

December 22, 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 7:02 p.m.

SALUTE TO THE AMERICAN FLAG

Mayor Steenstra led the Salute to the Flag.

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.
	Chief Financial Officer:	Donna Mollineaux
	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.

PRESENTATIONS

At this time, the following presentations were made:

Citizen of the Year – Edward Simoni

Appreciation for years of service as Council Members for the Borough of Bloomingdale – Jennifer Altfield and Mark Crum.

The presentations were roundly applauded by all those in attendance and members of the Governing Body expressed their appreciation to all.

APPROVAL OF CONSENT AGENDA

Borough Attorney noted that a vote of YES on the minutes in the Consent Agenda will indicate Absenteeism where a Council Member was not present.

Councilwoman Huntley asked that Items #1, 4, 7 and 8 be voted separately.

Councilwoman Altfield moved for the approval of the following Consent Agenda with indications of Absenteeism's where indicated.

- A. Approval of Informational Item List for Weeks Ending: November 5, 12 and 19, 2009
- B. Approval of Governing Body Minutes:
1. Work Session December 8, 2009 – Councilman Marinaro (Absent)
 2. December 4, 2009 – Councilman Specchio (Absent)
 3. Executive Session – January 27, 2009 – Councilwoman Huntley (Absent)
 4. Executive Session – August 18, 2009 – Councilman Marinaro (Absent)
 5. Executive Session – February 10, 2009; January 13, 2009 – Councilman Crum Not on Council Yet
 6. Executive Session – March 18, 2008 – Councilman Marinaro (Absent); Councilman Crum Not on Council in 2008
 7. Executive Session – April 22, 2008 – Councilman Vroom (Absent); Councilman Crum Not on Council in 2008
 8. Executive Session – May 13, 2008 – Councilman Specchio (Absent); Councilman Crum Not on Council in 2008
 9. Executive Session – June 24, 2008 – Councilman Vroom (Absent); Councilman Crum Not on Council in 2008
 10. Executive Session – December 9, 2008 – Councilman Marinaro (Absent); Councilman Crum Not on Council in 2008

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

Adoption of Governing Body Minutes: Regular Meeting July 22, 2009; Work Session October 13, 2009; Work Session November 10, 2009 and November 24, 2009 – All Present

Councilman Specchio moved for the adoption of the above minutes; seconded by Councilman Marinaro and carried as per the following roll call: Council Members: Crum, Huntley; Marinaro; Specchio; Vroom and Altfield all YES.

Adoption of Governing Body Minutes: Executive Session: November 24, 2009; November 10, 2009; October 10, 2009; October 13, 2009; September 22, 2009; July 21, 2009; June 23, 2009; June 16, 2009; May 26, 2009; May 12, 2009; April 14, 2009; March 24, 2009; March 20, 2009 and February 24, 2009 – All Present

Councilwoman Altfield moved for the adoption of the above minutes; seconded by Councilman Crum and carried as per the following roll call with Councilwoman Huntley noting votes NO on the March 20, 2009 minutes: Council Members: Huntley; Marinaro; Specchio; Vroom; Altfield and Crum all YES.

Adoption of Governing Body Minutes – Executive Session February 10, 2009 and January 13, 2009 – Councilman Crum Not on Council yet

Councilman Specchio moved for the adoption of the above minutes; seconded by Councilman Vroom and carried as per the following roll call: Council Members: Marinaro, YES; Specchio, YES; Vroom, YES; Altfield, YES; Huntley, PRESENT and Crum, ABSENT

Adoption of Governing Body Minutes: October 14, 2009; September 23, 2008; September 9, 2008; August 26, 2008; August 12, 2008; July 22, 2008; June 10, 2008; February 19, 2008; January 22, 2008; January 8, 2008 and November 10, 2008 – All Present Except Councilman Crum who was not on Council.

Councilwoman Huntley noted that in the August 26, 2008 minutes, it was not noted that she was recused.

From the DR Horton discussion.

Councilwoman Altfield moved for the adoption of the above minutes with the change as indicated by councilwoman Huntley; seconded by Councilman Vroom and carried as per the following roll call: council Members: Specchio; Vroom; Altfield; Huntley and Marinaro all YES. Councilman Crum, ABSENT not on Council

EARLY PUBLIC COMMENT

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

Meredith Mascitello, 43 Bailey Avenue, spoke in regard to the grant which the Borough was awarded for sidewalks and noted that she would rather see it used along Main Street and Union Avenue. She also noted that we need to fix up Sloan Park and the water tower; do not need sidewalks along Hamburg Turnpike. She also stated she would like to see the council and Board of Education seek grants and suggested that this grant be returned as there is no such thing as free money.

Donna Mollineaux – Chief Financial Officer spoke on behalf of the management employees and White and blue Collar employees and read her statement into the record as to the displeasure of the employees of having to defend themselves and fact that they were accused of taking time. Also noted that Councilwoman Huntley voted not to fire an employee who actually did steal from the Borough and objected to her statements of the employees taking time.

Union Representative Bernice noted that the contracts are in effect and nothing can be altered or changed to which the borough Attorney agreed.

Councilwoman Huntley stated that when the four day work week was proposed, she was told that it was the same as the police.

Ron Caputo stated that he has been involved with Unions for 35 years; these nine employees were not covered by any Union. There is no denying that they do a fine job but asked contracturally where are we with the workers not covered by a Union; when the four day work weeks was implemented, was the policy for them adjusted.

Borough Attorney stated that their work week was modified and their compensation was not; therefore nothing change and they have the same benefits; the Council made a decision and nothing needed to be changed.

Jon Dunleavy, 51 Morse Lakes Road, noted that the council needs to focus on the positive and he also disagreed with not taking the grant for the sidewalks.

Council Members Specchio and Vroom stated that this is not the feeling of the Council; it is only the feeling of councilwoman Huntley and has caused a break in the morale of the employees.

Steve Caputo of the Police Department spoke on behalf of the Police Union and noted that he has documentation of over 10 years ago when the Police went to three day shifts and noted that they all work hard and do not now want to see a rift caused with this comment.

Councilman Specchio read a statement into the record and noted that they do not condone Councilwoman Huntley's actions and read a statement into the record thanking the employees for their hard, dedicated work and asked that Councilwoman Huntley's immediate resignation and remove herself from the dais for the good of the taxpayers and the employees of the Borough of Bloomingdale.

Councilman Vroom also reiterated the feelings expressed by Councilman Specchio.

Jane McCarthy, Municipal Clerk, noted that in her 21+ years here, she found it offensive that she had to defend her character and noted that nothing has been said of all the extra time the employees give of their own time and objected to the comment that we owe the borough 2/3 days.

Councilwoman Huntley stated that she never said anyone was stealing time; just questioning the calculations from going from a five day week to a four day week when calculating vacation time.

Sherry Gallagher, Treasurer, noted that she never stated that the Police take the same time as the non-union; a day is a day and it is calculated on a monthly basis.

Paul Bastante, 113 Red Twig Trail, noted that Councilwoman Huntley stands in the way of progress and stated that she has been harassing the DPW in his opinion. Mr. Bastante stated that Councilman Specchio asked for her resignation; he is not going to do that but would not be unhappy if she did resign her seat.

Gail Galbraith, 1 James Avenue, noted that this type of dissention only becomes negative.

Mike Fitzpatrick, Reeve Avenue, stated that the Unions have a contract and they cannot be altered.

Council Members Altfield and Crum stated that this is not the feeling of the Governing Body.

Carla Meconis, employee, noted that an important element is being overlooked; the residents of the borough are benefiting from the four day work week and the later hours; it gives them an opportunity to stop in on their way home from work.

Ron Frost, 164 Rafkind road and police officer with the borough, spoke in regard to the fact that the employees gave back their raises for the first six months of 2010; the fact that they were even questioned is hurtful. We gave our word and made a commitment to the Borough.

Ed Simoni, 352 Rafkind Road, spoke in regard to the DPW and Police Departments and the good job they do and stated lets move forward in 2010.

At this time, Councilwoman Altfield spoke in regard to statements made by Councilman Sloomaker when he was on the council and noted for the record that a stipulation of dismissal was given to Mr. Sloomaker in the lawsuit against him.

Councilman Marinaro noted that he objected to Councilwoman Huntley's comments two meetings against the way he voted for the Borough Administrator's raise.

Mayor Steenstra spoke in regard to the good job by all the employees.

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

RECESS

The Mayor and Council recessed at this time.

RECONVENED

Mayor Steenstra reconvened the meeting at 8:43 p.m.

PENDING BUSINESS

Governmental Operations Committee

Review of Grant for Hamburg Turnpike Sidewalks

Councilwoman Altfield spoke in regard to some research she did on this grant and spoke to four property owners who will be affected who noted that they will lose parking and this will hurt their business. There are easements that need to be acquired and the Engineer's proposal was not complete.

Adoption of Resolution #2009-12.9: Return of Hamburg Turnpike Sidewalk Grant

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

**RESOLUTION #2009-12.9
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

*A Resolution of the Borough of Bloomingdale Declining to Accept a 2009
Passaic County Community Development Block Grant For Construction of
Sidewalks Along a Portion of Main Street*

WHEREAS, the Borough of Bloomingdale was awarded a 2009 Passaic County Community Development Block Grant (the “CDBG Grant”) for installation of sidewalks along a portion of Main Street; and

WHEREAS, the Governing Body is aware that some of the local businesses believe that they would be adversely affected by installation of the sidewalks in that available frontage towards Main Street will be reduced; and

WHEREAS, the Governing Body is concerned that the actual final cost of the engineering and construction costs of the sidewalks will be substantially in excess of the available CDBG grant award:

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED, that the Governing Body of the Borough of Bloomingdale does hereby decline to accept the 2009 CDBG Grant for sidewalk construction along Main Street and hereby directs that the Borough Administrator is authorized to take any steps necessary to notify the County and cancel the awarding of the CDBG Grant to the Borough.

Councilman Specchio seconded the motion.

Councilwoman Huntley stated that she had emailed the Governing body on June 9 and 10 addressing this grant and if the council felt it was not necessary, they should have indicated their objections at that time.

Discussion followed as to what it is going to cost to do the whole project; Fire Department will be losing parking spaces; a resident will lose a driveway. Cost would be between \$250,000 to \$400,000 and it is not a matching grant but it will not pay for the whole project.

Councilman Vroom stated that if no progress is shown, the State will not fund additional projects; there are too many unanswered questions; no survey of pedestrian traffic was done.

In response to Councilman Marinaro, it will cost \$335,978 to do the project covered by the State DOT and Passaic County Grant.

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

INRODUCTION OF NEW BUSINESS

Governmental Operations Committee

Adoption of Resolution #2009-12.10: Payment of Municipal Obligations

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

**RESOLUTION - #2009 –12.10
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	1,203,437.57	CURRENT	355,651.77
UTILITY	75,106.02	UTILITY	35,211.24
CAPITAL	125,627.12	UNEMPLOY.	60.19
UTILITY CAPITAL	7,512.00	RECYCLING	393.43
TRUST	5,382.37	CAPITAL	647.51
DOG	2,493.00	TRUST	3,620.00
RECREATION	1,161.10	SPEC. ASSESS.	000.00
UNEMPLOYMENT	0,000.00	RECREATION	270.00
ROSE FUND	6,078.79	UTILITY CAP	000.00
RECYCLING	000.00	DOG	000.00
.			
TOTAL	1,426,797.97	TOTAL	395,854.14

Councilman Crum 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 #2009-12.11: Approving Sewer Lateral Emergency on Park Avenue

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

**BOROUGH OF BLOOMINGDALE
RESOLUTION #2009-12.11**

*Declaring an Emergency
For Purposes of Awarding Contract for Park Ave
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 Park Ave. 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, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of said governing body to the following penalty provisions of N.J.S.A. 52:27BB-52:

R.S. 52:27BB-52: A local officer or member of a local Governing Body who, after a date fixed for compliance, fails to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

and

WHEREAS, the Governing Body further finds and declares that the Chief Financial Officer has prepared a Corrective Action Plan, which is incorporated herein by reference, for the purpose of acting upon and/or implementing the foregoing sections entitled "General Comments" and "Recommendations," as set forth in the Borough's Annual Report of Audit for FY2008; and

WHEREAS, all members of the Governing Body have received, reviewed and approved the Corrective Action Plan for purposes of its implementation; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of the Borough of Bloomingdale hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a copy of this resolution and the required affidavit to said Board to show evidence of said compliance; and

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby adopt the Corrective Action Plan for the FY2008 Audit Report, as prepared and recommended by the Chief Financial Officer, and direct the appropriate municipal officials to undertake its immediate implementation.

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

Adoption of Resolution #12.13: Award of Bids for DPW Interior mezzanine and fit out

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

**RESOLUTION #2009-12.13
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

WHEREAS, Notice to Bidders for the DPW Interior Mezzanine and Fit Out of the Borough of Bloomingdale was advertised in accordance with the Local Public Contracts Law; and

WHEREAS, six bids were received, opened and read on December 22, 2009; and

WHEREAS, said bids were reviewed and recommended by the Borough Administrator and Certification of Funds has been received by the Chief Financial Officers;

NOW, THEREFORE, BE IT RESOLVED that the DPW Interior Mezzanine and Fit Out be awarded to the lowest qualified bidder, David Langsett, 201 Peachtree Lane, Hackettstown, NJ 07840 at their bid proposal of \$189,959.00 and Alternate I at \$26,200 and Alternate II at \$7,200; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk be and are hereby authorized to execute the contract agreement, subject to the review and approval of the Borough Attorney of the Bids,

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

Discussion as to Request from TowerCo Assets, LLC for Consent to Sublease

It was noted that TowerCo has requested to sublease space on our cell tower for a \$600/month fee to Bloomingdale and \$600 to Butler; consensus not to accept offer.

Adoption of Resolution #2009-12.14: Authorizing Permanent Status for DPW Laborer John Descafano

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

**RESOLUTION #2009-12.14
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Official Employment Status for DPW Laborer

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) has been advised by Borough Department of Public Works Superintendent Al Gallagher (“Superintendent”) that there exists vacancies in the Department of Public Works; and

WHEREAS, John Descafano has acted in the capacity of “Fall Temporary Laborer” since October 19, 2009 and satisfactorily performed the duties required as a laborer; and

WHEREAS, the Governing Body finds and declares that the Superintendent is recommending that John Descafano of Bloomingdale, New Jersey be hired to fill one of the laborer vacancies;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize the hiring of John Descafano as DPW Laborer with a 365 day probationary period; and

BE IT FURTHER RESOLVED that John Descafano will begin his employment as of January 4, 2010 at the prevailing wage of the Blue Collar contract.

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

Adoption of Resolution #2009-12.15: Authorizing Permanent Status for Water/Sewer Laborer William Morris

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

**RESOLUTION #2009-12.15
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Official Employment Status for Water/Sewer Laborer

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) has been advised by Borough Department of Water/Sewer Superintendent Rocco DiGregorio (“Superintendent”) that there exists a vacancy in the Water/Sewer Department; and

WHEREAS, William Morris has acted in the capacity of “Fall Temporary Laborer” since October 19, 2009 and satisfactorily performed the duties required as a laborer; and

WHEREAS, the Governing Body finds and declares that the Superintendent is recommending that William Morris of Belvidere, New Jersey be hired to fill one of the laborer vacancies;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize the hiring of William Morris as Water/Sewer Laborer with a 365 day probationary period; and

BE IT FURTHER RESOLVED that William Morris will begin his employment as of January 4, 2010 at the prevailing wage of the Blue Collar contract.

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

Councilman Specchio noted that these last two hires were replacements and not new hires.

PUBLIC HEARINGS ON ORDINANCES

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

The Municipal Clerk read the Public Notice Statement.

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

The Municipal Clerk read the ordinance by title.

ORDINANCE NO. 18-2009

AN ORDINANCE TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT.

BE IT ORDAINED by the Borough of Bloomingdale in the County of Passaic and State of New Jersey that the following amendments be made to Chapter XII of the Revised General Ordinances of the Borough of Bloomingdale to create a new Code Section 12-7, “Municipal Housing Liaison,” to provide as follows:

Section 1. Purpose.

The purpose of this article is to create the administrative mechanisms needed for the execution of Bloomingdale’s responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

Section 2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

MUNICIPAL HOUSING LIAISON – The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for the Borough of Bloomingdale.

ADMINISTRATIVE AGENT – The entity responsible for administering the affordability controls of some or all units in the affordable housing program for Bloomingdale to ensure that the restricted units under administration are affirmatively marketed and sole or rented, as applicable, only to low-and moderate-income households.

Section 3. Establishment of Municipal Housing Liaison position and compensation; powers and duties.

- A. Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for Bloomingdale
- B. Subject to the approval of the Council on Affordable Housing (COAH), the Municipal Housing Liaison shall be appointed by the Governing Body and may be a full or part time municipal employee.
- C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Bloomingdale, including the following responsibilities which may not be contracted out, exclusive of item 6 which may be contracted out:
 - (1) Serving as Bloomingdale's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households;
 - (2) Monitoring the status of all restricted units in Bloomingdale's fair Share Plan;
 - (3) Compiling, verifying, and submitting annual reports as required by COAH;
 - (4) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
 - (5) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 - (6) If applicable, serving as the Administrative Agent for some or all of the restricted units in Bloomingdale as described in F. below.
- D. Subject to approval by COAH, Bloomingdale may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the affordable housing program of Bloomingdale, except for those responsibilities which may not be contracted out pursuant to subsection C above. If Bloomingdale contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.
- E. Compensation. Compensation shall be fixed by the Governing Body at the time of the appointment of the Municipal Housing Liaison.
- F. Administrative powers and duties assigned to the Municipal Housing Liaison.
 - (1) Affirmative Marketing
 - (a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of Bloomingdale and the provisions of N.J.A.C. 5:80-26.15; and
 - (b) Providing counseling or contracting to provide counseling services to low and moderate income applicants on subjects such

as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

(2) Household Certification

- (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
- (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low-or moderate-income unit;
- (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
- (d) Requiring that all certified applications for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et. seq.;
- (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
- (f) Employing the random selection process as provided in the Affirmative Marketing Plan of Bloomingdale when referring households for certification to affordable units.

(3) Affordability Controls

- (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
- (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
- (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit.
- (d) Communicating with lenders regarding foreclosures; and
- (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

(4) Resale and rental

- (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and

- (b) Instituting and maintaining an effective means of communicating information to low-and moderate-income households regarding the availability of restricted units for resale or re-rental.
- (5) Processing request from unit owners
- (a) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
 - (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems; and
 - (c) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.
- (6) Enforcement
- (a) Securing annually lists of all affordable housing units for which tax bills are mailed to absentee owners and notifying all such owners that they must either move back to their unit or sell it;
 - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - (c) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;
 - (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
 - (e) Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;
 - (f) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and
 - (g) Providing annual reports to COAH as required.

(7) The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

Section 4. Severability.

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or

other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

Section 5. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by 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 Marinaro moved that it be closed; seconded by Councilman Vroom and carried on voice vote.

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

Adoption of Ordinance #19-2009: Regulating Leaf Pickup and Imposing Penalties

The Municipal Clerk read the Public Notice Statement.

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

ORDINANCE #19-2009

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE REGULATING LEAF PICKUP WITHIN THE BOROUGH AND IMPOSING PENALTIES FOR NON-COMPLIANCE

WHEREAS, the Governing Body of the Borough of Bloomingdale finds that is necessary to establish a leaf pick up and disposal system in the Borough so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

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

There hereby is created a new Code Section 15-10, "Method of Leaf Pick Up; Violations for Violation Thereof," to provide as follows:

Section 1. Definitions

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text clearly demonstrate a different meaning.

- a. Containerized – means the placement of yard waste in a biodegradable paper bag, not to exceed thirty gallons, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Street – means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement,

- shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.
- d. Yard Waste – means leaves and grass clippings that may be attendant to leaf pick up.

Section 2. Yard Waste Collection

Sweeping, raking, blowing or otherwise placing Yard Waste that is not containerized at the curb or along the street is strictly prohibited except as follows: Yard Waste is to be placed in biodegradable bags at the curb line and shall not be placed closer than ten (10) feet from any storm drain inlet.

Section 3. Enforcement

This ordinance shall be enforced by either or all of the following: Bloomingdale Police Department and the Bloomingdale Code Enforcement Officer or his designated representative.

Section 4. Violations and Penalties

Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified of a violation and having been given forty eight (48) hours to correct any violation, shall be subject to a fine not to exceed \$250.00 for a first offense. For any second or subsequent offenses, any person(s) in violation of this ordinance shall be a subject to a fine of not less than \$300.00 and up to \$500.00 for each offense. In addition, for any second or subsequent offense, any person(s) in violation of this ordinance shall be required to provide up to ten (10) hours of community service.

Section 5. Severability

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

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

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

Steve Pellegrino, 16 Orchard Street, spoke in regard to hardship cases and asked if the enforcing officer will be understanding with some of these cases.

Mayor stated that if someone knows of someone who is having difficulty with their leaf pickup to please let us know and we will try and find a solution to help them.

Ron Caputo, 42 Bogue Drive, asked what we are doing about leaves on the street and the Mayor noted that the Borough is picking them up.

Meredith Mascitello, 43 Bailey Avenue, asked if we can now put grass clippings in and Borough Attorney noted that that is not the intent of the ordinance.

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

Councilman Vroom moved for the adoption of t his ordinance; seconded by Councilman Specchio and carried as per the following roll call: Council members: Huntley; Marinaro; Specchio; Vroom; Altfeld and Crum all YES.

Adoption of Ordinance #21-2009: bond Ordinance for the Rehabilitation and Improvements to a Water Tank

The Municipal Clerk read the Public Notice Statement.

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

**ORDINANCE #21-2009
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

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.

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 improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Bloomingdale, New Jersey. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$350,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$350,000 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. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the rehabilitation and improvements to a water tank located within the Borough, including all work and materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

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 improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 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 \$350,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$70,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

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

Steve Pellegrino, 16 Orchard Street, asked about a maintenance program and it was noted that this is included when we go out to bid.

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

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

LATE PUBLIC COMMENT

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

Al Lavoie of the Economic Development Committee noted that he would like the Mayor to appoint a Liaison to the Economic Development committee this year who will be able to report back to the Governing Body as to what is happening, etc.

Mayor Steenstra stated that he will put that on the list of appointments.

Jon Dunleavy 51 Morse Lakes road, noted that when the borough was considering going to bagging leaves, he was against it but noted that since we have gone to bagging our leaves, the Borough is cleaner than it has ever been.

Mr. Dunleavy asked Councilwoman Huntley what was her concern with the approval of Mr. Ehrenburg's contract at the last meeting and she noted that it was the parachute clause as the statute only says he receives 90 days if let go.

Mr. Dunleavy asked if he would receive the additional pay if he resigned and Councilwoman Huntley stated not and Mr. Dunleavy state that it would be if he was not reappointed and asked Ms. Huntley if that was her intention to which she stated no.

Mr. Dunleavy thanked Council Members Crum and Altfeld for their service.

At this time, words of thanks were given by members of the dais to outgoing Council Members Crum and Altfeld.

LATE EXECUTIVE SESSION

Adoption of Resolution #2009.12.16: Authorization for Late Executive Session

Councilwoman Altfield 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. Pending Litigation – 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 Vroom 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 and noted that Councilwoman Huntley is recused from the Executive Session)

RECONVENED

Mayor Steenstra reconvened the meeting at 9:57 p.m. and noted that no action was taken during the Executive Session.

ADJOURNMENT

Because there was no further public business to be conducted, Councilman Crum moved to **ADJOURN** the meeting at 9:57 p.m.; seconded by Councilwoman Altfield and carried on voice vote with all Council members present voting Yes.

Jane McCarthy, RMC
Municipal Clerk