



Township Council  
1 Municipal Plaza  
Bloomfield, NJ 07003

Louise M. Palagano  
Municipal Clerk

<http://www.bloomfieldtwpnj.com>

Meeting: 09/18/17 07:00 PM

## 2017 ORDINANCE AMENDMENT

### AN ORDINANCE OF THE TOWNSHIP OF BLOOMFIELD, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, DISSOLVING THE PARKING AUTHORITY 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 Parking Authority of the Township of Bloomfield (the "BPA") by ordinance adopted on August 4, 2003, in accordance with the provisions of N.J.S.A. 40:11A-1 et seq., and acts amendatory thereof or supplemental thereto; 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 and the users of the system of the BPA to dissolve the BPA; and

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

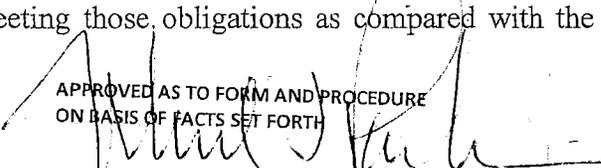
NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Bloomfield, in the County of Essex, State of New Jersey, as follows:

SECTION 1. Dissolution. The BPA, created by the Township by ordinance adopted on August 4, 2003, be and the same is hereby dissolved, subject to the terms and conditions hereof.

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 BPA and all monies and funds held by or for the BPA shall be deemed transferred to and become the property of the Township. The existing officers of the BPA are hereby authorized and directed to execute any documents or instruments necessary to transfer 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 BPA. All documents and records of the BPA 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 BPA, including paying all existing and outstanding creditors and obligees of the BPA. 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 BPA, including existing bonded indebtedness of the dissolved BPA, 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

APPROVED AS TO FORM AND PROCEDURE  
ON BASIS OF FACTS SET FORTH

  
DIRECTOR OF LAW-TOWNSHIP ATTORNEY

transmits a certified copy of that resolution to the Local Finance Board. In addition, the Township shall authorize the issuance of parking utility obligations to provide for and pay the outstanding notes of the dissolved BPA.

SECTION 4. Assumption of Services Provided by the BPA. 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 by the BPA as a parking utility, and by separate ordinance hereto, the Township shall create a parking utility. 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 BPA, which services are necessary for the health, safety and welfare of the users of the system.

SECTION 5. Effective Date of Dissolution. The dissolution of the BPA shall take effect simultaneously with the assumption of the obligations of the BPA and the payment of the outstanding notes of the BPA, including all existing and outstanding indebtedness, by the Township, the creation of a parking utility by the Township for the assumption of the services previously provided by the BPA, and the transfer of all funds from the BPA to the Township.

SECTION 6. Limitation on Actions by BPA. So as to provide for an orderly transition of the services provided by the BPA, the ordinance creating the BPA is hereby amended to provide that the BPA 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 parking facilities without the prior consent of the Township as evidenced by a resolution of the Township Council; provided, however, that the BPA 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 BPA's obligations under its existing contracts or its obligations to the holders of its bonds.

SECTION 7. Authorization of Township and BPA to Take all Necessary Action. The members of the Township Council, the Township Manager, the Township Clerk and other employees, as directed by the Township Manager 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 BPA, 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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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 September 19, 2017.

*Louise M. Pellegrino*  
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 Municipal Clerk of the Township of Bloomfield

*Mr. J. G.*  
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 Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt						
<input type="checkbox"/> Deny						
<input type="checkbox"/> Withdrawn	Jenny Mundell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Not Discussed	Carlos Bernard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> First Reading	Wartyna Davis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Table with no Vote	Ted Gamble	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Approve	Carlos Pomares	<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						

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<input type="checkbox"/> Discussion						
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