

11-9



**Township Council**  
1 Municipal Plaza  
Bloomfield, NJ 07003

**Louise M. Palagano**  
*Municipal Clerk*

<http://www.bloomfieldtwpnj.com>

Meeting: 10/15/12 07:00 PM

**2012 RESOLUTION ACQUISITION**

**Lions Gate Property - Block 871 Lots 55 and 102**

**2012 RESOLUTION**

**WHEREAS**, the Council majority has determined that it is in the best interest of the Township of Bloomfield to take the property known as Lion Gate Drive (1 and 8 Lion Gate Drive, Block 871, Lots 55 and 102) (hereinafter "Property"); and

**WHEREAS**, the Township intends to utilize the Property as open space; and

**WHEREAS**, the Township intends to purchase the Property at fair market value using money from the Open Space Trust Fund.

**NOW, THEREFORE, BE RESOLVED**, that the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, hereby directs the Township's Attorneys to proceed with the taking of the Property known as Lion Gate Drive (1 and 8 Lion Gate Drive, Block 871, Lots 55 and 102) for open space using money from the Open Space Trust Fund; and

**BE IT FURTHER RESOLVED**, that the Township's Attorneys are hereby directed follow the process to take the property through the use of eminent domain and as part of that process are hereby directed to immediately begin good faith negotiations for the property; and

**BE IT FURTHER RESOLVED**, that if good faith negotiations fail, the Township's Attorneys are hereby directed to file the appropriate legal papers to take the property; and

**BE IT FURTHER RESOLVED**, that the Township hereby directs the Director of Finance to arrange for bonding for this purchase as allowed under the Open Space Trust Fund; and

**BE IT FURTHER RESOLVED**, that the Township Administrator is hereby directed to ensure that the intent of this Resolution is carried out by the Township's representatives.

\*...\*...\*

I hereby certify that the above resolution was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on October 15, 2012.

I hereby certify that the above Resolution adopted by the Council of Bloomfield on the 15th day of October, 2012 was vetoed by the Mayor of the Township and was passed over said veto on the 25th day of October, 2012.

Municipal Clerk of the Township of Bloomfield

Dated: October 25, 2012

*Louise Palagano*  
 Louise Palagano, Municipal Clerk

Mayor of the Township of Bloomfield

✓ Vote Record - Resolution 2179						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopted	Elias Chalet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Adopted as Amended	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Defeated	Carlos Bernard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Michael Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Tabled	Peggy O'Boyle Dunigan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Approved	Bernard Hamilton	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Approved by Consensus	Raymond McCarthy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Not Discussed						
<input type="checkbox"/> Tabled with No Vote						
<input type="checkbox"/> Discussed						
<input type="checkbox"/> Veto by Mayor						

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

*Eric J. Acerra*  
 Director of Law - Township Attorney

RAYMOND J. McCARTHY  
MAYOR

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TOWNSHIP OF BLOOMFIELD  
New Jersey - 07003-3487

October 22, 2012

All Bloomfield Council Members  
And  
Ms. Louise Palagano  
Municipal Clerk  
Ms. Linda Milone  
Acting Township Administrator  
1 Municipal Plaza  
Bloomfield, NJ 07003

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TOWNSHIP OF BLOOMFIELD  
MUNICIPAL PLAZA  
BLOOMFIELD, NEW JERSEY  
07003

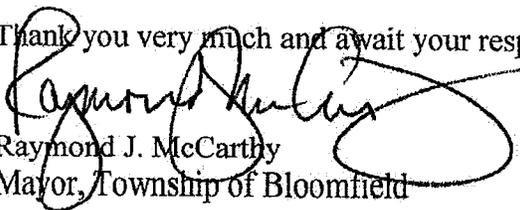
Dear Council Members and Ms Palagano,

This letter is to inform you that I will not sign the Resolution for the taking by use of Eminent Domain of the current Liongate site. Not only will it not be signed but I will veto this resolution afforded me under the Bloomfield Charter.

My objection to this resolution is that the best interests of the Bloomfield community were disregarded and its adoption would put the entire community in jeopardy of another major lawsuit against the Township of Bloomfield. The plan to do this is inconsistent with what is good for the Township and there has been no plan or options that would be fiscally prudent in taking this property. Not to mention that we are now involved in a lawsuit due to this council putting politics ahead of fiscal responsibility.

For these reasons and the fiduciary obligation as an elected official to keep the Township out of a needless lawsuit, I will veto this resolution.

Thank you very much and await your response.

  
Raymond J. McCarthy  
Mayor, Township of Bloomfield