the Redevelopment Area to address the concerns raised in the Court’s decision; and

WHEREAS, Heyer Gruel prepared a supplemental report, dated July 2006 (the “Supplemental Study”), in which it again concluded that the Redevelopment Area, as of the dates

of the 2000 Study and the Supplemental Study, met the statutory criteria for designation as an area in need of redevelopment, and in which it set forth, in greater detail, the basis for such conclusions; and

WHEREAS, on July 20, 2006, the Planning Board considered the Supplemental Study during a public hearing and, by resolution duly adopted on August 1, 2006, it concluded that the 2000 designation of the Redevelopment Area was supported by substantial evidence and it recommended to the governing body of the Township that the Supplemental Study validates the conclusion reached in 2000 that the Redevelopment Area met the statutory criteria for designation as an area in need of redevelopment; and

WHEREAS, by resolution duly adopted on August 7, 2006, the Mayor and Council accepted the recommendation made by the Planning Board and agreed with the Planning Board's conclusion that the Supplemental Study validated the conclusion reached in 2000 that the Redevelopment Area met the statutory criteria for designation as an area in need of redevelopment; and

WHEREAS, by ordinance finally adopted on December 15, 2008, the Mayor and Council approved and adopted a redevelopment plan for the redevelopment of the portion of the Redevelopment Area, along with other parcels which had previously been designated as an Area in Need of Rehabilitation, consisting of certain parcels located in Blocks 220, 225, 227, 228, 242, 243 and 255; and

WHEREAS, the Haberman Building Corporation ("HBC"), through other entities with the same ownership structure as, or otherwise controlled by, HBC, is the former owner of the portions of the Redevelopment Area known as Block 228, Lots 4, 19 and 21 (collectively, the

“Block 228 Properties”) and is the current owner of the property located at Block 220, Lot 40 (the “Train Station Property”); and

WHEREAS, on September 15, 2009, the Township and HBC entered into a Memorandum of Understanding (the “MOU”), setting forth each party’s expectations with respect to the redevelopment of the Block 228 Properties and the Train Station Property; and

WHEREAS, at the time the MOU was executed, HBC was interested in maintaining an ownership interest in the project to be constructed on Block 228 and in redeveloping the Train Station Property; and

WHEREAS, toward those ends, the MOU provided, among other things, that HBC was to convey the Block 228 Properties to the Township for a nominal sum and that upon the completion of the redevelopment of Block 228, the redeveloper thereof would convey a portion of the completed improvements to HBC for a nominal sum; and

WHEREAS, the MOU also provided that the Township was to designate HBC or its designated successor or assign as the redeveloper of the Train Station Property and then negotiate with HBC, in good faith, the terms of a redevelopment agreement; and

WHEREAS, by resolution duly adopted on October 22, 2009, the Mayor and Council designated HBC as the conditional redeveloper of the Train Station Property; and

WHEREAS, by resolution duly adopted on November 16, 2009, the Mayor and Council again directed the Planning Board to undertake an investigation and determine whether the properties located in the Redevelopment Area met the statutory criteria set forth in the Redevelopment Law for designation as an area in need of redevelopment; and

WHEREAS, at the direction of the Planning Board, the firm Phillips Preiss Shapiro Associates, Inc. (“Phillips”) conducted the investigation and, at the Planning Board’s direction,

Phillips initially limited its investigation to the properties identified as Block 220, Lot 40, and 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 and 35 on the Township's tax map (collectively, "Area 3"); and

WHEREAS, Phillips prepared a report, dated May 2010 (the "Phillips Study"), regarding whether the properties in Area 3, or any portion thereof, met the statutory criteria set forth in the Redevelopment Law for designation as an area in need of redevelopment; and

WHEREAS, the Planning Board considered the Phillips Study during a public hearing on June 22, 2010 and September 23, 2010 and, by resolution duly adopted on September 23, 2010, the Planning Board concluded that the properties in Area 3 met the statutory criteria for designation as an area in need of redevelopment and recommended that the Township so designate such properties; and

WHEREAS, by resolution duly adopted on October 18, 2010, the Mayor and Council accepted the Planning Board's recommendation and designated the properties included in Area 3 as an area in need of redevelopment (Area 3 shall hereinafter be referred to as the "Block 228 and Block 220, Lot 40 Redevelopment Area"); and

WHEREAS, by ordinance finally adopted on February 7, 2011, the Mayor and Council approved and adopted a redevelopment plan for the redevelopment of the Block 228 and Block 220, Lot 40 Redevelopment Area; and

WHEREAS, in the meantime, in early 2010, HBC determined that it no longer desired to redevelop the Block 228 Properties and that, instead, it desired to sell same to the Parking Authority of the Township of Bloomfield (the "Parking Authority"); and

WHEREAS, on April 27, 2010, an affiliate of HBC and the Parking Authority entered into a purchase and sale agreement in connection with the Block 228 Properties; and

WHEREAS, on September 15, 2010, the Parking Authority closed on the acquisition of the Block 228 Properties and the Parking Authority is now the owner thereof; and

WHEREAS, since the execution of the MOU and the designation of HBC as the conditional redeveloper of the Train Station Property in 2009, the Township and HBC representatives have discussed, in good faith, the redevelopment of the Train Station Property, including terms regarding (i) the renovation of the existing train station facility, (ii) the provision of public access to the train station platform and (iii) the construction of new retail space, and the Township has engaged several consultants, at substantial expense, to help identify ways to redevelop the Train Station Property and to identify potential funding sources for the redevelopment thereof; and

WHEREAS, a representative of HBC recently advised the Township, however, that it no longer desires to redevelop the Train Station Property and that, instead, it would like to sell same; and

WHEREAS, toward that end, the Township commissioned and paid for a real estate appraisal for the Train Station Property and forwarded same to HBC for review; and

WHEREAS, the Township has determined that the MOU is moot, and the Mayor and Council now desire to terminate the MOU and the designation of HBC as the conditional redeveloper of the Train Station Property.

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

Section 2. The MOU is hereby terminated and HBC shall have no further rights thereunder.

Section 3. The Township hereby terminates HBC as the conditional redeveloper of the Train Station Property.

Section 4. This resolution shall take effect immediately.

Vote showed the following:

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

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

2011 RESOLUTION – SALARY ADJUSTMENT DETECTIVE

WHEREAS, on August 1, 2011 Police Chad Smith was assigned to the Detective Bureau; and

WHEREAS, based upon Officer Smith's assignment to the Detective Bureau and in accordance with the applicable Collective Bargaining Agreement it is necessary to adjust Officer Smith's salary effective August 1, 2011.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of Council of the Township of Bloomfield, County of Essex, State of New Jersey hereby directs the Finance Director to adjust the salary of Officer Smith starting August 1, 2011 in accordance with the salary ordinance in effect for a police officer assigned to perform the duties of a detective within the Bloomfield Police Department for as long as he remains assigned to the position of detective or until directed otherwise.

Vote showed the following:

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

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

2011 RESOLUTION - AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR A SUB CODE OFFICIAL

WHEREAS, the Township of Bloomfield has a need to acquire professional services of a Sub Code Official for the Department of Inspection; and

WHEREAS, the Township desires to make this appointment under the provisions *N.J.S.A. 19:44A-20.5*, as a non-fair and open contract; and

WHEREAS, the Director of Inspection has determined that the value of these services will not exceed \$17,500; and

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

WHEREAS, Carl Graziano, 510 Franklin Ave, Apt. 13, Nutley, New Jersey 07110 (hereinafter "Professional") has indicated he would provide these necessary services; and

WHEREAS, the Professional has completed and submitted a Business Entity Disclosure Certification which certifies he has 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 professional shall work a minimum 21 hours per week and shall be paid \$1,084.64 per month; and

WHEREAS, the Director of Finance has certified that funding is available to cover the cost of this service.

NOW, THEREFORE, BE RESOLVED, that the Mayor and Council of the Township of Bloomfield authorizes the Director of Inspections to enter into a contract with the Professional as described 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 file 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 contracts 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.

Vote showed the following:

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

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

2011 RESOLUTION – APPOINTMENT, DIRECTOR OF DEPARTMENT OF PUBLIC WORKS AND PARKS

WHEREAS, a vacancy presently exists in the position of Director of Public Works within the Township of Bloomfield; and

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 Anthony Nesto, to perform these duties and responsibilities.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Bloomfield, County of Essex, State of New Jersey that Anthony Nesto be and is hereby appointed Director of Public Works for the Township of Bloomfield effective October 1, 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 – Yes
Councilman Ruane – Yes	Councilman Hamilton – Yes
Mayor McCarthy – Yes	

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

2011 RESOLUTION – APPOINTMENT, DIRECTOR OF RECREATION

WHEREAS, a vacancy presently exists in the position of Director of Recreation within the Township of Bloomfield; and

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 Michael Scurman, Bloomfield NJ to perform these duties and responsibilities.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Bloomfield, County of Essex, State of New Jersey that Michael Scurman be and is hereby appointed Director of Recreation for the Township of Bloomfield effective October 1, 2011 at the first Step of the salary guide for Director of Recreation that provides him with an increase in salary as set forth in the ordinance for that position.

Vote showed the following:

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

Mayor McCarthy stated that all Unfinished Business had been resolved earlier in the meeting.

Under New Business, Councilman Hamilton moved that the following individuals be issued Licenses, which was seconded by Councilwoman Litterio:

LICENSES FOR SEPTEMBER 19, 2011

RAFFLE LICENSES

HSA Oak View
150 Garrabrant Avenue
Bloomfield, New Jersey
On Site 50-50
October 14, 2011

HSA St. Thomas the Apostle School
60 Byrd Avenue
Bloomfield, New Jersey
Calendar Raffle
February 1, 6, 13, 21, 27, 2012
March 5, 12, 19, 26, 2012
April 2, 16, 23, 2012

HSA Bloomfield HS
160 Broad Street
Bloomfield, New Jersey 07003
Off Premises 50-50
November 4, 2011

Vote showed the following:

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

Mayor McCarthy stated that there were no Ad Authorizations to be approved and no Miscellaneous Business to be discussed, but Councilwoman Dunigan asked that the Mayor and Council agree to place a half-page ad, at a cost of \$150.00, for John Crecco's Heartbeat Ball, at which Police Chief Chris Goul was going to be honored. Councilman Hamilton seconded.

Vote showed the following:

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

There being no further business to discuss, Mayor McCarthy called for a Motion to Adjourn the meeting.

Councilwoman Litterio moved, and Councilman Joanow seconded, the Adjournment of the meeting. The meeting adjourned at 8:26 p.m.

Respectfully submitted,

Louise M. Palagano, Municipal Clerk