

September 28, 2010

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 7:34 p.m.

**SALUTE TO THE AMERICAN FLAG**

Mayor Steenstra led the Salute to the Flag followed by the Borough Prayer and a moment of silence for the passing of former Borough employee Terry Benack.

**ROLL CALL**

<i>In Attendance:</i>	Mayor:	William Steenstra
	Council President:	Dean Specchio
	Council Pres. Pro Tem:	Bernard H. Vroom
	Council Members:	Linda Huntley Thomas Marinaro Jo-Ann Pituch Glenn Schiffman

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

**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 May 27, 2010.

**EARLY PUBLIC COMMENT**

Councilman Vroom moved to open the meeting for Early Public Comment on agenda items; seconded by Councilman Schiffman and carried on voice vote with all Council Members present voting YES.

Edward Simoni, 352 Glenwild Avenue, spoke in regard to Ordinance #9-2010 and it was noted that there will be a point later in the meeting as to Public Hearing on this ordinance.

Bill Scherer and Kim Kimberly, 41 Vreeland Avenue spoke in regard to a "paper street"; namely, James Street which is not maintained by the Borough and is deteriorating and washing out. There are drainage issues and icing conditions which creates a public safety issue.

Mayor Steenstra noted that the Borough Engineer and Borough Administrator will check this out and report back at the next Work Session.

Paul Tulley, 49 Vreeland Avenue also expressed his concern with the condition of the road.

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.

## **APPROVAL OF CONSENT AGENDA**

Councilman Specchio moved for the approval of the following Consent Agenda with the Executive and Regular Meeting Minutes of August 17 and the Work Session of September 14, 2010 pulled; seconded by Councilman Marinaro:

- A. Approval of Governing Body Minutes
  - 1. May 11; May 18 and July 27, 2010
- B. Informational Items List – September 2010

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

## **PENDING BUSINESS**

### **Governmental Operations Committee**

#### **Attendance of Borough Engineer to discuss Main Street Improvement Grant**

At this time, the Borough engineer was in attendance to discuss the Main Street Improvement Grant and went over various estimates; namely, Henion - \$100,000; Ryerson - \$190,000 and Reeve - \$160,000. Mr. Darmofalski discussed the drainage on Ryerson which would be approximately \$15,000.

Councilwoman Huntley moved to authorize the Ryerson Avenue project drainage in the amount of \$15,000 and with the remainder do whatever else we can on that street; seconded by Councilwoman Pituch.

Discussion followed in regard to fact that the grant monies would only cover about 200' of the road. Borough Engineer stated that Ryerson Avenue for a half road project would be with the drainage approximately \$100,000.

Pete Croop of Henion Street noted that Ryerson needs to be addressed but there are drainage issue; Borough Engineer suggested that we come up with a five year plan for utilities to be fixed before we address road projects; he can relook at Ryerson and give you an estimate for utilities, etc.

Councilwoman Huntley withdrew her motion and Councilwoman Pituch withdrew her second.

Borough Engineer will concentrate on Ryerson and get some numbers for sewerage.

#### **Adoption of Resolution #2010-9.11: Agreement with Borough of Butler for Water Capacity**

Borough Engineer spoke in regard to the need of BLC One for 60,000 in water capacity; he met with DEP that we have sufficient capacity but the DEP did not agree with our numbers. Borough Engineer recommended that we purchase some capacity from Butler and DEP will require a formal letter from Butler that they are selling us 60,000 of capacity.

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

**RESOLUTION #2010-9.11  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing the Borough Administrator to Negotiate With the Borough of Butler for Butler to Supply Bloomingdale With an Additional 60,000 Gallons Per Day of Water Capacity Upon Terms to be Negotiated***

**WHEREAS**, a Mount Laurel II lawsuit was filed against the Borough of Bloomingdale encaptioned B.L.C. One LLC v. Borough of Bloomingdale and Planning Board of Bloomingdale, et al, Docket No. PAS-L-002913-08 that resulted in a Court-ordered Builder's Remedy for a tract of land identified on the Borough's Tax Map as Block 57, Lot 43, also known as Block 57, Lot 43.01 (the "B.L.C. One LLC Tract"); and

**WHEREAS**, the Court Order entered July 20, 2009, by the Honorable Thomas F. Brogan, J.S.C., and the Court-approved version of the enabling Ordinance specifically anticipates the use of the B.L.C. One LLC Tract for an inclusionary residential development consisting of a maximum of 175 rental dwelling units, including 27 low and moderate income rental units, to be constructed in accordance with a building concept plan as approved by the Court; and

**WHEREAS**, the Governing Body wishes to ensure that sufficient water capacity is available to allow for development of the B.L.C. One LLC Tract and/or additional responsible development within the Borough; and

**WHEREAS**, the Governing Body has determined that it is in the public interest to ensure that such sufficient water capacity remains available to the Borough

**NOW, THEREFORE, BE IT ORDAINED AND RESOLVED**, that the Governing Body of the Borough of Bloomingdale does hereby authorize the Borough Administrator to negotiate a proposed agreement between the Borough of Bloomingdale and the Borough of Butler whereby Butler shall make available to Bloomingdale an additional 60,000 gallons per day of available water capacity through use of the Boroughs' Water Interconnect system upon terms to be agreed upon between the Governing Bodies of both municipalities.

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

**Adoption of Resolution #2010-9.12: Authorization for Hiring Scott Holzauer professional Appraiser**

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

**RESOLUTION #2010-9.12  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Award of Professional Services Agreement  
to Scott J. Holzauer, CTA, SCGRE***

**WHEREAS**, the Governing Body ("Governing Body") of the Borough of Bloomingdale ("Borough") finds and declares that it is in the best interests of the citizenry of the Borough to retain the professional services of an appraiser ; and

**WHEREAS**, the Governing Body further finds and declares that Scott J. Holzauer, CTA, SCGRE ("Professional"), possesses the professional experience, judgment and aptitude necessary to provide services to the Borough; and

**WHEREAS**, the Governing Body further finds and declares that the Professional has submitted a proposal for performance of specified appraisal services; and

**WHEREAS**, the Governing Body further finds and declares that the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., authorizes the Governing Body to authorize the award of a contract for "extraordinary, unspecifiable services," which include the professional services to be performed by the Professional under the Agreement; and

**WHEREAS**, the Governing Body further finds that the Chief Financial Officer has certified to the availability of funds for payment of the Professional's services; and

**WHEREAS, the Governing Body further finds and declares that it is in the best interests of the citizenry of the Borough to authorize the acceptance of the proposal from the Professional;**

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby accept the proposal of the Professional to provide specified appraisal services to the Borough for the agreed upon sum of \_\_\_\_\_ 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 and accept the foregoing proposal.

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

**Public Health & Safety Committee**

**Status of Meeting with PBA re 2011 Contract Negotiations**

Councilman Schiffman will set up a meeting with the PBA.

Councilman Vroom moved that the PBA negotiations Committee be disbanded and the full council review their contract; seconded by Councilman Marinaro and carried as per the following roll call: Council members: Schiffman; Specchio; Vroom; Huntley; Marinaro and Pituch.

**Adoption of Resolution #2010-9.13: Payment of Municipal Obligations**

Councilwoman Huntley moved for the approval of the bill list with Item #10-01226 being pulled:

**RESOLUTION - #2010 -9.13  
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	1,361,217.83	CURRENT	561,596.71
UTILITY	536,460.81	UTILITY	96,005.66
CAPITAL	17,667.84	UNEMPLOY.	82.91
UTILITY CAPITAL	000.00	RECYCLING	612.32
TRUST	6,790.16	CAPITAL	00,000.00
DOG	382.50	TRUST	3,720.00
RECREATION	1,360.00	SPEC. ASSESS.	0,000.00
UNEMPLOYMENT	0.00	RECREATION	3,563.55
ROSE FUND	16,561.77	UTILITY CAP	000.00
RECYCLING	2,395.81	DOG	000.00
<b>TOTAL</b>	<b>1,942,836.72</b>	<b>TOTAL</b>	<b>701,866.58</b>

Councilman Marinaro seconded the motion, and it carried as per the following roll call: council Members: Specchio, YES; Vroom, NO; Marinaro, Yes; Pituch, YES; Schiffman, YES and Specchio, Yes.

**Appointment of Kelly Innanorato as a Regular Member of Board of Health**

Councilman Specchio moved for the appointment of Kelly Innanoratio as a Regular Member of the Board of Health to replace Michael Mazzolla; seconded by Councilman Marinaro and carried as per the following roll call: Council members: Vroom; Huntley; Marinaro, Pituch; Schiffman and Specchio al YES.

Noted that the Alternate II Vacancy will be addressed in the future.

**Approval of Resolution #2010-9.14: Tax Title Lien Certificate #090015**

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

**RESOLUTION #2010 – 9.14  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Redemption and Cancellation of Tax Title Lien Certificate #090015***

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that, at the Borough Tax Sale held on February 4, 2010, a lien was sold on, 156 VREELAND AVENUE, BLOOMINGDALE, for delinquent year 2009 water/sewer, and

**WHEREAS**, the Governing Body further finds and declares that the foregoing property is also known as Block 5, Lot 58.G, owned by Margaret Boeck; and

**WHEREAS**, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 090015, which was sold to US BANK CUST FOR PRO CAPITAL I, LLC for a premium of \$501.00 percent; and

**WHEREAS**, the Governing Body further finds and declares that BAC Tax Services, mortgage holder of property, has requested redemption of TTL # 090015, and

**WHEREAS**, the Governing Body further finds and declares that BAC Tax Services, have paid all monies due on TTL # 090015, 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 \$ 1,236.67 for the lien redemption and \$501.00 for the Premium payable to US BANK CUST FOR PRO CAPITAL I, LLC, 50 SOUTH 16<sup>TH</sup> STREET, SUITE 1950, PHILADELPHIA, PA 19102 for the redemption and cancellation of Tax Title Lien Certificate # 090015.

1099 = \$ 23.17

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

**Adoption of Resolution #2010-9.15: Temporary Emergency**

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

**RESOLUTION #2010-9.15  
BOROUGH OF BLOOMINGDALE**

**EMERGENCY RESOLUTION**  
**N.J.S.A.40A:4-20 (TEMPORARY APPROPRIATIONS)**

WHEREAS, pursuant to N.J.S.A. 40a:4-19 the Borough council of the Borough of Bloomingdale adopted Resolutions to provide temporary funds for the period from January 1, 2009 until the adoption of the Operating Budget for the Borough of Bloomingdale, New Jersey; and

WHEREAS, additional appropriations will be required from September 28, 2010 until the adoption of the budget; and

WHEREAS, N.J.S.A. 40A:4-20 provides that the governing body by two-thirds vote may make temporary emergency appropriations for any purpose for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF BLOOMINGDALE, NEW JERSEY, that:

1. The governing body by a two-thirds vote of its full membership hereby amends its temporary budget by making the following emergency temporary appropriations:

**CURRENT FUND**

Mayor & Council	Other Expenses		\$500.00
Municipal Clerk	Other Expenses		\$5,000.00
Finance	Other Expenses		\$1,000.00
Tax Collection	Salary & Wages		\$5,000.00
Tax Assessment	Salary & Wages		\$2,000.00
Group Insurance	Other Expenses		\$20,000.00
Planning Board	Salary & Wages		\$1,000.00
Planning Board	Other Expenses		\$2,000.00
Uniform Construction Code	Other Expenses		\$2,000.00
Police	Salary & Wages		\$100,000.00
Police Dispatchers	Salary & Wages		\$10,000.00
Fire	Other Expenses		\$10,000.00
Fire Prevention	Other Expenses		\$2,000.00
Roads	Other Expenses		\$5,000.00
Sanitation	Salary & Wages		\$15,000.00
Public Health Services	Salary & Wages		\$2,000.00
Public Health Services	Other Expenses		\$2,000.00
Animal Control	Salary & Wages		\$10,000.00
Recreation	Other Expenses		\$2,000.00
Telephone	Other Expenses		\$2,000.00
Webmaster	Other Expenses		\$2,000.00
Social Security	Other Expenses		\$10,000.00
Municipal Court	Salary & Wages		\$5,000.00
Municipal Court	Other Expenses		\$500.00
TOTAL			\$216,000.00

**TOTAL CURRENT FUND**

**WATER AND SEWER UTILITY FUND**

Municipal Utility Services	Salary & Wages		\$30,000.00
Municipal Utility Services	Other Expenses		\$25,000.00
Total			\$55,000.00
Total			

TOTAL WATER AND SEWER

2. This action shall take effect September 28, 2010.
3. A copy of this resolution shall be immediately filed with the Director of Local Government Services by the Borough Clerk of the Borough of Bloomingdale.

Councilman Vroom seconded the motion, and it carried as per the following roll call: council Members: Marinaro; Pituch; Schiffman; Specchio; Vroom; and Huntley all Yes.

**Adoption of Resolution #2010-9.16: Renewal of Shared Services for Emergency Animal Control Officer with Pequannock**

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

***RESOLVED, that the renewal with the Shared Services Contract for Emergency Animal Control services be Pequannock be continued as to the existing terms.***

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

**Public Health and Safety**

**Approval of Application for membership in Fire Department**

Councilman Specchio moved for the approval of the following members into the Bloomingdale Fire Department as Regular Members:

Kevin J. Allegrino  
Michael J. Wanklin

Councilman Vroom seconded the motion, and it carried as per the following roll call: Council members: Schiffman; Specchio; Vroom; Huntley; Marinaro and Pituch all Yes.

**PUBLIC HEARINGS ON ORDINANCES**

**Ordinance #9-2010: AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING THE SOIL AND SOIL REMOVAL PROVISIONS OF THE REVISED GENERAL ORDINANCE SOF THE BOROUGH OF BLOOMINGDALE**

The Deputy Municipal Clerk read the Public Notice Statement at this time.

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

**ORDINANCE No. 9 -2010**

**AN ORDINANCE OF THE BOROUGH OF  
BLOOMINGDALE AMENDING THE SOIL AND SOIL  
REMOVAL PROVISIONS OF THE REFISED GENERAL  
ORDINANCES OF THE BOROUGH OF BLOOMINGDALE**

**WHEREAS**, a matter encaptioned Del Guidice v. Borough of Bloomingdale, Superior Court of New Jersey, Law Division, Passaic County, Docket No. PAS-L-3626-08 (the "Litigation") was commenced against the Borough of Bloomingdale, which in part challenged the applicability of a section of the Borough soil and soil removal ordinance to one family homes not subject to site plans or subdivisions approved by the Planning Board; and

**WHEREAS**, the Superior Court has rendered a decision in the Litigation determining that the provisions of the Borough's soil and soil removal ordinance as currently written do not apply to one and two family homes not subject to site plans or subdivisions approved by the Planning Board, regardless of the amount of soil proposed to be moved by a property owner; and

**WHEREAS**, the Governing Body is aware that, notwithstanding the trial judge's decision in the Litigation, the Borough soil and soil removal has consistently been interpreted and applied by the Bloomingdale Building Department so as to require a major soil moving permit if a one or two family home property owner is moving 500 cubic yards or more of soil and the work is not otherwise subject to site plans or subdivisions approved by the Planning Board; and

**WHEREAS**, the Governing Body determines and declares that it is not in the public interest to allow one and two family home property owners to be able to move and /or remove an unlimited amount of soil without appropriate review and that it will promote the public health, safety and general welfare to continue to require Borough review when moving 500 cubic yards or more of soil:

**NOW, THEREFORE, BE IT ORDAINED AND RESOLVED**, that the Governing Body of the Borough of Bloomingdale does hereby make the following amendment to the Borough of Bloomingdale Soil and Soil Removal Ordinance:

**Section 1.** Borough Code Section 32-2.3, "Applicability; Exceptions; Approvals of Other Agencies," hereby is amended by deletion of Code Section 32-2.3a(2) in its entirety, with old Section 32-2.3a(3) becoming new Section 32-2.3a(2); old Section 32-2.3a(4) becoming new Section 32-2.3a(3); and old Section 32-2.3a(5) becoming new Section 32-2.3a(4).

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.

The Borough Attorney read the Explanatory Statement.

Councilman Vroom opened the meeting to a public hearing on this ordinance; seconded by Councilman Schiffman and carried on voice vote.

The following people spoke in regard to this ordinance:

Ed Simoni, 352 Glenwild Avenue, spoke in regard to the Planning Board reviewing this and he and the Planning Board Attorney discussed future revisions to other ordinances; the purpose of this ordinance is to clarify it and it applies to one and two family homes.

Linda Shortman, W. Shore Drive, also noted that this is not a new ordinance; we are following the Judges orders.

Peter Dorram, 12 E. Shore Road, stated that whatever is in the ordinance is not arbitrary.

Barry Greenberg, 1 E. Shore Road, felt a lot of the issues are with the grading and not the quantity being removed.

Ben Scutoro, 90 Shore Road, also expressed his concern with the ordinance.

James Croop, 10 Henion Place, noted that for the limited amount of review time they had, this will correct the loophole we felt and is appropriate at this time.



Thomas Wall, property owner, felt it offensive to allow Kampfe Lake to “run the town”; spoke in regard to legal fees we have already incurred and felt the ordinance should be reinstated.

Borough Attorney assured Mr. Wall that he has never spoken to a single person from Kampfe Lake in regard to this ordinance.

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

Councilman Marinaro moved for the adoption of this ordinance; seconded by Councilman Schiffman and carried as per the following roll call: Council members: Specchio; Vroom; Huntley; Marinaro; Pituch and Schiffman all Yes.

**Ordinance #10-2010: AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE ESTABLISHING BOROUGH POLICY ON THE POSTING OF MINOR CHILDREN’S PHOTOS ON THE BOROUGH WEBSITE**

The Deputy Municipal Clerk read the Public Notice statement.

Councilman Vroom moved that the ordinance be read by title; seconded by Councilman Schiffman.

ORDINANCE No. 10 -2010

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE  
ESTABLISHING BOROUGH POLICY ON THE POSTING OF  
MINOR CHILDREN’S PHOTOS ON THE BOROUGH  
WEBSITE

**WHEREAS**, the Governing Body of the Borough of Bloomingdale has determined that it will promote the public health, safety and welfare by providing that no photographs of minor children shall be posted on the Borough website without first obtaining the express permission of a parent or legal guardian of the minor child:

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

**Section 1.** There hereby is created a new Borough Code Section 2-83, “ Posting of Minor Child Photographs on Borough Website,” to provide the following:

- a. No minor child’s photograph shall be posted on the Borough website without written authorization from a parent or legal guardian of the minor child allowing the posting of such photograph on the Borough website. The authorization required by this section shall be specifically for the purpose of allowing posting of a photograph on the website and any general authorization allowing the reproduction or subsequent use of a minor child’s photograph shall not be sufficient to allow posting a minor child’s photograph on the Borough website.
- b. Written authorization for the posting of a minor child’s photograph on the Borough website shall be in a form as directed by the Governing Body and shall be submitted to the Municipal Clerk prior to the posting of any minor child’s photograph on the Borough Website.

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.

The motion carried on voice vote.

The Borough Attorney read the explanatory statement.

Councilman Vroom opened the meeting up to a Public Hearing on this ordinance; seconded by Councilman Schiffman and carried on voice vote.

Jon Dunleavy, Representative for Recreation spoke in regard to past practices of getting a general permission for website posting and asked why this needs to be put in place; Councilwoman Huntley felt it will make it more specific.

Mr. Dunleavy stated that he is concerned about there being one specific authorization form and it was noted that one will be prepared and on file with the Municipal Clerk.

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

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

***Ordinance #11-2010-: AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE APPROPRIATING \$231,000 DEPARTMENT OF TRANSPORTATION GRANT FOR THE SLOAN PARK BRIDGE***

The Deputy Municipal Clerk read the public notice statement.

Borough Attorney read the Explanatory Statement.

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

**ORDINANCE #-11-2010 OF THE  
BOROUGH OF BLOOMINGDALE, NEW JERSEY**

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE  
APPROPRIATING \$231,000.00 DEPARTMENT OF TRANSPORTATION GRANT  
FOR THE SLOAN PARK BRIDGE PROJECT***

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, AND THE STATE OF NEW JERSEY AS FOLLOWS:

Section 1. The sum of \$231,000.00 is available from the Department of Transportation to provide funding for the following purposes:

<u>Description of Purpose</u>	<u>Amount</u>
Sloan Park Bridge	\$231,000.00
<b>TOTAL:</b>	<b>\$231,000.00</b>

Section 2. 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 3. This Ordinance shall take effect ten days after final publication hereof as provided by N.J.S.A. 40:49-9.

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

The following people spoke in regard to this ordinance:

Jon Dunleavy – Morse Lakes, stated that there are opportunities for other money; there is another \$70,000 from the County.

Mr. Dunleavy felt that Passaic Valley should incur some of the cost for repairing the bridge as they need access into the park to get to their utilities.

Linda Shortman, West Shore Road, also felt that Passaic Valley should be contacted to incur part of the cost.

Since there was no one else who wished to speak during the Public hearing, Councilman Schiffman moved that it be closed; seconded by Councilman Schiffman 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: Huntley; Marinaro; Pituch; Schiffman; Specchio and Vroom.

### **LATE PUBLIC COMMENT**

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

The following people spoke during the Late Public Comment:

Leslie Monsees, 153 Rafkind Road, discussed the fact that the Mayor and Council are to negotiate with the PBA as a full Board; did not feel that would be productive and noted that a professional should be hired to negotiate for the Borough.

Jon Dunleavy, 51 Morse Lakes Road, spoke in regard to his dissatisfaction that the Borough cannot agree to adopt the budget; this is affecting the taxpayers now as to the 4<sup>th</sup> quarter taxes cannot be mailed out; it will ultimately cost the Borough money to go out for Tax Anticipation Notes. Mr. Dunleavy encouraged the Mayor and Council to call for a vote on the budget this evening.

Linda Shortman, Kampfe Lake, spoke in regard to fact that the council approved huge contracts but could not agree to adopt the budget which incorporated them.

Jennifer Altfield, 17 Cedar Street, spoke in regard to fact that no bonds were refinanced last year at a higher rate; also noted that the employees had already been contributing since 2006 to their insurance before the 1.5% was imposed; salaries were negotiated with the Unions in their contracts.

### **RECESS**

The Many and Council recessed at this time, 9:49 p.m.

### **RECONVEND**

Mayor Steenstra reconvened the meeting at 10:03 p.m.

### **Adoption of Resolution #2010-9.17: Reconsideration of Adoption of FY2010 Municipal Budget**

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

### **RESOLUTION #2010-9.17 OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***For Rescission of Resolution No. 2010-9.10 Respecting the 2010 Municipal Budget to Allow Reconsideration of the Vote on the 2010 Municipal Budget***

**WHEREAS**, on September 23, 2010, the Governing Body, pursuant to resolution No. 2010-9.10 voted 5-1 to defeat the 2010 Municipal Budget; and

**WHEREAS**, on September 28, 2010, at the Council Meeting immediately following the Council Meeting at which the 2010 Municipal Budget was defeated, the Council has determined to reconsider the vote on the 2010 Municipal Budget:

**NOW, THEREFORE, BE IT ORDAINED AND RESOLVED**, that the Governing Body of the Borough of Bloomingdale does hereby rescind Resolution No. 2010-9.10, it being the intention of all members of the Council voting in support of this Resolution that the Governing Body have the opportunity to reconsider its vote on the 2010 Municipal Budget.

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

**Adoption of Resolution #2010-9.18: Adoption of FY2010 Municipal Budget**

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

**(SEE PAGE 12A )**

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

**Authorization for Executive Session**

Councilman Schiffman offered the following resolution and moved for its adoption:

**RESOLUTION #2010  
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

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.

Councilwoman Pituch seconded the motion and it carried on voice vote.

*(The Mayor and Council went into Executive Session at this time)*

**RECONVENED**

Mayor Steenstra reconvened the meeting at 10:53 p.m. and noted that no action was taken during the Executive Session

**ADJOURNMENT**

Since there was no further business to be conducted, Councilman Schiffman moved to adjourn the meeting at 10:54 p.m.; seconded by Councilwoman Pituch and carried on voice vote.

Terry Sauer  
Deputy Municipal Clerk