

July 27, 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 7:31 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>	Municipal Clerk:	Jane McCarthy
	Borough Administrator:	Ted Ehrenburg
	Borough Attorney:	Joseph V. "Joe" MacMahon, Esq.
	Chief Financial Officer:	Donna Mollineaux
	Treasurer:	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.

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

PRESENTATION BY BLOOMINGDALE FIRE DEPARTMENT

At this time, members of the Bloomingdale Fire Department spoke in regard to their recent 100th Anniversary celebration and the fireworks which were coordinated by Jon Dunleavy. His appreciation for his hard work in helping make this event and many other town wide events a successful, Mr. Dunleavy was presented a plaque of appreciation by the Bloomingdale Fire Department.

Mr. Dunleavy thanked the fire Department for their service to the community and noted that it was his pleasure to help congratulate the Fire Department on their 100th Anniversary and noted that it was all done within budget.

RECOGNITION OF MUNICIPAL CLERK CAROL ASHLEY ON HER RETIREMENT

At this time, the Mayor and Council recognized Municipal Clerk Carol Ashley of the Borough of Butler on her pending retirement and offered the following resolution:

RESOLUTION

WHEREAS, for thirty years, Carol Ashley has served the Borough of Butler and its citizens as a dedicated public servant of the community's municipal government; and

WHEREAS, for the past twenty-three years, Carol has earned particular honor and distinction through the selfless devotion to good, honest and effective local government which she has displayed during her service as Municipal Clerk of the Borough of Butler; and

WHEREAS, the office of municipal clerk is unparalleled in the breadth and depth of its reach within municipal government, functioning as a virtual central nervous system by and through which indispensable information that is essential to serving the public health, safety and general welfare is communicated between and among the people, their elected representatives and the municipal employees who strive each and every day to make the community a better place for all; and

WHEREAS, in her pivotal role as Butler's Municipal Clerk, Carol has served as the vital link between the governed and their government, functioning not only as the official repository of public documents, but as the respectful historian of the community's past, the strong voice of the community's present and the thoughtful bridge to the community's future; and

WHEREAS, in fulfilling her critical function as Butler's Municipal Clerk, Carol has embodied the "versatility, alertness, accuracy, and no end of patience" which the eminent political scientist, Professor William Bennett Munro, noted was inherent in the role of municipal clerk; and

WHEREAS, as an official representative of Butler's municipal government, Carol has displayed the mutual respect, collegiality and kindness of a good neighbor to the Borough of Bloomingdale and its citizens; and

WHEREAS, by virtue of the dignity, integrity, professionalism and humanity with which she has performed the official and unofficial duties and responsibilities of Butler's Municipal Clerk, Carol has established a standard of public service to which all municipal clerks and employees can aspire;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council congratulate Carol Ashley for her many years of dedicated service to the Borough of Butler and its citizens, and express their sincerest wishes to her for a well-deserved, rewarding and fulfilling retirement.

**Mayor William Steenstra
And the Governing Body
Of the Borough of Bloomingdale**

**PRESENTATION BY ROSS KUSHER AS TO POSSIBLE GRANT
FOR DELAZIER FIELD**

At this time, Mr. Kushner spoke in regard to a possible grant opportunity for the Borough to take care of the erosion at DeLazier Field and would like to do the same thing at Sloan Park; this grant is through fact that Tennessee Gas is widening the existing pipeline. Only responsibility would be for the DPW to get rid of the leaves.

In response to the Chief Financial Officer, Mr. Kushner noted there is no funding required by the Borough.

In response to Councilwoman Pituch, Mr. Kushner stated that they will replace the Japanese Nutley trees with native plants.

Councilwoman Huntley asked if the DPW is allowed to go into the streams to pickup debris and Mr. Kushner stated they can but cannot disturb the vegetation on the banks.

APPROVAL OF CONSENT AGENDA

Councilman Specchio moved for the approval of the following Consent Agenda with Items #G removed for further discussion later in the meeting; seconded by Councilman Marinaro:

- A. Approval of Governing Body Minutes
 - 1. Special Meeting – June 1, 2010 (Absent: Councilmen Marinaro and Schiffman)
 - 2. Regular Meeting September 22, 2009 and Regular Meeting October 27, 2009 – All present (these were inadvertently not put on the December 2009 minutes which were all approved but were copied to Mayor and Council – Auditor needs formal Record of Approval)
 - 3. Regular Meeting & Executive Session – June 15, 2010 – All Present
- B. Informational Items List – Weeks Ending June 3, 10, 17 & 24, 2010
- C. Adoption of Resolution #2010-7.1: Authorization for Interlocal Service Agreement between Borough of Bloomingdale and West Essex Regional School District
- D. Authorization for Approval of Block Party; Stephanie Borsi – 21 Reeve Avenue
- E. Adoption of Resolution #2010-7.2: Authorization for Police Chief to take Borough Vehicle Out-of-State for Schooling
- F. Adoption of Resolution #2010-7.3: Authorization to bid Walter T. Bergen Fields
- G. Adoption of Resolution #2010-7.4: Authorization to hold 911 Services and permission for road closure
- H. Acceptance of Resignation of Charles Banghardt as DPW Yardman
- I. Adoption of Resolution #2010-7.5: Authorization for Submission of FY2011 Municipal Alliance Grant
- K. Adoption of Resolution #2010-7.6: Supporting the Over the Limit Under Arrest 2010 Statewide Crackdown
- J. Approval of Authorization for Block party 21 Reeve Avenue - September 18 from 3 p.m. until 7 p.m.

Councilman Marinaro seconded the motion, and it carried on roll call with all Council members voting YES.

PENDING BUSINESS

Governmental Operations Committee

Discussion of Star Lake Water Tank

Discussion followed in regard to what direction the Mayor and Council wants to go in regard to painting and maintenance of the Stat Lake water tank; Borough Administrator is of the opinion that we should look a long term maintenance.

It was noted that a determination has to be made as to what work was done by the Borough of Butler in regard to shut off valves; Borough Administrator will have to meet with the Administrator Butler and PVWC.

Cost for tank repair and upgrade would be \$300,000. Chief Financial Officer spoke in regard to getting Request for Proposals; just to do the tank and also to do a maintenance schedule.

Mr. Sartoro of 192 Clark Street, resident of the borough noted that he offered his services to review the proposals and felt that a ten year warranty is a waste of money.

Councilman Specchio moved that the Borough Engineer be authorized to prepare bids for painting and maintenance of the Star lake Water Tank; seconded by Councilman Vroom and carried as per the following roll call: Council Members: Huntley Marinaro; Pituch Schiffman; Specchio and Vroom all YES.

Adoption of Resolution #2020-7.7: Renewal of Liquor License #1601-33-002-007;
Tres Sombreros

Councilman Schiffman offered the following Resolution and moved for it s adoption:

RESOLUTION #2010-7.7
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE

RENEWAL OF INACTIVE ALCOHOLIC BEVERAGE LICENSE
TRES SOMBREROS, LLC
#1601-33-002-007

WHEREAS, the following names, persons and corporations have made application for the renewal of his inactive alcoholic beverage license; and

WHEREAS, said application was accompanied by the necessary fee; and

WHEREAS, the applicant has filed with the Borough Clerk a copy of the application for forwarding to the State Division of Alcoholic Beverage Control, together with the necessary \$200.00 fee for said Division; and

WHEREAS, a copy of the Tax Clearance Certificate has been received for the applicant from the State of New Jersey Department of Taxation; and

WHEREAS, no objection has been filed in writing with the Borough Clerk against the granting of this renewal and no objections being heard hereto; and

WHEREAS, the State of New Jersey has granted a Special Ruling as per their July 8, 2010 letter for the 2010-2011 license term;

NOW, THEREFORE, BE IT RESOLVED that the Clerk of this Borough be and she is hereby authorized to renew the alcoholic beverage licenses of the following place:

PLENARY RETAIL CONSUMPTION

Tres Sombreros, LLC
44 Hamburg Turnpike
Bloomingdale, NJ 07403

#1601-33-002-007

(Inactive License)

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 #2020-7.8: Renewal of Liquor License #1601-33-006-013;
Frank Kopic

Councilman Schiffman offered the following Resolution and moved for it s adoption:

**RESOLUTION #2010-7.8
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

***RENEWAL OF INACTIVE ALCOHOLIC BEVERAGE LICENSE
KOPICI RESTAURANT
#1601-33-006-013***

WHEREAS, the following names, persons and corporations have made application for the renewal of HIS inactive alcoholic beverage license; and

WHEREAS, said application was accompanied by the necessary fee; and

WHEREAS, the applicant has filed with the Borough Clerk a copy of the application for forwarding to the State Division of Alcoholic Beverage Control, together with the necessary \$200.00 fee for said Division; and

WHEREAS, a copy of the Tax Clearance Certificate has been received for the applicant from the State of New Jersey Department of Taxation; and

WHEREAS, no objection has been filed in writing with the Borough Clerk against the granting of this renewal and no objections being heard hereto; and

NOW, THEREFORE, BE IT RESOLVED that the Clerk of this Borough be and she is hereby authorized to renew the alcoholic beverage licenses of the following place with the condition that the municipal fee will be paid when the Certificate of Occupancy has been issued to Kopici's Restaurant after he has reopened due to the fire at his establishment.

PLENARY RETAIL CONSUMPTION

Kopici Restaurant #1601-33-006-013
163 Union Avenue
Bloomingtondale, NJ 07403

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.

Discussion as to Request by Towerco for Request for Proposed Co-Location on its Tower

Borough Administrator stated that the Borough of Bloomingdale and Butler believe that the proposal by Towerco may not be market value and want to make sure the Borough is receiving every dollar.

Towerco has filed a request for permission to file an application with the Planning Board for the application subject to the approval would require an agreement with the Borough.

Mayor and Council noted that they do not see a problem with this.

Adoption of Resolution #2010-7.9: Transfer of Grant Funds to the Henion Place Sidewalk Mitigation project

Councilwoman Huntley stated that the County will give us funding if there is a flooding issue and felt that the money would be better transferred to Reeve and Ryerson and Main.

Borough Administrator stated that he met with Deborah Hoffman of the Economic Development Commission and a recommendation was made to transfer the monies to Henion.

Discussion followed; Councilwomen Huntley and Pituch felt that the monies should be transferred to Reeve and Ryerson and noted that they spoke with Deborah Hoffman who noted that this would be approved by the Freeholders.

Adoption of Resolution #2010-7.9: Transfer of Grant Funds to Reeve and Ryerson

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

RESOLUTION #2010-7.9

A RESOLUTION TO ADOPT THE 3- YEAR COOPERATIVE AGREEMENT WITH THE COUNTY OF PASSAIC FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM YEARS 2011, 2012 and 2013

WHEREAS, the Borough of Bloomingdale and the County of Passaic wish to establish a cooperative means of conducting certain eligible community development and affordable housing activities; and

WHEREAS, Title 1 of the Housing and Community Development Act of 1974, as amended, provides federal funds to the County of Passaic to implement eligible Community Development Block Grant activities therein; and

WHEREAS, the Borough of Bloomingdale will propose certain activities to be carried out under the Passaic County Community Development Block Grant Program for Fiscal Years 2011, 2012 and 2013; and

WHEREAS, the aforesaid activities are in the best interest of the Borough of Bloomingdale; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Bloomingdale authorizes the Mayor to execute the Cooperative Agreement with the County of Passaic to participate in the Passaic County Community Development Block Grant Program for Fiscal Years 2011, 2012 and 2013; and

BE IT FUTHER RESOLVED. That this resolution shall take effect immediately upon its enactment, as provided by law.

Councilwoman Pituch seconded the motion, and it carried as per the following roll call: Council Members: Schiffman, YES; Specchio, YES; Vroom, NO; Huntley, YES; Marinaro, YES and Pituch, YES.

PUBLIC DISCUSSION AS TO POSSIBILITY OF FURLOUGHS IN BOROUGH

At this time, Councilman Schiffman spoke in regard to the Municipal Budget and fact that he was not happy with it; no one is happy with it and we are going to have to deal with it and spoke in regard to a formula he came up with in regard to employees being furloughed. He noted that various options were discussed and they came up with a four day furlough; five day work week for four weeks and police have three men go on 12 hours shifts; this would be a savings of \$51,117.00.

At this time, a letter was read into the record from the Union as to this being a legal violation and this would have had to be negotiated with the Union; if implemented, this would be challenged from the Union and a similar challenge on behalf of the Police. Notification was also received from the Municipal Court as to any furloughs would need to be reviewed by the Assignment Judge for Passaic County.

Councilman Marinaro commended Councilman Schiffman on his hard work but noted that this would be a savings of \$19 to the taxpayers and noted that there is a lot to look at; these employees already gave back to the Borough.

At this time, various members of the Governing Body spoke in regard to the financial situation of the Borough, etc. Mayor Steenstra read a statement as to his objection to furloughs.

Councilman Schiffman moved to open the meeting to a Public hearing on this discussion; seconded by Councilman Schiffman and carried on voice vote.

Jon Dunleavy, 51 Morse lakes Road, asked what the plan for the borough is; problem is not expenses, problem is revenue and asked what the plan was to increase revenue.

Mr. Dunleavy asked if the Governing Body was going to give back their salary and how many are going to Atlantic City; noted that revenue and aggressive shared services are the answer.

Councilman Schiffman spoke that if you want big companies to come into town, you have to offer them an incentive.

Mr. Dunleavy spoke of our DPW being the DPW for other towns and regionalization of our Board of Education.

Ed Simoni, President of the Library board, spoke in regard to ways the Library is cutting costs, ie. Reducing staff; possibility of contributing towards repair of borough air conditioners; purchased new computers and savings as to not having to at this time appoint a Master librarian.

Lisa Bendell, 39 Elizabeth Street, spoke in regard to DPW having to come out and pick up leaves.

Bernice Kraski, Communication Workers of America noted that she is sympathetic to the town but you do not have the right to furlough employees; no one has approached the Unions to negotiate; an agreement has to be received from the Union. If pursued, this will be taken to Court.

Lesley Monsees, 153 Rafkind Road, spoke in regard to fact that although hard, furloughs is a start; noted that this Council only cut \$10,000 of the school budget and gave the DPW a six year contract. Noted that co-pays could be looked into and other insurances.

Councilman Schiffman moved to furlough the employees as per his four-day outline; seconded by Councilwoman Huntley and the motion FAILED as per the following roll call: Council Members: Specchio, NO; Vroom, NO; Huntley, YES; Marinaro, NO; Pituch, YES; Schiffman, YES and Mayor Steenstra, NO.

(At this time, the Mayor and council took and Recess)

RECONVENED

Mayor Steenstra reconvened the meeting at 9: 57 p.m.

PUBLIC HEARING ON FY2010 MUNICIPAL BUDGET

Adoption of Resolution #2010-7.10: Authorizing Proposed FY2010 Municipal Budget to be Read by Title

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

RESOLUTION #2010-7.10 OF THE GOVERNING BODY OF THE BOROUGH OF BLOOMINDALE

Whereas, N.J.S.A. 40A:4-8 as amended provides that the Budget shall be read in full at the public hearing, or that it may be read by its title only; if

- (1) At least one week prior to the date of the hearing a complete copy of the approved Budget:

- a. shall be made available for public inspection in the free public library, if any, of the municipality and in the free county libraries or regional libraries located in the municipality or, if no county library of the county in which the municipality is located, and the public officer delegated responsibility for delivering copies of the approved budget to such library shall forward to the governing body an attestation that each such delivery was made; and
- b. is made available to each person requesting the same, during said week and during the public hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the borough of Bloomingdale that it is hereby declared that the conditions of N.J.S.A. 40A:4-8 as amended set forth in subsections 1(a) and 1(b) have been met and therefore the Budget for 2010 shall be read by title only.

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

The Municipal Clerk read the budget by title.

Councilman Marinaro moved to open the meeting to a Public Hearing of the FY 2010 Municipal Budget; seconded by councilman Vroom and carried as per the following roll call: Council Members: Huntley; Marinaro; Pituch; Schiffman; Specchio and Vroom all Yes.

Mayor Steenstra opened the meeting up to a Public Hearing.

Lesley Monsees, 153 Rafkind Road, had various questions in regard to line items re PERS, administrator's salary and noted that the document is hard to understand and felt that there would be more backup information.

Chief financial Officer noted that this is the form used by the state.

Mrs. Monsees stated that next year you will be talking about layoffs.

Susan Smith, 127 Panamara Drive in Florida and Van Dam Avenue in Bloomingdale asked how everyone voted on the introduction of the budget and it was noted that Council members; Specchio; Schiffman and Pituch were recused. Spoke in regard to the fact that the Council only cut \$10,000 from the school budget knowing what the municipal budget was going to look like.

Jon Dunleavy, 51 Morse lakes Road, spoke in regard to fact that the Budget Committee does get itemized budgets from the departments. In regard to salaries for the Governing Body, Mayor Steenstra and Councilman Specchio stated that they will forego their salary.

In regard to Atlantic City, there is money in the budget; Mr. Dunleavy felt the Administrator should attend. Council Members Pituch and Huntley stated they are attending and did receive monies off for the Borough's insurance last year as they attended an insurance seminar.

Municipal Clerk noted that she will attend but at no cost to the Borough as she will be staying with Butler.

Linda Shortman, Kampfe Lake, felt it is important for governing body members to attend the conference as to the networking.

Since there was no one else who wished to speak under the Public Hearing, Councilman Specchio moved to close the Public Hearing; seconded by Councilman Schiffman and carried as per the following roll call: Council Members: Marinaro; Pituch; Schiffman; Specchio; Vroom and Huntley all Yes.

Councilwoman Huntley moved to TABLE the adoption of the FY2010 Municipal Budget until August 17, 2010 at 7:30 p.m.; seconded by Councilman Specchio and carried as per the following roll call: Council Members: Pituch; Schiffman; Specchio; Vroom; Huntley and Marinaro all Yes.

Adoption of Resolution #2010-7.11: Temporary Emergency Resolution

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

RESOLUTION #2010-7.11
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 July 27, 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

General Administration	Salary & Wages		\$2,000.00
General Administration	Other Expenses		\$1,000.00
Municipal Clerk	Other Expenses		\$1,000.00
Tax Collection	Salary & Wages		\$2,500.00
Tax Collection	Other Expenses		\$500.00
Tax Assessment	Salary & Wages		\$1,500.00
Legal Services	Salary & Wages		\$3,000.00
Group Insurance	Other Expenses		\$50,000.00
Planning Board	Other Expenses		\$2,000.00
Uniform Construction Code	Other Expenses		\$5,000.00
Property Main.	Salary & Wages		\$1,500.00
Police	Salary & Wages		\$100,000.00
Police	Other Expenses		\$10,000.00
Police Dispatchers	Salary & Wages		\$10,000.00
Municipal Prosecutor	Salary & Wages		\$500.00
Roads	Salary & Wages		\$50,000.00
Roads	Other Expenses		\$15,000.00
Sanitation	Salary & Wages		\$45,000.00
Sanitation	Other Expenses		\$2,000.00
Buildings & Grounds	Other Expenses		\$5,000.00
Tipping Fees	Other Expenses		\$10,000.00
Public Health Services	Salary & Wages		\$10,000.00
Animal Control	Salary & Wages		\$10,000.00
Animal Control	Other Expenses		\$15,000.00
Recreation	Salary & Wages		\$3,000.00
Recreation	Other Expenses		\$4,000.00
Celebration of Public Events	Other Expenses		\$1,000.00
Senior Citizens	Salary & Wages		\$1,000.00
Telephone	Other Expenses		\$2,000.00
Gasoline	Other Expenses		\$10,000.00

Electricity	Other Expenses		\$7,000.00
Social Security	Other Expenses		\$45,000.00
Municipal Court	Salary & Wages		\$7,000.00
Interlocal Construction	Salary & Wages		\$30,000.00
Library	Other Expenses		\$25,000.00
Debt Service	Other Expenses		\$300,000.00
Interlocal Livingston BOE	Other Expenses		\$21,811.00
Over the Limit Grant	Other Expenses		\$4,400.00
TOTAL			\$813,711.00

TOTAL CURRENT FUND

WATER AND SEWER UTILITY FUND

Municipal Utility Services	Salary & Wages		\$30,000.00
Municipal Utility Services	Other Expenses		\$200,000.00
Capital Outlay	Other Expenses		\$20,000.00
Total			\$250,000.00
Total			

TOTAL WATER AND SEWER

2. This action shall take effect July 27, 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.

Councilwoman Huntley requested that nothing be spent unless it is approved by the council first.

INRODUCTION OF NEW BUSINESS

Governmental Operations Committee

Adoption of Resolution #2010-7.12: Payment of Municipal Obligations

At this time, Councilman Schiffman quested some of the items on the bills list ; discussion followed in regard to putting a CAP on spending before it has to have Mayor and Council approval.

Councilman Schiffman moved that a CAP of \$2,500 be put on spending for equipment before it has to come before the Mayor and council; seconded by councilwoman Huntley and carried as per the following roll call: Council Members: Specchio, NO; Vroom, NO; Huntley, YES; Marinaro, Yes; Pituch; YES and Schiffman, YES.

Further discussion followed in regard to spending in the Borough

Adoption of Resolution 32010-7.12: Payment of Municipal Obligations

Councilman Specchio offered the following R4esolution and moved for its adoption:

RESOLUTION - #2010 -7.12

**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	1,434,910.63	CURRENT	895,093.76
UTILITY	162,238.24	UTILITY	28,703.26
CAPITAL	104,176.77	UNEMPLOY.	85.71
UTILITY CAPITAL	000.00	RECYCLING	275.32
TRUST	9,804.91	CAPITAL	000.00
DOG	72.25	TRUST	9,480.00
RECREATION	12,657.65	SPEC. ASSESS.	0,000.00
UNEMPLOYMENT	0.00	RECREATION	000.00
ROSE FUND	8,591.06	UTILITY CAP	000.00
RECYCLING	6,404.25	DOG	000.00
TOTAL	1,738,855.76	TOTAL	933,638.05

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.

Discussion in regard to Municipal Liens

At this time, Chief financial Officer Mollineaux discussed her recommendation that we go through the list of municipal liens and direct the Borough Attorney to begin foreclosure proceedings for those he deems in order and that the Borough Engineer look at them as to any hazardous areas.

Councilwoman Huntley moved that the Borough Attorney, Borough Engineer and Tax Assessor be authorized to review the Municipal Liens and recommend which ones to initiate foreclosure; seconded by Councilman Specchio and carried as per the following roll call: Council Members: Huntley, YES; Marinaro, PRESENT; Pituch, Yes; Schiffman, YES; Specchio, YES and Vroom, YES.

Adoption of Resolutions #2010-7.13 through #2010-7.16

Councilman Specchio offered the following Resolutions and moved for their adoption:

**RESOLUTION #2010 -7.13
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Redemption and Cancellation of Tax Title Lien Certificate #090010

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, 195 UNION AVENUE, BLOOMINGDALE, for delinquent year 2009 SEWER CHARGES, and

WHEREAS, the Governing Body further finds and declares that the foregoing property is also known as Block 92.G, Lot 63, owned by Anthony Fusco & Nicole Mungo; and

WHEREAS, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 090010, which was sold to STRUCTURED FINANCE ADV., LLC at 0 percent; and

WHEREAS, the Governing Body further finds and declares that, Wells Fargo Home Mortgage, has requested redemption of TTL # 090010, and

WHEREAS, the Governing Body further finds and declares that Wells Fargo Home Mortgage, have paid all monies due on TTL # 090010, 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 \$ 1,206.08 for the lien redemption and \$ 700.00 for return of the PREMIUM payable to STRUCTURED FINANCE ADV., LLC for the redemption and cancellation of Tax Title Lien Certificate # 090010.

1099 = \$ 22.57

**RESOLUTION #2010 -7.14
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Redemption and Cancellation of Tax Title Lien Certificate #090006

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,
37 SANDRA LANE, BLOOMINGDALE, for delinquent year 2009 taxes, and

WHEREAS, the Governing Body further finds and declares that the foregoing property is also known as Block 96, Lot 7, owned by THOMAS & LISA KELLY; and

WHEREAS, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 090006, which was sold to LIEN TIMES, LLC for a PREMIUM of \$5,700.00; and

WHEREAS, the Governing Body further finds and declares that LPS PROPERTY TAX SOLUTIONS, mortgage holder of property, has requested redemption of TTL # 090006, and

WHEREAS, the Governing Body further finds and declares that LPS PROPERTY TAX SOLUTIONS, has paid all monies due on TTL # 090006, 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 \$ 9,396.74 for the lien redemption and \$ 5,700.00 for return of the PREMIUM payable to LIEN TIMES, LLC, 203 Stephens Road, West Milford, NJ 07480 for the redemption and cancellation of Tax Title Lien Certificate # 090005.

1099 = \$ 392.55

**RESOLUTION #2010 -7.15
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Redemption and Cancellation of Tax Title Lien Certificate #090013

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, 185 RAFKIND ROAD, 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 49.H, Lot 4, owned by Faisal & Yasmeen Akrami; and

WHEREAS, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 090013, which was sold to US BANK CUST FOR PRO CAPITAL I, LLC at 0 percent; and

WHEREAS, the Governing Body further finds and declares that, Faisal & Yasmeen Akrami, owners of property, has requested redemption of TTL # 090013, and

WHEREAS, the Governing Body further finds and declares that Faisal & Yasmeen Akrami, have paid all monies due on TTL # 090013, 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 \$ 812.28 for the lien redemption payable to US BANK CUST FOR PRO CAPITAL I, LLC, 50 SOUTH 16TH STREET, SUITE 1950, PHILADELPHIA, PA 19102 for the redemption and cancellation of Tax Title Lien Certificate # 090013.

1099 = \$ 14.85

**RESOLUTION #2010 -7.16
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Redemption and Cancellation of Tax Title Lien Certificate #090017

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, 292 MACOPIN ROAD, BLOOMINGDALE, for delinquent year 2009 ELECTRIC, and

WHEREAS, the Governing Body further finds and declares that the foregoing property is also known as Block 6, Lot 4, owned by Brian Timony & Amelia Spae; and

WHEREAS, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 090017, which was sold to US BANK CUST FOR PRO CAPITAL I, LLC at 0 percent; and

WHEREAS, the Governing Body further finds and declares that, Wells Fargo Home Mortgage, has requested redemption of TTL # 090017, and

WHEREAS, the Governing Body further finds and declares that Wells Fargo Home Mortgage, have paid all monies due on TTL # 090017, 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 \$ 755.81 for the lien redemption and \$ 201.00 for return of the PREMIUM payable to US BANK CUST FOR PRO CAPITAL I, LLC, 50 SOUTH 16TH STREET, SUITE 1950, PHILADELPHIA, PA 19102 for the redemption and cancellation of Tax Title Lien Certificate # 090017.

1099 = \$ 13.74

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

Adoption of Resolution #2010-7.17: Authorizing State Tax Court Refund

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

**RESOLUTION # 2010-7.17
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing State Tax Court Refund

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that on June 30, 2010 the Municipality was notified of a State Tax Court judgment, and

WHEREAS, the Governing Body further finds and declares that this judgment is on Block 82, Lot 34, known as 45-47 MAIN STREET, owned by BLOOMINGDALE PLAZA ASSOCIATES, LLC and

WHEREAS, the Governing Body further finds and declares that since this judgment is against the 2009 tax assessment for taxes, and that the 2009 taxes have already been paid in full by the owner, and

WHEREAS, per the directives of the STIPULATION OF SETTLEMENT filed with the STATE TAX COURT any refund of monies is to be paid to the plaintiff’s attorney, Michael A. Vespasiano, Trustee,

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 check in the amount of \$3,639.95 payable to Michael A. Vespasiano, Trustee, 331 Main Street, Chatham, NJ 07928

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.

Adoption of Resolution #2010-7.18: Authorizing Veteran Exemption

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

**RESOLUTION #2010 -7.18
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Veteran Exemption

WHEREAS, on June 1, 2010 the Tax Assessor granted a VETERAN EXEMPTION for the taxing year of 2010, and

WHEREAS, the Governing Body further finds and declares that the foregoing property owner has paid their first-half 2010 taxes in full, and is now entitled to refund.

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

Veteran: Charles Kirby
 Property: Block 38 Lot 5
 Address: 18 Sunrise Avenue
 Bloomingdale, NJ 07403

2010 Refund Amount: \$ 2,798.08

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to cancel the balance of the 2010 taxes.

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 #2010-7.19: State Tax Court Refund

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

**RESOLUTION # 2010-7.19
 OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing State Tax Court Refund

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that on July 9, 2010 the Municipality was notified of a State Tax Court judgment, and

WHEREAS, the Governing Body further finds and declares that this judgment is on Block 26, Lot 2, known as 66 Catherine Street, owned by TEXAS WIENER, LLC C/O KRIEGMAN/SMITH and

WHEREAS, the Governing Body further finds and declares that since this judgment is against the 2008 tax assessment for taxes, and that the 2008 taxes have already been paid in full by the owner, and

WHEREAS, per the directives of the STIPULATION OF SETTLEMENT filed with the STATE TAX COURT any refund of monies is to be paid to the plaintiff’s attorney, Brach Eichler LLC and Texas Wiener LLC c/o Kriegman/Smith

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 check in the amount of \$8,609.36 payable to Brach Eichler LLC and Texas Wiener LLC c/o Kriegman/Smith, 101 Eisenhower Parkway, Roseland, NJ 07068.

Councilman Vroom 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 #2010-7.20: Confirming a temporary moratorium on issuance of building permits for residential construction involving the moving of 500 cu yds or more of soil

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

**RESOLUTION #2010-7.20
 OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Confirming a Moratorium on the Issuance of Building Permits for One and Two family Homes Where There Will be the Moving of Five Hundred Cubic Yards or More of Soil

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; 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, 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

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; and

WHEREAS, the Borough Attorney recommends to the Bloomingdale Building Department and the Governing Body that no building permits should be issued for one and two family home construction involving the moving of 500 cubic yards or more of soil in order to allow the Governing Body an opportunity to amend the Borough soil and soil removal ordinance and to make clear its continued intended applicability to construction or additions pertaining to one and two family homes; and

WHEREAS, the Governing Body has determined that a moratorium on the issuance of building permits is appropriate for the reasons stated:

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED, that the Governing Body of the Borough of Bloomingdale does hereby confirm that until such time as the Borough soil and soil removal ordinance is amended by the Governing Body to expressly apply to one and two family home construction involving the moving of 500 cubic yards or more of soil, the Bloomingdale Building Department shall not issue any building permit involving new construction or additions pertaining to one and two family homes where there is the proposed moving of 500 hundred cubic yards or more of soil.

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

Borough Attorney stated that there may be some minor language change as to not intended to apply to any development that has received planning board site plan approval.

PUBLIC HEARING ON ORDINANCES

Introduction of Ordinance #9-2010: Amending the Soil and Soil Removal Provisions of the Revised General Ordinances of the Borough

AN ORDINANCE OF THE BOORUGH OF BLOOMINGDALE AMENDING THE SOIL AND SOIL REMOVAL PROVISIONS OF THE REVISED GENERAL ORDINANCES OF THE BOORUGH OF BLOOMINGDALE was introduced by title by Councilman Specchio who

moved that second and final reading and public hearing be held on September 14, 2010 at 7:30 p.m.

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.

Adoption of Resolution #2010-7.21: Endorsing State Aid Application for Vreeland Avenue Improvements

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

RESOLUTION 2010-7.21

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE VREELAND AVENUE IMPROVEMENTS

WHEREAS, the Bloomingdale Mayor and Council desire to resurface Vreeland Avenue between the Paterson Hamburg Turnpike and Old Ridge Road including the reconstruction of concrete curb and existing drainage; and,

WHEREAS, the Bloomingdale Mayor and Council desire to request aid from the State of New Jersey in the amount of \$275,000.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Bloomingdale Borough, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2011-Bloomingdale Borough-00623 to the New Jersey Department of Transportation on behalf of Bloomingdale Borough.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Bloomingdale Borough and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Councilman Specchio 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 #2010-7.22: Authorizing application for Additional Water Capacity

Discussion followed s to Borough Administrator and Borough Engineer having some discussion with the DEP as to the accuracy of their numbers re allocation; BLC has submitted to the DEP applications and requesting permits for construction. According to the DEP, there is a shortfall in the allocation to the Borough.

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

**RESOLUTION #2010-7.22
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing the Application for Additional Water Capacity as May be Necessary to Meet Municipal Needs

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 has been informed that there may not be sufficient water capacity to allow development of the BLC One LL Tract as anticipated and in a manner that substantially assists the Borough in meeting its affordable housing obligations:

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize the Borough Administrator, Borough Attorney and Borough Engineer to take such steps as may be needed to obtain a determination from the New Jersey Department of Environmental Protection that there is sufficient municipal water capacity to meet municipal needs or to locate additional water capacity which the Governing Body shall then consider obtaining on behalf of the Borough.

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

Public Health & Safety Committee

Appointment of CERT Member

Mayor Steenstra appointed Gregory Reilly of 14 Charles Street as a member of the CERT Team for a term expiring 12/31/10.

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

Notice as to Environmental Stewardship Award

It was noted that the DPW was awarded an Environmental Stewardship Award for the DPW for their proactive measure taken to improve the environment and going beyond compliance in an effort to improve the environment and ensure a sustainable future.

Adoption of Resolution #2010-7.23: Van Dam and Woodward Avenue

Councilwoman Huntley offered the following resolution and moved for its adoption:

**RESOLUTION #2010-7.23
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

***Endorsing the Moving of the \$100,000.00 Hamburg Turnpike Sidewalk
Improvement Grant Funding to a Portion of Ryerson and Reeve Avenues***

WHEREAS, the Borough of Bloomingdale has been awarded a \$100,000 grant under the Passaic County Economic Development Grant Program for sidewalk improvements along the Hamburg Turnpike near the Glenwild Avenue intersection; and

WHEREAS, the Governing Body has determined that the awarded sidewalk grant monies may be better utilized for sidewalk improvements along portions of Reeve Avenue and Ryerson Avenue:

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED, that the Governing Body of the Borough of Bloomingdale does hereby authorize the Borough Administrator to make

application to Passaic County seeking to obtain approval for the transfer of the available grant funding from sidewalk improvements along Hamburg Turnpike to improvements along portions of Reeve Avenue and Ryerson Avenue.

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.

PUBLIC HEARINGS ON ORDINANCES

Ordinance #5-2010-: Amending Chapter XIX, Solid Waste management to Regulate Refuse Containers/Dumpsters

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING CHAPTER XIX, SOLID WASTE MANAGEMENT, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BLOOMINGDALE TO REGULATE REFUSE CONTAINERS/DUMPSTERS was given second and final reading and consideration for adoption at this time.

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

ORDINANCE No. 5-2010

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING CHAPTER XIX, SOLID WASTE MANAGEMENT, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BLOOMINGDALE TO REGULATE REFUSE CONTAINERS/DUMPSTERS

WHEREAS, the Governing Body of the Borough of Bloomingdale believes it is in the interest of the residents of the Borough of Bloomingdale to regulate the use of refuse containers and dumpsters; and

WHEREAS, the State of New Jersey requires that municipalities such as the Borough of Bloomingdale adopt and enforce refuse container/ dumpster ordinance minimum standards:

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

Section 1. a. A new Section 19-2, “Refuse Container/Dumpster Regulation,” hereby is created and shall provide the following:

19-2.1 Purpose. An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system operated by and/or on behalf of the Borough of Bloomingdale and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

19-2.2 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 of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch

basins, curbs, gutters, ditches manmade channels, or storm drains) that is owned or operated by or on behalf of the Borough of Bloomingdale or other public body, and is designed and used for collecting and conveying stormwater.

- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- d. Stormwater - means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.
- e. Waters of the State - means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

19-2.3 Prohibited Conduct. Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by or on behalf of the Borough of Bloomingdale.

19-2.4. Exceptions to Prohibition.

- a. Permitted temporary demolition containers
- b. Litter receptacles (other than dumpsters or other bulk containers)
- c. Individual homeowner trash and recycling containers
- d. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

19-2.5. Enforcement. This ordinance shall be enforced by the Police Department of the Borough of Bloomingdale.

19-2.6. Penalties. Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$500.00.

19-2.7. Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

19-2.8. Effective Date. This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

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

The Municipal Clerk read the ordinance by title.

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

Since there was no one who wished to speak under the Public hearing, Councilman Specchio 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: Vroom; Huntley; Marinaro; Pituch; Schiffman and Specchio all Yeds.

Ordinance #6-2010: Amending Chapter XXI, Drainage and Stormwater management to Regulate Fertilize Application

Councilman Marinaro moved to TABLE the ordinance until August 17, 2010 at 7:30 p.m. due to some corrections which councilwoman Pituch noted; seconded by Councilman Vroom and carried on voice vote.

Ordinance #7-2010: Amending Chapter XXI, Drainage and Stormwater Management to Regulate private Storm Drain Inlet Retrofitting

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING CHAPTER XXXI, DRAINAGE AND STORMWATER MANAGEMENT, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BLOOMINGDALE TO REGULATE PRIVATE STORM DRAIN INLET RETROFITTING was given second and final reading and public hearing at this time.

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

ORDINANCE No. 7-2010

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING CHAPTER XXXI, DRAINAGE AND STORMWATER MANAGEMENT, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BLOOMINGDALE TO REGULATE PRIVATE STORM DRAIN INLET RETROFITTING

WHEREAS, the Governing Body of the Borough of Bloomingdale believes it is in the interest of the residents of the Borough of Bloomingdale to regulate private storm drain inlet retrofitting; and

WHEREAS, the State of New Jersey requires that municipalities such as the Borough of Bloomingdale adopt and enforce private storm drain inlet retrofitting ordinance minimum standards:

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

Section 1. a. A new Section 31-13, “Private Storm Drain Inlet Retrofitting,” hereby is created and shall provide the following:

31-13.1 Purpose. An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by or on behalf of the Borough of Bloomingdale so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

31-13.2 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 of this ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4) - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches manmade channels, or storm drains) that is

owned or operated by or on behalf of the Borough of Bloomingdale or other public body, and is designed and used for collecting and conveying stormwater.

- b. Person - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Storm drain inlet - an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.
- d. Waters of the State - means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

31-13.3 Prohibited Conduct. No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either: (1) Already meets the design standard below to control passage of solid and floatable materials; or (2) is retrofitted or replaced to meet the standard in Section 31-13.4 below prior to the completion of the project.

31-13.4 Design Standard. Storm drain inlets identified in Section 31-13.3 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard, see Section 31-13.4(3) below.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.
Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.
2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
3. This standard does not apply:
 - a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
 - b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - ii. A bar screen having a bar spacing of 0.5 inches.
 - c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or

d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

31-13.5 Enforcement. This ordinance shall be enforced by the Construction Department of the Borough of Bloomingdale and/or the Municipal Engineer of the Borough of Bloomingdale.

31-13.6 Violations and Penalties. Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$500.00 for each storm drain inlet that is not retrofitted to meet the design standard.

31-13.7 Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

31-13.8 Effective Date. This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

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

The Municipal Clerk read the ordinance by title.

Councilman Vroom moved that the public hearing be open on this ordinance; seconded by Councilman Specchio and carried on voice vote.

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

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

LATE PUBLIC COMMENT

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

Jon Dunleavy, 51 Morse lakes road, spoke in regard to enforcement and also spoke in regard to the water tank and if the current tank can handle development by DR Horton and BLC One.

Mr. Santoro, 192 Clark Street, spoke about the water tank and fact that he would be willing to review the bids. The borough Administrator cautioned that if Mr. Santoro was going to bid on the project, he should not be involved with the bidding process.

Mr. Santoro cautioned as to the fact as to where the documentation came from for the proposal. Noted t hat the last time the bid went out there was language which prevented others from bidding.

Linda Shortman, Kampfe Lake, also spoke in regard to stepping up and enforcing property maintenance. Mrs. Shortman spoke in regard to capacity y; Borough Administrator stated that he does not believe we will have to pay for capacity... Borough Engineer contacted the DEP and hopefully we will have a meeting with them early next week.

Lisa Bendel, 39 Elizabeth Street, also spoke in regard to property maintenance enforcement and presented various pictures of what she felt were violations; Borough administrator will look into these properties, etc.

Frank Varga, 9 Elizabeth Street, spoke in regard to current financial situation in the budget, property maintenance and enforcement, furloughs, etc.

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

ADJOURNMENT

Since there was no further business to be conducted, councilman Specchio moved to ADJOURN the meeting at 12:10 a.m.; seconded by councilman Marinaro and carried on voice vote.

Jane McCarthy, RMC
Municipal Clerk

Final Draft – 9/14/10