

October 27, 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 7:00 p.m.

SALUTE TO THE AMERICAN FLAG

Council President Altfield led the Salute to the Flag followed by a moment of silence for the passing of Mayor Steenstra's mother Tanetta Steenstra.

At this time, Mayor Steenstra thanked everyone for their condolences on the passing of his mother.

ROLL CALL

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

<i>Professionals Present:</i>	Municipal Clerk:	Jane McCarthy, RMC
	Borough Administrator:	Ted Ehrenburg
	Borough Attorney:	Joseph V. "Joe" MacMahon, Esq.
	Borough Treasurer:	Sherry Gallagher

*Entered at 7:05 p.m.

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

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

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

APPROVAL OF CONSENT AGENDA

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

- A. Approval of Informational Item Lists for Week Ending September 10, 17 & 24, 2009; October 1, 8 & 15, 2009
- B. Adoption of Minutes – June 16, 2009 and August 1, 2009

Councilman Specchio seconded the motion and it carried on voice vote with all Council Members voting YES.

PENDING BUSINESS

Governmental Operations Committee

Councilman Specchio spoke of a seminar which DPW Superintendent Al Gallagher attended in regard to tonnage and our recycling grant. Due to his research, we will be received more money in our grant this year as he has identified different dumpsters for the various businesses in town and will be getting tonnage reports from them.

(Councilwoman Altfield entered the meeting at this time, 7:05 p.m.)

Status Report as to progress on Morse Lakes Road

Borough Administrator stated that on Sunday evening, he attended a meeting at Morse Lakes to go over concerns the residents may have with the watermain extension and roadway condition.

Borough Administrator stated the Borough will now videotape the roadway and compare it with the way it was initially.

The contractor is looking to be compensated for his work and have submitted bills that they are completely done; he explained to them that several residents have concerns. After the bills and videotape have been reviewed, this will be on the next agenda for consideration for payment.

Borough Administrator stated that he does have a Change Order for work that was done back in June and we need to formalize it in a resolution.

Adoption of Resolution #2009-10.12: Change Order for Petillo, Inc.

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

RESOLUTION #2009-10.12 OF THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE

Authorizing Change Order for Morse Lake Water Project

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) awarded a contract for the Morse Lake Water Project to Petillo, Inc. and;

WHEREAS, the Governing Body has learned that Jim Floystrop, Engineer for the project, has recommended acceptance and approval of Change Orders #1 for modifications to the Project for unanticipated expenses consisting of extension of water service; and

WHEREAS, the Governing Body recognizes that acceptance and approval of Change Orders #1 in an amount not to exceed \$18,656.64 will result in an increase in the total contract cost in the amount of \$940,716.64; and

WHEREAS, the Governing Body has been informed that the Chief Financial Officer has certified that funds are available in Water Operating Account 9-09-55512-001-202 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 Project Engineer and the Borough Administrator to approve Change Orders #1 in an amount not to exceed \$18,656.64, which shall result in a total contract amount of \$940,716.64.

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

Discussion as to snowplowing for Lake Communities

At this time, there was a lengthy discussion as to the past practice of private contractors being hired to plow Lake Iosco v. our DPW Department doing it.

Councilwoman Huntley discussed her concern as to how we are going to handle it and how much overtime would be expended and will it cost the Borough more to do so.

Borough Administrator discussed his analysis and fact that it would be more cost effective for the Borough to do the snowplowing; we would need to purchase equipment to do so.

At this time, Bill Kuipers and Robert Rex of Lake Iosco were in attendance and discussed some of their concerns as to the terrain of the roads, fact that they did not want to be last on the list for plowing, etc. They had no preference as to who would do the plowing. They noted that they would be more than happy to meet with the DPW Superintendent and show him the roads and problem areas.

DPW Superintendent Gallagher was in attendance and noted that he would be happy to meeting with and felt that the DPW can handle the snowplowing in this area.

Councilman Marinaro moved that the DPW take over the snowplowing in Lake Iosco; seconded by Councilman Specchio.

Councilwoman Huntley felt that she had asked specifically about the man-hours involved, etc ad felt that we should not make a decision at this time.

Discussion followed.

It was noted that the cost for two trucks would be \$74,800 and the trucks would be used all year round in other areas.

Glen Schiffman asked if we had enough money to purchase both trucks; Borough Attorney confirmed with the Treasurer that if Ordinance #17-2009 is approved this evening, we can purchase both trucks.

Borough Attorney asked that the motion previously made would be for a two year test period.

Adoption of Resolution #2009-10.13: Authorizing DPW to do snowplowing in Lake Iosco

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

DRAFT AND INSERT

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

Ratables and Revenues Committee

Councilman Marinaro noted that he has been contacted by two developers who might be interested in doing some projects in the Borough.

Grant Writers Committee

Councilwoman Huntley noted that we interviewed two firms at the last meeting and felt it is beneficial for the town to have one in place. One of the firms gave a quote doing both the Borough and Board of Education but the Board of Education has decided that they cannot hire one.

Consensus that Councilwoman Huntley will go back and ask for a quote just for the borough and this will be borough up on November 10 for consideration.

INRODUCTION OF NEW BUSINESS

Governmental Operations Committee

Adoption of Resolution #2009-10.14: Payment of Municipal Obligations

Councilwoman Huntley offered the following Resolution and moved for its adoption; Councilman Crum seconded the motion.

Councilman Crum discussed bill submitted by Planner Burgis P.O. 4068 and fact that we are being billed for his continuing education credits and asked if this could be looked into as to why we are paying for this.

Consensus that this will be pulled off the bill list and reviewed.

**RESOLUTION - #2009 –10.14
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		PREPAID	
LIST			
CURRENT	2,776,870.02	CURRENT	366,534.30
UTILITY	45,638.55	UTILITY	39,777.11
CAPITAL	50,841.25	UNEMPLOY.	51.48
UTILITY CAPITAL		RECYCLING	377.56
TRUST	10,181.31	CAPITAL	000.00
DOG	28.62	TRUST	240.00
RECREATION	00,000.00	SPEC. ASSESS.	000.00
UNEMPLOYMENT	8,561.29	RECREATION	400.00
ROSE FUND	343.34	UTILITY CAP	50,820.00
RECYCLING	000.00	DOG	000.00
.			
TOTAL	2,892,464.38	TOTAL	458,200.45

The motion carried as per the following roll call: Council Members: Huntley; Marinaro; Specchio; Vroom; Altfield and Crum all YES.

Approval of Borough Ad Congratulating Bloomingdale Fire Department on their 100th Anniversary

Councilwoman Altfield moved that the borough take out a full page ad congratulating the Bloomingdale Fire Department on their 100th anniversary next year; seconded by Councilman Marinaro and carried as per the following roll call: Council Members: Marinaro; Specchio; Vroom; Altfield; Crum and Huntley all YES.

Adoption of Resolution #2009-10.15: Recognizing November 11, 2009 as Veterans Day in the Borough

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

RESOLUTION #2009 – 10.15
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE

Recognizing Veterans' Day in the Borough of Bloomingdale: November 11, 2009

WHEREAS, the Governing Body ("Governing Body") of the Borough of Bloomingdale ("Borough") finds and declares that Armistice Day was proclaimed by President Woodrow Wilson on November 11, 1919, the one-year anniversary of the signing -- at the eleventh hour of the eleventh day of the eleventh month of 1918 -- of the armistice that brought an end to what was then hoped would be the "War to End All Wars"; and

WHEREAS, the Governing Body further finds and declares that the Congressional Resolution signed by President Wilson stated that Armistice Day "should be commemorated with thanksgiving, prayer and exercises designed to perpetuate peace through good will and mutual understanding between nations"; and

WHEREAS, the Governing Body further finds and declares that the Congressional Resolution also called for Armistice Day to be observed with appropriate ceremonies in schools, churches and other places of public demonstration; and

WHEREAS, the Governing Body further finds and declares that, notwithstanding President Wilson's efforts to ensure a lasting peace, many brave souls perished in the Second World War and in the Korean War, thereby causing Armistice Day to be renamed as Veterans' Day in 1954 in honor of all those who have fallen in the defense of our nation and her people; and

WHEREAS, the Governing Body further finds and declares that the Borough has sent its own citizens to fight on behalf of our nation and has seen fit to remember those brave souls who perished by establishing at the entrance to Sloan Park monuments bearing their names for all time; and

WHEREAS, the Governing Body further finds and declares that we, as Americans, enjoy freedom and liberty today because of the brave service of all of our veterans, and are now called upon to unite together in a living testament to their brave service by continuing the fight for freedom and liberty against terrorism here and across the globe;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby recognize November 11, 2009, as Veterans' Day in the Borough of Bloomingdale and calls upon all of the Borough's citizens to commemorate the lives of all of the brave men and women, who sacrificed themselves in the defense of our nation and her people, by pausing to honor those brave souls, give thanks for their courage and pledge to continue their fight for freedom and liberty for all mankind.

Councilman Marinaro seconded the motion and it carried on voice vote with all Council Members voting YES.

Adoption of Resolution #2009-10.16: Authorizing the Redemption of Tax Title Lien Certificate #473

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

RESOLUTION #2009 -10.16
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE

Authorizing Redemption and Cancellation of Tax Title Lien Certificate #473

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that, at the Borough Tax Sale held on January 21, 2008, a lien was sold on,
8 WOODLOT ROAD, BLOOMINGDALE, for delinquent year 2007 taxes, and

WHEREAS, the Governing Body further finds and declares that the foregoing property is also known as Block 49.A, Lot 29, owned by KAREN DE MARTINI; and

WHEREAS, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 473, which was sold to US BANK-Cust/SASS Muni V dtr for a PREMIUM of \$ 1,100.00; and

WHEREAS, the Governing Body further finds and declares that Progressive Title Agency, Inc., representing the owner (Karen De Martini) in a refinance, has requested redemption of TTL # 473, and

WHEREAS, the Governing Body further finds and declares that Progressive Title Agency, Inc, has paid all monies due on TTL # 473, including supporting affidavits from the lien holder and current taxes, to the Borough of Bloomingdale;

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 checks in the amount of \$ 37,767.31, for the lien redemption and \$ 1,100.00 for return of the PREMIUM payable to US BANK-Cust/SASS Muni V dtr, 2 Liberty Place, 50 S.16th Street, #1950, Philadelphia, PA 19102 for the redemption and cancellation of Tax Title Lien Certificate # 473.

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

Adoption of Resolution #2009-10.17: Authorizing Overpayments in Tax Office

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

**RESOLUTION #2009 -10.17
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 Tax Assessor and the Tax Collector have processed and granted claims on certain properties, and

WHEREAS, the Governing Body further finds and declares that the foregoing property owners have paid their 2009 taxes in full, and are now entitled to refunds for the following reasons,

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue refund checks to the following property owners:

Owner: Kampfe Lake Association
Property: Block 3 Lot 6.01
Address: Kampfe Lake
Bloomingdale, NJ 07403

Farmland Assessment Granted - Assessment reduced from \$65,000 to \$100
2009 Refund Amount: \$ 1,839.83

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

Introduction by Title of Ordinance #19-2009: Amending fees in regard to the Ordinance for leave pickup

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE IMPOSING A FINE FOR FAILURE TO COMPLY WITH BOROUGH LEAF PICKUP POLICY was introduced by title by councilman Specchio who moved that second and final reading and public hearing be held on November 24, 2009 at 7:30 p.m.

Councilman Crum seconded the motion and it was carried on voce vote with all Council Members voting YES.

Report as to Bid Receipt Triple Combination Pumper Fire Truck

Borough Administrator reported on receipt of bids today and there was only one bidder, Pierce with a bid of \$255,102 with the two options and he recommended that the bid be awarded to Pierce with the two options.

In response to Councilwoman Huntley, it was noted that the bids were generic and did not specifically indicate a Pierce truck.

Adoption of Resolution #2009-10.18: Authorizing change Order for D.R. Mullen

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

**RESOLUTION #2009-10.18
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Change Order for D.P.W. Site Work

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) awarded a contract for the D.P.W. Site Work to D.R. Mullen Construction and;

WHEREAS, the Governing Body has learned that Bryan Jancosa, Engineer for the project, has recommended acceptance and approval of Change Orders #3 for modifications to the Project for unanticipated expenses consisting of stone for the structural fill; and

WHEREAS, the Governing Body recognizes that acceptance and approval of Change Orders #1 in an amount not to exceed \$7,899.92 will result in an increase in the total contract cost in the amount of \$209,122.05; and

WHEREAS, the Governing Body has been informed that the Chief Financial Officer has certified that funds are available in Capital Account C-04-55-856-07A-100 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 Project Engineer and the Borough Administrator to approve Change Orders #3 in an amount not to exceed \$7,899.92, which shall result in a total contract amount of \$209,122.05.

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

Adoption of Resolution #2009-10.19: Authorizing Professional Services for Joseph Marra Architect

Borough Administrator discussed quotes he received for architect services and noted that he receive one from Joseph Marra for an amount not to exceed \$17,500.

Councilwoman Huntley felt this was high in comparison to the one we did for Police Architect.

Borough Administrator stated that he will make a phone call and check out the amount.

(At this time, the Mayor and Council took a recess so that the Borough Administrator could check the quote)

RECONVENED

Mayor Steenstra reconvened the meeting at 8:35 p.m.

Borough Administrator stated that the amount should have read, not to exceed \$10,950.00

***Adoption of Resolution #2009-10.19: Authorizing Professional Services for
Joseph Marra Architect***

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

**RESOLUTION #2009-10.19
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Award of a Non-Fair and Open Contract for Professional Services to
Joseph G. Marra, Architect, Landscape Architect, Planner***

WHEREAS, the Borough of Bloomingdale has a need to acquire Professional Services to be provided as a non-fair and open contract pursuant to the provisions of NJSA19:44a-20.4; and

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the professional service will not exceed \$10,950; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, Joseph G Marra has submitted a proposal on October 22, 2009 indicating they will provide the Architectural Services for the interior construction of the Department Of Public Works Garage; and

WHEREAS, Joseph G. Marra has completed and submitted a Business Entity Disclosure Certification which certified that he has not made any reportable contributions to a political or candidate committee in the Borough of Bloomingdale in the previous one year, and that the contract will prohibit him from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for said contract;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Bloomingdale authorizes Ted M. Ehrenburg, Administrator to enter into a contract with Joseph G. Marra as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize any and all necessary and appropriate municipal officials to execute the foregoing Agreement and does hereby further authorize the Municipal Clerk to cause the foregoing Resolution to be published in the Official Newspaper of the Borough within twenty (20) days of the date hereof.

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

Adoption of Resolution #2009-10.20: Authorizing extension of Vegetative Waste Shared Service with the Borough of Pompton Lakes through 12/31/09

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

**RESOLUTION #2009-10.20
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing the Insertion into the FY2009 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 current agreement expires on October 19, 2009 and each municipality wishes to extend the agreement until December 31, 2009; 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 FY2009 Municipal Budget of an item of revenue based upon an extension of the Interlocal Agreement secured by the Borough from the Borough of Pompton Lakes through the end of 2009;

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 FY2009 Municipal Budget of an item of revenue in the sum of \$4,900.00, 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 \$4,900.00 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 Specchio seconded the motion, and it carried as per the following roll call: Council Members: Huntley; Marinaro; Specchio; Vroom; Alfield and Crum all YES.

Public Health & Safety Committee

Adoption of Resolution #2009-10.21: Authorizing Official Employment Status for DPW Yard Man Position

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

DRAFT AND INSERT

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

PUBLIC HEARING ON ORDINANCES

PUBLIC HEARING OF ORDINANCE #13-2009: Revising Fee Schedule for the health Department as Approved by the Board of Health

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE REVISING THE FEE SCHEDULE FOR THE HEALTH DEPARTMENT AS APPROVED BY THE BOARD OF HEALTH was given second and final reading and consideration for adoption at this time.

The Municipal Clerk read the Public Notice statement.

Councilman Crum moved that the ordinance be read by title; seconded by Councilwoman Altfield and carried on voice vote with all Council Members voting yes.

The Municipal Clerk read the ordinance by title.

ORDINANCE #13-2009

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE REVISING THE FEE SCHEDULE FOR THE HEALTH DEPARTMENT AS APPROVED BY THE BOARD OF HEALTH

WHEREAS, the Governing Body of the Bloomingdale, in consultation with the Bloomingdale Board of Health, is responsible for fixing certain enumerated fees as set forth in Chapter BH:X of the Revised General Ordinances of the Board of Health of the Borough of Bloomingdale; and

WHEREAS, it is necessary for the Governing Body of the Borough of Bloomingdale to review and approve any fees fixed by the Board of Health that are not otherwise established by the State of New Jersey:

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

Section 1. The following fee Code Sections as established and recommended by the Bloomingdale Board of Health hereby are approved by the Governing Body of the Borough of Bloomingdale:

- Code Section BH:10-1(a), *Vital Statistics*, 1 through 4
- Code Section BH:10-1(b), *Personal Health*, 1 through 5
- Code Section BH:10-1(c), *Environmental Health*, 1 through 3
- Code Section BH:10-1(d), *Food Safety*, 1 through 6
- Code Section BH:10-1(e), *Body Art*, 1 through 2

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.

The Borough Attorney read an explanatory statement in regard to this ordinance.

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

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

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

Ordinance #15-2009: Amending Ordinance #14-2009 – Regulating Recycling Bins

Councilwoman Altfield moved that this be carried until November 10, 2009 at 7:30 p.m.; seconded by Councilman Marinaro and carried on voice vote with all Council Members voting YES.

PUBLIC HEARING OF ORDINANCE #17-2009: Various Capital Improvements

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$975,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$928,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

was given second and final reading and consideration for adoption at this time.

The Municipal Clerk read the Public Notice statement.

Councilman Specchio moved that the ordinance be read by title; seconded by Councilman Vroom and carried on voice vote with all Council Members voting YES.

The Municipal Clerk read the ordinance by title.

**ORDINANCE #17-2009
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$975,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$928,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Bloomingdale, New Jersey as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$975,000, including the aggregate sum of \$47,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$928,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

(a) Providing for purchase of a fire engine for the Fire Department.

<u>APPROPRIATION</u>	<u>BOND AUTHORIZATION</u>	<u>PERIOD OF USEFULNESS</u>
\$275,000	\$262,000	10 years

(b) Providing for the purchase of vehicles and equipment in the Borough.

<u>APPROPRIATION</u>	<u>BOND AUTHORIZATION</u>	<u>PERIOD OF USEFULNESS</u>
\$235,000	\$223,000	5 years

(c) Providing for various improvements to municipal facilities, including all work and materials necessary therefor or incidental thereto.

<u>APPROPRIATION</u>	<u>BOND AUTHORIZATION</u>	<u>PERIOD OF USEFULNESS</u>
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\$465,000	\$443,000	10 years
<u>TOTAL APPROPRIATION</u>	<u>TOTAL BOND AUTHORIZATION</u>	<u>AVERAGE PERIOD OF USEFULNESS</u>
\$975,000	\$928,000	8.79 years

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget of the Borough of Bloomingdale is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Borough may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 8.79 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of

the bonds and notes provided in this bond ordinance by \$928,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$93,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Councilwoman Altfield moved to open the meeting to a Public Hearing on this ordinance; seconded by Councilman Vroom and carried on voice vote with all council members voting YES.

Since there was no one who wished to speak in regard to this ordinance, Councilman Vroom moved to Close the Public Hearing; seconded by Councilman Marinaro and carried on voice vote with all council Members voting YES.

Councilman Marinaro moved for the adoption of the ordinance; seconded by Councilman Marinaro and the motion carried as per the following roll call: Council members: Vroom, YES; Altfield, YES; Crum, YES; Huntley, NO; Marinaro, YES and Specchio, YES.

Adoption of Resolution #2009-10.22: Authorizing Contract to Pierce Manufacturing

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

DRAFT AND INSERT

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

LATE PUBLIC COMMENT

Councilwoman Altfield moved that the meeting be opened to late Public Comment; seconded by Councilman Specchio and carried on voice vote.

Geraldine DeLazier asked if there will be any relief in the fine for Seniors who will have difficulty in bagging their leaves.

Borough Administrator stated that the Property Maintenance Officer Mr. Tyson will use his discretion in regard to people who are refusing to bag and those that are having a hardship. Mr. Ehrenburg told Mrs. DeLazier to call him if she has any problems or knows of anyone.

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 with all Council Members voting Yes.

Authorization to amend Resolution #2009-10.22: Contract to Pierce Manufacturing

At this time, Borough Attorney asked that if we could amend Resolution #2009-10.22 to include the fact that the ordinance will not become final until 20 days after publication and the funds would not be available to purchase the fire truck until after that time. Councilwoman Altfield amended her motion for Resolution #2009-10.22 to include that condition; seconded by Councilman Marinaro and carried as per the following roll call: Council Members: Crum, YES; Huntley, PRESENT; Marinaro, YES; Specchio, YES; Vroom, YES and Altfield, YES.

LATE EXECUTIVE SESSION

Adoption of Resolution #2009.10.23: Authorization for Late Executive Session

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

**RESOLUTION #2009-10.23
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 – 1 matter
BLC One v. Bloomingdale
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 voting YES.

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

RECONVENED

Mayor Steenstra reconvened the meeting at 9:02 p.m. and noted that no action was taken during the Executive Session

ADJOURNMENT

Because there was no further public business to be conducted, Councilwoman Altfield moved to **ADJOURN** the meeting at 9:02 p.m.; seconded by Councilman Marinaro and carried on voice vote with all Council members present voting Yes.

Jane McCarthy, RMC
Municipal Clerk