

February 26, 2008

The Regular Meeting of the Governing Body of the Borough of Bloomingdale was held on the above date in the Bloomingdale Firemen's Hall, 97 Hamburg Turnpike. Mayor Steenstra called the meeting to order at 7:04 p.m.

**SALUTE TO THE AMERICAN FLAG**

The Salute to the American Flag..

**ROLL CALL**

<i>In Attendance:</i>	Mayor:	William Steenstra
	Council President:	Jennifer Altfield
	Council Members:	Henry D. Sloomaker Bernard H. Vroom Thomas Marinaro Dean Specchio
	Absent:	Linda Huntley (Excused)
<i>Professionals Present:</i>	Municipal Clerk:	Jane McCarthy, RMC
	Borough Attorney:	Joseph V. "Joe" MacMahon, Esq.
	Chief Financial Officer:	Donna Mollineaux

**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 December 17, 2007.

**EARLY PUBLIC COMMENT**

Councilman Specchio moved that the meeting be opened to Early Public Comment; seconded by Councilman Marinaro and carried on voice vote with all members present voting YES.

Since there was n one who wished to speak under Public Comment, Councilwoman Altfield moved that it be closed; seconded by Councilman Specchio and carried on voice vote with all members present voting YES.

**APPROVAL OF CONSENT AGENDA**

Councilwoman Altfield moved that the following Consent Agenda be approved with Item #C. – Implementation of Homeowners and Bank protection Act of 2007 and Item #F: Opposition of toll hikes be TABLED:

- A. Governing Body Minutes: January 2, 8 and 22, 2008
- B. Adoption of Resolution #2008-2.6: Opposing Revisions of the Wrongful Death Statute
- C. Acceptance of Resignation of Lori Marciano as Municipal Alliance Member
- D. Acceptance of Resignation of Mark VonderHeyde as Member of Environmental Commission
- E. Appointment of Michael Wilson as Member of Environmental Commission to replace Mark VonderHeyde; term expiring 12/31/08

**RESOLUTION #2008-2.6  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

*Resolution Opposing Revisions to the Wrongful Death Statute*

WHEREAS, the Liability claims against municipalities are already increasing 10% per year; and

WHEREAS, the proposed revisions to the Wrongful Death Statute will add another 6% to 10% of this cost; and

WHEREAS, under the current wrongful death law, family members can already collect substantial compensation for actual losses such as medical bills and lost income as well as loss of companionship; and

WHEREAS, this bill will also allow juries to award substantial additional compensation for “emotional distress”; and

WHEREAS, this bill is contrary to the principles in title 59; and

WHEREAS, without the limitations in Title 59, it would be very difficult for state, county and local government to respond to a wide range of emergency situations;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bloomingdale that we urge the legislature to exempt Title 59 entities from any expansion of the Wrongful Death Statute; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Senator Joseph Pennacchio, Assemblymen Alex DeCroce and Jay Webber, Governor Corzine, Senate President Cody and Assembly Speaker Roberts.

Councilwoman Altfield seconded the motion, and it carried as per the following roll call: Council Members: Altfield; Vroom; Sloomaker; Marinaro and Specchio all YES. ABSENT: Councilwoman Huntley (Excused)

**PENDING BUSINESS**

**Governmental Operations Committee**

**Adoption of Resolution #2008.2.7: Award of Contract to Action Data for Payroll**

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

**RESOLUTION #2008-2.7  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

*Authorizing Award of Professional Services Agreement  
to Municipal Payroll Administrator, Action Data Services, Inc.*

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that it is in the best interests of the citizenry of the Borough to retain the professional services of a municipal payroll administrator; and

WHEREAS, the Governing Body further finds and declares that Action Data Services, Inc., Fairfield, New Jersey (“Professional”), has demonstrated the professional experience, judgment

and aptitude during the year 2007 to warrant re-appointment as Municipal Payroll Administrator for the year 2008; and

*WHEREAS*, the Governing Body further finds and declares that the Professional has submitted a Professional Services Agreement (“Agreement”) for the continued performance of professional services as Municipal Payroll Administrator during the year 2008, which services are compensated by Lakeland State Bank and are not financed by the Borough; and

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

*WHEREAS*, the Governing Body further finds and declares that the New Jersey Local Unit “Pay to Play” Law, N.J.S.A. 40A:20-4, *et seq.*, does not govern the award of the Agreement, which is not financed with municipal funds; and

*WHEREAS*, the Governing Body further finds and declares that the Borough Attorney has reviewed the terms and conditions of the Agreement and, subject to modification, finds them to be satisfactory as to form and content; and

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

*NOW, THEREFORE, BE IT RESOLVED* that the Governing Body of the Borough of Bloomingdale does hereby authorize the award of a Professional Services Agreement to Action Data Services, Inc., Fairfield, New Jersey, for the performance of professional services as Municipal Payroll Administrator during the year 2008; and

*BE IT FURTHER RESOLVED* that the Governing Body of the Borough of Bloomingdale does hereby authorize any and all necessary and appropriate municipal officials to execute the foregoing Agreement; and

*BE IT FURTHER RESOLVED* that the Governing Body of the Borough of Bloomingdale does hereby direct the Municipal Clerk to retain the foregoing Agreement on file with this Resolution, and to cause said Resolution to be published in the Official Newspaper of the Borough within twenty (20) days of the date hereof.

Councilman Marinaro seconded the motion, and it carried as per the following roll call: council Members: Vroom; Huntley; Sloodmaker; Marinaro; Specchio and Altfeld all YES. ABSENT: Councilwoman Huntley (Excused)

**Adoption of Resolution#2008-2.8: Award of contract to Borough Planner Betsy McKenzie**

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

**RESOLUTION #2008-2.8  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Execution of FY2008 Professional Service Agreement***

*WHEREAS*, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”), acting in open, public session at an Official Meeting held on Tuesday, February 26, 2008, confirmed the following professional appointment:

- Planning Consulting Services for Litigation – Elizabeth C. McKenzie, P.P., P.A.

*WHEREAS*, the Governing Body finds and declares that it is in the best interests of the citizens of the Borough to enter into written professional services agreement with Elizabeth C. McKenzie, P.P., P.A., 9 Main Street, Flemington, New Jersey 08822 for the term of January 1, 2008 to December 31, 2008;

***NOW, THEREFORE, BE IT RESOLVED*** by the Governing Body of the Borough of Bloomingdale that the appropriate municipal officials be and are hereby authorized to execute professional services agreement with the foregoing professional appointee upon the completion of legal review of the form and content of each such agreement

Councilman Vroom seconded the motion, and it carried as per the following roll call: council Members: Sloomaker; Marinaro; Specchio; Altfield and Vroom all YES. ABSENT: Councilwoman Huntley (Excused)

***Adoption of Resolution #2008-2.9: Award of Contract to Planning Board Engineer William Gregor***

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

**RESOLUTION #2008-2.9  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Execution of FY2008 Professional Service Agreement***

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”), acting in open, public session at an Official Meeting held on Tuesday, February 26, 2008, confirmed the following professional appointment:

- Engineering Services with Planning Board Engineer William Gregor

**WHEREAS**, the Governing Body finds and declares that it is in the best interests of the citizens of the Borough to enter into written professional services agreement with William Gregor, 272 Lackawanna Drive, Andover, NJ 07821 for the term of January 1, 2008 to December 31, 2008;

***NOW, THEREFORE, BE IT RESOLVED*** by the Governing Body of the Borough of Bloomingdale that the appropriate municipal officials be and are hereby authorized to execute professional services agreement with the foregoing professional appointee upon the completion of legal review of the form and content of each such agreement.

Councilman Sloomaker seconded the motion, and it carried as per the following roll call: Council Members: Marinaro; Specchio; Altfield; Vroom and Sloomaker all YES. ABSENT: Councilwoman Huntley (Excused)

**INTRODUCTION OF NEW BUSINESS**

**Governmental Operations Committee**

***Adoption of Resolution #2008-2.10: Payment of Municipal Obligations***

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

**RESOLUTION - #2008-2.10  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Payment of Municipal Obligations***

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that certain municipal obligations have come due and are now payable; and

**WHEREAS**, the Governing Body further finds and declares that said obligations have been itemized on the annexed schedules, which are hereby deemed part of this Resolution;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby authorize payment of said municipal obligations, in accordance with the recommendations of the Chief Financial Officer and the Borough Treasurer, from the following accounts and in the following amounts:

BILLS LIST		PREPAID LIST	
CURRENT	1,297,915.14	CURRENT	1,613,290.80
UTILITY	56,916.46	UTILITY	9,556.42
CAPITAL	4,321.00	UNEMPLOY.	145.01
CAPITAL		RECYCLING	324.14
TRUST	13,470.70	CAPITAL	840.00
DOG	4,047.24	TRUST	0.00
RECREATION	16,675.41	SPEC. ASSESS.	0.00
UNEMPLOYMENT	1,622.89	RECREATION	1,020.00
ROSE FUND	2,500.00	UTILITY CAP.	0.00
RECYCLING	725.00	DOG	00.00
.			
TOTAL	1,398,193.84	TOTAL	1,625,176.37

Councilman Vroom seconded the motion and it carried as per the following roll call: Council Members: Specchio; Alfield; Vroom; Sloomaker and Marinaro all YES. ABSENT: Councilwoman Huntley (Excused)

**Adoption of Resolution #2008-2.11: Cancelling Tax Title Lien #475**

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

**RESOLUTION #2008-2.11  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Redemption and Cancellation of Tax Title Lien Certificate #475***

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that, at the Borough Tax Sale held on January 21, 2008, a lien was sold on, 28 RIDGE ROAD, BLOOMINGDALE, for delinquent year 2007 taxes, and

**WHEREAS**, the Governing Body further finds and declares that the foregoing property is also known as Block 56, Lot 1, owned by GLENN KRAMER ; and

**WHEREAS**, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 475, which was sold to CRUSADER LIEN SERVICES, for a PREMIUM of \$ 100.00; and

**WHEREAS**, the Governing Body further finds and declares that the owner of 28 Ridge Road, Glenn Kramer has requested redemption of TTL # 475, and

**WHEREAS**, the Governing Body further finds and declares that Mr. Glenn Kramer has paid all monies due on TTL # 475, 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 checks in the amount of \$ 6,374.44 for the lien redemption and \$ 100.00 for return of the PREMIUM payable to CRUSADER LIEN SERVICES, 179 Washington Lane, Jenkintown, PA 19046 for the redemption and cancellation of Tax Title Lien Certificate # 475

1099 = \$ 244.71

Councilman Specchio seconded the motion, and it carried as per the following roll call: Council Members: Altfield; Vroom; Sloomaker; Marinaro and Specchio all YES. ABSENT: Councilwoman Huntley (Excused)

**Adoption of Resolution #2008-2.12: Cancelling Tax Title Lien #458**

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

**RESOLUTION #2008-2.12  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Redemption and Cancellation of Tax Title Lien Certificate #458***

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that, at the Borough Tax Sale held on January 16, 2006, a lien was sold on, 73 MORSE LAKES ROAD, BLOOMINGDALE, for delinquent year 2005 taxes, and

**WHEREAS**, the Governing Body further finds and declares that the foregoing property is also known as Block 57, Lot 1.A owned by JANET CERCA and PHILIP DONATO ; and

**WHEREAS**, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 458, which was sold to CRUSADER SERVICING CORPORATION, for a PREMIUM of \$ 10,000.00; and

**WHEREAS**, the Governing Body further finds and declares that the owners of 73 Morse Lakes Road, both Janet Cerca and Philip Donato have requested redemption of TTL # 458, and

**WHEREAS**, the Governing Body further finds and declares that Mr. Philip Donato and Janet Cerca have paid all monies due on TTL # 458, 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 checks in the amount of \$ 27,852.68 for the lien redemption and \$ 10,000.00 for return of the PREMIUM payable to CRUSADER SERVICING CORPORATION, 179 Washington Lane, Jenkintown, PA 19046 for the redemption and cancellation of Tax Title Lien Certificate # 458

1099 = \$ 3,774.79

LH # 66699

Councilman Specchio seconded the motion, and it carried as per the following roll call: Council Members: Vroom; Sloomaker; Marinaro; Specchio and Altfield all YES. ABSENT: Councilwoman Huntley (Excused)

**Adoption of Resolution #2008-2.13: Authorizing Municipal Court to Receive Uncashed Refunds**

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

***(See Resolution Attached Page 6A)***

Councilman Specchio seconded the motion and it carried as per the following roll call: Council Members: Sloomaker; Marinaro; Specchio; Altfield and Vroom all YES. ABSENT: Councilwoman Huntley (Excused)

**Introduction of Ordinance #3-2008: Cancellation of Various Bonds**

**BOND ORDINANCE REPEALING VARIOUS BOND ORDINANCES AND PORTIONS OF VARIOUS BOND ORDINANCES PREVIOUSLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BLOOMINGDALE IN COUNTY OF PASSAIC, NEW JERSEY AS REFERRED TO HEREIN** was introduced by title by Councilman Vroom who moved that second and final reading and public hearing be held on March 25, 2008 at 7:30 p.m.

Councilman Specchio seconded the motion, and it carried as per the following roll call:  
Council Members: Marinaro; Specchio; Altfield; Vroom and Sloodmaker all YES.  
ABSENT: Councilwoman Huntley (Excused)

**Introduction of Ordinance #4-2008: Amending Ordinance #23-2007; fee for unaltered dogs**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING CHAPTER V, ANIMAL CONTROL, CODE SECTION 5-14a1(b), OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BLOOMINGDALE** was introduced by titled by Councilman Vroom who moved that second and final reading and public hearing be held on March 25, 2008 at 7:30 p.m.

Councilman Marinaro seconded the motion, and it carried as per the following roll call:  
Council Members: Specchio; Altfield; Vroom; Sloodmaker and Marinaro all YES.  
ABSENT: Councilwoman Huntley (Excused)

**Adoption of Resolution #2008-2.14: Appointments to Municipal Alliance**

**BE IT RESOLVED THAT** Gail Gailbraith be appointed as a Regular Member of the Municipal Alliance for a one-term; term expiring December 31, 2008, and;

**BE IT FURTHER RESOLVED THAT** John Darcey be appointed as a Regular Member of the Municipal Alliance for a one-year term; term expiring December 31, 2008.

Councilman Vroom seconded the motion, and it carried as per the following roll call: Council Members: Altfield, YES; Vroom, YES; Sloodmaker, YES; Marinaro, ABSTAIN and Specchio, YES. ABSENT: Councilwoman Huntley (Excused)

**Approval of Expenditure for Borough Logo**

At this time, Municipal Clerk McCarthy read into the record a statement from Councilwoman Huntley as follows:

*"I do not believe we should be spending any tax dollars on a new logo. The logo that has been used on our vehicles in the past should continue to be used. Spending of tax dollars should be, especially now, carefully reviewed. Although the cost of the logo is not significant, \$1,500, I do not think that should any expenditure should be made just because it is not significant; eventually enough non-significant items add up to significant dollars. The logo that we currently have says what it needs to say "Borough of Bloomingdale. Thank You"*

Councilman Sloodmaker moved that the Borough Administrator be authorized to approve the payment for the expenditure in the amount of \$1500 for the Borough Logo design work; seconded by Councilman Specchio and carried as per the following roll call: council Members: Altfield; Vroom; Sloodmaker; Marinaro and Specchio all YES. ABSENT: Councilwoman Huntley (Excused)

Discussion followed in regard to amending our water/sewer ordinance in regard to rates.

**LATE PUBLIC COMMENT**

Councilwoman Altfield moved that the meeting be opened to Late Public Comment; seconded by Councilman Sloomaker and carried on voice vote with all members voting YES. ABSENT: Councilwoman Huntley (Excused)

Michael Mascitello, 43 Bailey Avenue, praised the quick response from the Fire Department at a recent false alarm he had at his home and also spoke of the recent criticism the DPW had come over and praised them for an excellent job they do.

Since there was no one else who wished to speak under public comment, Councilman Specchio moved that it be closed; seconded by Councilman Vroom and carried on voice vote with all members voting YES. ABSENT: Councilwoman Huntley (Excused)

#### **Introduction of Ordinance #5-2008: Water/Sewer Rates**

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING ORDINANCE NO. 20-2007 ESTABLISHING A SCHEDULE OF RATES AND CHARGES FOR SERVICES RENDERED TO THE USERS OF THE WATER SUPPLY SYSTEM AND SANITARY SEWER SYSTEM OF THE BOROUGH OF BLOOMINGDALE*** was introduced by titled by Councilman Specchio who moved that second and final reading and public hearing be March 11, 2008 at 7:30 p.m.; seconded by Councilman Sloomaker and carried as per the following roll call: Council Members: Altfield, NO; Vroom, YES; Sloomaker, YES; Marinaro, YES and Specchio, YES. ABSENT: Councilwoman Huntley (Excused)

#### **Authorization for Special Meeting**

Councilman Specchio moved that a Special Meeting be held on March 18, 2008 at 7 p.m. for the purpose of the introduction of FY2008 Municipal Budget; seconded by Councilman Sloomaker and carried as per the following roll call: council Members: Vroom; Sloomaker; Marinaro; Specchio and Altfield all YES. ABSENT: Councilwoman Huntley (Excused)

#### **ADJOURNMENT**

Because there was no further public business to be conducted, Councilwoman Altfield moved to ADJOURN the meeting; seconded by Councilman Vroom and carried on voice vote with all members present voting YES. ABSENT: Councilwoman Huntley (Excused)

Jane McCarthy, RMC  
Municipal Clerk