

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

**November 10, 2009**

Mayor Steenstra called the meeting to order at 7:01 p.m.

**ROLL CALL**

<i>In Attendance:</i>	Mayor:	William Steenstra
	Council President:	Jennifer Altfield
	Council Members:	Bernie Vroom Linda Huntley Thomas Marinaro Dean Specchio Mark A. Crum
	Councilwoman-elect	Jo-Ann Pituch
<i>Professionals Present:</i>	Municipal Clerk:	Jane McCarthy, RMC
	Borough Attorney:	Joseph V. MacMahon, Esq.
	CFO/Asst. to Adm.	Donna Mollineaux

**SALUTE TO THE AMERICAN FLAG**

Mayor Steenstra led the Salute to the Flag

**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 Crum moved to open the meeting to Early Public Comment; seconded by Councilman Marinaro and carried on voice vote.

Since there was no one who wished to speak under Early Public Comment, Councilman Vroom moved that it be closed; seconded by Councilman Specchio and carried on voice vote

## **PROFESIONAL REPORTS**

### **Municipal Clerk**

#### **Veterans Day**

Municipal Clerk reminded everyone that there will be a ceremony tomorrow at 11 a.m. in Sloan Park to honor our Veterans.

### **Borough Administrator**

#### **DPW Garage**

Borough Administrator stated that the issue with the drainage has been resolved with Atlantic Engineering and also the new utility poles.

### **Borough Attorney**

#### **Bloomingtondale v. Farlas**

Borough Attorney stated that the Judge has entered a judgment in favor of the Borough in the amount of \$40,000; he has 45 days to appeal.

Borough Attorney commended Construction Code Officer Dan Hagberg on his work on this case. There will be a lien on the property if the money is not paid.

### **Governmental Operations Committee**

#### **Upper Morse Lakes Watermain Extension and Engineering Payment**

The Contractor has submitted his completed punch list and is payment is recommended. There were two residents have sidebar issues that will need to be addressed but not involving the payment due.

Borough Administrator has asked Finance Department to prepare the payment and we will proceed with the sign off by the DEP.

In regard to the condition of the roads, they are as good as they are going to get in 2009; they need to wait for settlement; no payment has been made for the paving.

### **Ordinance Review Committee**

#### **Review of Ordinances**

Mayor Steenstra noted the Committee is in the process of reviewing all of our ordinances; it is the intention that the Mayor and Dan Hagberg will be sitting down with Alan Gunderson once or twice by the end of the year to go over the proposed changes.

### **Grant Writers Committee**

Councilwoman Huntley discussed the two firms which were interviewed; Millennium Strategies and Bruno Associates. It was noted that the Board of Education Member John Pituch while at our last meeting noted that he had not gotten a firm answer from Dr. Rosenberg as to doing a joint venture. Mayor asked that she be contacted to get a firm yes or no as to utilizing the same Grant Writer for a discounted price.

### **PRESENTATION BY BOROUGH PLANNER JOSEPH BURGIS**

Kevin Kain, Planner from Burgis Associates was in attendance and updated the mayor and Council as to where we are at this Highlands Plan; if we want to opt in, a resolution needs to be submitted by December 8. If we want to file a housing plan, that deadline is June 8, 2010.

Noted that if you opt in, that will be your number; did not see COAH going to a "0" number.

At this time, discussion was held as to benefits of opting into the Highlands; Highlands provides builders with legal representation.

Consensus that resolution will be prepared for the December 8 meeting; Borough Attorney will reach out to the Judge as to the time frame in regard to our court judgment; we may have to have a special meeting.

In regard to question raised by Councilman Crum as to expenses charged for seminars, Mr. Kain noted that he represents Bloomingdale; we will not be paying for any of this. No payment should be sent to them until the Borough is reimbursed from the Highlands.

### **INTRODUCTION OF NEW BUSINESS**

#### **Governmental Operations Committee**

#### ***Resignation from Recreation commission of Glynn Gross and Annette Sanders***

Noted receipt of resignations of Glynn Gross and Annette Sanders with regret.

Discussion as to lease with Bloomingdale Cornet Band

Mayor noted that he met with representatives of the Band along with members of the Senior Citizen Advisory committee and all issues have been resolved.

**Adoption of Resolution #2009-11.1: Budget Transfer**

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

**RESOLUTION - #2009-11.1  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***RESOLUTION RE: Authorizing the Transfer of 2009 Appropriations***

WHEREAS, Title 40A:4-58 provides that should it become necessary during the last two months of the fiscal year to expend for any of the purposes specified in the budget an amount in excess of any respective sums appropriated therefore and there shall be an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation, the Governing Body may by resolution setting forth the facts adopted by not less than 2/3 vote of the full membership thereof, transfer the amount of such excess of those appropriations deemed to be insufficient; and

WHEREAS, the Governing Body further finds and declares that the Chief Financial Officer and Borough Administrator have determined that the following transfers are both necessary and appropriate; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Bloomingdale that the Chief Financial Officer be and she is hereby authorized to make the following transfers in the FY2009 Budget.

<b>FROM:</b>			
Fire OE		9-01-25-265-001-038	\$7,000.00
Total			\$7,000.00
<b>TO:</b>			
Capital Improvement Fund		9-01-44-901-001-100	\$7,000.00
Total			\$7,000.00

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

**Public Health & Safety Committee**

***Adoption of Resolution #2009-11.2: Appointment of Toni Hasson as a substitute Crossing Guard***

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

**RESOLUTION #2009-11-2  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Hire of A  
Substitute Crossing Guard***

**WHEREAS**, there exists a need for Substitute Crossing Guards in the Police Department to cover posts in the absence of permanent Crossing Guards; and

**WHEREAS**, the Chief of Police Joseph Borell has recommended Antoinette Hasson of Bloomingdale, New Jersey for this position based on her past experience as a crossing guard;

**NOW, THEREFORE, BE IT RESOLVED**, that Antoinette (Toni) Hasson be hired as a Substitute Crossing Guard effective November 10, 2009 at the prevailing rate of the White Collar Contract.

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

**Introduction of Ordinance #20-2009:**

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING CHAPTER 18 SEWERS AND CHAPTER 17 WATER FOR CERTAIN RATES AND CHARGES*** was introduced by title by Councilwoman Altfield who moved that second and final reading and public hearing be held on December 8, 2009 at 7:30 p.m.; seconded by Councilman Crum and carried on voice vote with all Council Members voting YES.

**SECOND AND FINAL READING OF ORDINANCE #15-2009: Amending Ordinance #14-2008 and Regulating Recycling Bins**

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING ORDINANCE NO. 14-2008 AND REGULATING RECYCLING BINS*** 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 Councilman Vroom and carried on voice vote with all Council Members voting Yes.

The Municipal Clerk read the ordinance by title.

ORDINANCE No. 15-2009

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE  
AMENDING ORDINANCE NO. 14-2008 AND REGULATING  
RECYCLING BINS

**WHEREAS**, the Governing Body of the Borough of Bloomingdale believes it is in the interest of the residents of the Borough of Bloomingdale to regulate the use of recycling bins for the collection of used clothing within the Borough and previously enacted Ordinance No. 14-2008 for that purpose; and

**WHEREAS**, effective January 1, 2009, the State Legislature implemented N.J.S.A.40:48-2.61, “Requirements for placement, use of clothing bin for solicitation purposes to regulate clothing bins; and

**WHEREAS**, it is necessary to amend Ordinance No. 14-2008 to conform to the requirements of N.J.S.A. 40:48-2.61:

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

**Section 1. a.** Ordinance No. 14-2008, Section 2B, hereby is deleted and replaced with the following:

- B. The application for a permit to place a receptacle within the Borough of Bloomingdale shall be made in writing to the Borough Clerk and signed by the applicant. The application shall set forth:
  - (1) The location where the receptacle is to be situated, as precisely as possible.
  - (2) The manner in which the applicant anticipates any clothing or other donations collected via the receptacle would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.

- (3) The name, and telephone number of the bona fide office required pursuant to Section 1C of this section, of any entity which may share or profit from any clothing or other donations collected via the receptacle.
- (4) Written consent from the property owner to place the receptacle on the property.

The Governing Body of the Borough of Bloomingdale shall not grant an application for a permit to place, use, or employ a receptacle if it determines that the placement of the receptacle could constitute a safety hazard. Such hazards shall include, but not be limited to, the placement of a receptacle within 100 yards of any place which stores large amounts of, or sells, fuel or other flammable liquids or gases.

**b.** Ordinance No. 14-2008, Section 2C, hereby is deleted and replaced with the following:

- C. The fee for such application for the permit shall be \$10.00 per organization. An expiring permit for a receptacle may be renewed by a charitable organization on an annual basis upon payment of 5.00 per organization. The renewal application shall include the following information: (1) The location where the receptacle is to be situated, as precisely as possible, and, if applicant intends to move it, the new location where the bin would be situated after the renewal is granted; (2) The manner in which the applicant has used, sold, or dispersed any clothing or other donations collected via the receptacle, the method by which the proceeds of collected donations have been allocated or spent, and any changes the applicant anticipates it may make in these processes during the period covered by the renewal; (3) The name, and telephone number of the bona fide office of the applicant and any entity which shared or profited from any clothing or other donations collected via the receptacle, and of any entities which may do so during the period covered by the renewal; (4) The schedule of pick-ups removing the articles from the receptacles, which can be no less often than once per week, and the name and telephone number of the person to be notified if the receptacle is overflowing prior to the date of pick-up; (5) Written consent from the property owner to place the receptacle on the property; and (6) Proof of charitable registration with the Attorney General as a charitable organization.

**c.** Ordinance No. 14-2008, Section 3C, hereby is deleted and replaced with the following:

The following information shall be clearly and conspicuously displayed on the exterior of the receptacle: (1) The permit number and expiration date; and (2) The information required to be displayed on the receptacle in N.J.S.A. 40:48-2.61.

**d.** Ordinance No. 14-2008, Section 3D, hereby is deleted in its entirety.

**e.** Ordinance No. 14-2008, Section 4, "Location," hereby is deleted and replaced with the following new Section 4, "Complaints:"

The Borough Council shall receive and investigate, within thirty (30) days, any complaints from the public about a receptacle. Whenever it appears to the Borough Council that a person or entity has engaged in, or is engaging in any act or practice in violation of this ordinance, the entity who placed the receptacle shall be issued a warning, stating that if the violation is not rectified or if a hearing before the Borough Council is not requested within forty five (45) days, the receptacle will be seized or removed at the expense of the entity who placed the receptacle, and any clothing or other donations collected via the receptacle will be sold at public auction or otherwise disposed of. In addition to any other means used to notify the person or entity who placed the receptacle, such warning shall be affixed to the exterior of the receptacle itself. In the event that the entity who placed the receptacle does not rectify the violation or request a hearing within forty five (45) days of the posting of the warning, the Borough Council may order the receptacle seized, remove it, or have it removed at the expense of any entity who placed the receptacle, and sell it at public auction or otherwise dispose of any clothing or other donations collected via the receptacle. Any proceeds from the sale of the donations collected via the receptacle shall be paid to the Chief Financial Officer of the Borough.

f. Ordinance No. 14-2008, Section 6, “Violations and Penalties,” hereby is amended to include the following:

In addition, any person or entity who violates any provision of this ordinance shall be subject to a penalty of up to twenty thousand (\$20,000.00) for each violation pursuant to N.J.S.A. 40:48-2.60 et seq. The Borough may bring this action in the Municipal Court or the Superior Court of New Jersey as a summary proceeding under the Penalty Enforcement Law of 1999. Any penalty moneys collected there from shall be paid to the Chief Financial Officer of the Borough. An entity violating this ordinance shall be deemed ineligible to place, use, or employ a receptacle for solicitation purposes pursuant to N.J.S.A. 40:48-2.61 et seq. An entity disqualified from placing, using, or employing a receptacle by violating the provisions of N.J.S.A. 40:48-2.60 et seq. may apply to the Borough Council to have eligibility restored. The Borough Council may restore the eligibility of an entity who a) acts within the public interest, and b) demonstrates that they have made a good faith effort to comply with the provisions of N.J.S.A. 40:48-2.60 et seq. and all other applicable laws and regulations and has no fraudulent intentions.

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.

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

Since there was no one who wished to speak under the Public Hearing; Councilman Crum moved that it be closed; seconded by Councilman Vroom and carried on voice vote.

Councilwoman Altfeld moved for the adoption of this ordinance; seconded by Councilman Crum and carried on voice vote with all Council Members voting YES.

### **LATE PUBLIC COMMENT**

Councilman Marinaro opened the meeting up to Late Public Comment; seconded by Councilman Specchio and carried on voice vote.

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

### **Christmas Lighting at Sloan Park**

Councilwoman Huntley asked if we could find out ahead of time as to what is being done in Sloan Park for lights this year.

### **LATE PUBLIC COMMENT**

### **Adoption of Resolution #2009-11.2: Authorizing Convening of an Executive Session**

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

**RESOLUTION #2009-10.10  
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. Negotiations – 1 matter
  - B. Personnel – 1 matter
4. Minutes will be taken.
5. It is anticipated at this time that minutes of the above-referenced subject matter will be made public when it is in order to do so.
6. This Resolution shall take effect immediately.

Councilman Specchio 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 and noted that no action was taken during the Executive Session

**Proposed Contract Renewal for Borough Administrator**

***Adoption of Resolution #2009-11.4: Authorizing Contract Renewal with Borough Administrator***

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

**INSERT**

Councilwoman Huntley stated that the proposed increase in salary is definitely too high for this period of time; it is too much for this borough to handle.

Councilman Crum felt the increase is fair to Mr. Ehrenburg and it is the market value and we want to keep him here.

Discussion followed as to the terms of the contract.

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

**Part-time Property Maintenance officer**

Borough Administrator stated that he would like to hire a retiree for an additional property maintenance position and pay him on a per diem basis; with new leaf policy, Mr. Tyson is limited to the amount of money he can make due to his retirement.

Noted that this will be brought up at the November 24, 2009 meeting along with the compliance component for the leaf ordinance.

**ADJOURNMENT**

Because there was no further public business to be conducted, Councilwoman Altfield moved to **ADJOURN** the meeting at 9:15 p.m.; seconded by Councilman Marinaro and carried on voice vote with all Council Members voting YES.

Jane McCarthy, RMC  
Municipal Clerk