

November 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 7:00 p.m.

SALUTE TO THE AMERICAN FLAG

Mayor Steenstra led the Salute to the Flag.

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 Altfeld
	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
	Council Members-Elect:	Jo-Ann Pituch Glenn Schiffman

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

Ilic Dragan of 104 Main Street, spoke in regard to his property and fact that he has no driveway and has to park on the street. Now that the winter is setting in, he is no longer allowed to park on the street and asked the Mayor and Council to come up with a solution to his parking problem.

Borough Attorney MacMahon noted that Mr. Dragan has been before the Governing Body in the past with the same problem and was informed that nothing can be done since it is a Borough Ordinance and a County Road. The Police Chief has also informed Mr. Ilic of this and has spoken to the County about it.

Councilman Marinaro noted that possibly Mr. Ilic could make some kind of arrangement with a local business. Mr. Ilic stated that he had such an arrangement with the bank but they no longer will allow it and also felt with the taxes he pays, he should not have to pay for parking.

Borough Attorney noted that the situation was there when Mr. Ilic bought the house; Councilman Marinaro stated that he will try and contact some of the businesses to see if an arrangement can be made.

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

APPROVAL OF CONSENT AGENDA

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

A. Approval of Informational Item List for Weeks Ending October 23 and 30, 2009

Councilman Specchio seconded the motion and it carried on voice.

PENDING BUSINESS

Governmental Operations Committee

Discussion and Action if in order to hire an additional part-time Property Maintenance Officer

Councilwoman Huntley stated that she would like to postpone the discussion of this until the December 8 Meeting; consensus that it will be held until that time.

Ordinance Review Committee

Borough Attorney stated that the goal of the Committee is to have an early 2010 finalized review and revision of the zoning ordinances for the Borough of Bloomingdale. Noted that Planning Board Chairman and Construction Code Official Dan Hagberg did a tremendous job on this and spent a lot of time checking the consistency of the ordinances.

We will try to meet a few more times before the end of the year and put together revisions for the council to consider.

INRODUCTION OF NEW BUSINESS

Governmental Operations Committee

Adoption of Resolution #2009-11.5: Payment of Municipal Obligations

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

**RESOLUTION - #2009-11.5
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 1,295,309.02

CURRENT 350,518.87

UTILITY	52,803.13	UTILITY	89,798.77d
CAPITAL	24,099.92	UNEMPLOY.	59.23
UTILITY CAPITAL	104,210.25	RECYCLING	475.08
TRUST	4,385.15	CAPITAL	000.00
DOG	877.83	TRUST	1,560.00
RECREATION	4,616.30	SPEC. ASSESS.	000.00
UNEMPLOYMENT	0,000.00	RECREATION	.00
ROSE FUND	6,785.00	UTILITY CAP	33,503.26
RECYCLING	000.00	DOG	000.00
.			
TOTAL	1,493,086.60	TOTAL	475,915.21

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

Adoption of Resolution #2009-11.6: Payment to Dewberry for Upper More Lakes Water main Extension

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

RESOLVED, that payment be made to Dewberry Engineering in the amount of \$60,000 for the Morse Lakes Water main Extension inspections.

Councilman Crum. seconded the motion.

Borough Attorney stated that this was for the inspections of the water lines at Morse Lakes; this is the only payment we are recommending; the rest is under review. There are no other change orders.

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

Adoption of Resolution #2009-11.7: Chapter 159 Recycling Tonnage Grant

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

**RESOLUTION #2009-11.7
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 Recycling Tonnage Grant

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

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

WHEREAS, the Governing Body further finds and declares that it is in the best interests of the citizens of the Borough to request approval of the insertion into the Borough’s FY2009

Municipal Budget of an item of revenue based upon a grant secured by the Borough from the State of New Jersey;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby request that the Director of the Division of Local Government Services, within the State of New Jersey Department of Community Affairs, approve the insertion into the Borough's FY2009 Municipal Budget of an item of revenue in the sum of \$10,448.97, which item is now available as revenue in the form of a State of New Jersey Current Fund – Recycling Tonnage Grant; and

BE IT FURTHER RESOLVED that a like sum of \$10,448.97 be and the same is hereby appropriated under the caption:

*Public and Private Revenues Offset with Appropriations
Recycling Tonnage Grant*

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

Councilman Vroom seconded the motion.

Councilman Specchio commended DPW Superintendent on his efforts in completing this grant in a timely fashion and getting in all the necessary paperwork which resulted in \$10,448.97 to the Borough vs. \$4,527 last year.

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

Introduction by Title of Ordinance #21-2009: Water Tank Rehab/Repair

Councilwoman Huntley asked if the bond ordinance should be in place prior to the Request for Proposals to which Chief Financial Officer Mollineaux stated that this puts the funding in place and discussed fact that the connection cost is between \$5,000 to \$20,000. Discussion was held in regard to maintenance of the system and requests for proposals.

BOND ORDINANCE PROVIDING FOR THE REHABILITATION AND IMPROVEMENTS TO A WATER TANK LOCATED WITHIN THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$350,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$350,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF was introduced by title by Councilman Specchio who moved that second and final reading and public hearing be held on December 22, 2009 at 7:30 p.m.

Councilwoman Altfield seconded the motion and it was carried as per the following roll call: Council Members: Marinaro; Specchio; Vroom; Altfield; Crum and Huntley all Yes.

Adoption of Resolution #2009-11.8: Authorizing Request for Proposals for Water Tank Repair

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

RESOLVED, that the Borough Administrator is authorized to seek proposals for the Rehabilitation Improvements to a Water Tank Located Within the borough of Bloomingdale.

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

Adoption of Resolution #2009-11.9: Authorizing Overpayments in Tax Office

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

**RESOLUTION #2009 -11.9
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 fourth quarter 2009 property taxes were paid twice.

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

Owner: Charles & Leslie Snyder
Property: Block 49.H Lot 1
Address: 175 Rafkind Road
Bloomingdale, NJ 07403

Refund Amount: \$2,154.40

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.

Adoption of Resolution #2009-11.10: Cancellation of Tax Title Lien #477

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

**RESOLUTION #2009 -11.10
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Redemption and Cancellation of Tax Title Lien Certificate #477

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, 64 RAFKIND 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 92.B, Lot 7, owned by DAVID & JOANN SMITH; and

WHEREAS, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 477, which was sold to R. Rothman for a PREMIUM of \$ 1,200.00; and

WHEREAS, the Governing Body further finds and declares that American Home Mortgage.Inc., representing the owner (David & Joann Smith) in a refinance, has requested redemption of TTL # 477, and

WHEREAS, the Governing Body further finds and declares that American Home Mortgage, Inc, has paid all monies due on TTL # 477, 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 \$ 18,487.69 for the lien redemption and \$ 1,200.00 for return of the PREMIUM

payable to R. Rothman, 411 Grand Avenue, Englewood, NJ 07631 for the redemption and cancellation of Tax Title Lien Certificate # 477.

1099 = \$ 2,210.44

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 #2009-11.11: Declaring an Emergency for Purposes of Awarding a Contract for Woodward Avenue and Rafkind Road Emergency Lateral Repair

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

**BOROUGH OF BLOOMINGDALE
RESOLUTION #2009-11.11**

***Declaring An Emergency
For Purposes Of Awarding Contract for Woodward Ave and Rafkind Road Emergency
Lateral Repair***

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares an emergency situation has developed with a Woodward Ave and Rafkind Road Emergency Lateral Repair;

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

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

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

WHEREAS, the Governing Body further finds and declares that the Water Utility Department has correctly recommended that the aforementioned emergency lateral repair/replacement due to a collapse be remediated through the award to John Barrett Inc., 38 Main Street, Bloomingdale, NJ 07403 and Advanced Plumbing and Drain, PO Box 2056, West Paterson, NJ 07424 which submitted the following cost estimate;

- | | |
|----------------------|------------|
| • John Barrett, Inc. | \$6,000.00 |
| • Advanced Plumbing | \$1,000.00 |

and;

WHEREAS, the emergency costs to be funded through the 2009 Water Utility budget;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby declare the existence of a public emergency warranting the completion of the Woodward Ave and Rafkind Road Emergency Lateral Repair as soon as possible and does hereby award

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

Public Health & Safety Committee

Approval of membership in Bloomingdale Fire Department; Alice B. Manella

Councilman Vroom moved that Alice B. Manella transfer from a Junior Fire Fighter to a Regular Member in the Bloomingdale Fire Department seconded by Councilman Crum and carried on voice vote.

Authorizing of Special Meeting for December 4, 2009

Borough Attorney discussed the timeframe involved for the Borough to Opt-In to the Highlands and the deadline of December 8; noted that the Judge's order for BLC One expires December 4 and we cannot act until that day. He requests a Special Meeting December 4, 2009 to act on the Highlands Resolution.

Councilman Crum moved that a Special Meeting be held on Friday, December 4, 2009 at 8:15 a.m. for discussion and action in connection with the Borough's opting into the Highlands Regulatory program; seconded by Councilman Specchio and carried on voice vote.

PUBLIC HEARINGS ON ORDINANCES

Ordinance #18-2009: Creating the Position of Municipal Housing Liaison

Councilman Specchio moved that the second and final reading and public hearing on this ordinance be carried until December 22, 2009 at 7:30 p.m.; seconded by councilman Vroom and carried on voice vote.

Ordinance #19-2009: Regulating leaves and Fines

Borough Attorney stated that we may carry this into 2010 as the Council has to make a determination re fines imposed, etc.

LATE PUBLIC COMMENT

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

Karen Labazetta, 5 Woodward Avenue, spoke in regard to leaves which are all over Oakwood Lake; DPW Superintendent noted that they will e out there tomorrow to clean it up.

Ron Caputo, 42 Bogue Drive, spoke in regard to Mr. Ilic and his parking situation and asked how he obtained a Certificate of Occupancy without a driveway and what would happen if he tried to sell.

Borough Attorney stated that the purchaser of the property would have to be made aware that there is no parking just as Mr. Ilic was. A certificate of occupancy would have to be issued as he would have a hardship with no parking. Mr. Ilic was aware of this when he purchased the property and a new owner would have to be made aware also.

Borough Administrator Contract

At this time, Councilwoman Huntley spoke in regard to a contract which was vote on at the last meeting for the Borough Administrator and stated that she received a different contract which was reported on in the Trends.

It was noted that there was an earlier draft put in everyone's box prior to the meeting but the Borough Administrator revised it and the new draft was passed out at the meeting by Councilman Specchio. Councilwoman Huntley stated she did not have the draft which was in the mailbox with her at the meeting and was given a different contract which she voted on..

LATE EXECUTIVE SESSION

Adoption of Resolution #2009.11.12: Authorization for Late Executive Session

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

**RESOLUTION #2009-11.12
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. Attorney/Client Communication – 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 at 8:22 p.m. and noted that no action was taken during the Executive Session.

Borough Attorney stated that there were two items discussed in Executive Session; one personnel and one attorney/client communication and no action was taken.

At this time, Councilwoman Huntley read into the record a statement as to the contract which was vote on at the last meeting for the Borough Administrator and noted that the severance terms are in excess of what the state statute allows and outlined the statute.

The Borough Attorney has indicated to the Mayor and Council that it is his interpretation of the statute that it allows three calendar months severance to be paid to the Borough Administrator if his contract is terminated. The agreement which was entered into and approved by the Council provides the Borough Administrator more than three months of severance and he believes that provision would not be enforceable as it stands.

The Council would like to give the Borough Administrator additional severance should he be removed from his position; my opinion is that if it was challenged, the statute would indicate he would be paid three calendar months and no more would be paid. It does not make the contract illegal or invalid.

Councilwoman Huntley stated she was given a different contract than the remainder of the Council and voted on a different contract and read into the record a comment as to her dissatisfaction with the contract voted on for the borough administrator and will send a copy to the newspapers.

ADJOURNMENT

Because there was no further public business to be conducted, Councilwoman Altfield moved to **ADJOURN** the meeting at 8:31 p.m.; seconded by Councilman Crum and carried on voice vote with all Council members present voting Yes.

Jane McCarthy, RMC
Municipal Clerk