

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

October 12, 2010

Mayor Steenstra called the meeting to order at 7:33 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: | Dean Specchio |
| | Council Pres. Pro Tem: | Bernard H. Vroom |
| | Council Members: | Linda Huntley Thomas Marinaro Jo-Ann Pituch Glenn Schiffman |

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

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 January 6, 2010.

EARLY PUBLIC COMMENT

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

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

PROFESSIONAL REPORTS

Municipal Clerk

Voter Registration

Municipal Clerk noted that today is the last day to register to vote before the General Election; clerk's office open until 9 p.m.

Waiver for Peddlers Permit

Councilman Vroom moved to waive the peddlers permit fee for the Bloomingdale Fire Department Ladies Auxiliary upcoming fundraiser to sell cookbooks; seconded by Councilwoman Huntley and carried on roll call with all Council members voting YES.

Block Party Request Form/Street Closure for Traffic

Consensus that this will be put on website.

Borough Administrator

Property Maintenance Issue – 159 Vreeland Avenue

Borough Administrator discussed the situation of property maintenance problems at 159 Vreeland Avenue; property Maintenance Officer has not been able to get a response from the owner as the property is in foreclosure and suggested that we have the DPW go in and clean the property and place a lien against the property.

Councilwoman Huntley moved to have the DPW go in and clean up the property at 159 Vreeland Avenue and then place a lien for the cost on the property; seconded by Councilman Vroom and carried as per the following roll call: Council Members: Huntley; Marinaro; Pituch; Schiffman; Specchio and Vroom all YES.

Certificate of Occupancy for DPW Building

Borough Administrator stated that the DPW new building has received their Certificate of Occupancy and asked when the Mayor and Council would like to dedicate the building.

Discussion followed re flooding in the area; Borough Administrator is addressing this with the Borough Engineer.

Consensus that the dedication of the new building will be November 6.

Borough Attorney**COAH**

Borough Attorney stated that we have received work that the Appellate Court struck down COAH's third round regulations; Senate has already passed it back in June abolishing COAH; the Governor is also supporting it.

Surplus v. Borough of Bloomingdale

Borough Attorney stated that this lawsuit seems to be towards the Board of Education and the Mayor and Council have nothing to do with it. Consensus that the Borough Administrator will send a letter indicating the Mayor and Council have no jurisdiction over the Board of Education.

Adoption of Resolution #2010-10.1: Authorization for Borough Administrator to Execute a Certification in Litigation Encaptioned Jancye Surpless

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

**RESOLUTION #2010-10.1
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing the Borough Administrator to Execute a Certification in Litigation Encaptioned
Jancye Surpless v. Bloomingdale Public Schools, Et Als.***

WHEREAS, the Governing Body and the Borough of Bloomingdale have been sued in a matter encaptioned Jancye Surpless v. Bloomingdale Public Schools, Docket No. PAS-L-3602-10; and

WHEREAS, the law firm of Dorsey & Semrau currently represents the Borough and Governing Body in this litigation and have recommended that a Certification be submitted by the Borough Administrator certifying that the municipality is a separate entity from the Board of Education and does not have any control, jurisdiction or direction over matters alleged in the Complaint, the intention being that Plaintiff will then voluntarily dismiss the Borough and Governing Body from the lawsuit:

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED, that the Governing Body of the Borough of Bloomingdale does hereby authorize the Borough Administrator to execute a Certification of the type as aforesaid and to be prepared by Dorsey & Semrau on behalf of the Borough and the Governing Body.

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.

Grand Re-opening Buy Rite Liquors

Mayor noted that the Grand Re-opening for Buy Rite Liquors will be October 23, 2010 at 10:30 a.m.

PENDING BUSINESS

Governmental Operations Committee

Councilman Vroom noted that there will be action items on the meeting tonight as discussed by the Committee at their meeting.

Public Health & Safety Committee

N/A

Ordinance Review Committee

Borough Attorney noted that he has on for later in the meeting an amendment to the Zoning Ordinance as requested by the Zoning Officer to eliminate confusion.

PRESENTATION BY WATER/SEWER SUPERINTENDENT

At this time Rocco DiGregorio, Water/Sewer Superintendent addressed the situation in the water/sewer department as to equipment; need for hydrants; meters; flushing program, future development needs; remote meters and radio reads.

Discussion was held and Mayor and Council asked questions in regard to costs, etc.

Councilman Specchio moved that the Water/Sewer Superintendent be authorized to buy ¼ of the meters he needs; seconded by Councilman Marinaro.

Borough Administrator spoke in regard to bond for \$175,000 which would just authorize the purchase of them.

Councilman Schiffman felt we should wait until after the hydrant flushing program so that we have a better idea; this will be held until that time. Also noted that maybe we should check with Pompton lakes and Riverdale as to doing our readings.

The motion did not carry.

INTRODUCTION OF NEW BUSINESS

Governmental Operations Committee

Discussion as to OPRA fees and amendment to our Fee Ordinance

Borough Attorney will prepare an amendment to the fee ordinance for the next meeting to reflect the change in the allowable fees to be collected.

Adoption of Resolution #2010-10.2: Authorization for Renewal of North Jersey Municipal Employee Benefits Fund Agreement

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

RESOLUTION NO.
NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND
RESOLUTION to RENEW

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the North Jersey Municipal Employee Benefits Fund, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq., and;

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date, and;

WHEREAS, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND;

WHEREAS, the governing body of , hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Become a member of the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s):

a.) Health Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.

iii. Adopts and approves the FUND's Bylaws.

iv. Execute an application for membership and any accompanying certifications.

BE IT FURTHER RESOLVED that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

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

Minutes for September 23, 2010

This will be on the October 26, 2010 meeting for approval.

Adoption of Resolution #2020-10.3: Chapter 159 West Essex Board of Education

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

**RESOLUTION #2010-10.3
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing the Insertion into the FY2010 Municipal Budget Pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) of a Special Item of Revenue in the Form of a State of New Jersey Interlocal Service Agreement West Essex Regional School District Construction Services

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services (“Director”), within the State of New Jersey Department of

Community Affairs, may approve the insertion of any special item of revenue in the budget of any county or municipality; and

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

WHEREAS, the 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 FY2010 Municipal Budget of an item of revenue based upon an Interlocal Agreement 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 FY2010 Municipal Budget of an item of revenue in the sum of \$4,580.00, which item is now available as revenue in the form of a State of New Jersey Current Fund – Interlocal Services Agreement West Essex Regional School District Construction Services; and

BE IT FURTHER RESOLVED that a like sum of \$4,580.00 be and the same is hereby appropriated under the caption:

*Interlocal Municipal Service Agreements
West Essex Regional School District Construction Services*

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

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

Adoption of Resolution #2010-10.4: Chapter 159 Body Armor Grant

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

**RESOLUTION #2010-10.4
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing the Insertion into the FY2010 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
Body Armor 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 FY2010 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 FY2010 Municipal Budget of an item of revenue in the sum of \$3,811.13, which item is now available as revenue in the form of a State of New Jersey Current Fund – Body Armor Grant; and

BE IT FURTHER RESOLVED that a like sum of \$3,811.13 be and the same is hereby appropriated under the caption:

*Public and Private Revenues Offset with Appropriations
Body Armor 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 Specchio seconded the motion, and it carried as per the following roll call: Council Members: Specchio; Vroom; Huntley; Marinaro; Pituch and Schiffman all YES.

Adoption of Resolution #2010-10.5: Authorizing Emergency Repairs to Sewer Lateral on Leary Avenue

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

**BOROUGH OF BLOOMINGDALE
RESOLUTION #2010-10.5**

Declaring an Emergency For Purposes of Awarding Contract for Leary Avenue Sewer Lateral Replacement

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares an emergency situation has developed with a Leary Avenue Sewer Lateral Replacement;

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 lateral repairs be remediate through the award to the following vendors who submitted the following cost estimates:

- | | |
|-------------------------------|------------|
| • John Barrett, Inc. | \$3,385.00 |
| • Advanced Plumbing and Drain | \$1,120.00 |

and;

WHEREAS, the emergency costs to be funded through the 2010 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 Leary Avenue Sewer Lateral Replacement as soon as possible and does hereby award said project to the above mentioned vendors.

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

Introduction of Bond Ordinance for Water meters and Hydrants

Consensus that this will be held until the October 26 meeting.

***Adoption of Resolution Authorizing Shared Services with the Township of Washington
Email Server***

Discussion followed in regard to this shared service for archiving emails; cost would be around \$150 for 2010 and \$500 for the second year.

Borough attorney discussed fact that the bottom line is that the Municipal Clerk is the Records manager and responsible for any OPRA requests.

Council members Pituch and Huntley would like to see the contract in regard to this service; this will be on the October 26 meeting.

Introduction of Ordinance #12-2010: Amending Borough Code Section 92-14

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING BOROUGH CODE SECTION 92-14a was introduced by title by Councilman Vroom who moved that second and final reading and public hearing be held on December 14, 2010 at 7:30 p.m.

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

Noted that this will be sent to the Planning Board for their review and then to the contiguous municipalities and County Planning Board.

Adoption of Resolution #2010-10.6: Authorizing the Borough Administrator to Execute Specified Documents in Connection with the Upper Morse Lake Water Main Extension Project

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

**RESOLUTION #2010-10.6
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing the Borough Administrator to Execute Specified Documents in Connection with
the Upper Morse Lake Water Main Extension Project.***

WHEREAS, the Borough of Bloomingdale has been involved with a New Jersey Department of Environmental Protection project known as “Upper Morse Lake Water Main Extension Borough of Bloomingdale, Passaic County, New Jersey Water Line Contract No. OWR-AS2-05 (the “Project”);” and

WHEREAS, in order to obtain final payment on the project it is necessary that a Final Payment Voucher, Certification Regarding Release of all Claims, and Affidavit Concerning Subcontractor Payments, be executed by the Borough Administrator on behalf of 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 execute the following documents in connection with the Project: (1) Final Payment Voucher; (2) Certification Regarding Release of all Claims; and (3) Affidavit Concerning Subcontractor Payments, and to cause the documents to be delivered to the New Jersey Department of Environmental Protection.

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.

LATE PUBLIC COMMENT

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

Jon Dunleavy, 51 Morse Lakes Road, spoke in regard to our COAH certification and the Borough Attorney stated that we are still under the courts jurisdiction; we are seeking a final judgment of repose. Noted that it is likely the State is going to appeal the appellate decision.

(Councilwoman Huntley left the meeting at this time, 8:45 p.m. and returned at 8:58 p.m.)

Mr. Dunleavy also addressed meters and the digital readings and also spoke in regard to bonds and fact that revenue still needs to come in.

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

Adoption of Resolution #2010-10.7: Authorization for Executive Session

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

**RESOLUTION #2010-10.7
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 matters:
2. The general nature of the subject matter to be discussed is as follows:
 - A. Contract negotiations – Two Matters
3. Minutes will be taken.
4. 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.

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 9:50 p.m. and noted that no action was taken in Executive Session.

ADJOURNMENT

Since there was no further business to be conducted, Councilwoman Huntley moved to ADJOURN the meeting at 9:51 p.m.; seconded by Councilwoman Pituch and carried on voice vote.

Jane McCarthy, RMC
Municipal Clerk

