

April 22, 2008

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 7:00 p.m.

SALUTE TO THE AMERICAN FLAG

The Salute to the American Flag was held.

ROLL CALL

<i>In Attendance:</i>	Mayor:	William Steenstra
	Council President:	Jennifer Altfeld
	Council Members:	Linda Huntley Henry D. Sloodmaker Thomas Marinaro Dean Specchio
Absent:	Council Pres. Pro Tem:	Bernard H. Vroom (Excused)
<i>Professionals</i>	Municipal Clerk:	Jane McCarthy, RMC
	Borough Administrator:	Ted Ehrenburg
<i>Present:</i>	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 Councilwoman Huntley and carried on voice vote with all members present voting YES. ABSENT: Councilman Vroom (Excused)

The following residents spoke in regard to the proposed ordinance for Avalon Bay and expressed their opposition and/or concerns:

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

APPROVAL OF CONSENT AGENDA

Councilwoman Altfeld moved for approval of the December 18, 2007 minutes; seconded by Councilman Specchio and carried as per the following roll call: Council Members: Altfeld; YES; Huntley, YES; Sloodmaker, YES; Marinaro, PRESENT and Specchio, PRESENT. ABSENT: Councilman Vroom (Excused)

Councilwoman Altfeld moved for approval of the February 26, 2008 minutes; seconded by Councilman Marinaro and carried as per the following roll call: Council Members: Huntley,

PRESENT; Sloomaker, YES; Marinaro, YES and Specchio, YES; and Altfiield, YES.
ABSENT: Councilman Vroom (Excused)

Councilman Specchio moved for the approval of the March 11, 2008 minutes; seconded by Councilman Sloomaker and carried as per the following roll call: Council Members: Sloomaker, YES; Marinaro, YES; Specchio, YES; Altfiield, YES and Huntley, YES
ABSENT: Councilman Vroom (Excused)

Councilman Specchio moved for approval of the March 18, 2008 minutes; seconded by Councilman Marinaro and carried as per the following roll call: Council Members: Marinaro, YES and Specchio, YES; Altfiield, YES; Huntley, YES and Sloomaker, YES
ABSENT: Councilman Vroom (Excused)

Councilwoman Altfiield moved for approval of the March 25, 2008 minutes; seconded by Councilman Marinaro and carried as per the following roll call: Council Members: Specchio, YES; Altfiield, YES; Huntley, YES; Sloomaker and Marinaro, YES
ABSENT: Councilman Vroom (Excused)

PENDING BUSINESS:

Governmental Operations Committee

Noted receipt of letter from Jeffrey Gabriele received April 15, 2008 in regard to the Elizabeth Street Assessment for his property which is on file in the Municipal Clerk's office.

Mr. Gabriele's brother was in attendance and spoke on behalf of his brother as to his feeling that the assessment was too high for his lots; Mayor Steenstra stated that he has replied to Mr. Gabriele's letter.

At this time, Pete Croop, Chairman of the Assessment Committee spoke in regard to how they derived at the assessment for the individual properties involved.

Mayor Steenstra thanked the Committee comprised of Pete Croop, Leonard Dale, Keith Round and Tax Collector Dale Mathews for their efforts.

Adoption of Resolution #2008-4.4: Acceptance of the Elizabeth Street Assessment Committee Report

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

**RESOLUTION #2008-4.4
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

A Resolution of the Borough of Bloomingdale Adopting the Elizabeth Street Sewer Assessment Commissioner Report

WHEREAS, the Governing Body of the Borough of Bloomingdale has considered the report of the duly constituted Assessment Commission concerning improvements to the Wastewater Collection System in the area of Elizabeth Street; and

WHEREAS, said report was prepared in accordance with law and unanimously approved by the Assessment Commission by placing their signatures to same; and

WHEREAS, the Governing Body finds such report to fairly and equitably allocate the special assessment between the benefited properties; and

WHEREAS, the Governing Body adopted and confirmed the report of the Assessment Commission at the April 22, 2008 Regular Business Meeting:

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED, that the Governing Body of

the Borough of Bloomingdale does hereby adopt and confirm the report of the Assessment Commission; and

BE IT FURTHER RESOLVED, that the foregoing adoption and confirmation is final and conclusive and appeals may be taken there from pursuant to N.J.S.A. 40:56-54 et seq.

BE IT FURTHER RESOLVED, that the assessed cost may be paid in installments of equal amounts over a ten (10) year period with the legal interest assessed as permitted by law; and

BE IT FURTHER RESOLVED, that a duly certified copy of this Resolution, together with the Report of the Assessment Commission, shall be delivered to the Tax Collector of the Borough of Bloomingdale for collection as required by law; and

BE IT FURTHER RESOLVED, that as recommended by the Assessment Commission and adopted by the Governing Body, the Tax Collector is instructed to record the following assessments on the tax records:

Egidio and Ann Vaccaro	33 Elizabeth Street	\$12,023.14
Helen Hall	44 Elizabeth Street	\$12,023.14
Mark and Diane Conklin	48 Elizabeth Street	\$12,023.14
Stanley and Margaret Buczek	52 Elizabeth Street	\$24,046.28 (2 hook-ups)
Jeffrey and Jane Gabriele	6 William Street	\$24,046.28 (2 hook-ups)

BE IT FURTHER RESOLVED, that the Tax Collector further is instructed to bill the aforesaid assessment to the property owners and that said assessment may be paid in ten (10) equal yearly installments, with legal interest at 3.76%; and

BE IT FURTHER RESOLVED, that Helen Hall be given a credit against her assessment in the amount of \$1,000 for the sewer hook-up fee she already paid to the Borough; and

BE IT FURTHER RESOLVED, that the Borough hook-up fee shall be waived for the existing property owners only, it being the intention that if any of the affected properties are subdivided and a portion sold to a third party, the standard sewer hook-up fee shall be paid to the Borough for the subdivided lot; and

BE IT FURTHER RESOLVED, that the first year's installment shall become due on July 1, 2008 and all subsequent payments shall be due on June 1 of the payment year until the balance is paid in full; and

BE IT FURTHER RESOLVED, that payments are subject to a ten (10) day municipal grace period, and that if a payment is not received within ten (10) days of the due date, June 10 of every year except July 10 for the first year, it will be charged 8% interest on a per diem basis on the first \$1,500 and 18% interest on a per diem basis on the remaining balance; and

BE IT FURTHER RESOLVED, that any assessment or any balance of installments, with accrued interest, may be paid in full at one time prior to the due date; and

BE IT FURTHER RESOLVED, that if any installment shall remain thirty (30) days after the due date, the entire assessment or balance due thereon shall become due immediately and shall draw interest at the same rate stated and collected in the same manner as is provided by law for other past-due assessments.

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

Revenues and Ratables Committee

Councilman Marinaro stated that the Economic Development Commission had planned to have three developers come into a meeting to make recommendations as to revitalizing Main Street.

He would like to go back to a Main Street Revitalization Committee with a subcommittee to do interviews and come back to the Mayor and Council with recommendations.

Consensus that this will be on the next Work Session.

Grant Writers Committee

Councilman Marinaro stated that he has received his certification as to grant writing and the Committee will be a plan together as to grants to apply for.

INTRODUCTION OF NEW BUSINESS:

Governmental Operations Committee

Adoption of Resolution #2008-4.5: Payment of Municipal Obligations

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

**RESOLUTION - #2008-4.5
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	1,171,172.34	CURRENT	843,452.62
UTILITY	63,342.15	UTILITY	13,680.42
CAPITAL	262,348.41	UNEMPLOY.	207.23
CAPITAL	2,560.00	RECYCLING	437.58
TRUST	1,655.93	CAPITAL	550.00
DOG	267.52	TRUST	00
RECREATION	154.00	SPEC. ASSESS.	0.00
UNEMPLOYMENT	0.00	RECREATION	0.00
ROSE FUND	19,663.40	UTILITY CAP.	0.00
RECYCLING	3,638.84	DOG	00.00
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TOTAL	1,524,802.59	TOTAL	858,327.85

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

Adoption of Resolution #2008-4.6: Resolution Cancelling Tax Title Lien #472

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

**RESOLUTION #2008 – 4.6
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Redemption and Cancellation of Tax Title Lien Certificate #472

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, 34 STAR LAKE 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 29, Lot 5, owned by HENRY P. BABLER; and

WHEREAS, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 472, which was sold to US BANK-Cust/SASS Muni V dtr for a PREMIUM of \$ 100.00; and

WHEREAS, the Governing Body further finds and declares that Chicago Title Insurance Company, representing the owner (Mr. Henry P. Babler) in a refinance, has requested redemption of TTL # 472, and

WHEREAS, the Governing Body further finds and declares that Chicago Title Insurance Company, has paid all monies due on TTL # 472, including supporting affidavits from the lien holder, current taxes, water/sewer, and electric 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 \$ 9,691.05, for the lien redemption and \$ 100.00 for return of the PREMIUM payable to US BANK-Cust/SASS Muni V dtr, % Maria Foster, AVP-Tax Liens, 2 Liberty Place, 50 S.16th Street, #1950, Philadelphia, PA 19102 for the redemption and cancellation of Tax Title Lien Certificate # 472.

1099 = \$ 365.32

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

Adoption of Resolution #2008-4.7: Cancellation of Various Grant Receivables

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

**RESOLUTION #2008-4.7
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Cancellation of Various Grant Receivables

WHEREAS, the Borough of Bloomingdale was awarded various grants from Federal, State and other agencies;

WHEREAS, the grants were appropriated in the municipal budget and the programs were successfully completed by the respected departments which applied for and administered the said grants or the grants were not awarded and;

WHEREAS, there exists unexpended funding that is no longer available to be spent;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale, County of Passaic that the following Grants Receivable be cancelled:

Domestic Violence Grant (05)	\$2,247.68
Click It or Ticket Grant (06)	\$4,000.00

Child Passenger Safety Grant (06/07)	\$2,458.50
Gypsy Moth Suppression Grant	\$ 23.92
Environmental Services Grant	\$ 550.00
FEMA Grant	\$ 487.47
Tobacco Control Activities Grant	\$2,433.68
American Cancer Society Tobacco Control Programs Grant	\$2,000.00

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

Adoption of Resolution #2008-4.8: Temporary Budget Emergency

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

**RESOLUTION #2008-4.8
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, 2008 until the adoption of the Operating Budget for the Borough of Bloomingdale, New Jersey; and

WHEREAS, additional appropriations will be required from April 22, 2008 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	\$35,000.00
General Administration	Other Expenses	\$10,000.00
Mayor & Council	Salary & Wages	\$2,750.00
Mayor & Council	Other Expenses	\$2,000.00
Municipal Clerk	Salary & Wages	\$15,000.00
Municipal Clerk	Other Expenses	\$10,000.00
Financial Administration	Salary & Wages	\$10,000.00
Financial Administration	Other Expenses	\$1,000.00
Tax Collection	Salary & Wages	\$30,000.00
Tax Collection	Other Expenses	\$5,000.00
Tax Assessment	Salary & Wages	\$10,000.00
Tax Assessment	Other Expenses	\$1,000.00
Legal Services	Salary & Wages	\$10,000.00
Legal Services	Other Expenses	\$15,000.00
Engineering Services	Other Expenses	\$5,000.00
Planning Board	Salary & Wages	\$2,000.00
Planning Board	Other Expenses	\$10,000.00
Uniform Construction Code	Salary & Wages	\$10,000.00

Uniform Construction Code	Other Expenses	\$10,000.00
Property Main.	Salary & Wages	\$8,000.00
Group Insurance	Other Expenses	\$100,000.00
Police Department	Salary & Wages	\$250,000.00
Police Department	Other Expenses	\$10,000.00
Police Dispatchers	Salary & Wages	\$35,000.00
Fire Prevention	Salary & Wages	\$1,000.00
Municipal Prosecutor	Salary & Wages	\$2,000.00
Streets & Roads	Salary & Wages	\$200,000.00
Streets & Roads	Other Expenses	\$10,000.00
Beautification	Other Expenses	\$1,500.00
Sanitation	Salary & Wages	\$50,000.00
Shade Tree	Other Expenses	\$500.00
Buildings & Grounds	Other Expenses	\$10,000.00
Tipping Fees	Other Expenses	\$100,000.00
Public Health Services	Salary & Wages	\$3,000.00
Animal Control Services	Salary & Wages	\$10,000.00
Recreation	Salary & Wages	\$3,000.00
Recreation	Other Expenses	\$6,000.00
Celebration of Public Events	Other Expenses	\$4,000.00
Senior Citizens	Salary & Wages	\$1,000.00
Senior Citizens	Other Expenses	\$2,000.00
Electricity	Other Expenses	\$5,000.00
Telephone	Other Expenses	\$2,000.00
Gasoline	Other Expenses	\$15,000.00
Social Security	Other Expenses	\$5,000.00
Municipal Court	Salary & Wages	\$10,000.00
Municipal Court	Other Expenses	\$1,000.00
Interlocal Agreement-Health	Other Expenses	\$21,000.00
Click It Or Ticket Grant	Salary & Wages	\$4,000.00
Clean Communities Grant	Other Expenses	\$7,859.65

TOTAL CURRENT FUND

\$1,071,609.65

WATER AND SEWER UTILITY FUND

Municipal Utility Services	Salary & Wages	\$ 40,000.00
Municipal Utility Services	Other Expenses	\$500,000.00

TOTAL WATER AND SEWER

\$ 540,000.00

2. This action shall take effect April 22,2008

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

Introduction of Ordinance #8-2008: Amending Code Section 3-8.1(a) of the General Ordinances of the Borough

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING CODE SECTION 3-8.1(a) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BLOOMINGDALE was introduced by title by councilman Specchio who moved that second and final reading and public hearing be held on May 27, 2008 at 7:30 p.m.

Councilman Sloodmaker seconded the motion, and it carried on voice vote with all Council Members voting YES. ABSENT: Councilman Vroom (Excused)

Introduction of Ordinance #9-2008: bond Ordinance Repealing bond Ordinance #28-2006

BOND ORDINANCE REPEALING BOND ORDINANCE NO. 28-2006 finally adopted July 18, 2006 OF THE BOROUGH OF BLOOMINGDALE IN THE COUNTY OF PASSAIC, NEW JERSEY AS REFERENCED HEREIN was introduced by title Councilman Specchio who moved that second and final reading and public hearing be held on May 27, 2008 at 7:30 p.m.

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

Introduction of Ordinance #10-2008: AMENDING BOROUGH CODE SECTION AMENDING BOROUGH CODE SECTION 2-64.11, FEES FOR RECREATIONAL PROGRAMS

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING BOROUGH CODE SECTION 2-64.11, FEES FOR RECREATIONAL PROGRAMS was introduced by title Councilwoman Altfield who moved that second and final reading and public hearing be held on May 27, 2008 at 7:30 p.m.

Councilman Sloodmaker seconded the motion and it carried on voice vote with all Council Members present voting YES. ABSENT: Councilman Vroom (Excused)

Part-time DPW Summer help

Discussion followed as to request by Borough Administrator for the hiring of summer help for the Department of Public Works. Council Members Altfield; Marinaro and Specchio agreed that this would help free up our DPW Department to do other jobs.

Councilwoman Huntley stated that she would like a determination made as to how many people will be needed and what they will be doing before she can make a decision.

It was noted that they could possibly cleanout Bailey Brook. Borough Administrator will check into letter which was sent by Mr. Kushner of the Pequannock River Coalition as to cleaning out the brook before they do any work there.

Councilwoman Huntley stated that she has written to Congressman Frelinghuysen as to having the Army Corps of Engineers come out and clean Van Dam Brook.

Part-time Animal Control Officer

Borough Administrator stated that he would like to hire two part-time Animal Control Officers to supplement the multiple calls the Animal Control Officers gets as she is currently handling six towns. The costs are covered by the interlocal agreements.

Consensus that the Borough Administrator will have some names by the next Work Session.

Receipt of 2008 Rose Fund Advisory Report

Adoption of Resolution #2008-4.9: Acceptance of ROSE Fund Advisory Report

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

**RESOLUTION #2008-4.9
OF THE GOVERNING BODY**

OF THE BOROUGH OF BLOOMINGDALE

Accepting the Recommendations of the ROSE Fund Advisory Board

WHEREAS, the ROSE Fund Advisory Board has pursuant to law submitted its 2008 recommendations to the Governing Body of the Borough of Bloomingdale in writing following two public hearings conducted by the ROSE Fund Advisory Board to hear comments and recommendations from the public; and

WHEREAS, on April 22, 2008, the Governing Body considered and discussed the written recommendations of the ROSE Fund Advisory Board at its Regular Business Meeting; and

WHEREAS, the Governing Body has determined to accept the recommendations of the ROSE Fund Advisory Board:

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED, that the Governing Body of the Borough of Bloomingdale does hereby accept the 2008 recommendations of the ROSE Fund Advisory Board.

Councilman Specchio seconded the motion.

Councilwoman Huntley noted that she does not agree with the allocation formula.

The motion carried as per the following roll call: Council Members: Huntley, NO; Sloodmaker, YES; Marinaro, YES; Specchio, YES and Altfield, YES.
ABSENT: Councilman Vroom (Excused)

Discussion followed as to ROSE fund expenditures and Councilwoman Huntley felt the Chairman should not be approved the expenditures and felt that items should not be purchased before approval.

It was noted that all expenditures are approved by the Mayor and Council and any item can be pulled from the bills list for discussion. The only other thing that could be done is have a Liaison sign off on purchase orders.

Public Health & Safety Committee

Adoption of Resolution #2008-4.10: Authorization for One-day Social Affair Permit for Fire Department Wet down – May 17

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

**RESOLUTION #2008-4.10
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing One Day Social Affair Permit for the May 17, 2008 Bloomingdale Fire Department Wet-Down

WHEREAS, the Bloomingdale Fire Department has requested that it be granted a one day Social Affair Permit so as to enable the Fire Department to conduct a wet-down event on May 17, 2008; and

WHEREAS, the Governing Body finds and declares that the Bloomingdale Fire Department constantly provides important and, at times, life saving services to the residents of the Borough of Bloomingdale and surrounding communities; and

WHEREAS, the Governing Body further finds and declares that the granting of a one day Social Affairs Permit to the Bloomingdale Fire Permit promotes public awareness of the Fire Department and is constructive to the morale of the hard-working firefighters of the

Borough and surrounding communities:

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED, that the Governing Body of the Borough of Bloomingdale does hereby grant the Bloomingdale Fire Department a one day Social Affair Permit so as to enable the Fire Department to conduct a wet-down event on May 17, 2008, said permit to allow all activities typically undertaken at such a wet-down event, including the responsible service of alcoholic beverages

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

RECESS

Mayor Steenstra recessed the meeting at this time, 8:00 p.m.

RECONVENED

Mayor Steenstra reconvened the meeting at 8:17 p.m.

PUBLIC HEARING ON ORDINANCES:

Second and final reading and public hearing of Ordinance #2-2008: *Amending chapter 92; Zoning to Establish a new IMF, Inclusionary Multi-Family Zone Encompassing block 57; Lots 43 and 43.1*

AN ORDINANCE AMENDING CHAPTER 92, THE ZONING ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, PASSAIC COUNTY, NEW JERSEY, TO ESTABLISH A NEW IMF, INCLUSIONARY MULTI-FAMILY, ZONE ENCOMPASSING BLOCK 57, LOT 43, ALSO KNOWN AS BLOCK 57, LOT 43 AND 43.1 was give second and final reading and consideration for adoption at this time.

The Municipal Clerk read the Public Notice statement.

Councilwoman Altfeld moved that the ordinance be read by title; seconded by Councilman Sloodmaker and carried on voice vote with all Council Members voting YES. ABSENT: Councilman Vroom (Excused)

ORDINANCE NO. 2 -2008

**AN ORDINANCE AMENDING
CHAPTER 92, THE ZONING ORDINANCE OF THE
BOROUGH OF BLOOMINGDALE, PASSAIC COUNTY, NEW JERSEY
TO ESTABLISH A NEW IMF, INCLUSIONARY MULTI-FAMILY, ZONE
ENCOMPASSING BLOCK 57, LOT 43, ALSO KNOWN AS BLOCK 57,
LOT 43 AND LOT 43.1**

WHEREAS, the Borough of Bloomingdale wishes to facilitate the development of land within the Borough so as to further the purposes of the Municipal Land Use Law and meet the Borough's affordable housing obligations, both existing and future, through such development; and

WHEREAS, in order to address the critical need for affordable housing in the Borough and in its housing region, the Borough of Bloomingdale recognizes the necessity of modifying the effect of certain existing ordinance provisions that regulate the development of sites impacted by steep

slopes, rock outcroppings, wooded areas and other physical features that are typical of the Borough's mountainous terrain, where such sites are otherwise appropriate for inclusionary residential development; and

WHEREAS, the property identified on the Borough of Bloomingdale Tax Map as Block 57, Lot 43, also known as Block 57, Lots 43 and 43.1 has been proposed for inclusionary residential development that shall include rental affordable housing, which is a necessary and critical component of the Borough's affordable housing compliance plan. It is the intent of this ordinance to provide for the affordable rental units to be constructed on site and not to be the subject of Regional Contribution Agreements; and

WHEREAS, the Mayor and Council of the Borough of Bloomingdale hereby find not only that Block 57, Lots 43 and 43.1, is suitable by virtue of its size, location and environs for the construction of an inclusionary multi-family residential development, once the restrictions on development of steep slopes, rock outcroppings and wooded areas have been modified with respect to the site, but also that its development with multi-family housing that will include low and moderate income rental units is an essential part of the Borough's affordable housing compliance plan; and

WHEREAS, in order to accommodate multi-family residential development on a site impacted by steep slopes, rock outcroppings, and wooded areas, certain amendments must be made to the Borough's zoning regulations; and

WHEREAS, the Planning Board of the Borough of Bloomingdale has determined that the zoning amendment is consistent with the adopted and anticipated revised Housing Element and Fair Share Plan of the Borough and is designed to effectuate such Housing Element and Fair Share Plan;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Bloomingdale, in the County of Passaic, State of New Jersey, that, consistent with the finding of the Planning Board of the Borough of Bloomingdale, the Council does hereby adopt the following amendments to Chapter 92, the Zoning Ordinance of the Borough of Bloomingdale:

SECTION 1. Amend the Borough of Bloomingdale Zoning Map to create a new IMF Inclusionary Multi-Family Zone encompassing Block 57, Lot 43, also known as Block 57, Lots 43 and 43.1.

SECTION 2. Create a new Section 92-63 within Chapter 92, the Zoning Ordinance of the Borough of Bloomingdale, as follows:

Section 92-63 IMF Inclusionary Multi-Family Zone (hereafter, “this Section”).

A. Purpose. The purpose of the IMF Zone is to provide an additional opportunity for the construction of low and moderate income housing in the Borough of Bloomingdale, and particularly to provide an opportunity and an incentive for the construction of *rental* low and moderate income housing, in the context of an inclusionary residential development that also provides alternative housing opportunities for other area households desiring to live in apartments and townhouses.

All of the low and moderate income housing units created in the IMF Zone shall comply with all requirements of N.J.A.C. 5:94-1 (COAH’s rules) and N.J.A.C. N.J.A.C. 5:80-26 et seq. (Uniform Housing Affordability Controls).

In facilitating the production of affordable housing in this inclusionary development, it is the intent of the Borough: not to impose any unnecessary cost generating standards on the inclusionary development; to expedite the review of any simultaneous preliminary and final land development application on the subject property; to cooperate in granting such variances and waivers as may be reasonable and within the general intent of this Section; to utilize Residential Site Improvement Standards (RSIS); and to eliminate duplicative reviews. Thus, if the State or County has exclusive jurisdiction over necessary approvals required for the development of the subject property, such as, but not limited to, wetlands buffers, stream encroachment, review of homeowner or condominium association documents, traffic, soil erosion and sedimentation control, etc., the Borough Planning Board shall condition its decision on the applicant obtaining necessary approvals from such State or County agencies as may have such exclusive jurisdiction.

The applicant shall provide the Planning Board’s engineer with copies of all applications for outside agency approvals at the same time such applications are submitted. The applicant shall submit all homeowner or condominium association documents to the Planning Board and Borough Attorneys contemporaneously with its submission to the Department of Community Affairs.

The Borough shall cooperate with the applicant in obtaining any *de minimus* exceptions to the RSIS as may be sought in the course of the application review.

The Planning Board Engineer shall have the authority to deem the application complete and to grant waivers from any checklist requirements rendered inapplicable by the terms of this Section.

In order to expedite the review of the inclusionary development, the Borough’s professionals shall undertake their reviews of the development application within 20 days of its submission of a substantially complete application, and the applicant shall have the right to technical review meetings with the Borough’s professionals and two (2) planning

board members commencing after 20 days of its submission (even if the submission has not yet been deemed complete). The goal of the technical review meetings is to resolve all technical and design issues, including issues as to the application's conformance to all ordinances, during the technical review process. The applicant may respond to the comments of the technical review committee with concept sketches without amending fully engineered plans. Revisions to the plan that the Planning Board Engineer determines can be addressed with sketches during the hearings may be satisfied as a condition of site plan approval.

The Planning Board shall schedule a hearing on the proposed inclusionary development within 60 days of submission, unless the applicant agrees to an extended schedule or the development application is deemed incomplete within the 45 days permitted by the Municipal Land Use Law (MLUL). If the application is deemed incomplete within the 45 days permitted by the MLUL, the Planning Board shall schedule a hearing no later than 30 days of the application being deemed complete. The Planning Board shall complete its review of the inclusionary development thereafter and shall take an action within the time frame required pursuant to the MLUL and shall schedule special meetings, if necessary, to complete its review and take action pursuant to the MLUL deadline.

The developer of the inclusionary development shall be responsible for its fair share of the costs associated with any off-tract improvement, but shall not be held responsible for improvements beyond its fair share.

An applicant seeking approval of the inclusionary development shall be required to submit a fiscal and environmental impact statement.

If there is any conflict between the Bloomingdale Zoning Ordinance or any other ordinances or regulations of the Borough of Bloomingdale and the standards outlined below or within the RSIS, the standards outlined below or within the RSIS shall apply.

It is also the clear intent of this Section to exempt the inclusionary development from the provisions of Chapter 34 of the Bloomingdale Borough Ordinances, which currently regulate low and moderate income housing development, and any and all Bloomingdale Ordinances or portions thereof that regulate steep slopes or soil movement as they relate to the IMF zone.

- B. The following definitions shall apply to the Inclusionary Multi-Family Zone:
1. Accessory building or structure - a subordinate building or structure customarily incidental and subordinate to the principal building or use on the lot, including but not limited to clubhouse, pool, recreation facilities, storm water basins, fencing, signage, retaining walls, sales or construction trailer, and dumpsters, and trash enclosures.
 2. Building Height - For the purposes of this Section, building height shall be the vertical distance measured from the average finished grade to the highest point of the building, excluding mechanical equipment, elevator penthouses, tanks, and

architectural details such as decorative cupolas, chimneys, spires and other similar projections. Mechanical and HVAC equipment and architectural design features (e.g., weather vanes, cupolas, etc.) are exempt from the height limit. Any mechanical, HVAC equipment or other non-architectural design feature shall be appropriately screened.

3. Building length - For the purposes of this Section, the distance of the longest single plane measured along the front face of the building. Bay windows, roof eaves and entry overhang features are excluded from the building length measurement.
4. Building depth - For the purpose of this Section, the distance measured on a single plane along the building's shortest dimension. Bay windows, roof eaves and entry overhang features are excluded from the building depth measurement.
5. Multi-family building - For the purposes of this Section only, a building containing a minimum of 12 but no more than 100 apartment and/or stacked flat dwelling units, or a building containing a minimum of 4 and a maximum of 12 attached side-by-side townhouse dwelling units.
6. Graded area - an area having not more than a 5% slope for its entire length and width.

C. Permitted Principal Uses (land and buildings):

1. Multi-family buildings as defined in B.5. above, as well as incidental structured parking and indoor recreational and social areas.

D. Accessory Uses (land and buildings):

1. Clubhouse.
2. Swimming pool(s).
3. Recreation facilities, including tot lots, dog runs, trails, and sitting and picnic areas.
4. Storm water basins and other storm water management and utility facilities and structures approved as part of the site plan.
5. Fencing.
6. Signage.
7. Retaining walls.
8. Sales and construction trailers.
9. Dumpsters and trash enclosures.
10. Parking lots and garages.

11. Model apartment.
12. Management office.
13. Maintenance facilities and structures approved as part of the site plan.
14. Other subordinate structures customarily incidental and subordinate to the principal building or use on the lot.

E. Tract Standards:

1. Maximum Density - 15 dwelling units per gross acre of land, not to exceed 173 total units.
2. Maximum Building Coverage - 35 percent of the gross lot area.
3. Maximum Lot Coverage (impervious surface coverage) - 55 percent of the gross lot area.
4. Minimum Graded Area Around the Building Perimeter - 36 feet.
5. Minimum Building Setback from Perimeter Property Line - 25 feet (each side) and 40 feet (front and rear).
6. Maximum Building Height - No more than 4 and 1/2 stories and 73 feet, measured in accordance with Section 92-62 B.2. above.
7. Minimum Parking Setback from Perimeter Property Line - 25 feet from Union Avenue and 15 feet elsewhere.
8. Minimum Open Space - At least 20% of the site shall consist of open space, exclusive of buildings, parking areas, access drives and perimeter setbacks and required distances between buildings, which shall be designated and used as common open space for active or passive outdoor recreational use, including, without limitation, play areas, sitting areas, swimming pools and the like. Open space preserved on the site pursuant to Borough Ordinance 92-60(O), consisting of 2.652 acres, shall count toward the Minimum Open Space requirement set forth herein and shall qualify as passive outdoor recreational use. As a condition of passage of the within Ordinance, said 2.652 acres shall remain permanently deed restricted so that it shall remain permanent open space in perpetuity so as to provide a natural buffer area between the development site and residences located contiguous to said 2.652 acres as shown on a June 1998 land survey prepared for Lazovitz Inc.
9. Minimum Percentage of Affordable Housing Units – It is intended that the low and moderate income units shall be for rent, such that a minimum of 15% of the total number of units constructed on the site shall be affordable. If the Borough otherwise

has met its affordable housing rental obligation such that it is no longer necessary to have affordable housing rental units designated for this site, “for sale” units may be constructed, such that a minimum of 20% of the total number of units constructed on the site shall be affordable. The low and moderate income units shall be constructed pursuant to the phasing schedule required by COAH’s rules. The affordable units shall conform to N.J.A.C. 5:94-1, et seq. (COAH’s rules) and N.J.A.C. 5:80-26, et seq. (Uniform Housing Affordability Controls). The affordable units shall be integrated throughout the development.

10. Accessory Buildings and/or Structures:

- (1) Minimum setback from property line - 25 feet.
- (2) Building height - a maximum of 35 feet and two (2) stories. A story shall not include a crawl space or a basement, which may be constructed as a walk-out basement, nor shall a walk-out basement be considered in the calculation of building height. For purposes of this Section only, the height of an accessory building and/or structure shall be measured from main floor grade level to the peak of the building.
- (3) Accessory buildings and structures in the IMF zone shall be exempt from Section 92-17 of the Bloomingdale Code.

11. Perimeter setback standards shall not apply to site improvements such as retaining walls, detention basins, signs and fencing, unless otherwise required by this Section.

F. Multi-family Building Standards:

1. Maximum Number of Units per Building - 100.
2. Maximum Length of Building - 240 feet.
3. Maximum Depth of Building - 160 feet.
4. Minimum Building Setback from Internal Street or Parking Space - 10 feet.
5. Maximum Building Height (Residential Building) - See Section 92-63 E.6. above.
6. Minimum Distance between Residential Buildings - 40 feet for buildings in excess of three stories; otherwise, 25 feet.
7. Parking requirements shall be not less than required by RSIS standards. There is no obligation to provide garage parking for every unit. Parking may be provided as either surface parking lots or garages or a combination of both.

8. There shall be within each building a designated area for the temporary storage of solid waste and recyclable materials. At the applicant's option, dumpsters may be located outside of the buildings in appropriately screened enclosures.
9. The owner or any homeowners' or condominium association for the community shall be responsible for owning, maintaining, and repairing all common areas in the community. If a homeowners' or condominium association has been established, all unit owners shall be required to be members of the association. The review of the documents establishing any homeowners' or condominium association shall be subject to the sole jurisdiction of the NJ Department of Community Affairs.
10. Tree removal: It is understood that the applicant will have to clear significant wooded areas to construct the inclusionary development. The applicant shall be exempt from any prohibition on clearing trees. However, a landscaping plan reasonably satisfactory to the Planning Board engineer and its professional planner shall be submitted in order to ensure adequate revegetation of the site and screening of the development from neighboring residential properties. Every effort shall be made to preserve existing vegetation wherever possible and replacement landscaping shall utilize indigenous plant materials.

G. Temporary Sales Trailer, Sales Office, Models and Construction Trailers:

1. One (1) temporary sales trailer shall be permitted on-site upon the Planning Board's granting of preliminary site plan approval for the community and up to eight (8) temporary construction trailers and staging areas shall be permitted on site during construction.
2. Maximum Trailer Size: 25' x 80'.
3. Location: The location of any sales trailer shall be shown on the site plan.
4. Parking for Sales Trailer: One (1) space per sales employee plus five (5) additional spaces, which can be temporary gravel or pavement.
5. Parking for Construction Trailer: Temporary gravel or paved parking area.
6. Temporary exterior lighting may be provided to illuminate the trailers and provide security during construction; such lighting shall be shielded from adjacent properties to prevent overhead skyglow.
7. The applicant shall be permitted to use units within the development for models and for a rental and sales office during the construction of the development.
8. All temporary construction trailers shall be removed within 60 days of bond release.
9. The temporary sales trailer shall be removed upon construction/establishment of a permanent sales office.

H. Permanent Signs:

1. Two permanent entry wall signs shall be permitted having a maximum area of 50 square feet each.
2. Building locator and wayfinding signs shall be permitted with a maximum area of 8 square feet per sign. This shall apply to all residential buildings, clubhouse and any recreation areas on-site.
3. Permanent signs shall not be located within required sight triangles established by the RSIS.
4. Minimum sign setback to perimeter property line: 3 feet.
5. Sign maintenance shall be the responsibility of the homeowners' or condominium association.
6. Exterior illumination of signs shall be permitted subject to site plan approval. No flashing or moving lights shall be permitted.
7. There is no limitation on the number of directional signs that shall be permitted within
8. No other permanent signage shall be permitted on the site.
9. All permanent signage shall be subject to site plan review.

I. Temporary Signs:

1. Sales directional signs and construction vehicular movement signs shall be permitted with a maximum area of 8 sq. feet per sign.
2. A temporary 2-sided sales sign shall be permitted at the entrance, within 3 feet of the property line, with a maximum area of 20 square feet.
3. Temporary signs shall not be located within required sight triangles established by RSIS standards.

J. Lighting:

1. Street lighting shall be provided at all road intersections and shall comply with the Borough's illumination and shielding requirements.
 2. The maximum height for lighting fixtures in parking lots shall be 20 feet. Selection of parking lot lighting fixtures shall be subject to site plan review.
 3. All lighting shall be shielded to prevent overhead skyglow and to prevent light from shining off-site and into residential units within the development.
- K. Sidewalks: Sidewalks shall be provided along all roadways, as necessary, to comply with applicable R.S.I.S. standards. In addition, sidewalks shall be provided to connect parking areas to the entrances of residential buildings and to recreational facilities and buildings.
- L. Street Trees: Street trees shall have a minimum diameter of two and one-half (2.5) inches in diameter, measured six (6) inches above the ground. Such trees shall be planted 40 to 60 feet apart (averaging 50 feet).
- M. Maintenance of Open Space and Common Areas:
40. The owner or any homeowners' or condominium association that may be established shall be responsible for the maintenance of the open space and other common areas in the development. The owner and/or homeowners' or condominium association shall not dispose of any open space, by sale or otherwise, without first offering to dedicate the same to the Borough of Bloomingdale.
 2. If a homeowners' or condominium association is established, the continued maintenance of the open space shall be enforced through the procedures outlined at N.J.S.A. 40:55D-43(b) and (c).
- N. Phasing: If the applicant proposes to phase the development, it shall submit a phasing plan, with the site plan application, consistent with the following principles:
1. Each phase or section shall be located and designed to function as if no further development will occur with respect to a safe and convenient circulation system, storm water control, utility services, fire hydrants and access for emergency vehicles.
 1. COAH's Rules for the phasing of the construction of the low and moderate income units shall be complied with at all times.
- O. Retaining Walls:
1. The development of this site may require the use of retaining walls. These retaining walls shall consist of either reinforced concrete with a segmented facade or modular concrete retaining walls.
 - a. The location and type of retaining wall shall be shown on the site plan to be submitted to the Planning Board. The Board shall review the aesthetics of the facade choice(s).
 - b. Said site plan shall contain a typical or generic detail of the proposed retaining wall. Said detail shall provide generic information as to:
 - 1) Maximum Height
 - 2) Structural Composition
 - 3) Modular Unit and Configuration
 - 4) Face Color
 - 5) Face Finish
- In the event any retaining wall is 30 inches or higher, the site plan shall provide for placement of fencing along the retaining wall, which fencing shall be a minimum of 4 feet high.

2. The applicant shall be required to submit geotechnical information, structural designs, calculations or shop drawings as part of site plan review.

P. Pre-Blast Survey: The applicant shall be required to perform a pre-blast survey of noticed properties within 200 feet of the site.

SECTION 3. Severability. If any portion, paragraph, clause, sentence or phrase of this Ordinance is determined to be invalid by any Court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance.

SECTION 4. Effective Date. This Ordinance shall take effect immediately upon publication of Notice of Final Passage in the manner provided by law.

SECTION 5. Short Title. The short title of the above Ordinance shall be “IMF Inclusionary Multi-Family Zone Amendment to the Zoning Ordinance”.

SECTION 6. Repealer. All ordinances or parts thereof inconsistent herewith are hereby repealed as to the extent of such inconsistency only.

Councilwoman Altfield moved to open the Public Hearing on this ordinance; seconded by councilman Sloodmaker and carried as per the following roll call: Council Members: Specchio; Altfield; Huntley; Sloodmaker and Marinaro all YES. ABSENT: Councilman Vroom (Excused)

The following people spoke in regard to the proposed ordinance:

Lorrie Wienbrock	45 Highland Road
Timothy Traynor	28 Highland Road
Rick Merino	41 Sunset Road
Mike Pappa	8 Maple Lake Road
Bob Shiffman	48 Ridge road

Since there was no one else who wished to speak under Public comment, Councilman Sloodmaker moved that it be closed; seconded by Councilwoman Huntley and carried as per the following roll call: council members: Altfield; Huntley; Sloodmaker; Marinaro and Specchio all YES. ABSENT: Councilman Vroom (Excused)

Councilwoman Altfield moved for the adoption of Ordinance #2-2008; seconded by Councilman Specchio and carried as per the following roll call: Council Members: Huntley; Sloodmaker; Marinaro; Specchio and Altfield all YES. ABSENT: Councilman Vroom (Excused)

Second and Final Reading and Public Hearing of Ordinance #6-2008: Exceed Municipal Budget Appropriations Limits and to Establish a CAP Bank

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK was given second and final reading and consideration for adoption at this time.

The Municipal clerk read the public notice statement.

Councilman Sloodmaker moved that the ordinance be read by title; seconded by Councilwoman Altfield and carried on voice vote with all Council Members present voting YES. ABSENT: councilman Vroom (Excused)

**ORDINANCE #6-2008
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Governing Body of the Borough of Bloomingdale, in the County of Passaic, finds it advisable and necessary to increase its CY 2008 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Governing Body hereby determines that a 1% increase in the budget for said year, amounting to \$58,476.86 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Bloomingdale, in the County of Passaic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2008 budget year, the final appropriations of the Borough of Bloomingdale shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$204,700.85 and that the CY 2008 municipal budget for the Borough of Bloomingdale be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Councilman Sloodmaker opened the meeting to a Public Hearing on this ordinance; seconded by councilwoman Altfeld and carried on voice vote with all Council members present voting YES. ABSENT: Councilman Vroom (Excused)

Since there was no one who wished to speak on this ordinance, Councilwoman Altfield moved that it be closed; seconded by Councilman Sloodmaker and carried on voice vote with all Council Members present voting YES. ABSENT: Councilman Vroom (Excused)

Councilman Sloodmaker moved for the adoption of this ordinance; seconded by Councilman Marinaro and carried as per the following roll call: Council Members: Sloodmaker; Marinaro Specchio; Altfield and Huntley all YES. ABSENT: Councilman Vroom (Excused)

LATE PUBLIC COMMENT

Councilman Specchio moved that the meeting be opened to Late Public Comment; seconded by Councilwoman Huntley and carried on voice vote with all Council Members present voting YES. ABSENT: Councilman Vroom (Excused)

Dot Tintle, 70 Van Dam Avenue, spoke in regard to expenditures from the ROSE Fund and felt that the cost of the chipper should have been taken out of the DPW budget. Mrs. Tintle also felt the ROSE Fund expenditures should be 50% Recreation and 50% Open Space.

It was noted that the Borough Auditors stated that the cost of the chipper could be taken out of the ROSE Fund.

The Borough Attorney stated that recommendations and actions by the various Boards in the Borough are to be presumptively valid. The Borough Administrator looked into the purchase and uses of the chipper and it is utilized for cleaning and maintaining open space trails.

Susan Smith, 110 Van Dam Avenue, asked if residents can come to the DPW yard and get chips and was informed that they can.

Glen Schiffman, 53 Ridge Road, asked about the Open Space Tax and was informed as to the formula.

Lorrie Weinbrock, 45 Highland Road, asked about the ROSE Fund allocations and it was noted that they had two meetings in March at which time these allocations were discussed.

Borough Attorney noted that the Mayor and Council can decide tomorrow to allocate 100% to one item.

Betty Frey, 33 Ridge Road, noted that she would like to get involved in a committee and noted that she was not aware of the ROSE Fund.

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

LATE EXECUTIVE SESSION

Adoption of Resolution #2008-4.11: Authorization for Executive Session

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

**RESOLUTION #2008-4.11
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 – Del Guidace v. Planning Board
 - B. Personnel – One matter
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 Marinaro seconded the motion, and it carried on voice vote with all Council Members present voting YES. ABSENT: Councilman Vroom (Excused)

(At this time, 9:22 p.m., the Mayor and Council went into Executive Session)

RECONVENED

Mayor Steenstra reconvened the meeting at this time, 9:50 p.m.

Adoption of Resolution #2008-4.12: Authorization for Family leave

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

RESOLUTION #2008-4.12 OF THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE

Approving 12 weeks Unpaid Family Medical Leave to Borough Employee Ronald Rhodes

WHEREAS, the Borough Administrator has informed the Governing Body of a personal situation concerning Borough employee Ronald Rhodes; and

WHEREAS, Ronald Rhodes has requested 12 weeks unpaid family medical leave to attend to his personal situation and the Governing Body wishes to approve said leave:

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED, that the Governing Body of the Borough of Bloomingdale does hereby approve 12 weeks unpaid family medical leave to Borough employee Ronald Rhodes, effective immediately.

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

ADJOURNMENT

Because there was no further public business to be conducted, Councilwoman Altfield moved to **ADJOURN** the meeting at 9:51 p.m.; seconded by Councilman Marinaro and carried on voice vote with all members voting YES. ABSENT: Councilman Vroom (Excused)

Jane McCarthy, RMC
Municipal Clerk