

August 17, 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.

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 Specchio 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 Marinaro and carried on voice vote.

Adoption of Resolution #2010-8.1: Recognition the Efforts of the master Gardeners in their Efforts at the Senior Citizen Center

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

**RESOLUTION #2010-8.1
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Expressing Appreciation for Rutgers Master Gardeners of Passaic County

WHEREAS, the Governing Body ("Governing Body") of the Borough of

Bloomingtondale ("Borough") finds and declares that citizens of the Borough have a community about which there is much to be proud; and

WHEREAS, Rutgers Cooperative Extension Master Gardeners of Passaic County enjoys the success of the Senior Center Beautification Project ~ Planning and planting tree, shrubs, and perennials; designing container gardens; planting a deer resistant and xeriscape (low water use) garden; and enriching the lives of seniors with their experiences in horticulture therapy;

WHEREAS, the Governing Body further finds and declares that the Rutgers Cooperative Extension Master Gardeners of Passaic County, the senior participants and volunteers who helped to make the beautification project fun and wonderful days in the sun for all who showed their pride in our community, deserve the sincere gratitude and appreciation of the Borough and its citizens for their efforts;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingtondale does hereby express its sincere gratitude and appreciation to Project Leader Sunny Brennan, and Rutgers Master Gardeners Roberta Aiello, Leigh Brower, Debra Bryant, Tina Califano, Helene Christie, Ray Edel, Patricia Engrissei, Jill Hanifan, Dawn Healey, Barbara Hegranes, Bonnie Joachim, Sara McHugh, Darlene Nowak, Margaret Kerstner, Jeanne Pisatowski, Jo-Ann Pituch, Jean Reynolds, Joan Riedl, Mary Riley, Jane Van Eeuwen, Bob Weiss, Marilyn Zdobinski and Elaine Barbour, County Agricultural Assistant and Master Gardener Coordinator.

Councilman Schiffman seconded the motion, and it carried on voice vote.

At this time, the Mayor and Council recognized the efforts of the Master Gardeners in their work at the Senior Citizen Center and Sunny Brennan explained what exactly they did at the Center and the works of the Master Gardeners.

Pat Yannacci of the Senior Center thanked the Master Gardeners for making the Center a more enjoyable place.

The presentation was roundly applauded by all those in attendance.

ATTENDANCE OF THE LIBRARY BOARD REPRESENTATIVES AND STAFF IN REGARD TO PROGRAMS AND FUTURE OF THE LIBRARY

At this time, Edward Simoni, President of the Library Board, spoke in regard to the efforts to improve the Library and communications as to what they are doing and what they plan to do; noted that they are more than 60% done with their three year strategic plan.

Patti Perugina, Interim Library Director, and Denise Carozza, Children's Librarian discussed the various programs run by the Library and their efforts to improve the services for the citizens and children of the Borough.

Mayor Steenstra noted that the Library is an integral part of the town and noted that if any member has any questions for the Library, they are free to ask.

At this time, Mayor Steenstra thanked the members for their presentation and for the good job they are performing.

DISCUSSION AS TO GRANT WITH PASSAIC COUNTY (STATUS)

At this time, Mayor Steenstra stated that he invited Freeholder Pat Lepore to attend the meeting and discuss the status of a grant the Borough received for Hamburg Turnpike and the fact that the Council wants to change the parameters of the Grant.

Councilman Vroom presented numerous pictures at this time of the storm drains on Main Street during the flood of April 2010 and fact that the water was going over the street in these areas,.

Mayor Steenstra noted that the County had awarded us \$64,000 for the original project and noted that some of the members wanted to move the grant to Henion and others Reeve and Ryerson.

Discussion as to cost of moving the project. Noted that estimates for Reeve and Ryerson were almost three times the cost. In response to Councilman Marinaro, Borough Administrator noted that we did not get a breakdown of Reeve.

At this time, Freeholder Lepore understood the dilemma of the Governing body but encouraged them to come to a unanimous consensus which would be more favorable when asking the County to change the parameters of the grant. Noted that this is a major alteration and implored the members to come to a unanimous decision.

Consensus that Councilwoman Huntley will get the information as to Ryerson and Reeve to the Administrator so he can get an estimate from the Borough Engineer and this will be on the September 14 agenda.

RECESS

Mayor Steenstra called for a recess at this time, 8:13 p.m.

RECONVENED

Mayor Steenstra reconvened the meeting at 8:26 p.m.

APPROVAL OF CONSENT AGENDA

Municipal Clerk asked that Item A be pulled at this time.

Councilman Specchio moved for the approval of Item B – Informal Items List for weeks ending July 8, 15 22 and 29, 2010 at this time; seconded by Councilman Marinaro and carried on voice vote.

APPROVAL OF CONSENT AGENDA

PENDING BUSINESS

Governmental Operations Committee

Discussion as to Request by Towerco for Request for Proposed Co-locations on its tower

Borough Administrator stated that he has met with the Borough Administrator of Butler and they are getting close to a figure but he would like to check out another avenue as to getting a better proposal.

This will be on the September 14 agenda for consideration.

Discussion as to Star Lake Water Tank

Tom Broody of the Engineers Office was in attendance and a discussion followed as to the request of the Governing Body to go out for bids on the repair of the water tank only, not including maintenance and other options separate.

Mr. Broody noted that the Engineer felt a two year guarantee would be good; second set of bids would be repair of the tank with long term maintenance agreement.

Discussion followed as to securing a site for a new tank, what would be involved as far as DEP approvals; cost of a new tank. Engineer stated that he would estimate double the costs due to dismantling and cleanup, remediation. Best would be to rehab the existing tank.

Discussion followed in regard to water capacity. At this time, Borough Attorney informed Councilman Schiffman he should recuse himself as he has a conflict due to his living within 200' of BLC One who has an approved plan for site development.

Borough Administrator stated that DEP has informed us we have less capacity and we are short; he will be going to Trenton with the Chief Financial Officer and the Borough Engineer on August 24 to review their numbers and encourage a review of their calculations. He will also ask them about installing a new tank.

Borough Administrator stated that he has a letter from Butler that we have sufficient water to meet our needs.

Discussion followed in regard to interconnect valves; Borough Engineer has gotten estimates for \$10,000/valve.

Adoption of Resolution #2010-8.2: Authorization for Interconnect Valves

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

**RESOLUTION #2010-8.2
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing the Borough Administrator to Solicit Bids for Repair of the Butler/Bloomingtondale Water Interconnect

WHEREAS, the Governing Body has determined that it will promote the public health, safety and welfare to effectuate repairs to the Butler/Bloomingtondale Water Interconnect in as timely and cost effective a manner as is possible; and

WHEREAS, the Governing Body is prepared to authorize an expenditure not to exceed \$50,000.00 for repair of the Butler/Bloomingtondale Water Interconnect to a qualified and responsible low bidder once such bidder is obtained through the open bidding process:

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED, that the Governing Body of the Borough of Bloomingtondale does hereby authorize the Borough Administrator to solicit bids for repair of the Butler/Bloomingtondale Water Interconnect.

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

At this time, Councilwoman Huntley discussed the variance reports on water bills and asked if they are periodically checked.

Chief Financial Officer noted that Water/Sewer Coordinator DiGregorio checks the capacity in the water tank and how that alters.

Councilwoman Huntley stated that the Borough of Butler has variance reports and a check is not done and it should be on a quarterly basis.

In response to Councilman Schiffman, Borough Attorney stated that if we are short on water capacity, it does not necessarily mean we are short on the sewer capacity; in fact, we have a lot of sewer capacity.

Borough Attorney stated that he would have to get a Judgment of Repose for a Developer to give up capacity y.

FY2010 MUNICIPAL BUDGET

Chief Financial Officer stated that the Borough Auditor will put together an amendment addressing some issues for clarification and asked the Governing Body if they are going to be any revisions to the budget as it was present. This decision has to be made by the Council.

Councilman Marinaro noted we were not happy with the budget and discussed cutting another \$30,000 and the opt-out status needs to be known.

Chief Financial Officer stated that it is her recommendation that nothing more be cut from the budget; discussed the tax bills which need to go out.

Discussion followed and consensus that the Budget committee will meet next Thursday to go over additional cuts and the budget and CAP ordinance will be on the meeting for September 14.

Public Health & Safety Committee

PBA Negotiations

Mayor Steenstra stated that we have received a letter from the PBA Attorney as to negotiations; Committee of Councilmen Specchio and Schiffman will give the Borough Administrator a list of dates they are available to meet.

Ordinance Review Committee

Committee still is working on various ordinances.

INTRODUCTION OF NEW BUSINESS

Governmental Operations Committee

Adoption of Resolution #2010-8.3: Payment of Municipal Obligations

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

**RESOLUTION - #2010 -8.3
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

CURRENT	2,687,550.30
UTILITY	14,545.59
CAPITAL	00.00
UTILITY CAPITAL	000.00
TRUST	2,760.96
DOG	253.45
RECREATION	7,436.08
UNEMPLOYMENT	0.00
ROSE FUND	13,402.33
RECYCLING	1,723.29

PREPAID LIST

CURRENT	717,147.56
UTILITY	61,845.28
UNEMPLOY.	76.75
RECYCLING	633.88
CAPITAL	28,635.98
TRUST	6,750.00
SPEC. ASSESS.	0,000.00
RECREATION	8,182.00
UTILITY CAP	000.00
DOG	000.00

TOTAL 2,727,672.00

TOTAL 823,271.45

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

Discussion as to Garbage Trucks and Possible Purchase

Borough Administrator discussed fact that we had three trucks down last week; he asked the mechanics to identify four trucks we have and list of repairs we have expended; this was sent to the Committee for review and recommendations for the September 14 meeting.

Acceptance of Resignation of Michael Mazola as Member of Board of Health

Councilman Specchio moved to accept the resignation of Michael Mazola as a member of the Board of health with regret; seconded by Councilwoman Huntley and carried as per the following roll call: Council Members: Pituch; Schiffman; Specchio; Vroom; Marinaro and Pituch all YES.

(Municipal Clerk asked that the appoint of Kelly Innanorato as a Regular Member be held to the next meeting)

Appointment of Doris Migliorino as Member of Senior Center Advisory Board

Councilman Vroom moved for the appointment of Doris Migliorino as a member of the Senior Citizen Committee; seconded by Councilman Specchio and carried as per the following roll call: Council Members: Schiffman; Specchio; Vroom; Huntley; Marinaro and Pituch all YES.

Adoption of Resolution #2010-8.4: policy of posting pictures of minors on website

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

**RESOLUTION #2010-8.4
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Establishing Borough of Bloomingdale Policy on Posting of Pictures of Minor Children on the Borough

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:

1. 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.
2. 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.

Councilwoman Huntley 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 Ordinance #10-2010: Establishing policy of posting pictures of children on borough website

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE ESTABLISHING BOROUGH POLICY ON THE POSTING OF PHOTOGRAPHS OF MINOR CHILDREN ON THE BOROUGH WEBSITE was introduced by titled by Councilman Specchio who moved that second and final reading and public Hearing be held on September 28, 2010 at 7:30 p.m.; 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 Tax Office Resolutions #2010-8.5 through #2010-9.10

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

**RESOLUTION #2010 -8.5
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Redemption and Cancellation of Tax Title Lien Certificate #090019

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,
14 LEARY AVENUE, BLOOMINGDALE, for delinquent year 2009 WATER/SEWER charges,
and

WHEREAS, the Governing Body further finds and declares that the foregoing property is also known as Block 85 Lot 12, owned by William Wanamaker; and

WHEREAS, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 090019, which was sold to US BANK CUST FOR PRO CAPITAL I, LLC at a premium of \$401.00; and

WHEREAS, the Governing Body further finds and declares that, Chase Loan Servicing, LLC has requested redemption of TTL # 090019, and

WHEREAS, the Governing Body further finds and declares that Chase Loan Servicing, LLC has paid all monies due on TTL # 090019, 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 \$ 1,298.94 for the lien redemption and \$ 401.00 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 # 090019.

1099 = \$ 24.39

**RESOLUTION #2010 -8.6
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Redemption and Cancellation of Tax Title Lien Certificate #090009

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,

16 EAST SHORE ROAD, BLOOMINGDALE, for delinquent year 2009 ELECTRIC CHARGES, and

WHEREAS, the Governing Body further finds and declares that the foregoing property is also known as Block 4, Lot 24.1, owned by Nuha M. Matari; and

WHEREAS, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 090009, which was sold to STRUCTURED FINANCE ADV., LLC at 0 percent; and

WHEREAS, the Governing Body further finds and declares that, Residential Credit Solutions, has requested redemption of TTL # 090009, and

WHEREAS, the Governing Body further finds and declares that Residential Credit Solutions, have paid all monies due on TTL # 090009, 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 check in the amount of \$ 937.86 for the lien redemption payable to STRUCTURED FINANCE ADV., LLC for the redemption and cancellation of Tax Title Lien Certificate # 090009.

1099 = \$ 56.41

**RESOLUTION # 2010-8.7
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 16, 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 28, Lot 2, known as 143 Hamburg Turnpike, owned by 143 Hamburg Turnpike Bloomingdale LLC and

WHEREAS, the Governing Body further finds and declares that since this judgment is against the 2008 and 2009 tax assessment for taxes, and that the 2008 and 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, Brach Eichler LLC and 143 Hamburg Turnpike Bloomingdale LLC

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 \$3,926.31 payable to Brach Eichler LLC and 143 Hamburg Turnpike Bloomingdale LLC, 101 Eisenhower Parkway, Roseland, NJ 07068.

**RESOLUTION # 2010-8.8
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 16, 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 62, Lot 1, known as At Slaters Pond, owned by ALBERT SHOTMEYER and

WHEREAS, the Governing Body further finds and declares that since this judgment is against the 2008 and 2009 tax assessment for taxes, and that the 2008 and 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, Brach Eichler LLC and Albert Shotmeyer

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 \$7,322.19 payable to Brach Eichler LLC and Albert Shotmeyer, 101 Eisenhower Parkway, Roseland, NJ 07068.

**RESOLUTION # 2010-8.9
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 16, 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 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, 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 \$8,871.63 payable to Brach Eichler LLC and Texas Wiener LLC c/o Kriegman/Smith, 101 Eisenhower Parkway, Roseland, NJ 07068.

**RESOLUTION # 2010-8.10
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 82, Lot 11, known as 115 Main Street, owned by WACHOVIA BANK, NA 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, Lasser Hochman, LLC and Wachovia Bank, NA

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 \$6,384.53 payable to Wachovia Bank, NA and Lasser Hochman, LLC, 75 Eisenhower Parkway, Suite 120, Roseland, NJ 07068.

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.

Introduction of Ordinance #11-2010: Appropriating \$231,000 DOT Grant for the Sloan Park Bridge

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE APPROPRIATING \$231,000.00 DEPARTMENT OF TRANSPORTATION GRANT FOR THE SLOAN PARK BRIDGE PROJECT was introduced by title by councilman Specchio who moved that second and final reading and public hearing be held on September 28, 2010 at 7:30 p.m.

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.

Letter from PRBRSA dated June 29, 2010 re Capital Improvement Project and requesting comments by September 1, 2010 as to towns additional capacity request if needed

Borough Attorney stated he will discuss this with the Borough Engineer and will poll the Governing Body as to the recommendation made by the Borough Engineer and ratify on September 14 due to the time restraints for response.

Adoption of Resolution #2010-8.11: Temporary Emergency

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

**RESOLUTION #2010-8.11
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, 2010 until the adoption of the Operating Budget for the Borough of Bloomingdale, New Jersey; and

WHEREAS, additional appropriations will be required from August 17, 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	Other Expenses		\$5,000.00
M&C	Salary & Wages		\$2,750.00
Tax Collection	Salary & Wages		\$2,500.00
Tax Assessment	Salary & Wages		\$1,500.00
Planning Board	Other Expenses		\$2,000.00
Uniform Construction Code	Other Expenses		\$2,000.00
Police	Salary & Wages		\$20,000.00
Police Dispatchers	Salary & Wages		\$10,000.00
Municipal Prosecutor	Salary & Wages		\$1,000.00
Roads	Salary & Wages		\$40,000.00
Sanitation	Salary & Wages		\$10,000.00
Tipping Fees	Other Expenses		\$10,000.00
Senior Citizens	Salary & Wages		\$1,000.00
Gasoline	Other Expenses		\$2,000.00
Electricity	Other Expenses		\$7,000.00
Social Security	Other Expenses		\$20,000.00
Municipal Court	Salary & Wages		\$4,000.00
Debt Service	Other Expenses		\$11,527.50
TOTAL			\$152,277.50

TOTAL CURRENT FUND

WATER AND SEWER UTILITY FUND

Debt Service	Other Expenses		\$12,637.00
Total			\$12,637.00
Total			

TOTAL WATER AND SEWER

2. This action shall take effect August 17, 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 Marinaro seconded the motion, and it carried as per the following roll call: Council Members: Schiffman; Specchio; Vroom; Huntley; Marinaro and Pituch all YES.

Discussion as to Renewal of Board of Health Contract with Pequannock

Borough Administrator stated that he has reviewed the proposed contract and has a few recommendation; one being the term be only one year; like a cost breakdown identifying exactly what we are going to get and a guarantee of at least three programs for fall and spring and defined. Borough Attorney confirmed that this must be approved by the Mayor and Council.

Consensus that this will be on the September 28 meeting for authorization,

Request from Lake Iosco to use Council Chambers

Councilman Vroom moved that authorization be given to Lake Iosco to use the Council Chambers in November for their annual stockholders conference; seconded by Councilman Marinaro and carried on voice vote.

Request for waiver of permit fee by Bloomingdale Fire department Ladies Auxiliary

Councilman Vroom moved to waive the \$150 permit fee for the Bloomingdale Fire Department ladies Auxiliary November 7, 2010 fundraiser; seconded by Councilman Schiffman and carried as per the following roll call: Council Members: Specchio; Vroom; Huntley; Marinaro; Pituch and Schiffman all YES.

PUBLIC HEARING ON ORDINANCE #6-2010

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING CHAPTER XXI, DRAINAGE AND STORMWATER MANAGEMENT, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BLOOMINGDALE TO REGULATE FERTILIZER APPLICATION was given second reading and consideration for adoption at this time.

At this time, Municipal Clerk read the Public Notice Statement.

Councilman Vroom moved that the ordinance be read by title:

ORDINANCE No. 6-2010

***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 FERTILIZER
APPLICATION***

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 fertilizer application; and

WHEREAS, the State of New Jersey requires that municipalities such as the Borough of Bloomingdale adopt and enforce fertilizer application 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 31-12, "Fertilizer Management," hereby is created and shall provide the following:

31-12.1 Purpose. An ordinance to regulate the outdoor application of fertilizer so as to reduce the overall amount of excess nutrients entering waterways, thereby helping to protect and improve surface water quality. This ordinance does not apply to fertilizer application on commercial farms.

31-12.2 Basis and Background. Elevated levels of nutrients, particularly phosphorus, in surface waterbodies can result in excessive and accelerated growth of algae and aquatic plants (eutrophication). Excessive plant growth can result in diurnal variations and extremes in dissolved oxygen and pH, which, in turn, can be detrimental to aquatic life. As algae and plant materials die off, the decay process creates a further demand on dissolved oxygen levels. The presence of excessive plant matter can also restrict use of the affected water for recreation and water supply. While healthy vegetated areas are protective of water quality by stabilizing soil and filtering precipitation, when fertilizers are applied to the land surface improperly or in excess of the needs of target vegetation, nutrients can be transported by means of stormwater to nearby waterways, contributing to the problematic growth of excessive aquatic vegetation. Most soils in New Jersey contain sufficient amounts of phosphorus to support adequate root growth for established turf. Over time, it is necessary to replenish available phosphorus,

but generally not at the levels commonly applied. Other target vegetation, such as vegetable gardens and agricultural/horticultural plantings, will have a greater need for phosphorus application, as will the repair or establishment of new lawns or cover vegetation. A soils test and fertilizer application recommendation geared to the soil and planting type is the best means to determine the amount of nutrients to apply. Timing and placement of fertilizer application is also critical to avoid transport of nutrients to waterways through stormwater runoff. Fertilizer applied immediately prior to a runoff-producing rainfall, outside the growing season or to impervious surfaces is most likely to be carried away by means of runoff without accomplishing the desired objective of supporting target vegetation growth. Therefore, the management of the type, amount and techniques for fertilizer application is necessary as one tool to protect water resources. This ordinance does not apply to application of fertilizer on commercial farms, but improper application of fertilizer on farms would be problematic as well. Stewardship on the part of commercial farmers is needed to address this potential source of excess nutrient load to waterbodies. Commercial farmers are expected to implement best management practices in accordance with conservation management plans developed for the farm by the Natural Resource Conservation Service and approved by the Soil Conservation District Board.

31-12.3 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. Buffer - the land area, 10 feet in width, adjacent to any waterbody. The Governing Body of the Borough of Bloomingdale finds and declares that a 25 foot width buffer, contemplated by the model ordinance, would be excessively restrictive within the Borough given typical lot sizes. Accordingly, an additional requirement shall be that a drop spreader is to be used for fertilizer application.
- b. Commercial farm - a farm management unit producing agricultural or horticultural products worth \$2,500.00 or more annually.
- c. Fertilizer - means a fertilizer material, mixed fertilizer or any other substance containing one or more recognized plant nutrients, which is to be used for its plant nutrient content, which is designated for use or claimed to have value in promoting plant growth, and which is sold, offered for sale, or intended for sale.
- d. Impervious Surface - a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water. This term shall be used to include any highway, street, sidewalk, parking lot, driveway, or other material that prevents infiltration of water into the soil.
- e. Person - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- f. Phosphorus fertilizer - any fertilizer that contains phosphorus, expressed as P₂O₅, with a guaranteed analysis of greater than zero; except that it shall not be considered to include animal (including human) or vegetable manures, agricultural liming materials, or wood ashes that have not been amended to increase their nutrient content.
- g. Soils test - a technical analysis of soil conducted by a reputable agronomic/horticultural soil-testing laboratory following the protocol for such a test established by Rutgers Cooperative Extension.
- h. Waterbody - a surface water feature, such as a lake, river, stream, creek, pond, lagoon, bay or estuary.

31-12.4 Prohibited Conduct. No person may do any of the following:

- a. Apply fertilizer when a runoff producing rainfall is occurring or predicted and/or when soils are saturated and a potential for fertilizer movement off-site exists. Fertilizer should not be applied to frozen soil.

- b. Apply fertilizer to an impervious surface. Fertilizer inadvertently applied to an impervious surface must be swept or blown back into the target surface or returned to either its original or another appropriate container for reuse.
- c. Apply fertilizer more than 15 days prior to the start of or at any time after the end of the recognized growing season, which is March 15 to October 31.

31-12.5 Phosphorus Fertilizer Application. No person may do the following:

- a. Apply phosphorus fertilizer in outdoor areas except as demonstrated to be needed for the specific soils and target vegetation in accordance with a soils test and the associated annual fertilizer recommendation issued by Rutgers Cooperative Extension.
- b. Exceptions
 1. Application of phosphorus fertilizer needed for: (a) establishing vegetation for the first time, such as after land disturbance, provided the application is in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules; or (b) re-establishing or repairing a turf area.
 2. Application of phosphorus fertilizer that delivers liquid or granular fertilizer under the soils surface, directly to the feeder roots.
 3. Application of phosphorus fertilizer to residential container plantings, flowerbeds, or vegetable gardens.

31-12.6 Enforcement. This ordinance shall be enforced by the Police Department of the Borough of Bloomingdale.

31-12.7 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.

31-12.8 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.

31-12.9 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.

Councilman Marinaro seconded the motion, and it carried on voice vote.

Councilman Vroom moved for the Public Hearing on this ordinance; seconded by Councilman Specchio and carried on voice vote.

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

Mayor Steenstra expressed his concern re enforcement of this ordinance and licensing of landscapers which he was informed is by the State.

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 YES.

At this time, Borough Administrator discussed a few new programs which are being implemented:

- . Disposal of TV's in a space container at the DPW Yard
- . Mentra TDAP Vaccine Clinic – October 23 from 9 a.m. to 1 p.m.

Discussion on Discretionary Spending CAP Policy

Borough Administrator asked for a clarification on the \$2,500 discretionary spending policy in light of items which have to be done for the DPW, in total they will exceed \$2,500.

Discussion followed and it was noted that the \$2,500 applies per vendor.

Councilwoman Huntley asked when the Water Department is going into the new DPW building and Borough Administrator stated that there is no space for them; they are no slated to go in there.

In regard to status of new Police Department, they are applying for grants.

Adoption of Resolution #2010-8.12: Authorization for Executive Session

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

**RESOLUTION #2010-8.12
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing the Convening of an Executive Session

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Governing Body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale, County of Passaic, State of New Jersey, as follows:

1. The public shall be excluded from discussion of, and action upon, the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
3. The general nature of the subject matter to be discussed is as follows:
 - A. Pending Litigation - two matters
4. Minutes will be taken.
5. It is anticipated at this time that minutes of the above-referenced subject matter will be made public when it is in order to do so.
6. This Resolution shall take effect immediately.

Councilman Specchio seconded the motion and it carried on voice vote.

(At this time, the Governing Body went into Executive Session)

RECONVENED

Mayor Steenstra reconvened the meeting at this time.

LATE PUBLIC COMMENT

There was no one present for Late Public Comment

Adoption of Resolution #2010-8.13: Tax Appeal Block 51; Lot 18

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

**RESOLUTION #2010-8.13
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing and Approving Block 51, Lot 18 Tax Appeal Settlement

WHEREAS, Wayne Johnson filed a 2009 tax appeal against the Borough of Bloomingdale; and

WHEREAS, the Governing Body has received and considered the recommendations of the Municipal Attorney, Municipal Tax Assessor, and the Borough's real estate valuation expert for tax appeals, that the above tax appeals be amicably resolved as set forth below; and

WHEREAS, the Governing Body has determined that is in the best interest of the residents of Bloomingdale to settle the tax appeals as recommended by the municipal professionals:

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED, that the Governing Body of the Borough of Bloomingdale does hereby authorize and approve the settlement of the Wayne Johnson tax appeal upon the following terms: (1) the original assessment of \$62,000.00 for Land and \$167,600.00 for Improvements, for a Total Assessment of \$229,600.00, hereby is revised to a Settlement Assessment of \$62,000.00 for Land and \$128,000.00 for Improvements, for a Total Assessment of \$190,000.00.

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

ADJOURNMENT

Since there was no further business to be conducted, Councilman Specchio moved to ADJOURN the meeting; seconded by Councilman Schiffman and carried on voice vote.

Jane McCarthy, RMC
Municipal Clerk