

October 28, 2008

The Regular Meeting of the Governing Body of the Borough of Bloomingdale was held on the above date in the Council Chambers of the Municipal Building, 101 Hamburg Turnpike. Mayor Steenstra called the meeting to order at 7:03 p.m.

**SALUTE TO THE AMERICAN FLAG**

The Salute to the American Flag was held.

**ROLL CALL**

<i>In Attendance:</i>	Mayor:	William Steenstra
	Council President:	Jennifer Altfield
	Council Pres. Pro Tem:	Bernard H. Vroom
	Council Members:	Linda Huntley Henry D. Sloomaker Thomas Marinaro Dean Specchio

<i>Professionals</i>	Deputy Municipal Clerk:	Theresa . Sauer
	Borough Administrator:	Ted Ehrenburg
<i>Present:</i>	Borough Attorney:	Joseph V. "Joe" MacMahon, Esq.
	Chief Financial Officer:	Donna Mollineaux

**PUBLIC NOTICE STATEMENT**

Mayor Steenstra stated that adequate notice of this meeting was posted in the Bloomingdale Municipal Building and provided to The Suburban Trends; The North Jersey Herald & News; and all other local news media on December 17, 2007.

**EARLY PUBLIC COMMENT**

Councilman Vroom moved that the meeting be opened to Early Public Comment; seconded by Councilman Specchio and carried on voice vote with all members voting YES.

The meeting was opened to Early Public comment.

Since there was no one who wished to speak under Public Comment, Councilman Marinaro moved that it be closed; seconded by Councilman Vroom and carried on voice vote with all members voting YES.

**APPROVAL OF CONSENT AGENDA**

Councilman Altfield moved for the adoption of the Mayor and Council Minutes of August 26, 2008; seconded by Councilman Marinaro and it carried on voice vote with all Council Members voting YES.

Councilman Altfield moved for the adoption of the Mayor and Council Minutes of September 9, 2008; seconded by Councilman Marinaro and it carried on voice vote with Council Members: Altfield; Marinaro and Sloomaker all YES and Council Members: Vroom, Huntley and Specchio, ABSTAIN.

**RECOGNITION OF KEVIN ND LISA BENDEL BY POLICE CHIEF BORREL**

At this time, Mayor Steenstra and the Governing Body along with Police Chief Borell recognized Kevin and Lisa Bendel for their efforts in their reaction when they observed a suspicious activity at a neighboring home and thanked them for their efforts in keeping their community safe.

The presentation was roundly applauded by all those in attendance.

**PENDING BUSINESS:**

**Governmental Operations Committee**

**Adoption of Resolution #2008-10.19: Term of Fire Subcode Official Dave Evangelista**

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

**RESOLVED, THAT** Fire Subcode Official Dave Evangelista appointment is for the probationary period of November and December; and

**BE IT FURTHER RESOLVED** that he is in the Acting Capacity as Fire Subcode official until December 31, 2008 and will be reevaluated on January 1, 2009 at the end of his unexpired term of December 31, 2008.

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

**Adoption of Resolution #2008-10.20: Award of Contract to Webmaster Kelly**

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

**RESOLVED**, that a contract be awarded to Robert Kelly of Beki Services as recommended and on file with the Borough Administrator.

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

**Adopted of Resolution #2008-10.21: Water and Sanitary Sewer Maintenance Bids**

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

**RESOLVED**, that the Borough Administrator is authorized to solicit bids for the water and sewer maintenance of the Borough.

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

**Adoption of Resolution #2008-10.22: Authorizing sublease space to Verizon Wireless on Tower Co at 23 Brandt Lane**

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

**RESOLVED**, that authorization be approved for Verizon Wireless to sublease space on Tower co. at 23 Brandt Lane.

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

**Public Health & Safety Committee**

**Adoption of Resolution #2008-10.23: Approving request from Waterfall Village for Fire Zones**

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

**RESOLVED**, that per the recommendation of the Police Chief, authorization is given to post approximately 18-20 signs for fire zones and repair the curb line in coordination with the property owner of Waterfall Village.

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

**Ratables and Revenues Committee**

Noted that the Economic Development Committee will need to have a Special meeting on October 7, 2008 at 7:30 p.m.

**INTRODUCTION OF NEW BUSINESS**

**Governmental Operations Committee**

**Adoption of Resolution #2008-24: Payment of Municipal Obligations**

Councilwoman Huntley offered the following Resolution and moved for its adoption: with Items #08-01408 and 01407 pulled:

**RESOLUTION - #2008-10.24**

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

***Authorizing Payment of Municipal Obligations***

**WHEREAS**, the Governing Body ("Governing Body") of the Borough of Bloomingdale ("Borough") finds and declares that certain municipal obligations have come due and are now payable; and

**WHEREAS**, the Governing Body further finds and declares that said obligations have been itemized on the annexed schedules, which are hereby deemed part of this Resolution;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby authorize payment of said municipal obligations, in accordance with the recommendations of the Chief Financial Officer and the Borough Treasurer, from the following accounts and in the following amounts:

**BILLS LIST**

CURRENT	1,209,325.25
UTILITY	127,108.31
CAPITAL	341,971.66
UTILITY CAPITAL	17,345.80
TRUST	5,812.91
DOG	74.12
RECREATION	13,719.58
UNEMPLOYMENT	0.00
ROSE FUND	8,860.40
RECYCLING	7,568.50

TOTAL 1,731,786.53

**PREPAID LIST**

CURRENT	348,359.09
UTILITY	81,729.79
UNEMPLOY.	31.51
RECYCLING	275.64
CAPITAL	
TRUST	600.00
SPEC. ASSESS.	0,000.00
RECREATION	725.00
UTILITY CAP.	0.00
DOG	000.00

TOTAL 431,721.03

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

**Adoption of Resolution: #2008-10.25: Acceptance of Resignation of DPW Employee Ron Rhodes**

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

**RESOLVED**, that the resignation of DPW employee Ronald Rhodes and the withdrawing action taken pursuant to Resolution #2008-10.18 is approved subject to the understanding that Mr. Rhodes has executed a severance agreement as prepared by the Borough Administrator.

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

**Adoption of Resolution #2008-10.26: Hiring of DPW Employee**

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

**RESOLUTION #2008-10.26  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authoring of Road Laborer  
Department of Public Works***

**WHEREAS**, there exists a vacancy in the Department of Public Works as a Road Laborer;

**WHEREAS**, this position was advertised and interviews were held for prospective candidates;

**WHEREAS**, based on these interviews, it was determined that Todd Prevost of Rockaway, New Jersey was a successful candidate;

**NOW BE IT RESOLVED**, that Todd Prevost be hired as a Road Laborer for the Department of Public Works at the prevailing rate of the Blue Collar Contract, effective November 3, 2008; pending approval of his medical examination and

**BE IT FURTHER RESOLVED** that this as part of the hiring process of the Borough of Bloomingdale, there is a 180 day review and requirement to obtain a CDL License.

Councilman Marinaro seconded the motion, and it carried as per the following roll call: Council Members: Sloomaker, YES; Marinaro, YES; Specchio, Yes; Altfield, YES; Vroom, Yes and Huntley, NO

**Adoption of Resolution #2008-10.27: Authorizing DPW Promotions**

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

**RESOLUTION #2008-10.27  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing DPW Promotions of James Mara, Eugene Porta, and Dave Ptasznik***

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that the DPW Superintendent and Borough Administrator have

recommended the promotions of James Mara to Driver Laborer effective September 1, 2008, Eugene Porta to Driver and David Ptasznik to Mechanic effective November 1, 2008; and

**WHEREAS**, the Governing Body further finds and declares that said promotions are in the best interests of the health, safety and welfare of the citizens who are served by the Borough's Public Works Department;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby authorize the promotions James Mara to Driver Laborer, Eugene Porta to Driver, David Ptasznik to Mechanic at the prevailing rates in the Blue Collar Contract.

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

**Adoption of Resolution #2008-10.28: Authorization of Chapter 159 for Pompton Lakes Vegetative Waste Services**

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

**RESOLUTION #2008-10.28  
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 Pompton Lakes Street Vegetative Waste 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 Borough of Pompton Lakes;

**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 \$3,200.00, which item is now available as revenue in the form of a State of New Jersey Current Fund – Interlocal Services Agreement Borough of Pompton Lakes Vegetative Waste Services; and

**BE IT FURTHER RESOLVED** that a like sum of \$3,200.00 be and the same is hereby appropriated under the caption:

*Interlocal Municipal Service Agreements  
Borough of Pompton Lakes Vegetative Waste 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.

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

**Adoption of Resolution #2008-10.29: Authorizing Change Orders 1, 2 and 3 for Jennicar Builders contractor Company**

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

**RESOLUTION #2008-10.29  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

WHEREAS, a contract was awarded to Jenicar Builders Contractor Company, Inc., 573 Belgrove Drive, Kearney, NJ 07032, for the Highland Ave Improvements, and

WHEREAS, the Borough Engineer has advised Change Order No.3 has been processed for this contract, which reflects an increase in the contract of \$24,295.39 primarily due to increased construction cost to road base of Highland Avenue and improvements to Stormwater drainage on Sophia Street adjusted contract total \$325,753.17;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Bloomingdale hereby approve Change Order No. 3 and the Borough Engineer's recommendation of the increase of \$19,339.83 to the original contract price, for the adjusted contract total of \$320,797.61; and

BE IT FURTHER RESOLVED that upon approval of Change Order No. 3 authorization be and is hereby given to pay Current Estimate No. 1 and 2 in the amount of \$251,264.27 to Jenicar Builders Contractor Company, Inc. subject to review, approval and the availability of funds.

C-04-55-853-04B-200.	Ordinance No # 12-2004	\$9,825.28
C-04-55-854-05A-103.	Ordinance No # 1-2005	\$9,514.55

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

**Adoption of Resolution #2008-10.30: Authorization to Change November 11 Work Session to Monday, November 10, 2008 at 7 p.m.**

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

**RESOLVED**, that the Mayor and Council November 11, 2008 Work Session be changed to Monday, November 10, 2008 at 7 p.m.

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

**Application for entertainment License for Stumble Inn**

Councilwoman Altfield moved that the meeting be open for a Public hearing on this application seconded by Councilman Vroom and carried on voice vote.

At this time, Mayor Steenstra opened the meeting up in regard to the application for an entertainment license for the Stumble Inn

The following people spoke in regard to the application:

Chief Joseph Borell – expressed concern about the parking in this area

Brian Connolly – Attorney for Stumble Inn  
 Charles Scarmazzo – 216 Hamburg Turnpike  
 Anna Jakubowaki – 226 Hamburg Turnpike  
 Steven Rozell, 232 Hamburg Turnpike  
 James Croop – 10 Henion Place  
 Cheyrl McClure – 5 Carey Avenue  
 Mark Lime – Fire Official – noted that the occupancy is 60 people

**Adoption of Resolution #2008-10.31: Authorization for temporary entertainment license for DT Stumble Inn**

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

**RESOLUTION #2008-10.31  
 OF THE GOVERNING BODY  
 OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing and Approving a Provisional Entertainment License for the Stumble Inn***

**WHEREAS**, Borough of Bloomingdale Code Section 4-10, “Entertainment in Public Places,” makes it unlawful for the owner of any commercial establishment or social club including but not limited to those establishments at which there is used a license for the sale of alcoholic beverages to permit dancing, exhibitions or entertainment in or on the premises except as provided by Municipal Code; and

**WHEREAS**, in accordance with Municipal Code, the Stumble Inn has made application for permission to have live band entertainment at its premises; and

**WHEREAS**, on October 28, 2008, the Governing Body of the Borough of Bloomingdale conducted a public hearing at the Regular Business Meeting of the Council, during which interested members of the public were provided an opportunity to state their opinions and/or concerns about the Stumble Inn application for an entertainment license; and

**WHEREAS**, Governing Body also heard from the Applicant, the Applicant’s legal representative, and the Chief of Police of the Borough of Bloomingdale; and

**WHEREAS**, the Governing finds and declares that a provisional license permitting live band entertainment at the Stumble Inn upon specified terms and conditions is appropriate under the circumstances as discussed at the October 28, 2008 public hearing:

**NOW, THEREFORE, BE IT ORDAINED AND RESOLVED**, that the Governing Body of the Borough of Bloomingdale does hereby approve a provisional entertainment license to Stumble Inn upon the following specified limiting conditions:

1. Live band entertainment shall be permitted at Stumble Inn once a month on either a Friday or Saturday night;
2. The occupancy of Stumble Inn shall not exceed the allowable 60 persons at any time during a scheduled live band event;
3. The band shall stop playing at 1:00 A.M.;
4. A security guard, approved by the Chief of Police of the Borough of Bloomingdale, shall be on premises on any night a live band is playing and shall remain on premises until closing time, notwithstanding that the live band must stop playing at 1:00 A.M.: and
5. No dancing shall be permitted during a live band event.

**BE IT FURTHER RESOLVED**, that this provisional entertainment license shall be limited to 3 months and that the future status of Stumble Inn’s entertainment license shall be the subject of further public hearing at the January 27, 2009 Council Meeting, at 7:00 P.M..

**BE IT FURTHER RESOLVED**, that the Applicant shall notify, by certified mail, return receipt requested, all residents and property owners within two hundred (200) feet of the subject premises of the hearing scheduled for the January 27, 2009 Council Meeting and

shall state in the notice the purpose of the public hearing.

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

**Adoption of Resolution #2008-10.32: Authorizing Pay Pal for Recreation**

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

**RESOLVED**, that the Borough of Bloomingdale authorize the Recreation Director to enter into a Pay Pal Agreement for recreation payments.

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

**Adoption of Resolution #2008-10.33: Authorization to enter into a contract with GovDeals for Auctions**

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

RESOLVED, that the Borough of Bloomingdale enter into an agreement with GovDeals for on-line auctions as per agreement approved by the Borough Administrator and on file in the Municipal Clerk's Office.

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

**Adoption of Resolution #2008-10.34: Supporting DR Horton's efforts to construct COAH Housing**

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

**RESOLUTION #2008-10.34  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***A Resolution of the Borough of Bloomingdale Supporting DR Horton, Inc.'s Efforts to Construct Affordable Housing on a Portion of the Meer Tract***

**WHEREAS**, a Mount Laurel II lawsuit was filed against the Borough of Bloomingdale encaptioned D.R. Horton, Inc. - New Jersey and Bloomingdale Joint Venture v. Borough of Bloomingdale and Planning Board of Bloomingdale, et al, Docket No. PAS-L-3361-05, and D.R. Horton, Inc. - New Jersey and Bloomingdale Joint Venture, Joint Venture Partners v. Borough of Bloomingdale Planning Board, et al, Docket No. PAS-L-1259-06 (the "Bloomingdale Builder's Remedy Action") that resulted in a Court-ordered Builder's Remedy for a tract of land identified on the Borough's Tax Map as Block 59, Lot 1.04, and Block 60, Lots 9.02, 16.01, 16.02, 21.02, 21.03, 45, 46, 47, 48.02, 60.01, and 60.02 (the "Meer Tract"); and

**WHEREAS**, at trial the Borough of Bloomingdale attempted to have the Court permit testimony on the possible impact of the Highlands Water Protection and Planning Council draft Master Plan on Plaintiffs' proposed affordable housing development but the Court rejected the Borough's effort and concluded that: it is not clear "what impact, if any, such inclusion [in the Highlands Preservation area] will have on this development. Legal questions may arise as to whether any Highland restrictions on developments constitute an impermissible taking of private property. See Gardner v. N.J. Pinelands Commission, 125 N.J. 193, 211 (1991). Plaintiffs may also be protected by other legal doctrines, for example the Time of Decision Rule.;" and

**WHEREAS**, the Court Order entered February 28, 2007, by the Honorable Burrell I Humphreys, JAD, specifically anticipates the use of the above described tract for an inclusionary

residential development consisting of a maximum of 360 for sale multi-family dwelling units, including 72 low and moderate income for sale units, all to be constructed within a total of six buildings, each designed with four residential floors over a parking level and each containing a maximum of 60 dwelling units; and

**WHEREAS**, the accommodation of said Builder's Remedy required a change in the zoning of the tract to accommodate the type and configuration of development contemplated by the Court on a site impacted by steep slopes, rock outcroppings, wetlands and wooded areas; and

**WHEREAS**, the Court-appointed Special Master oversaw the process of preparing Ordinance No. 13-2007, a zoning amendment effectuating the Court Order; and

**WHEREAS**, the Planning Board of the Borough of Bloomingdale determined that the zoning amendment is consistent with the adopted and anticipated Housing Element and Fair Share Plan of the Borough and is designed to effectuate such Housing Element and Fair Share Plan; and

**WHEREAS**, on July 17, 2007 the Governing Body of the Borough of Bloomingdale adopted Ordinance No. 13-2007 and said Ordinance has not been challenged by any person or entity in Court; and

**WHEREAS**, Plaintiffs submitted a site plan application to the Borough of Bloomingdale Planning Board for affordable housing development on the Meer Tract consistent with Ordinance No. 13-2007 which plan was approved by the Planning Board at a duly constituted public meeting held on May 22, 2008 and memorialized by "Resolution Bloomingdale Planning Board Application #618;" and

**WHEREAS**, on May 27, 2007 the Governing Body of the Borough of Bloomingdale approved Resolution #2008-5.21 authorizing settlement of the DR Horton v. Bloomingdale litigation; and

**WHEREAS**, on June 12, 2008, Plaintiffs, the Borough of Bloomingdale and the Bloomingdale Planning Board entered into a Settlement Agreement which mistakenly indicates that Bloomingdale currently has "center" designation within which is located the Meer Tract, with the parties to the Settlement Agreement subsequently learning that the center designation expired in January 2008; and

**WHEREAS**, the Governing Body of the Borough of Bloomingdale continues to believe that it is in the best interests of the residents of the Borough of Bloomingdale to meet the Borough's constitutionally mandated affordable housing obligation and that the proposed development approved to be constructed by DR Horton constitutes a substantial component of the Borough's affordable housing plan; and

**WHEREAS**, DR Horton will be seeking any additional necessary approvals from State regulatory bodies and the Borough of Bloomingdale wishes to express its support for the DR Horton affordable housing development before such regulatory bodies:

**NOW, THEREFORE, BE IT ORDAINED AND RESOLVED**, that the Governing Body of the Borough of Bloomingdale does hereby support the efforts of DR Horton to construct an affordable housing development within the Borough of Bloomingdale consistent with the application approved by the Bloomingdale Planning Board and urges all regulatory bodies to grant DR Horton prompt approval in connection with such development.

(Councilwoman Huntley recused herself from voting on this resolution)

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

### **RECESS**

At this time, as per motion of Councilwoman Alfield; seconded by Councilman Specchio and carried on voice vote with all members voting YES, the mayor and Council recessed at 8:30 p.m.

**RECONVENED**

Mayor Steenstra reconvened the meeting at 8:52 p.m.

Councilman Specchio spoke in regard to a flyer from the campaign.

Councilwoman Huntley asked for a Point of Order and Mayor Steenstra noted that he cannot entertain this discussion.

Borough Attorney stated that Councilman Specchio or any Council Member may comment on any matter during Public Comment; Councilman Specchio noted he understood.

**Adoption of Resolution #2008-10.35: Authorization for Membership in Bloomingdale Fire Department; Carmine J. Curcio as Junior Firefighter**

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

**RESOLVED**, that Carmine J. Curcio be approved as a Junior Firefighter in the Bloomingdale Fire Department.

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

**PUBLIC HEARINGS ON ORDINANCES**

***Second and Final Reading and Public Hearing of Ordinance #16-2008: Permit professional***

***AN ORDINANCE AMENDING CHAPTER 92, THE ZONING ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, PASSAIC COUNTY, NEW JERSEY TO PERMIT PROFESSIONAL AND BUSINESS OFFICES IN THOSE PORTIONS OF THE R-20 ZONE ABUTTING UNION AVENUE, TO BE KNOWN AS THE NEW R-20-ZONE*** was given second and final reading and consideration for adoption at this time.

*The Municipal Clerk read the public notice statement*

Councilman Marinaro moved that the ordinance be read by title; seconded by Councilman Sloodmaker and carried on voice vote.

The Municipal Clerk read the ordinance by title.

**ORDINANCE NO. 16-2008**

***AN ORDINANCE AMENDING  
CHAPTER 92, THE ZONING ORDINANCE OF THE  
BOROUGH OF BLOOMINGDALE, PASSAIC COUNTY, NEW JERSEY  
TO PERMIT PROFESSIONAL AND BUSINESS OFFICES IN THOSE PORTIONS  
OF THE R-20 ZONE ABUTTING UNION AVENUE, TO BE KNOWN AS THE NEW  
R-20-U ZONE***

WHEREAS, the R-20 zone of the Borough of Bloomingdale includes a number of properties that abut Union Avenue; and

WHEREAS, the single-family residential character of the properties along Union Avenue is likely to be heavily impacted by the Court-mandated development of the Meer Tract (Federal Hill) with multi-family housing; and

WHEREAS, the Borough Council of the Borough of Bloomingdale desires to address not only the anticipated impacts of the Court-mandated development of the Meer Tract (Federal Hill) on these properties but also to provide additional opportunities for small scale professional and

business office uses to be located in the Borough in an area that is particularly suited for such uses: and

WHEREAS, the Planning Board of the Borough of Bloomingdale is beginning the process of updating the Land Use and Housing Plan Elements of the Borough's Master Plan and has not yet had an opportunity to address the issue of the zoning along Union Avenue; and

WHEREAS, the Borough Council desires to move forward on the zoning of the properties abutting Union Avenue now that the future disposition of the Meer Tract (Federal Hill) has been resolved by the Court, and in that regard intends to create a new R-20-U Zone for residential properties abutting Union Avenue; and

WHEREAS, the Borough Council has determined that creating additional opportunities for small professional offices along Union Avenue will encourage the appropriate use of land in the Borough and thereby promote the general welfare; and

WHEREAS, the Borough Council further has determined that certain properties located along Van Dam Avenue in proximity to Union Avenue and currently designated as being in the B-1 Zone more appropriately should be designated as being in the new R-20-U Zone:

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.** Amend Chapter 92, the Zoning Ordinance, at Section 92-46., R-20 One-Family Residential Zone, Subsection A., as follows:

- A. Principal permitted uses shall include all uses permitted in the R-40 Zone. (See designated uses under Sections 92-44.A., 45.A., and 46.A.).
- B. The following properties shall be and hereby are designated as being in the R-20-U Zone: Block 49.07, Lot 1; Block 57, Lots 45, 46, 47 and 48; Block 58, Lot 1; Block 59, Lots 1 and 2; Block 60, Lots 6.01, 7, 7.02 and 8; Block 64, Lots 17.03, 18, 19, 20, 21 and 22 (lots along Van Dam Avenue); Block 92.02, Lots 25, 26.01, 26.02, 26.03, 29, 30, 31 and 32; Block 92.04, Lots 19 and 20; Block 92.05, Lots 13.01, 13.03, 20 and 21; and Block 92.08, Lot 72.
- C. In connection with original Block 92.08, Lot 71 which abutted Union Avenue and was approved for a five lot subdivision consisting of current Block 92.08, Lots 73.01, 73.02, 73.03, 73.04 and 73.05, each subdivided lot shall be considered as being in the R-20-U Zone, it being the intention to encourage the aggregation of the subdivided lots for a use permitted in the R-20-U Zone.

**SECTION 2.** Amend Chapter 92, the Zoning Ordinance, at Section 92-46., R-20 One-Family Residential Zone, to create a new Subsection H., as follows:

H. Professional or business office uses in the designated R-20-U Zone properties.

(1) The purpose of this Subsection is to designate lots in the R-20-U Zone to be used for professional or business offices consisting of the following:

- (a) Doctors, dentists, chiropractors and other licensed health care professionals.
- (b) Lawyers, psychologists and social workers.
- (c) Professional engineers, licensed land surveyors, professional planners, registered architects and certified landscape architects.
- (d) Certified public accountants.
- (e) Financial consultants, securities and commodities brokers.

- (f) Insurance brokers.
- (g) Travel agencies.
- (h) Real estate offices.
- (i) Health care services.
- (j) Computer programming, data processing, website design and other software services.
- (k) Public uses.
- (l) Not for profit agencies and offices.
- (m) Uses similar to those listed above, subject to the rendering of an interpretation thereto by the Planning Board acting in its capacity as the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-70b.

(2) The preference is for the conversion of an existing residential building to one of the permitted uses in the zone. Where the lot is vacant or where the applicant can demonstrate that the existing residential building cannot reasonably be converted to office use or is located in such a way that the lot cannot accommodate the required parking, the applicant may elect to construct a new building on the lot, provided that the floor area ratio does not exceed .18 (or 18 percent) of the lot area.

(3) The total permitted lot coverage by all buildings, all parking areas, whether paved or unpaved, and all other impervious surfaces shall not exceed 40% of the lot area.

(4) New office buildings and residential buildings that are converted to office use shall be designed to be compatible in scale and appearance with the existing residential buildings within the R-20-U zone.

(5) Storefront windows and other architectural features normally associated with a retail use shall be prohibited.

(6) Parking shall be provided for all uses, except for those set forth in Section H.(1)(a) above, at the rate of one space per each 250 square feet of floor area within the building, including all areas used in connection with the office use, whether for storage, utility, service space or actual office use. Parking for the uses set forth in Section H.(1)(a) shall be as required in Section 92-44.G.

(a) Parking for all residential uses shall provide parking as required by RSIS.

(b) Perpendicular parking spaces shall measure at least 9 feet by 18 feet; parallel parking spaces shall measure at least 8 feet by 23 feet.

(c) All parking areas shall be located in the side or rear yards, where they shall be set back a distance of at least ten (10) feet from any lot line, and shall be screened from view from adjacent properties by a six (6) foot high fence or plantings or both, as approved by the Planning Board. Parking shall be prohibited within a front yard.

(d) Parking lot lighting, where provided, shall not be mounted higher than 10 feet above ground level, shall be shielded from adjacent properties, and shall be set on a timer such that the parking lot lighting will be fully extinguished not later than one hour after the close of business. Residential style carriage lamps may be mounted on the building at its entrances and may remain on after hours for security purposes.

(7) Existing structures shall provide a macadam surface sufficient to allow required parking and ingress and egress without backing out on to Union Ave.

(8) Any new construction shall require a parking plan meeting all regulatory requirements as may be determined by the Planning Board.

(9) One non-illuminated sign shall be permitted per building, which shall be limited to an identification sign not exceeding four (4) square feet in area. Such identification sign may be mounted on the building at a height of at least five (5) feet, but not more than twelve (12) feet, above ground level or may be freestanding, in which case the maximum height of the sign shall not exceed six (6) feet above ground level. A freestanding sign may be two-sided. A freestanding sign shall not be located within any required sight triangle nor shall such sign be placed closer than ten (10) feet from any property or street line.

(10) All portions of the lot not used for buildings, parking lots, driveways and walkways shall be attractively landscaped with lawn, gardens, shrubs and trees. The planting of appropriate street trees shall be required along the frontage of the property, subject to Planning Board approval of the type and placement of such trees.

(11) The second floor of a converted building may remain in residential use and may either be occupied by the owner of the office use or rented out as an accessory apartment. If it is to be rented out as an accessory apartment, it shall be deed restricted for a period of at least 30 years as an affordable housing unit and shall satisfy all of the provisions of any Accessory Apartment Ordinance enacted by the Borough.

(12) All properties that are proposed to be used for professional or business office uses shall be subject to site plan review by the Planning Board. All other provisions of Chapter 92, Zoning, that are not in conflict with this Subsection shall be applicable to the conversion or development of buildings for professional or business office use.

(13) All properties that are converted to professional or business office use as contemplated herein shall continue in such use, it being the express intention of the Borough that once a property has been converted from residential to professional or business office use, the property cannot revert to residential use.

**SECTION 3.** 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 4.** Effective Date. This Ordinance shall take effect immediately upon publication of Notice of Final Passage in the manner provided by law.

**SECTION 5.** Short Title. The short title of the above Ordinance shall be "Amendment to Create the R-20-U Zone to Allow Professional or Business Offices in Designated Properties."

**SECTION 6.** Repealer. All ordinances or parts thereof inconsistent herewith are hereby repealed as to the extent of such inconsistency only.

Councilwoman Specchio moved that the meeting be open to a Public Hearing on this ordinance; seconded by Councilman Vroom and carried on voice vote.

Kevin Bendell, Elizabeth Street, asked about Ordinance #17-2008 as to his property at 147-149 Union Avenue.

Borough Attorney asked Mr. Bendell to address this during Late Public comment as this Public Hearing only applies to the ordinance #16-2008.

Discussion followed as to whether Mr. Bendell was officially notified as to that ordinance and it was clarified that he was properly noticed.

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

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

Al Lavoie, 247 Rafkind Road, thanked the Mayor and Council for adopting this ordinance and noted that his committee is actively seeking ratables on Union Avenue.

**Second and Final Reading and Public hearing of Ordinance #19:2008: Amending and Establishing Police Department Rules and Regulations**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING AND ESTABLISHING POLICE DEPARTMENT RULES AND REGULATIONS** was given second and final reading and consideration for adoption at this time.

The Municipal Clerk read the Public Notice statement.

Councilman Vroom moved that the ordinance be read by title; seconded by Councilman Sloomaker and carried on voice vote.

The Municipal Clerk read the ordinance by title.

**ORDINANCE No. 19-2008**

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE  
AMENDING AND ESTABLISHING POLICE DEPARTMENT  
RULES AND REGULATIONS***

**WHEREAS**, the Governing Body of the Borough of Bloomingdale, upon the recommendation of the Chief of Police of the Borough of Bloomingdale and the Borough Administrator of the Borough of Bloomingdale, has determined that the proper function of the Bloomingdale Police Department can be enhanced by the promulgation of rules and regulations applicable to police department personnel:

**NOW, THEREFORE, BE IT ORDAINED**, by the Governing Body of the Borough of Bloomingdale, that the Code of the Borough of Bloomingdale hereby is amended as follows:

**Section 1.** Code Section 2-38, "Police Department," Subsection 2-38.16, "The Police Rules," hereby is amended as follows:

1. The language following "The Police Rules" in current Code Subsection 2-38.16 hereby is re-designated as Code Subsection 2-38.16a, "General Requirements."
2. There hereby is created a new Code Subsection 2-38.16b, "Rules and Regulations," to provide as follows: "The rules and regulations required by Code Subsection 2-38.16a have been reviewed and approved by the Public Safety Committee, Chief of Police, and the Governing Body and a copy of such rules and regulations shall be filed in the office of the Municipal Clerk as of the enactment of this Ordinance. Any revisions to the approved rules and regulations shall be subject to the review and approval of the Chief of Police, Public Safety Committee and Governing Body."
3. There hereby is created a new Code Subsection 2-38.16c, "Authority of Chief of Police," to provide as follows: "Nothing herein shall be construed as limiting in any way the general powers granted to the Chief of Police by the laws of this State."

All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

This Ordinance shall take effect after publication and passage according to law.

Councilwoman Altfield moved that the meeting be open to a Public Hearing on this ordinance; seconded by Councilman Marinaro and carried on voice vote.

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

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

***Second and Final Reading and Public hearing of Ordinance #20:2008: Regulating the Location, Use and Placement of Temporary Storage Units***

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE REGULATING THE LOCATION, USE AND PLACEMENT OF TEMPORARY PORTABLE STORAGE UNITS*** was given second and final reading and consideration for adoption at this time.

The Municipal Clerk read the Public Notice statement.

Councilman Vroom moved that the ordinance be read by title; seconded by Councilwoman Altfield and carried on voice vote.

The Municipal Clerk read the ordinance by title.

**ORDINANCE # 20-2008**

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE REGULATING THE LOCATION, USE AND PLACEMENT OF TEMPORARY PORTABLE STORAGE UNITS***

***WHEREAS***, the Governing Body of the Borough of Bloomingdale believes that it is in the public interest to regulate the location, use and placement of portable storage units within the Borough of Bloomingdale:

***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.** Chapter XV, Property Maintenance, of the Revised General Ordinances of the Borough of Bloomingdale hereby is amended to add a new Code Section 15-17 to provide as follows:

**15-17 LOCATION, USE AND PLACEMENT OF PORTABLE STORAGE UNITS**

**15-17.1 Definitions**

ENFORCEMENT OFFICER – The Property Maintenance Officer and/or the Police Department shall enforce the provisions of the within chapter.

PERSON – Any individual, person, firm, partnership, association, corporation, company or organization of any kind.

PORTABLE STORAGE UNIT – Any container, with or without wheels, with a volume of at least 250 cubic feet designed for the outdoor storage of property which is utilized by owners or occupants of property for temporary use and which is delivered and removed by vehicle.

PORTABLE STORAGE UNIT COMPANY – Any type of business entity engaged in the portable storage unit rental and/or sales business.

SITE – A parcel, tract, or plot of land.

USER – The owner or occupant utilizing a portable storage unit company for the placement of a portable storage unit on any site located in the Borough of Bloomingdale.

#### **15-17.2 Location of Portable Storage Unit**

- A. Portable storage units may be temporarily located only on single-family, multiple-family and/or commercial or industrial sites. In no event shall portable storage units be located in the right-of-way of the public thoroughfare or obstruct full public safety access.
- B. In the case of single-family or multiple-family sites containing less than four residential units, portable storage units shall be placed only in the driveway, front yard or side yard. Portable storage units placed in the front yard or side yard must be placed at least 10 feet from the lot line.
- C. In the case of multiple-family sites in excess of four residential units, commercial or industrial sites, portable storage units shall be placed only in allotted parking spaces on the site.
- D. In hardship cases as determined by the Governing Body, the Governing Body may in its sole discretion grant a person temporary relief from the foregoing location requirements, so long as such relief shall not pose a danger to the general public.

#### **15-17.3 Size of Portable Storage Unit**

The portable storage unit shall be no wider than eight (8) feet, no longer than twenty (20) feet and no higher than ten (10) feet from grade.

#### **15-7.4 Use of Portable Storage Unit**

- A. A portable storage unit shall be permitted in accordance with this Code Section, but it shall only remain on the lot for a maximum of sixty (60) days from the date that the permit is issued as described in Code Section 15-7.5.
- B. Any User may seek to extend the keeping of a portable storage unit for an additional sixty (60) days by filing an application with the Property Maintenance Officer.
- C. In hardship cases as determined by the Governing Body, the Governing Body may in its sole discretion grant a person relief from the foregoing length of use limitations, so long as such relief shall not pose a danger to the general public.

#### **15-7.5 Application for Portable Storage Unit**

- A. Any applicant for a portable storage unit shall file an application with the Property Maintenance Officer, on an official application form available from the Building Department.
- B. In addition to submitting the application referred to in Code Sections 15-7.5A above, each application shall be accompanied with payment of a \$50.00 administrative fee to the Borough of Bloomingdale.

#### **15-7.6 Violations and Penalties**

- A. No User shall place any portable storage unit at any location in the Borough of Bloomingdale except in compliance with the provisions of this Chapter.
- B. It shall be unlawful for a portable storage unit to remain at a site in excess of the time periods permitted under this Chapter.
- C. Any User violating any provision of this Chapter shall, upon conviction thereof be punished by a fine not to exceed \$1,250.00. A separate offense will be deemed committed on each day during or on which a violation occurs or continues.

**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 Vroom moved that the meeting be open to a Public Hearing on this ordinance; seconded by Councilman Sloodmaker and carried on voice vote.

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

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

**INTRODUCTION OF ORDINANCE #21-2008: Creating a new Section 11-1.7, Zoning Permit Fees**

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING CHAPTER 11, BUILDING AND HOUSING, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BLOOMINGDALE TO CREATE A NEW SECTION 11-1-7, ZONING PERMIT REVIEW FEES*** was introduced by title by title by Councilman Vroom who moved that second and final reading and public hearing be held on November 25, 2008 at 7:30 p.m.

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

**LATE PUBLIC COMMENT**

Councilman Vroom opened the meeting to Late Public Comment; seconded by Councilman Sloodmaker and carried on voice vote.

Dorothy Tintle, 77 Van Dam Avenue, spoke to Councilman Specchio about his letter to the Editor and statement that she did not attend meetings until Councilwoman Huntley's campaign. Mrs. Tintle stated that she has been attending meetings for 64 years and attends meetings when she is interested in a particular issue/matter.

Mrs. Tintle felt that the Mayor and Council should stop the verbal attacks on Councilwoman Huntley.

Kevin Bendel, 39 Elizabeth Street, spoke in regard to Ordinance #17-2008 and his property on Union Avenue and noted that he would like to put up professional office and asked if that is possible.

Borough Attorney stated that it is possible depending on the property lines and dimensions and that is something an engineer would have to determine.

Councilman Specchio spoke in regard to a flyer which recently was sent to borough residents and a graph indicating that taxes have been rising; noted he is upset about the lies in the flyer and stated that the increases were under the watchful eye of the previous Budget Chairperson.

Councilman Specchio stated that in 2008, he and Councilman Sloomaker oversaw a tax base which was flat until our aid was reduced; noted that our debt has decreased \$5,983,517 this year; stated that the deceit and lies need to stop now.

Councilwoman Huntley felt this is inappropriate to discuss his political agenda. Councilwoman Huntley noted that the previous two Budget Chairperson was not her and the budget is voted upon by the entire Council.

Councilman Marinaro thanked Mr. Lavoie and his committee for all their hard work and called upon all investors to come to the town. Noted that a medical facility as referred to by Mr. Bender is right in line with the ordinance.

Since there was no one else who wished to speak under Late Public Comment, Councilwoman Altfield moved that it be closed; seconded by Councilman Sloomaker and carried on voice vote.

### **LATE EXECUTIVE SESSION**

#### **Adoption of Resolution #2008-10-36: Authorization for Executive Session**

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

**RESOLUTION #2008-10-36  
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. Personnel – 1 matter
  - B. Negotiations – 1 matter
  - C. Litigation – 2 matters

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 Sloomaker seconded the motion, and it carried on voice vote with all Council Members present voting YES.

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

**RECONVENED**

Mayor Steenstra reconvened the meeting at this time, 10:40 p.m.

**ADJOURNMENT**

Because there was no further public business to be conducted, Councilwoman Altfield moved to **ADJOURN** the meeting at 10:40 p.m.; seconded by Councilman Vroom and carried on voice vote with all members present voting YES.

Terry Sauer  
Deputy Municipal Clerk