



Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

<http://www.bloomfieldtwpnj.com>

Meeting: 02/28/22 07:00 PM

2022 ORDINANCE NEW ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF BLOOMFIELD, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, DISSOLVING THE BLOOMFIELD CULTURAL PRESERVATION UTILITY OF THE TOWNSHIP OF BLOOMFIELD PURSUANT TO N.J.S.A. 40A:5A-20

WHEREAS, the Township Council of the Township of Bloomfield, in the County of Essex, State of New Jersey (the "Township"), created the Bloomfield Cultural Preservation Utility of the Township of Bloomfield (the "Utility") by ordinance adopted on April 26, 2021; and

WHEREAS, after a careful examination and analysis, the Township has determined that it is in the best interests of the residents of the Township to dissolve the Utility; and

WHEREAS, the Township desires to dissolve the Utility in accordance with and in fulfillment of the provisions of N.J.S.A. 40A:5A-20.

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

SECTION 1. Dissolution. The Utility, created by the Township by ordinance adopted on April 26, 2021, be and the same is hereby dissolved, subject to the terms and conditions hereof. Correspondingly, Part I, Chapter 63 of the Code of the Township of Bloomfield shall simultaneously be repealed as a result.

SECTION 2. Transfer of Title to All Facilities. Upon the effective date of the dissolution as set forth in Section 5 of this ordinance, all real and personal property, facilities and contracts of the Utility and all monies and funds held by or for the Utility shall be deemed transferred to and become the property of the Township. The existing officers of the Utility are hereby authorized and directed to execute any documents or instruments necessary to transfer

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legal title to all real property, personal property, facilities, contracts and monies and funds to the Township upon the effective date of the dissolution herein, notwithstanding the dissolution of the Utility. All documents and records of the Utility shall be delivered to the Township Clerk prior to the effective date of the dissolution.

SECTION 3. Payment of All Creditors and Obligees. Upon the effective date of the dissolution as set forth in Section 5 of this ordinance, the Township shall assume all legal obligations of the Utility, including paying all existing and outstanding creditors and obligees of the Utility. Pursuant to N.J.S.A. 40A:5A-20, and in accordance with N.J.S.A. 40A:2-1 et seq., the Township shall assume responsibility for and payment of the obligations of the Utility, including existing bonded indebtedness of the dissolved Utility, provided that, prior to this assumption of debt by the Township, the Township Council determines by resolution setting forth facts that constitute the basis for the determination, that such assumption will be a cost effective means of meeting those obligations as compared with the issuance of obligations of the Township, and transmits a certified copy of that resolution to the Local Finance Board. The Utility has not incurred and does not have any existing bonded indebtedness.

SECTION 4. Assumption of Services Provided by the Utility. Upon the effective date of the dissolution as set forth in Section 5 of this ordinance, the Township shall own and operate the facilities previously owned and operated by the Utility as a Cultural Preservation Utility and by separate ordinance hereto, the Township shall create a Division of Cultural Preservation. Upon the effective date of the dissolution as set forth in Section 5 of this ordinance, the Township shall assume the operation of the services previously provided by the Utility.

SECTION 5. Effective Date of Dissolution. The dissolution of the Utility shall take effect simultaneously with the assumption of the obligations of the Utility and the payment of any outstanding notes of the Utility, including all existing and outstanding indebtedness, by the

Township, the creation of a Division of Cultural Preservation by the Township for the assumption of the services previously provided by the Utility, and the transfer of all funds from the Utility to the Township.

SECTION 6. Limitation on Actions by Utility. So as to provide for an orderly transition of the services provided by the Utility, the ordinance creating the Utility is hereby amended to provide that the Utility shall not be authorized to issue or authorize any obligations, to approve or enter into any contracts or to take any other actions which may impair or affect the Township's operation of the cultural preservation facilities without the prior consent of the Township as evidenced by a resolution of the Township Council; provided, however, that the Utility may pay its legally due debt and bills incurred in the ordinary course without the prior consent of the Township, and, provided further, that this provision will not affect the Utility's obligations under its existing contracts or its obligations to the holders of its bonds.

SECTION 7. Authorization of Township and Utility to Take all Necessary Action. The members of the Township Council, the Township Administrator, the Township Clerk and other employees, as directed by the Township Administrator and/or the Township Council, are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this ordinance. The members of the Utility, its officers, employees, engineer and counsel are hereby authorized and directed to take all steps necessary to effectuate the purposes of this ordinance.

SECTION 8. Approval of Local Finance Board; Filing. This ordinance shall be submitted to and approved by the Local Finance Board in the Division of Local Government Services, New Jersey Department of Community Affairs prior to final adoption in accordance with the requirements of N.J.S.A. 40A:5A-20 and the final adoption of this ordinance by the Township shall represent conclusive proof of the fact that this ordinance has received the

approval of the Local Finance Board and following the final adoption of this ordinance, the Township Clerk shall immediately file a copy of this ordinance, as finally adopted, with the Local Finance Board and with the Secretary of State, all in accordance with N.J.S.A. 40A:5A-20.

SECTION 9. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 10. Repeal of All Inconsistent Ordinances. All ordinances of the Township which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 11. Effective Date. This ordinance shall take effect immediately upon the adoption hereof and shall not be subject to referendum.

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Approved as to form and procedure on basis of facts set forth.

Director of Law-Township Attorney

I hereby certify that the above ordinance was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on February 28, 2022.

Municipal Clerk of the Township of Bloomfield

Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt	Jenny Mundell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Deny	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Sarah Cruz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table						
<input type="checkbox"/> Not Discussed						

<input type="checkbox"/> First Reading	Wartyna Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Table with no Vote	Ted Gamble	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approve	Richard Rockwell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Veto by Mayor	Michael J. Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discussion					
<input type="checkbox"/> Defeated					
<input type="checkbox"/> Discussion No Vote					

✓ Vote Record - Ordinance						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt	Jenny Mundell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Deny	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Sarah Cruz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table	Wartyna Davis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Not Discussed	Ted Gamble	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> First Reading	Richard Rockwell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table with no Vote	Michael J. Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Approve						
<input type="checkbox"/> Veto by Mayor						
<input type="checkbox"/> Discussion						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						