

February 24, 2009

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*

\*Entered Later

Council Members:	Linda Huntley Thomas Marinaro Dean Specchio
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<i>Professionals</i>	Municipal Clerk:	Jane McCarthy, RMC
	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 November 11, 2008.

**EARLY PUBLIC COMMENT**

Councilwoman Altfield moved that the meeting be opened to Early Public Comment; seconded by Councilman Marinaro and carried on voice vote with all Council Members present voting YES. ABSENT: Councilman Vroom

Since there was no one else 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: Councilman Vroom

**APPROVAL OF CONSENT AGENDA**

Councilman Marinaro moved for the adoption of the following Consent Agenda:

- A. Information Item List for weeks ending February 5, 12 and 19, 2009 and month of January 2009.

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

Councilman Specchio moved for the adoption of the following Consent Agenda item:

- B. Copy of letter to State DEP for application of a Dam Safety Permit for Block 60; Lot 60.01 – Meer Bloomingdale Estates.

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

(Councilman Vroom entered at this time, 7:06 p.m.)

## **PENDING BUSINESS**

### **Governmental Operations committee**

#### **Any action in regard to Council Vacancy.**

At this time, borough Attorney Joseph MacMahon outlined the procedure for filling the vacancy of the Council seat vacation by the resignation of Councilman Sloomaker.

#### **Adoption of Resolution #2009-2.4: Appointment of Mark Crum as Councilman**

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

RESOLVED that Mark A. Crum of 7 Catherine Street, Bloomingdale, NJ, be appointed as Councilman for an unexpired term; term expiring December 31, 2009 to fill the vacancy created by the resignation of councilman Sloomaker.

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

At this time, mayor Steenstra administered the Oath of Office to Mark Crum and Mr. Crum was welcomed by all.

## **RECESS**

At this time, 7:21p.m., the Mayor and Council took a recess.

## **RECONVENED**

Mayor Steenstra reconvened the meeting at this time and Councilman Crum took his seat on the dais.

#### **Appointment of Economic Development Member**

Councilwoman Altfield moved for the appointment of Michael Mascitello as a Member of the Economic Development commission for a 5 year unexpired term; term expiring 12/31/12; seconded by councilman Vroom and carried as per the following roll call: council Members: Huntley; YES; Crum PRESENT; Marinaro, YES; Specchio, YES; Altfield, YES and Vroom, YES.

#### **Consideration of application of Liquor License #101-33-002-005 Tres Sombreros**

Mr. Cosme Cerone and his attorney Edward Martin were in attendance to request that his application of renewal of his Liquor License be renewed.

Borough Attorney MacMahon noted that everything is in order to proceed with the renewal of this inactive license.

#### **Adoption of Resolution #2009-2.5: Renewal of Tres Sombreros Liquor License #1601-22-002-005**

Councilwoman Huntley offered the following Resolution moved for its adoption:

**RESOLUTION #2009-2.5  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***RENEWAL OF INACTIVE ALCOHOLIC BEVERAGE LICENSE  
TRES SOMBREROS, LLC  
#1601-33-002-005***

**WHEREAS**, the following names, persons and corporations have made application for the renewal of its inactive alcoholic beverage license; and

**WHEREAS**, said application was accompanied by the necessary fee; and

**WHEREAS**, the applicant has filed with the Borough Clerk a copy of the application for forwarding to the State Division of Alcoholic Beverage Control, together with the necessary \$200.00 fee for said Division; and

**WHEREAS**, a copy of the Tax Clearance Certificate has been received for the applicant from the State of New Jersey Department of Taxation; and

**WHEREAS**, no objection has been filed in writing with the Borough Clerk against the granting of this renewal and no objections being heard hereto; and

**WHEREAS**, approval has been received from the State of New Jersey Division of Alcoholic Beverage Control for a Special Ruling pursuant to N.J.S.A. 33:1-12.18 as per the Consent Order dated October 8, 2008 for the 2008-2009 license term;

**NOW, THEREFORE, BE IT RESOLVED** that the Clerk of this Borough be and she is hereby authorized to renew the alcoholic beverage licenses of the following place:

**PLENARY RETAIL CONSUMPTION**

Tres Sombreros, LLC  
44 Hamburg Turnpike  
Bloomingdale, NJ 07403

#1601-33-002-005

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

***Adoption of Resolution #2009-2.6: Recommending Amendment to N.J.S.A. 40:54-8 Regarding Tax Levies for Free Public Libraries***

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

**RESOLUTION #2009-2.6  
OF THE GOVERNING BODY  
OF BOROUGH OF BLOOMINGDALE**

***Resolution Recommending Amendment to N.J.S.A.40:54-8 Regarding Tax Levies for Free Public Libraries***

WHEREAS, N.J.S.A. 40:54-8 requires the Governing Body of every municipality which is governed by law concerning free public libraries to annually appropriate, and raise by taxation, an amount equal to one third of a mil on every dollar of assessable property within the municipality, based on the

equalized valuation of such property; and

WHEREAS, this law was first enacted in 1944 and has only been amended once, that being in 1985; and

WHEREAS, the last amendment was over 23 years ago and the initial law is now 64 years old; and

WHEREAS, the equalized value of property within New Jersey in 1944, as well as in 1985, was substantially less than the equalized value of property today, considering the rate of inflation and the boom in the real estate market in the mid-to-late 80's and again in early-to-mid 2000's; and

WHEREAS, though the equalized values of real estate have increased many times over perhaps as much as 50 times the equalized values in 1944, and as much as two or three-fold since 1985, the state law (40:4-8) has not changed the fractional obligation of each municipality to contribute governed by this law;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Bloomingdale hereby urges the Legislature to revise the statutory requirements in order to reduce the mandated financial obligation on the municipalities and their taxpayers under 40:54-8; and

BE IT FURTHER RESOLVED that the Borough of Bloomingdale urges that N.J.S.A. 40:54-8 be amended to reflect a more equitable funding formula based upon periodic adjustments that reflect economic conditions; and

BE IT FURTHER RESOLVED that copies of this resolution are forwarded to Senator Joseph Pennacchio, Assemblymen Alex DeCroce and Jay Webber, the New Jersey League of Municipalities and the Governor of the State of New Jersey.

Councilman Marinaro seconded the motion, and it carried as per the following roll call: council Members: Marinaro, YES; Specchio, YES; Altfield, YES; Vroom, YES ABSTAIN: Huntley and Crum

**Adoption of Resolution #2009-2.7: Authorizing participation in Employee Assistance program**

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

**RESOLUTION #2009-2.7  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

**WHEREAS**, the Borough of Bloomingdale feels there is a need for an Employee Assistance Program (EAP) to be used as a resource for employees and to assist them in areas of legal, financial and family resources and;

**WHEREAS**, different plans were researched and input was received from the Borough's Risk Manager and;

**WHEREAS**, ComPsych Corporation has the tools and the programs that would best fit the needs of the borough employees and;

**WHEREAS**, the Borough Administrator recommends entering into a contract with ComPsych Corporation for the services mentioned above and prescribed in the contract between the parties;

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Bloomingdale enter into a contract with ComPsych Corporation for employee services in the amount of \$2,250.00.

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

**Adoption of Resolution #2009-2.8 Authorizing the Borough Administrator to spend the fund from Ordinance #22-2008 for vehicles and equipment**

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

**RESOLVED**, that the Borough Administrator is authorized to expend funds from Ordinance #22-2008 for the vehicles and equipment outlined in the Ordinance.

Councilman Marinaro seconded the motion.

Councilwoman Huntley had some questions as to the need of the bucket load and would like to take this off and address it at another time.

Borough Administrator stated that this is to just put the money in place; he is not purchasing any vehicles; he will bring that before the Mayor and Council when that time comes.

The motion carried as per the following roll call: council Members: Altfield; YES; Vroom; YES; Huntley, YES with the provision that the purchase is brought before the Council first; Crum, PRESENT; Marinaro, YES and Specchio, YES.

**Gant writers committee**

Councilwoman Huntley stated that in regard to the Highlands Grant, we will need to have a planner on board.

Borough Administrator stated that he and the Borough Attorney will be interviewing them next week and he will supply Councilwoman Huntley with the three names they are interviewing so that she can advise the Highlands Grant people.

**INRODUCTION OF NEW BUSINESS**

**Governmental Operations Committee**

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

**RESOLUTION - #2009 – 2.9  
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	2,561,250.10
UTILITY	91,785.94
CAPITAL	209,181.01
UTILITY CAPITAL	94,654.24
TRUST	2,354.74
DOG	670.32
RECREATION	4,279.64
UNEMPLOYMENT	4,578.50
ROSE FUND	0,000.00
RECYCLING	000.00

TOTAL 2,968,754.49

**PREPAID LIST**

CURRENT	322,713.69
UTILITY	9,386.35
UNEMPLOY.	162.56
RECYCLING	157.84
CAPITAL	000.00
TRUST	0,000.00
SPEC. ASSESS.	0,000.00
RECREATION	000.00
UTILITY CAP.	000,000.00
DOG	000.00

TOTAL 332,420.44

Councilwoman Marinaro seconded the motion.

Discussion followed in regard to work being done through a Green Acres grant at the school and it will be reimbursed back.

The motion carried as per the following roll call council Members: Vroom, YES; Huntley, YES; Crum, PRESENT; Marinaro, YES; Specchio, YES and Altfeld, YES.

**Adoption of Resolution #2009-2.10: Authorizing Tax overpayment; Block 82, Lot 36**

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

**RESOLUTION #2009-2.10  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

*Authorizing Overpayments in Tax Office*

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that the mortgage company paid on the incorrect block & lot.

**NOW, THEREFORE, BE IT RESOLVED**, that the Treasurer be authorized to issue refund check to the following mortgage company:

Mortgage Company: Wells Fargo Real Estate Tax Services, LLC  
Property: Block 82 Lot 36 (43/43A Main Street)  
Mailing Address: PO Box 14506  
Des Moines, IA 50306

Amount of overpayment: \$1,209.63

Councilman Vroom seconded the motion, and it carried as per the following roll call: council Members: Huntley, YES; Crum, PRESENT; Marinaro, YES; Specchio, YES; Altfeld, YES and Vroom, YES.

**Adoption of Resolution #2009.2.11: Authorizing Tax Overpayment Block 9E; Lot 8 (98 Rafkind Road)**

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

**RESOLUTION #2009-11  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

*Authorizing Overpayments in Tax Office*

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that the mortgage company paid on the incorrect block & lot.

**NOW, THEREFORE, BE IT RESOLVED**, that the Treasurer be authorized to issue refund check to the following mortgage company:

Mortgage Company: Wells Fargo Real Estate Tax Services, LLC  
Property: Block 92.E Lot 8 ( 98 Rafkind Road)  
Mailing Address: PO Box 14506  
Des Moines, IA 50306

Amount of overpayment: \$2,151.36

Councilman Specchio seconded the motion, and it carried as per the following roll call: council members: Crum, PRESENT; Marinaro, YES; Specchio, YES; Altfield, YES; Vroom, YES and Huntley, Yes.

***Adoption of Resolution #2009.2.12: Authorizing Tax Overpayment Block 96; Lot 8 (34 Sandra lane)***

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

**RESOLUTION #2009-2.12  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Overpayments in Tax Office***

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that the homeowner refinanced and the first quarter of 2009 was paid twice.

**NOW, THEREFORE, BE IT RESOLVED**, that the Treasurer be authorized to issue refund check to the homeowner:

Mortgage Company: Bellotti, Darlene & Santangelo, Michael  
Property: Block 96 Lot 8 ( 34 Sandra Lane)  
Mailing Address: 34 Sandra Lane  
Bloomingdale, NJ 07403

Amount of overpayment: \$2,948.82

Councilman Specchio seconded the motion, and it carried as per the following roll call: council members: C Marinaro, YES; Specchio, YES; Altfield, YES; Vroom, YES; Huntley, Yes and Crum, PRESENT

***Adoption of Resolution #2009.2.13: Authorizing State Tax Court Refund Block 89; Lot 21 (106 Hamburg Turnpike)***

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

**RESOLUTION # 2009- 2.13  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing State Tax Court Refund***

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that on February 9, 2009 the Municipality was notified of a State Tax Court judgment, and

**WHEREAS**, the Governing Body further finds and declares that this judgment is on Block 89, Lot 21, known as 86 MAIN STREET, owned by NICHOLAS SALLEROLI and 15 KIEL AVENUE LLC; and

**WHEREAS**, the Governing Body further finds and declares that since this judgment is against the 2008 taxes, and that the 2008 taxes have already been paid in full by the owner/owners, and

**WHEREAS**, per the directives of the STIPULATION OF SETTLEMENT filed with the STATE TAX COURT any refund of monies is to be paid to the plaintiff's attorney, Mr. Daniel G. Keough, Trustee,

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Bloomingdale that the Borough Treasurer be and is hereby authorized to issue a check in the amount of \$ 9,667.93 payable to Daniel G. Keough, Trustee, 783 Springfield Avenue, Summit, NJ 07901

Councilman Specchio seconded the motion, and it carried as per the following roll call: Council members: Specchio, YES; Altfield, YES; Vroom, YES; Huntley, Yes and Crum, PRESENT

**Adoption of Resolution #2009.2.14: Authorizing Tax Overpayment Block 27; Lot 41 (106 Hamburg Turnpike)**

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

**RESOLUTION #2009- 2.14  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Overpayments in Tax Office***

**WHEREAS**, the Governing Body ("Governing Body") of the Borough of Bloomingdale ("Borough") finds and declares that the mortgage company paid on the incorrect block & lot.

**NOW, THEREFORE, BE IT RESOLVED**, that the Treasurer be authorized to issue refund check to the following mortgage company:

Mortgage Company: Wells Fargo Real Estate Tax Services, LLC  
Property: Block 27 Lot 41 (106 Hamburg Tpk)  
Mailing Address: PO Box 14506  
Des Moines, IA 50306

Amount of overpayment: \$1,398.46

Councilman Vroom seconded the motion, and it carried as per the following roll call: council members: Altfield, YES; Vroom, YES; Huntley, YES; Crum, PRESENT; Marinaro, YES and Specchio, YES.

**Resignation of Beatrice Gormley as Member of Senior Citizen Advisory Board**

Councilwoman Altfield moved to accept with regret the resignation of Beatrice Gormley as a Member of the Senior Citizen Advisory Board; seconded by Councilman Vroom and carried on voice vote.

**Appointment of Maryann Rickelman as Member on senior Citizen Advisory**

Mayor Steenstra appointed Maryann Rickelman as a Member of the Senior Citizen Advisory Board for a three year unexpired term; term expiring 12/31/09.

Councilwoman Altfield moved for the CONFIRMATION of this appointment; seconded by Councilman Vroom and carried on voice vote.

**Appointment of Joan Taggart as Mayoral Representative to Senior Citizen Advisory Board**

Mayor Steenstra appointed Joan Taggart as Mayoral Representative of the Senior Citizen Advisory Board for a one year term; term expiring 12/31/09.



Second and Final Reading and Public Haring of Ordinance #1-2009: Establishing emergency Fuel Oil and Furnace Repair for Certain Residential Tenants

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE ESTABLISHING EMERGENCY FUEL OIL AND FURNACE REPAIR FOR CERTAIN RESIDENTIAL TENANTS*** 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 No. 1-2009**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE ESTABLISHING EMERGENCY FUEL OIL AND FURNACE REPAIR FOR CERTAIN RESIDENTIAL TENANTS**

**WHEREAS**, the Governing Body of the Borough of Bloomingdale is authorized by N.J.S.A. 26:3-31.5 to provide, by ordinance, that the local health officer or other officer designated in the ordinance shall, whenever necessary to protect the health and safety of residential tenants, act as an agent for a landlord in engaging a fuel oil dealer; and

**WHEREAS**, the Governing Body has determined that it is in the public interest to establish a legislative framework for providing emergency fuel oil and furnace repair for certain residential tenants within the Borough of Bloomingdale.

**NOW, THEREFORE, BE IT ORDAINED**, by the Governing Body of the Borough of Bloomingdale as follows:

**Section 1.** Chapter XI, Building and Housing, of the Revised General Ordinances Borough of Bloomingdale, hereby is amended to create a new Code Section 11-7, Emergency Fuel Oil and Furnace Repair for Certain Residential Tenants, to provide as follows:

**11-7.1 Emergency Fuel Oil Delivery.** The Health Officer of the Borough of Bloomingdale or other Officer designated by the Health Officer, shall whenever necessary to protect the health and safety of residential tenants act as agent for a landlord in engaging a fuel oil dealer to deliver fuel oil at a reasonable price per gallon and to refire the burner to restore the proper heating of any residential property rented by said landlord, provided, however, that at least twelve hours have elapsed, if the outside air temperature is between 33° and 55° F., inclusive, or at least 4 hours have elapsed, if the outside air temperature is 32° F or less, since the tenant has lodged a complaint with any municipal officer or agency, prior to which complaint a bona fide attempt has been made by the tenant or his representative to notify the landlord of the lack of heat, and the landlord has failed to take appropriate action. Lack of heat means maintaining less heat than required by N.J.S.A. 26:3-31.

**11-7.2 Engaging Repairman and the Ordering of Necessary Parts for Furnace, Boiler, or Other Equipment.** The Health Officer of the Borough of Bloomingdale or other Officer designated by the Health Officer, shall whenever necessary to protect the health and safety of residential tenants, act as agent for the landlord in engaging of repairman and the ordering of any parts necessary to restore to operating condition the furnace, boiler or other equipment essential to the proper heating of any residential unit rented by said landlord, provided, however, that at least 24 hours have elapsed since the tenant has lodged a complaint with the local Board of Health, prior to which a bona fide attempt has been made by the tenant to notify the landlord of the failure of the heating equipment, and the landlord has failed to take appropriate action, and the outside

air temperature is less than 55° F.

**11-7.3 Billing to Landlord or Municipality for Delivery of Fuel Oil, Refiring a Burner, Engaging Repairman, and the Ordering of any Parts.** Any fuel oil dealer who delivers fuel oil or refires the burner in accordance with Code Section 11-7.1, or any repairman who restores the operating conditions of a furnace, boiler, or who provides equipment and services essential to the proper heating of any residential unit in accordance with Code Section 11-7.2 of this Chapter may bill the landlord directly, or the Borough may issue a voucher to the fuel oil dealer or repairman who delivered the fuel oil or made the repairs, for monies due.

**11-7.4 Penalty for Landlord's Negligence or Failure to Act Resulting in Municipal Action; Use of Penalty.** Any landlord or his agent whose negligence or failure to act results in Borough action pursuant to Code Sections 11-7.1, 11-7.2, or both, shall be liable to a civil penalty of not more than \$300.00 for each affected dwelling unit in the residential property. Such penalty shall be recoverable by the Borough in a civil action by a summary proceeding under "the Penalty Enforcement Law" (N.J.S.A. 2A:58-1 et seq.). Any action to collect or enforce any such penalty shall be brought in the superior Court or municipal court. The amount of such penalty shall be paid to the Borough to be used for general municipal purposes.

**11-7.5 Penalty Enforcement Proceeding; Reimbursements; Collection of Reimbursements.** In any penalty proceeding brought pursuant to this Chapter, the Court shall also order the landlord or his agent to reimburse the municipality for actual costs for any fuel oil delivered, the service charge for refiring the boiler, if any, and any charges for parts necessary to restore to operating condition, the furnace, boiler or any equipment essential to the proper heating of any residential unit, including any service charges, and for reasonable attorney's fees and costs. The Court shall further be empowered to issue any appropriate injunctive orders, and to authorize immediate collection of reimbursable costs due the municipality out of the goods and chattels of the landlord, including all sums due, or which may come due, as present or future rents. Any landlord who prevails in such an action shall be entitled to reimbursement by the municipality for all reasonable costs and expenses. Such landlord, however, shall still remain responsible for the cost of any fuel oil delivered and any charge for refiring the burner incurred by the municipality.

**11-7.6 Immunity of Municipality or its Employees in Enforcing Act; Exception.** Neither the Borough nor its employees shall be liable for any damages to any person or property in enforcing this act, except for the gross negligence or malfeasance of any municipal official, officer or employee, and under no circumstances shall the Borough be held liable for damages from the lack of heat in the residential property.

**11-7.7 Application of Chapter.** The provisions of this Chapter shall not apply to owner-occupied residential rental properties containing five units or less.

**Section 2.** All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

**Section 3.** 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.

**Section 4.** This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Councilwoman Vroom 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, Councilman Vroom moved that it be closed; seconded by Councilman Specchio and carried on voice vote with all Council Members voting YES.

Councilman Vroom moved for the adoption of this ordinance; seconded by Councilman Specchio and carried as per the following roll call: Huntley, YES; Crum, PRESENT; Marinaro, YES; Specchio, YES; Alfield, YES and Vroom, YES.

### **LATE PUBLIC COMMENT**

Councilman Marinaro moved that the meeting be open to Late Public Comment; seconded by Councilman Vroom and carried on voice vote.

Ron Caputo, 42 Bogue Drive, spoke in regard to fact that he heard that Tilcon has put feelers out to Wanaque to run a road through Union Avenue and asked if it will open up any areas of Bloomingdale currently not accessible now and would it affect future development in Bloomingdale.

Mayor Steenstra noted that there have been a few meetings with Tilcon and the towns of Wanaque, Pompton Lakes and Bloomingdale in regard to an access road going through Pompton Lakes and Riverdale; access point would be 280 ft. from Rt. 287.

Mr. Caputo asked why don't we buy a utility truck rather than the Durango and mayor Steenstra noted that these vehicles are for the Police Department.

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

Councilwoman Huntley spoke in regard to the cost of the Christmas lights at Sloan Park; Mayor Steenstra state that this will be put on the Work Session for discussion.

### **LATE EXECUTIVE SESSION**

#### **Adoption of Resolution #2008-2.16: Authorization for Late Executive Session**

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

**RESOLUTION #2009-2.16  
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. Litigation – DelGuidice v. Blomingdale
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 Specchio seconded the motion, and it carried on voice vote.

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

**RECONVENED**

Mayor Steenstra reconvened the meeting at this time and noted that no action was taken during Executive Session.

**ADJOURNMENT**

Because there was no further public business to be conducted, Councilman Marinaro moved to **ADJOURN** the meeting at 8:08 p.m.; seconded by Councilman Crum and carried on voice vote.

Jane McCarthy, RMC  
Municipal Clerk