

**WORK SESSION OF
THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

September 9, 2008

Mayor Steenstra called the meeting to order at 7:05 p.m.

ROLL CALL

<i>In Attendance:</i>	Mayor:	William Streenstra
	Council President:	Jennifer Altfeld
	Council Members:	Thomas Marinaro Dean Specchio
<i>Absent:</i>	Council Members:	Linda J. Huntley (Excused) Henry Sloomaker (Excused) Bernie Vroom (Excused)
<i>Professionals Present:</i>	Municipal Clerk:	Jane McCarthy, RMC
	Borough Administrator:	Ted Ehrenburg
	Borough Attorney:	Joseph V. "Joe" MacMahon, Esq.

SALUTE TO THE AMERICAN FLAG

Mayor Steenstra led the Salute to the Flag.

PUBLIC NOTICE STATEMENT

Mayor Steenstra stated that on December 17, 2007, publication notification of the date, time and place of this Official Meeting was faxed and mailed to all local news media and posted in the Bloomingdale Municipal Building.

EARLY PUBLIC COMMENT

Councilwoman Altfeld opened the meeting up to Public Comment; seconded by Councilman Marinaro and carried on voice vote with all Council Members present voting YES. ABSENT: Council Members: Huntley; Sloomaker and Vroom

Since there was no one who wished to speak under Public Comment, Councilwoman Altfield moved that it be closed; seconded by Councilman Marinaro and carried on voice vote with all Council Members present voting YES. ABSENT: Council Members: Huntley; Sloodmaker and Vroom

PROFESSIONAL REPORTS

Municipal Clerk

Candlelight Walk – Municipal Clerk stated that the Candlelight Walk will be held on September 11, 2008; lineup at the Senior Citizen Parking lot at 7 p.m. and proceed to Butler Park.

Voter Registration – Municipal Clerk stated that the last day to register to vote for the General Election is October 14, 2008; the Clerk's Office will be open until 9 p.m.

Borough Administrator

Leaf Removal- Borough Administrator stated that he would like some direction from the Governing Body as to their leaf collection intentions for 2008; consensus that this will be on the September 23, 2008 meeting for discussion.

Police Department Ordinance – Borough Administrator stated that he has worked with Police Chief Borell for a redraft of the Police Department Rules and Regulations and updated ordinance; consensus that this will be discussed at the September 23, 2008 meeting.

Highland Avenue Road Project – Borough Administrator stated that the work is proceeding and contractor expects to complete the project in two weeks, weather permitting.

Morse Lakes Road Project – Borough Administrator stated that the Contractor Mike Fitzpatrick expects the project to commence within five days.

Morse Lakes Water Installation – Discussion as to meeting which was to be held with the property owners affected where access is needed; Borough Administrator will contact the Borough Engineer and Mr. Dunleavy of the Morse lakes Property Owners Association to set up a meeting with the affected property owners.

Borough Attorney has reviewed the Certificate of Insurance with the Borough Engineer as to the affected property owners being named as additional insured.

Construction Services with Borough of Kinnelon – Borough Administrator stated that the interlocal shared services agreement with Kinnelon has been signed and we expect to start October 1, 2008.

Boiler Replacement – Borough Administrator stated that he has quotes to replace the boiler in the Municipal Building at a cost of \$12,000 and \$4,305 to connect the system.

It was noted that the State was in and stated that our boilers needed to be replaced.

Borough Attorney

Executive Session – Borough Attorney stated that he has three matters of litigation.

PENDING BUSINESS

Governmental Operations Committee

Discussion as to Planning Board Comments on Ordinances #16-2008 and #17-2008

At this time, the Borough Attorney went over the recommendations and comments of the Planning Board in regard to these two ordinances. Noted that there is one substantive area as to B1A zone which the Planning Board would like amended in the future not to have the B1A zone along Main Street.

Councilwoman Altfield opened the meeting to Public Discussion on these two ordinances; seconded by Councilman Specchio and carried on voice vote with all Council Members present voting YES. ABSENT: Council Members: Huntley; Sloodmaker and Vroom

Geraldine Courter, 15 Union Avenue, spoke in regard to her home at 9 Union Avenue, and asked what this new ordinance would allow on her property; expressed concern in regard to backing onto Union Avenue.

Borough Attorney MacMahon stated that the purpose of the ordinance is to encourage those property owners who wish to convert their property to a business type corridor which would bring in additional ratables to the Borough.

Carol Perez, 139 Main Street, asked if this would allow her to add another story and was informed that this would not; there is one parking spot for each s.f.

Since there was no one else who wished to speak in regard to these proposed ordinances, Councilwoman Altfield moved that the Public Discussion be closed; seconded by Councilman Marinaro and carried with all Council Members present voting YES. ABSENT: Council Members: Huntley; Sloodmaker and Vroom.

Discussion with Webmaster Robert Kelly as to Borough's website

Robert Kelly, Borough's webmaster, spoke in regard to three different designs which the Governing Body may be interested in for the website.

Consensus that Mr. Kelly will meet on September 15, 2008 with the Governmental Operations Committee to go over some ideas, etc.

Open Vacancies on Boards and Commission

Mayor Steenstra noted that there are still vacancies on the Board of Health and if anyone is interested, please contact him.

Public Health & Safety Committee

Adoption of Resolution #2008-9.1: Authorization of Bids for Fire Truck

Councilwoman Altfield offered the following Resolution and moved for its adoption:

**RESOLUTION #2008-9.1
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Invitation for Bids for a Triple Combination Fire truck

WHEREAS, the Governing Body has determined that it is in the public interest to seek to purchase a Triple Combination Pumper Fire Truck; and

WHEREAS, the Governing Body is interested in receiving bids from qualified manufacturers capable of delivering a Triple Combination Pumper Fire Truck that meets established and specified bid specifications:

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED, that the Governing Body of the Borough of Bloomingdale does hereby approve and authorize the solicitation of bids for a Triple Combination Pumper Fire Truck, to be supplied in accordance with the established and specified bid specifications, reserving the right to reject all bids for any reason the Governing Body may deem to be appropriate.

Councilman Marinaro seconded the motion, and it carried as per the following roll call: Council Members: Altfield; Marinaro and Specchio all YES. ABSENT: Council Members: Vroom; Huntley and Sloodmaker

INTRODUCTION OF NEW BUSINESS

Governmental Operations Committee

Adoption of Resolution #2008-9.2: Chapter 159 Impaired Driving Crackdown Grant

Councilwoman Altfield offered the following Resolution and moved for its adoption:

**RESOLUTION #2008-9.2
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

*Authorizing the Insertion into the FY2008 Municipal Budget Pursuant to N.J.S.A. 40A:4-87
(Chapter 159, P.L. 1948) of a Special Item of Revenue in the Form of a State of New Jersey
Over the Limit Under Arrest 2008 Impaired Driving Crackdown Grant*

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services (“Director”), within the State of New Jersey Department of Community Affairs, may approve the insertion of any special item of revenue in the budget of any county or municipality; and

WHEREAS, the Governing Body further finds and declares that N.J.S.A. 40A:4-87 provides that the Director may also approve the insertion of any item of appropriation for an equal amount; and

WHEREAS, the Governing Body further finds and declares that it is in the best interests of the citizens of the Borough to request approval of the insertion into the Borough’s FY2008 Municipal Budget of an item of revenue based upon a grant secured by the Borough from the State of New Jersey;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby request that the Director of the Division of Local Government Services, within the State of New Jersey Department of Community Affairs, approve the insertion into the Borough’s FY2008 Municipal Budget of an item of revenue in the sum of \$5,000.00, which item is now available as revenue in the form of a State of New Jersey Current Fund – Over the Limit Under Arrest Grant; and

BE IT FURTHER RESOLVED that a like sum of \$5,000.00 be and the same is hereby appropriated under the caption:

*Public and Private Revenues Offset with Appropriations
Over the Limit Under Arrest Grant*

AND BE IT FURTHER RESOLVED that three (3) certified copies of this Resolution be forwarded to the Office of the Director of Local Government Services, within the State of New Jersey Department of Community Affairs, for this purpose.

Councilman Specchio seconded the motion, and it carried as per the following roll call: Council Members: Marinaro; Specchio and Altfeld all YES. ABSENT: Vroom; Huntley and Sloomaker

Adoption of Resolution #2008-9.3: Chapter 159 Interlocal Service Agreement with Borough of Kinnelon for Construction Services

Councilwoman Altfeld offered the following Resolution and moved for its adoption:

**RESOLUTION #2008-9.3
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing the Insertion into the FY2008 Municipal Budget Pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) of a Special Item of Revenue in the Form of a State of New Jersey Interlocal Service Agreement Borough of Kinnelon Construction Services

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services (“Director”), within the State of New Jersey Department of Community Affairs, may approve the insertion of any special item of revenue in the budget of any county or municipality; and

WHEREAS, the Governing Body further finds and declares that N.J.S.A. 40A:4-87 provides that the Director may also approve the insertion of any item of appropriation for an equal amount; and

WHEREAS, the Governing Body further finds and declares that it is in the best interests of the citizens of the Borough to request approval of the insertion into the Borough’s FY2008 Municipal Budget of an item of revenue based upon an Interlocal Agreement secured by the Borough from the State of New Jersey;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby request that the Director of the Division of Local Government Services, within the State of New Jersey Department of Community Affairs, approve the insertion into the Borough’s FY2008 Municipal Budget of an item of revenue in the sum of \$39,500.00, which item is now available as revenue in the form of a State of New Jersey Current Fund – Interlocal Services Agreement Borough of Kinnelon Construction Services; and

BE IT FURTHER RESOLVED that a like sum of \$39,500.00 be and the same is hereby appropriated under the caption:

*Interlocal Municipal Service Agreements
Borough of Kinnelon Construction Services*

AND BE IT FURTHER RESOLVED that three (3) certified copies of this Resolution be forwarded to the Office of the Director of Local Government Services, within the State of New Jersey Department of Community Affairs, for this purpose.

Councilwoman Altfield seconded the motion, and it carried as per the following roll call: Council Members: Specchio; Altfield and Marinaro all YES. ABSENT: Council Members: Huntley; Sloomaker and Vroom

Adoption of Resolution #2008-9.4: Authorizing Application for DOT Centers of Place Grant

Councilwoman Altfield offered the following Resolution and moved for its adoption:

**RESOLUTION #2008-9.4
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Sloan Park Bridge Replacement project

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Bloomingdale formally approves the grant application for the above state project; and

BE IT FURTHER RESOLVED that the Borough Administrator Ted Ehrenburg and Municipal Clerk Jane McCarthy are hereby authorized to submit an electronic grant application as Application # _____ to the New Jersey Department of Transportation on behalf of the Borough; and

BE IT FURTHER RESOLVED that the Borough Administrator and Municipal clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Bloomingdale and that their signatures constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Councilman Marinaro seconded the motion, and it carried as per the following roll call: Council Members: Altfield; Marinaro and Specchio all YES. ABSENT: Council Members: Huntley; Sloomaker and Vroom all YES.

Adoption of Resolution #2008-9.5: Declaring an Emergency for Water main Repairs Woodward Avenue and Lakeside Avenue

Councilwoman Altfield offered the following Resolution and moved for its adoption:

**RESOLUTION #2008-9.5
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Councilwoman Altfield offered the following roll call and moved for its adoption:

**RESOLUTION #2008-9.6
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Declaring An Emergency

*For Purposes Of Awarding Contract for the Telephone and Electric lines between the
Star Lake Water Tank and the Pump Station/Monitoring System*

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares an emergency situation has developed with the telephone and electric lines between the Star Lake Water Tank and the Pump Station/Monitoring System

WHEREAS, the Governing Body further finds and declares that this poses an imminent threat to the public health, safety and welfare of an emergent nature that warrants immediate remedial action; and

WHEREAS, the Governing Body further finds and declares that N.J.S.A. 40A:11-6 authorizes a municipality to negotiate and/or award a contract without public advertisement when an emergency affecting the public health, safety or welfare requires the immediate performance of services; and

WHEREAS, the Governing Body further finds and declares that the Water Utility Department, acting in the reasonable belief that an emergency affecting the public health, safety and welfare requires immediate remedial action without public advertisement for services;

WHEREAS, the Governing Body further finds and declares that the Water Utility Department has correctly recommended that the aforementioned telephone and electric lines between the Star Lake Water Tank and the Pump Station/Monitoring System be remediated through the award to John Barrett Inc., 38 Main Street, Bloomingdale, NJ 07403 which submitted the following cost estimate for the labor;

- John Barrett, Inc. \$15,400.00

and the supplies for above mentioned project to be supplied by the borough in the amount not to exceed \$14,380.00;

WHEREAS, the emergency costs to be funded through the 2008 Water Utility budget and the Utility Capital;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby declare the existence of a public emergency warranting the

completion of the telephone and electric lines between the Star Lake Water Tank and the Pump Station/Monitoring System as soon as possible and does hereby award said project to John Barrett, Inc.

Councilman Specchio seconded the motion, and it carried as per the following roll call: Council Members: Specchio; Altfield and Marinaro all YES. ABSENT: Council Members: Huntley; Sloomaker and Vroom

Adoption of Resolution #2008-9.7: Change Order for Morse Lakes Improvement Project

Councilman Specchio offered the following Resolution and moved for its adoption:

**RESOLUTION #2008-9.7
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Change Orders #1 for Morse Lake Road Improvement Project

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) awarded a contract for the Morse Lakes Road Improvement Project (“Project”) to Mike Fitzpatrick & Sons; and

WHEREAS, the Governing Body has learned that the Borough Engineer has recommended acceptance and approval of Change Orders #1 for modifications to the Project for unanticipated road improvements; and

WHEREAS, the Governing Body recognizes that acceptance and approval of Change Orders #1 in an amount not to exceed \$47,770.87 will result in an increase in the total contract cost in the amount of \$355,820.87; and

WHEREAS, the Governing Body has been informed that the Chief Financial Officer has certified that funds are available in Capital Account C-04-55-853-04B-200 and C-04-55-854-05A-102 to pay said amount;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby adopt the recommendation of the Borough Engineer and the Borough Administrator to approve Change Orders #1 in an amount not to exceed \$47,770.87, which shall result in a total contract amount of \$355,820.87

Councilwoman Altfield seconded the motion, and it carried as per the following roll call: Council Members: Altfield, YES; Marinaro, ABSTAIN and Specchio, YES. ABSENT: Huntley; Sloomaker and Vroom

PUBLIC HEARINGS ON ORDINANCES

Second and final Reading and Public Hearing of Ordinance #18-2008: Approving and Directing the Acquisition of Block 60; Lot 14.01

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE APPROVING AND DIRECTING THE ACQUISITION OF REAL PROPERTY DESIGNATED AS BLOCK 60, LOT 14.01 ON THE TAX MAP OF THE BOROUGH OF BLOOMINGDALE, COMMONLY KNOWN AS 182 UNION AVENUE, FOR THE CONTRACT PRICE OF \$550,000.00 was given second and final reading and consideration for adoption at this time.

Councilman Specchio moved that the ordinance be read by title; seconded by Councilwoman Altfield and carried on voice vote with all members present voting YES. ABSENT: Council Members: Huntley; Sloomaker and Vroom

The Municipal Clerk read the ordinance by title.

ORDINANCE #18-2008

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE APPROVING AND DIRECTING THE ACQUISITION OF REAL PROPERTY DESIGNATED AS BLOCK 60, LOT 14.01 ON THE TAX MAP OF THE BOROUGH OF BLOOMINGDALE, COMMONLY KNOWN AS 182 UNION AVENUE, FOR THE CONTRACT PRICE OF \$550,000.00

WHEREAS, the Governing Body of the Borough of Bloomingdale is empowered by N.J.S.A. 40A:12-3 to acquire real property as may be necessary and suitable for the performance of its functions, the conduct of public business, and any other municipal public purpose; and

WHEREAS, the Governing Body has determined that it is in the public interest to acquire real property known and designated as Block 60, Lot 14.01 on the Tax Map of the Borough of Bloomingdale, commonly known as 182 Union Avenue, Bloomingdale, New Jersey:

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Bloomingdale, in the County of Passaic, State of New Jersey as follows:

SECTION 1. The acquisition of real property known and designated as Block 60, Lot 14.01 on the Tax Map of the Borough of Bloomingdale, commonly known as 182 Union Avenue, Bloomingdale, New Jersey, for the sum of \$550,000.00 and upon the terms and conditions set forth in a certain Contract for Sale of Real Estate executed by and between the Borough of Bloomingdale, Buyer, and Eugene Yuhas, as Seller, hereby is approved.

SECTION 2. Severability. If any portion, paragraph, clause, sentence or phrase of this Ordinance is determined to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance.

SECTION 3. Effective Date. This Ordinance shall take effect upon publication of Notice of Final Passage in the manner provided by law.

SECTION 4. Repealer. All ordinances or parts thereof inconsistent herewith are hereby repealed as to the extent of such inconsistency only.

Councilwoman Altfield moved that the meeting be open to a Public Hearing on the ordinance; seconded by Councilman Marinaro and carried on voice vote with all Council Members present voting YES. ABSENT: Council Members: Huntley; Sloodmaker and Vroom

Mayor Steenstra opened the meeting to a Public Hearing on the ordinance.

Ron Caputo, 42 Bogue Drive, asked if the price was \$750,000 and Mayor noted that it is \$550,000.

Since there was no one else who wished to speak under the Public Hearing, Councilwoman Altfield moved that it be closed; seconded by Councilman Specchio and carried on voice vote with all Council Members present voting YES.

Councilwoman Altfield moved for the adoption of the ordinance; seconded by Councilman Specchio and carried as per the following roll call: Council members: Marinaro Specchio and Altfield all YES. ABSENT: Council Members: Huntley; Sloodmaker and Vroom

LATE PUBLIC COMMENT

Councilwoman Altfield opened the meeting up to Public Comment; seconded by Councilman Marinaro and carried on voice vote. ABSENT: Council Members: Huntley; Sloodmaker and Vroom

Since there was no one else who wished to speak under Late Public Comment, Councilwoman Altfield moved that it be closed; seconded by Councilman Marinaro and carried on voice vote. ABSENT: Council Members: Huntley; Sloodmaker and Vroom

LATE EXECUTIVE SESSION

Adoption of Resolution #2008-9.8: Authorization for Executive Session

Councilwoman Altfield offered the following Resolution and moved for its adoption:

**RESOLUTION #2008-9.8
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing the Convening of an Executive Session

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Governing Body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale, County of Passaic, State of New Jersey, as follows:

1. The public shall be excluded from discussion of, and action upon, the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
3. The general nature of the subject matter to be discussed is as follows:
 - A. Pending Litigation – Three matters
 1. DR Horton v. Bloomingdale
 2. Delguidice v. Bloomingdale
 3. BLC One v. Bloomingdale
 - B. Personnel – One matter
4. Minutes will be taken.
5. It is anticipated at this time that minutes of the above-referenced subject matter will be made public when it is in order to do so.
6. This Resolution shall take effect immediately.

Councilman Marinaro seconded the motion, and it carried on voice vote with all Council Members present voting Yes. ABSENT: Council Members: Huntley; Sloodmaker and Vroom

(At this time, the Mayor and Council went into Executive Session)

RECONVENED

Mayor Steenstra reconvened the meeting at 9:02 p.m.

Adoption of Resolution #2008-9.9: BLC One v. Borough of Bloomingdale

Councilman Specchio offered the following Resolution and moved for its adoption:

RESOLUTION #2008-9.9

**OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Execution of a Release to Municipal Excess Liability Joint Insurance Fund

WHEREAS, the Borough of Bloomingdale is a defendant in a matter encaptioned BLC One v. Borough of Bloomingdale, et al., Superior Court of New Jersey, Law Division, Passaic County, Docket No. PAS-L-2913-08 (the “Lawsuit”); and

WHEREAS, the Lawsuit seeks nonmonetary relief from the Borough of Bloomingdale; and

WHEREAS, the Municipal Excess Liability Joint Insurance Fund (“MEL”) has reviewed the Complaint filed in the Lawsuit and in lieu of providing a defense has offered to pay the Borough \$7,500.00 to be released from any obligation to provide any defense to the Lawsuit; and

WHEREAS, the Municipal Attorney of the Borough of Bloomingdale is familiar with the facts and circumstances pertinent to the claims raised in the Lawsuit and has in the past and shall continue to represent the Borough in all related matters from which the Lawsuit arose, as well as the Lawsuit itself:

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED, that the Governing Body of the Borough of Bloomingdale does hereby approve and authorize the execution of a Release by the Borough of Bloomingdale, as Releasor, to MEL, as Releasee, for the agreed upon payment to the Borough of \$7,500.00, upon which the MEL shall have no further obligation to the Borough in connection with the Lawsuit.

Councilman Marinaro seconded the motion, and it carried as per the following roll call: council Members: Specchio; Altfield and Marinaro all YES. ABSENT: Council Members: Huntley; Slotmaker and Vroom

ADJOURNMENT

Since there as no further business to be conducted, Councilman Slotmaker moved to ADJOURN the meeting at 10:18 p.m.; seconded by Councilman Vroom and carried on voice vote.

Jane McCarthy, RMC
Municipal Clerk

