

May 27, 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 7:05 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 Altfield
	Council Pres. Pro Tem:	Bernard H. Vroom
	Council Members:	Linda Huntley Henry D. Sloomaker Thomas Marinaro Dean Specchio
<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**

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

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

**RECOGNITION OF KIDS WHO CARE**

At this time, the Mayor and Council recognized the Children who participated in the Recreation Kids Who Care Program. Jon Dunleavy, President of Recreation, praised Recreation Director Gail Gailbraith for her implementation of this program and Mrs. Gailbraith spoke in regard to the enthusiasm and volunteerism of these children in various programs.

The presentation was roundly applauded by all those in attendance.

**APPROVAL OF CONSENT AGENDA**

Councilman Sloomaker moved for the adoption of the following Consent Agenda:

Approval of Minutes: April 8 and 22, 2008 and May 13, 2008

Approval of Information Items: April 25; May 2 and May 9, 2008

**Proclamation for Older Americans Month**

**PROCLAMATION  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

*Declaring May, 2008 as Older Americans Recognition Month*

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that our community is home to more than 1,000 citizens aged 60 years or older; and

**WHEREAS**, the Governing Body further finds and declares that our community’s older Americans form a vital part of our nation’s and our community’s demographic makeup; and

**WHEREAS**, the Governing Body further finds and declares that our older citizens are entitled to dignified, independent lives free from fears, myths, and misconceptions about aging and about issues affecting their ability to do so; and

**WHEREAS**, the Governing Body further finds and declares that each and every community in America must strive to appreciate the contributions of our older citizens, to understand and address their evolving needs, and to support their caregivers; and

**WHEREAS**, the Governing Body further finds and declares that our society is dependent upon intergenerational cooperation and support, and is enriched by the benefits derived from our collective efforts to serve older Americans and the people who love them; and

**WHEREAS**, the Governing Body further finds and declares that the United States Department on Aging has chosen “Choices for Independence” as the theme for the campaign to bolster the efforts of baby boomers and older adults to achieve healthy aging; and

**WHEREAS**, the Governing Body further finds and declares that the foregoing can be enhanced by the declaration of May, 2008 as Older Americans Recognition Month in our community;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby declare May, 2008 as

***OLDER AMERICANS RECOGNITION MONTH***

in the Borough of Bloomingdale and does hereby call upon all of our citizens to celebrate the contributions made by our older citizens to the life and vitality of our community.

**Resolution #2008-5.3: Buddy Poppy Campaign**

**RESOLUTION #2008-5.3  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

*Endorsing the Veterans of Foreign Wars’ “Buddy Poppy” Campaign in the Borough of Bloomingdale*

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that the annual sale of Buddy Poppies by the Veterans of Foreign Wars of the United States (“VFW”) has been officially recognized and endorsed by governmental leaders, including this Governing Body, since 1922; and

**WHEREAS**, the Governing Body further finds and declares that VFW Buddy Poppies are assembled by disabled veterans, and the proceeds of this worthy fundraising campaign are used

exclusively for the benefit of the disabled and needy veterans, and the widows and orphans of deceased veterans; and

**WHEREAS**, the Governing Body further finds and declares that the basic purpose of the annual sale of Buddy Poppies by the VFW is eloquently reflected in the desire to “Honor the Dead by Helping the Living”;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby endorse the Veterans of Foreign Wars of the United States’ “Buddy Poppy” Campaign; does hereby call upon the citizens of the Borough of Bloomingdale to recognize the merits of this cause by contributing generously to its support through the purchase of Buddy Poppies on the day set aside for the distribution of these symbols of appreciation for the sacrifices of our honored dead; and does hereby urge all patriotic citizens to wear a Buddy Poppy as mute evidence of our gratitude to the men and women of this country who have risked their lives in defense of the freedoms that we continue to enjoy as American citizens.

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

**PENDING BUSINESS:**

**Grant Writers Committee**

Councilwoman Huntley stated that the Police Department is working on the COPS grant to install cameras in all the schools.

**INTRODUCTION OF NEW BUSINESS:**

**Governmental Operations Committee**

**Adoption of Resolution #2008-5.4: Payment of Municipal Obligations**

Councilwoman Huntley stated that we are paying for work at Walter T. Bergen School that has already been done.

Borough Administrator Ehrenburg noted that the school request that the fields be limed.

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

**RESOLUTION - #2008 – 5.4  
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	2,424,840.97
UTILITY	73,917.80
CAPITAL	1,394.00
CAPITAL	3,527.67
TRUST	15,753.27
DOG	1,242.40

**PREPAID LIST**

CURRENT	497,447.47
UTILITY	24,764.03
UNEMPLOY.	134.02
UTILITY	
RECYCLING	902.36
CAPITAL	500,000.00
TRUST	00

RECREATION	7,876.33	SPEC. ASSESS.	0.00
UNEMPLOYMENT	7,591.20	RECREATION	0.00
ROSE FUND	49,347.06	UTILITY CAP.	0.00
RECYCLING	208.95	DOG	1,595.24
TOTAL	2,585,699.65	TOTAL	1,024,843.12

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

**Adoption of Resolution #2008-5.5: Estimated Property Tax Bills**

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

**RESOLUTION #2008-5.5  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Issuance of Estimated Property Tax Bills***

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) has petitioned the State of New Jersey (“State”) for Extraordinary Aid for the FY2008 Municipal Budget, and

**WHEREAS**, the Governing Body finds and declares that this anticipated funding may not be received or approved by the State in advance of third quarter taxes that are due on August 1, 2008; and

**WHEREAS**, the Governing Body further finds and declares that Borough financial officials have determined that there could be insufficient cash flow to support operations in late July, 2008 unless third quarter revenue is received on time; and

**WHEREAS**, the Governing Body further finds and declares that Tax Collector Dale Mathews and Chief Financial Officer Donna Mollineaux have reviewed and computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3 and are recommending authorization to issue property tax bills based upon this estimated tax levy;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Bloomingdale as follows:

1. That Bloomingdale Tax Collector Dale Mathews be and is hereby authorized and directed to prepare and issue estimated tax bills for the Borough of Bloomingdale for the third quarter of 2008, in accordance with the provisions of N.J.S.A. 54:4-66.2, *et seq.*;
2. That the entire estimated tax levy for FY2008 be and is hereby set at \$23,841,598.50; and
3. That Bloomingdale Tax Collector Dale Mathews be and is hereby authorized to undertake any and all additional steps deemed necessary and appropriate to immediately implement the substance of this Resolution.

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

**Adoption of Resolution #2008-5.6: Tax Redemption Cert. #83**

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

**RESOLUTION #2008 – 5.6  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

*Authorizing Certificate of Redemption for Tax Title Lien Certificate #83*

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that, at the Borough Tax Sale held on November 16, 1981, a lien was sold on  
163 UNION AVENUE, BLOOMINGDALE, for delinquent year 1980 taxes, and

**WHEREAS**, the Governing Body further finds and declares that the foregoing property is also known as Block 64 Lot 17.B, formerly owned by LITTLE LOBSTER SHANTY OF WAYNE, INC; and

**WHEREAS**, the Governing Body further finds and declares that the foregoing lien is known as Tax Title Lien Certificate (TTL) # 83, which was sold to THE BOROUGH OF BLOOMINGDALE by Tax Collector Theresa Benack; and

**WHEREAS**, the Governing Body further finds and declares that Vested Title Inc., representing the new owner (KOPICI RESTAURANT, INC) requests a CERTIFICATE OF REDEMPTION for TTL # 83, to enable this property to be clear of this lien, and

**WHEREAS**, the Governing Body further finds and declares that this lien was paid in full on August 12, 1982 by payment to the Borough of Bloomingdale;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Bloomingdale that the current Borough Tax Collector, Ms Dale P. Mathews be and is hereby authorized to issue a CERTIFICATE OF REDEMPTION for cancellation of Tax Title Lien Certificate # 83.

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

**Adoption of Resolution #2008-6.7: Opposing Assembly Bill A-575**

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

**RESOLUTION #2008-5.7  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***OPPOSING ASSEMBLY BILL A-575***

**WHEREAS**, municipalities are required to assume the cost for providing polling places at the time of various elections which are scheduled by statute; and

**WHEREAS**, a number of Assemblymen have sponsored Assembly Bill No. 575, which would prohibit the utilization of schools for polling places, unless the room in which the polling place is to be located may be accessed from a doorway from the outside of the building; and

**WHEREAS**, as a result of this bill, a municipality would be required to rent space when schools are readily available for polling places and in most instances the utilization of an entryway or hall within the school to gain access to the polling place is not an activity which

disrupts classroom activities and approximately one-third of the time that a polling place is utilized in the course of an election day is after school has ended;

**WHEREAS**, there is no reasonable basis upon which to deny municipalities the right to utilize school classrooms, even if they do not have a separate access to the outside.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Bloomingdale, County of Passaic, State of New Jersey, that it opposes Assembly Bill No. 575, as the bill will add additional and unnecessary costs to the municipality in providing for an election.

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be forwarded to all Legislators in Passaic County.

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

**Adoption of Resolution #2008-5.8: COAH Third Round Proposals**

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

**RESOLUTION #2008-5.8  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***URGING THE GOVERNOR AND LEGISLATURE TO IMPLEMENT A STAY ON THE  
FURTHER IMPLEMENTATION OF THE COAH THIRD ROUND PROPOSALS AND  
THE FAIR HOUSING ACT***

**WHEREAS**, as has been plainly established over the past few years, New Jersey is in the midst of a major fiscal and tax crisis, and the State government and municipalities through the State are struggling to maintain government services while not increasing the already substantial tax burden on its citizens and businesses, and

**WHEREAS**, on top of those already substantial economic and tax issues, over the past year there has arisen a major crisis in the housing market, with housing prices either stagnating or falling and many of the builders in the State being thrust into serious financial difficulties due to lack of demand for housing in the existing economic climate, and

**WHEREAS**, with those two economic situations and realities in place, at the same time the New Jersey Council on Affordable Housing has continued to move forward to propose substantial and costly new "Third Round" COAH Rules and Requirements, to be imposed upon most of the municipalities in this State; and

**WHEREAS**, the COAH Rules and standards will clearly create enormous additional burdens and expenses to municipalities, will substantially increase and adversely affect the already sensitive "free market" cost of new "non-affordable" housing units, will increase the tax burden to municipalities and their taxpaying residents, will mandate additional new development densities that will be environmentally detrimental and mandate communities and neighborhoods, and will discourage or preclude the rehabilitation of existing housing units in urban areas having proper infrastructure in place by raising the cost of RCA units to unaffordable levels; and

**WHEREAS**, in light of the facts that New Jersey and its municipalities are in the midst of a financial and tax crisis, that the New Jersey housing market is in substantial stress, that many New Jersey citizens and taxpayers are having substantial difficulty funding their own

housing and tax obligations without having the additional burdens of housing densities and subsidies placed upon them by these new and clearly onerous COAH proposed requirements; and

**WHEREAS**, in view of the now clearly established crisis in the State's financial and tax base and the continuing abilities of both State and local governments to fund basic services without further raising taxes to economically-debilitating levels and the ongoing crisis in the State's "free market" housing market, to go forward blindly to create new and substantial financial/tax burdens on municipalities, the State's taxpayers, the State's business and housing economy, and the housing market seems to be improvident, reckless and certainly detrimental to the interest of the State and its citizens; and

**WHEREAS**, the supposed "Mount Laurel" doctrine and the Fair Housing Act are, to a certain extent, the product of a different time, and COAH is not responsive to the public or electorate and its narrow focus is without due consideration to the long term consequences to environmental concerns or fiscal/tax burdens; and

**WHEREAS**, many communities now have in place a diversity of housing, including affordable housing, through implementation of COAH directives over the past 20 years and by the balance of the free market, and the proposed "Third Round" requirements are an unnecessary additional burden on its citizens and taxpayers and will, no doubt, severely aggravate the existing financial/tax and housing issues now facing these town and the entire state; and

**WHEREAS**, the elected leaders of this State -- the Governor and legislative leaders -- should recognize these existing crises and that the COAH proposals will further aggravate and exacerbate severe fiscal/tax and housing market problems, and it is required that these officials move forward legislatively to implement a State or hiatus as to the proposed "Third Round" requirements of COAH and further fiscal obligations on municipalities and their taxpayers until these other problems are further addressed.

**NOW THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Bloomingdale that the Governor and State Legislative leaders are required to review and implement a Stay of the Fair Housing Act and the proposed COAH "Third Round" requirements, so as to avoid further aggravation of the serious fiscal/tax problems, free-market housing difficulties, and environmental issues now pending before the State and municipalities within the State.

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

**Adoption of Resolution #2008-5.9: Support Assembly Bill A-1105**

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

**RESOLUTION #2008-5.9  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***SUPPORTING ASSEMBLY BILL A-1105 AUTHORIZING ON-LINE PUBLICATION OF  
MUNICIPAL LEGAL NOTICES***

**WHEREAS**, government at all levels is under severe financial stress, and the State has just announced plans to substantially reduce or eliminate State Aid to many municipalities; and

**WHEREAS**, municipalities and public entities are required by law to post and publicly advertise various proposed Legislative actions and/or applications for various approvals or permits, so that the citizenry will be informed and able to comment or inquire at appropriate times; and

**WHEREAS**, the State law applicable to such public advertising and notice, requiring legal notice advertisements in certain designated "official" newspapers, was established many

years ago, at a time when newspapers were practically the only form of mass communications, advertising rates were lower, and municipalities and public entities were not so financially stressed; and

**WHEREAS**, the cost of many public notices is passed through directly to the applicant/public, resulting in higher application or permit costs to the public applying for these various approvals or permits; and

**WHEREAS**, over the years, there has always been the complaint or issue that newspaper legal notices are not prominent and not regularly read by many citizens, and the state of internet technology now will permit such legal notices to be posted in a specific on-line location at little or no cost to the municipality and available to the citizen at this specific on-line location at no cost, and allowing such internet posting/advertising will save municipalities substantial monies while increasing public accessibility, and

**WHEREAS**, in the current state of government economics, it is imperative that reasonable measures be implemented to save public funds and tax dollars, and this change in public notice procedures would save substantial funds while preserving, if not enhancing, public notification effectiveness.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Bloomingdale that they do hereby urge the State Legislature and Governor to adopt Assembly Bill A-1105, or similar legislation, to authorize public advertising of legal notices by on-line posting of Public and Legal Notices, pursuant to designed guidelines and requirements to ensure effective public notice and availability, in lieu of costly newspaper legal notices.

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

**Introduction of Ordinance #12-2008: Introduction of 2008 Salary Ordinance**

***AN ORDINANCE ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY AND COMPENSATION FOR CATEGORIES AND TITLES OF OFFICERS, NON-CONTRACUAL EMPLOEES AND CONTRACTUAL EMPLOYEES 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 June 24, 2008 at 7:30 p.m.

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

**Introduction of Ordinance #13-2008: Dissolution of Affordable Housing Board**

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE DISSOLVING THE AFORABLE HOUSING BOARD CREATED PURSUANT TO BOROUGH OF BLOOMINGDALE CODE SECTION 12-2-26 AND PROVIDING FOR TRANSFER OF RESPONSIBILITIES TO A STATE APPROVED THIRD PARTY SERVICE PROVIDER*** was introduced by title Councilman Vroom who moved that second and final reading and public hearing be held on June 24, 2008 at 7:30 p.m.

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

**Adoption of Resolution #2008-5.10: Authorization for summer help for DPW**

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

RESOLVED, that the Borough Administrator is authorized to hire four employees for summer help for the Department of Public Works.

Councilman Sloodmaker seconded the motion.

Councilwoman Huntley stated that she does not think we should be hiring any more full-time people for the DPW.

The motion carried as per the following roll call: Council members: Sloodmaker; Marinaro; Specchio; Altfield; Vroom and Huntley all YES.

**Adoption of Resolution #2008-5.11: Authorization for part-time Animal Control Officers**

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

**RESOLUTION #2008-5.11  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authoring Hire of A  
Part Time Animal Control Officer***

WHEREAS, there exists a vacancy as a Part Time Animal Control Officer;

WHEREAS, this position was advertised and interviews were held for prospective candidates and;

WHEREAS, based on these interviews, it was determined that Bonnie Long of Newfoundland, New Jersey was the successful candidate;

NOW, THEREFORE, BE IT RESOLVED, that Bonnie Long be hired as the Part Time Animal Control Officer effective June 1, 2008 at the prevailing rate of the White Collar Contract.

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

**Resignation of Donald C. Bogert as Board of Health Member**

Councilman Specchio moved to accept the resignation of Board of Health member Donald C. Bogert whose term expires December 31, 2010 with regret; seconded by Councilman Sloodmaker and carried as per the following roll call: Council Members: Specchio; Altfield; Vroom; Huntley and Sloodmaker all YES.

**Adoption of Resolution #2008-5.12: Authorization Establishing Main Street/Union Avenue Revitalization Committee**

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

RESOLVED, that the following be appointed to the newly-formed Main Street/ Union Avenue Revitalization Committee:

Steven Ramiza  
Frank O'Reilly  
Al Lavoie  
Dan Hagberg  
Mike Mascitello  
Pete Croop  
Councilman Thomas Marinaro

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

**Adoption of Resolution #2008-5.13: Approval of Personnel Policies and Procedures Manual**

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

RESOLUTION #2008-5.13  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Mayor and Council of the Borough of Bloomingdale has determined that there should be a personnel policy to serve as a guide for conduct for contractual and noncontractual employees of the Borough;

WHEREAS, the personnel policy was distributed to various department heads and the Borough's Risk Manager for their comments and review; and

WHEREAS, the Mayor and council have considered the comments and have determined that the personnel policy would serve as an effective guide for employees in their employment relations with the Borough of Bloomingdale;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Bloomingdale that the proposed personnel policy dated May 27, 2008, be adopted and shall be distributed to all present and new employees plus all members of boards and commissions for the borough.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Bloomingdale hereby determine that losses arising out of the Employment Practices can be minimized by adoption of certain practices and policies and does hereby resolve to implement same in the Borough of Bloomingdale.

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.

**Adoption of Resolution #2008-5.14: Hiring of Deputy Court Administrator**

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

RESOLUTION #2008-5.14  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE

*Authoring Hire of Municipal Court  
Part Time Deputy Court Administrator*

WHEREAS, there exists a vacancy in the Municipal Court as an Deputy Court Administrator;

WHEREAS, this position was advertised and interviews were held for prospective candidates and;

WHEREAS, based on these interviews, it was determined that Shirley Rumore of Wantage, New Jersey was the successful candidate;

NOW, THEREFORE, BE IT RESOLVED, that Shirley Rumore be hired as the Part Time Deputy Court Administrator effective June 1, 2008 at the prevailing rate of the White Collar Contract.

Councilman Sloodmaker seconded the motion, and it carried as per the following roll call: council Members: Huntley; Sloodmaker; Marinaro; Specchio; Altfeld and Vroom all Yes.

**Adoption of Resolution #2008-5.15: Change of Employment Status from part-time to full-time for Deputy Municipal Clerk Terry Sauer**

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

**RESOLUTION #2008-5.15  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authoring Hire of a Full Time  
Deputy Borough Clerk and  
Deputy Registrar***

WHEREAS, there is a need for increased coverage in both the Clerk's office and the Board of Health Department due to retirement and increased workload;

WHEREAS, Theresa Sauer is currently the Part Time Deputy Clerk and assists with daily tasks in conjunction with the Board of Health Department and;

WHEREAS, Theresa Sauer has expressed interest in being the full time employee to fill these needs;

NOW, THEREFORE, BE IT RESOLVED, that Theresa Sauer be hired as the Full Time Deputy Clerk and Deputy Registrar effective June 9, 2008 at the prevailing rate of the White Collar Contract.

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

**Adoption of Resolution #2008-5.16: Change of Employment Status from part-time to full-time Police Secretary Sandy Caparotta**

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

**RESOLUTION #2008-16  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authoring Hire of a Full Time  
Police Secretary***

WHEREAS, there is a need for increased coverage in the Police Department and other various departments within the borough;

WHEREAS, Sandra Caparotta is currently the Part Time Police Secretary and;

WHEREAS, Sandra Caparotta has expressed interest in being the full time Police Secretary and assisting other department on an "as needed" basis;

NOW BE IT RESOLVED, that Sandra Caparotta be hired as the Full Time Police Secretary effective June 9, 2008 at the prevailing rate of the White Collar Contract.

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

**Adoption of Resolution #2008-5.17: Acceptance of Retirement of Dale Mathews as Tax Collector**

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

**RESOLUTION #2008-5.17  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing the acceptance of a Resignation/Retirement of  
Dale Mathews***

WHEREAS, the borough has received a letter of resignation/retirement from Dale Mathews, Tax Collector for the Borough of Bloomingdale;

WHEREAS, this resignation/retirement was recognized by the Borough Administrator;

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Bloomingdale accepts the resignation/retirement of Dale Mathews effective June 30, 2008 and thanks her for her dedicated service to the Borough of Bloomingdale.

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

**Adoption of Resolution #5008-5.18: Acceptance of Retirement of Pam Esteves as Registrar**

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

**RESOLUTION #2008-5.18  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing the acceptance of a Resignation/Retirement of  
Pamela Esteves***

WHEREAS, the borough has received a letter of resignation/retirement from Pamela Esteves, Registrar and Board of Health Secretary for the Borough of Bloomingdale;

WHEREAS, this resignation/retirement was recognized by the Borough Administrator;

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Bloomingdale accepts the resignation/retirement of Pamela Esteves effective June 30, 2008 and thanks her for her dedicated service to the Borough of Bloomingdale.

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

**Adoption of Resolution #2008-5.19: Opposition of Highlands Water Fee**

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

**RESOLUTION #2008-5.19  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***A Resolution of the Borough of Bloomingdale Opposing the Highlands Water Protection and Planning Council's Proposed Imposition of a Water Fee on the Residents of the Borough of Bloomingdale***

**WHEREAS**, the Governing Body of the Borough of Bloomingdale has been notified that the Highlands Water Protection and Planning Council is requesting support from municipalities for the imposition of a water fee of 40 cents per 1,000 gallons billed to the Borough's residents; and

**WHEREAS**, the Governing Body has determined that the requested fee is little more than another proposed State mandated tax to be imposed upon the Borough's residents, notwithstanding any beneficial effects the additional tax may serve by way of land preservation; and

**WHEREAS**, the Governing Body believes that the residents of Bloomingdale already are overburdened by local property taxes that continue to rise due in part to State mandated expenditures such as the water fee proposed by the Highlands Water Protection and Planning Council:

**NOW, THEREFORE, BE IT ORDAINED AND RESOLVED**, that the Governing Body of the Borough of Bloomingdale does hereby oppose the imposition of a water fee of 40 cents per 1,000 gallons billed to Bloomingdale's residents and does hereby request that the State find an alternative means of funding that will not overburden the Borough's residents.

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

**PUBLIC HEARINGS ON ORDINANCES**

Second and Final Reading and Public Hearing of Ordinance #7-2008: Amending Chapter 92 the Zoning Ordinance of the Borough of Bloomingdale

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING CHAPTER 92, THE ZONING ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, PASSAIC COUNTY, NEW JERSEY TO CHANGE A DESIGNATED PORTION OF MAIN STREET TO THE B-1 ZONE*** was given second and final reading and consideration for adoption at this time.

The Municipal Clerk read the Public Notice statement.

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

The Municipal Clerk read the ordinance by title.

**ORDINANCE #7-2008**

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING CHAPTER 92, THE ZONING ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, PASSAIC COUNTY, NEW JERSEY TO CHANGE A DESIGNATED PORTION OF MAIN STREET TO THE B-1 ZONE***

WHEREAS, properties fronting on the North side of Hamburg Turnpike from Macopin Road to the intersection of Hamburg Turnpike and Main Street predominantly are located within the B-1 Zone; and

WHEREAS, a portion of the North side of Hamburg Turnpike running from Vreeland Avenue to Bailey Avenue presently is zoned as either R-M-O or R-10-O, with properties on either side of this portion along the North side of Hamburg Turnpike being located in the B-1 Zone; and

WHEREAS, Block 25, Lot 36, zoned as R-10-0, is in substantial part located behind existing residential properties because of the depth of the lot and, as such, is not particularly suited for uses permitted in the B-1 Zone; and

WHEREAS, the Borough Council desires to move forward on the re-zoning of the properties fronting on the North side Hamburg Turnpike and running in an Easterly direction from Vreeland Avenue to Bailey Avenue, exclusive of Block 25, Lot 36 as aforesaid; and

WHEREAS, the Borough Council has determined that creating additional opportunities for B-1 use and development along the North side of Hamburg Turnpike from Vreeland Avenue to Bailey Avenue will encourage the appropriate use of land in the Borough and thereby promote the general welfare; and

WHEREAS, the Borough Council also desire to re-zone that portion of Hamburg Turnpike currently occupied by the United States Post Office and a pharmacy from the R-10-O Zone to the B-1 Zone so as to have the zoning be consistent with the properties' actual beneficial use;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Bloomingdale, in the County of Passaic, State of New Jersey as follows:

**SECTION 1.** Amend Chapter 92, Section 92-5, the Zoning Map of the Borough of Bloomingdale, to provide as follows:

- a. Block 22, Lot 5 – Change from the R-M-O Zone to the B-1 Zone
- b. Block 22, Lot 6.01 – Change from the R-M-O Zone to the B-1 Zone
- c. Block 22, Lot 6.09 – Change from the R-M-O Zone to the B-1 Zone
- d. Block 22, Lot 6.10 – Change from the R-M-O Zone to the B-1 Zone
- e. Block 24, Lot 1 & 2A – Change from the R-10-O Zone to the B-1 Zone
- f. Block 24, Lot 2 & 3 – Change from the R-10-0 Zone to the B-1 Zone
- g. Block 24, Lot 4 – Change from the R-10-O Zone to the B-1 Zone
- h. Block 25, Lot 1D – Change from the R-10-O Zone to the B-1 Zone
- i. Block 25, Lot 1C – Change from the R-10-O Zone to the B-1 Zone
- j. Block 25, Lot 1 – Change from the R-10-O Zone to the B-1 Zone
- k. Block 25, Lot 39 – Change from the R-10-O Zone to the B-1 Zone
- l. Block 89, Lot 36 – Change from the R-10-O Zone to the B-1 Zone
- m. Block 89, Lot 35.02 – Change from the R-10-0 Zone to the B-1 Zone
- n. Block 89, Lot 35.01 – Change from the R-10-O Zone to the B-1 Zone
- o. Block 89, Lot 34 – Change from the R-10-O Zone to the B-1 Zone
- p. Block 89, Lot 33 – Change from the R-10-O Zone to the B-1 Zone
- q. Block 89, Lot 29 & 30 – Change from the R-10-O Zone to the B-1 Zone
- r. Block 89, Lot 28 – Change from the R-10-O Zone to the B-1 Zone
- s. Block 89, Lot 27 – Change from the R-10-O Zone to the B-1 Zone
- t. Block 89, Lot 26.01 – Change from the R-10-O Zone to the B-1 Zone
- u. Block 89, Lot 26.04 – Change from the R-10-O Zone to the B-1 Zone
- v. Block 89, Lot 25, - Change from the R-10-O Zone to the B-1 Zone
- w. Block 89, Lot 24 - Change from the R-10-O Zone to the B-1 Zone

**SECTION 2.** 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 3.** Effective Date. This Ordinance shall take effect immediately upon publication of Notice of Final Passage in the manner provided by law.

**SECTION 4.** Repealer. All ordinances or parts thereof inconsistent herewith are hereby repealed as to the extent of such inconsistency only.

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

Ron Caputo, 42 Bogue Drive, noted that Hamburg Turnpike turns into Main Street and this should be correctly stated in the ordinance; Borough Attorney stated that the ordinance as stated is correct.

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

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

**Second and Final Reading and Public Hearing of Ordinance #8-2008: Amending Code Section 3-8.1(a)**

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING CODE SECTION 3-8.1A) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BLOOMINGDALE*** was given second and final reading and consideration for adoption at this time.

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

The Municipal Clerk read the ordinance by title.

**ORDINANCE #8-2008**

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING CODE SECTION 3-8.1(a) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BLOOMINGDALE***

WHEREAS, the Governing Body of the Borough of Bloomingdale has determined that the “anti-loitering” ordinance is outdated and no longer constitutionally sound;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Bloomingdale, in the County of Passaic, State of New Jersey as follows:

**SECTION 1.** Borough Code Section 3-8.1(a) hereby is amended by deletion of the existing language in its entirety and replacement with the following: “Obstruct or interfere with any person lawfully being upon any sidewalk or public street, or in any store, restaurant or other public or quasi-public place.”

**SECTION 2.** 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 3.** Effective Date. This Ordinance shall take effect immediately upon publication of Notice of Final Passage in the manner provided by law.

**SECTION 4.** 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 Marinaro and carried on voice vote.

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.

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

**Second and final Reading and Public Hearing on Ordinance #9-2008: Bond Ordinance Repealing Bond Ordinance No. 28-2006**

***BOND ORDINANCE REPEALING BOND ORDINANCE NO. 28-2006 FINALLY ADOPTD JULY 18, 2006 OF THE BOROUGH OF BLOOMINGDALE IN THE COUNTY OF PASSAIC, NEW JERSEY AS REFERRED TO HEREIN*** was given second and final reading and consideration for adoption at this time.

Councilwoman Altfield moved that the ordinance be read by title; seconded by Councilman Marinaro and carried on voice vote.

The Municipal Clerk read the ordinance by title.

**ORDINANCE NO. 9-2008-**

***BOND ORDINANCE REPEALING BOND ORDINANCE NO. 28-2006 FINALLY ADOPTED JULY 18, 2006 OF THE BOROUGH OF BLOOMINGDALE IN COUNTY OF PASSAIC, NEW JERSEY AS REFERRED TO HEREIN***

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Bond Ordinance No. 28-2006 finally adopted July 18, 2006 appropriated \$1,100,000 and authorized the issuance of \$665,000 in bonds or notes for the purchase of property for the preservation of open space.

Section 2. Bond Ordinance No. 8-2007 finally adopted May 22, 2007 provided for the cancellation of \$665,000 bonds or notes authorized under Bond Ordinance No. 28-2006 finally adopted July 18, 2006. The Borough of Bloomingdale has determined not to purchase the property for the preservation of open space known as Patriot Ridge, located on Block 5, Lot 39.02, as referenced on the official tax map of the Borough as referred to in Bond Ordinance No. 28-2006 finally adopted July 18, 2006.

Section 2. The Borough hereby repeals Bond Ordinance No. 28-2006 finally adopted July 18, 2006 and shall be of no effect as of the effective date of this bond ordinance. No funds have been expended under Bond Ordinance No. 28-2006 finally adopted July 18, 2006.

Section 3. This Bond Ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

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

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

**Second and final Reading and Public Hearing of Ordinance #10-2008: Amending Code Section 2-64.11; Fees for Recreational Purposes**

*AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING BOROUGH CODE SECTION 2-64.11, FES FOR RECREATIONAL PROGRAMS* was given second and final reading and consideration for adoption at this time.

Councilwoman Altfield moved that the ordinance be read by title; seconded by Councilwoman Huntley and carried on voice vote.

The Municipal Clerk read the ordinance by title.

**ORDINANCE No. 10-2008**

***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING BOROUGH CODE SECTION 2-64.11, FEES FOR RECREATIONAL PROGRAMS***

**WHEREAS**, the Governing Body of the Borough of Bloomingdale, upon the recommendation of the Board of Recreation Commissioners, has determined that certain recreation fees to be charged for Borough recreational programs must be adjusted and/or created to reflect program costs;

**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.** Code Section 2-64.11(a), "Fees for Recreational Programs," hereby is amended as follows:

1. There hereby is created a new recreation program, "Exceptional Kids," with the fee for such program to be fixed at \$20.00 per participant.
2. Recreation events scheduled by the Recreation Commission shall have a fee range of \$5.00 to \$150.00 as determined by the Recreation Commission.
3. The "Fun Fridays" program shall have a fee range of \$1.00 to \$50.00 as determined by the Recreation Commission.

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

If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

This Ordinance shall take effect after publication and passage according to law.

Councilwoman Altfield moved to open the Public Hearing on this ordinance; seconded by Councilman Vroom and carried on voice vote.

Jon Dunleavy, 51 Morse Lakes Road, noted that this is for a new program that was added and there was no fee outlined in the ordinances.

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

Councilman Vroom moved for the adoption of this ordinance; seconded by Councilman Specchio and carried as per the following roll call: Council Members: Altfield; Vroom; Huntley; Sloomaker; Marinaro and Specchio.

**Second and final reading and Public Hearing on Ordinance #11-2008: Installation of Water Lines to the Upper Morse lakes Area**

***BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$160,000 FOR THE INSTALLATION OF WATER LINES TO THE UPPER MORSE LAKE AREA IN AND BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY AND AUTHOR-IZING THE ISSUANCE OF \$160,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION*** was given second and final reading and consideration for adoption at this time.

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

The Municipal Clerk read the ordinance by title.

**ORDINANCE NO. 11-2008  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$160,000 FOR THE INSTALLATION OF WATER LINES TO THE UPPER MORSE LAKE AREA IN AND BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY AND AUTHOR-IZING THE ISSUANCE OF \$160,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.***

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance has heretofore been authorized to be undertaken by the Borough of Bloomingdale, New Jersey as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the supplemental amount of \$160,000, such sum being in addition to the \$950,000 appropriated therefore by Bond Ordinance Numbered 7-2007 of the Borough finally adopted May 22, 2007. No down payment is required as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully described in Section 6(e) of this bond ordinance.

Section 2. In order to finance the additional cost of the improvement or purpose not covered by application of the additional down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$160,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is the installation of water lines to the Upper Morse Lake Area, including all work and materials necessary therefor or incidental thereto, as more specifically described in Bond Ordinance Numbered 7-2007 of the Borough finally adopted May 22, 2007.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$1,110,000, including the \$950,000 bonds or notes authorized by Bond Ordinance Numbered 7-2007 of the Borough finally adopted May 22, 2007 and the \$160,000 bonds or notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$1,110,000, including the \$950,000 appropriated by Bond Ordinance Numbered 7-2007 of the Borough finally adopted May 22, 2007 and the \$160,000 appropriated herein.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget of the Borough of Bloomingdale is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$160,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$160,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in a portion of the estimated cost indicated herein. Of this amount, \$120,000 was estimated for the items of expense in Bond Ordinance Numbered 7-2007 of the Borough finally adopted May 22, 2007, and an additional amount of \$40,000 is estimated for these items of expense therefore herein.

(e) This bond ordinance authorized obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Councilwoman Altfield moved to open the Public Hearing on this ordinance; seconded by Councilman Sloodmaker and carried on voice vote.

Jon Dunleavy, 52 Morse Lakes Road, President of the Morse Lakes Property Owners Association, spoke in regard to the history of this project and asked that a public hearing be held with the property owners before the project begins and noted that easements have to be obtained, etc.

Borough Administrator will speak to the Borough Engineer and set up a meeting with the property owners involved.

It was noted that each individual homeowner who want to opt in, must apply for an individual waiver. It was also noted that the Borough is under a scare resource edit.

Councilman Marinaro stated that an easement may be needed through his property and he will recuse himself from voting on this.

Ron Caputo, 42 Bogue Drive, noted that this is not an assessment project and asked about the additional costs which are not covered by the grant from the state.

Jon Dunleavy stated that there is written documentation from the State Department of Environmental Protection that they will exceed the original amount if is more.

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

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

### **LATE PUBLIC COMMENT**

Councilman Marinaro moved that the meeting be opened to Late Public Comment; seconded by Councilman Vroom and carried on voice vote.

Ron Caputo, 42 Bogue Drive, asked if the Borough Administrator has the figures as to what we are paying PRBRSA vs. the water in and sewer out of the system.

Borough Administrator stated that he has requested that information from PRBRSA and has not received a reply as of this time; he has been in contact with the Borough Administrator of Butler as to meeting with Mr. Kelly of the PRBRSA.

Mayor Steenstra suggested that the Mayor of Riverdale be invited to the meeting.

Jon Dunleavy, 51 Morse Lakes Road, spoke in regard to the answer of his OPRA Request on May 21 and asked what his recourse is.

Borough Attorney stated that he has the right to go to the Government Records Council to make a recommendation as to procedure to be followed to pursue.

In regard to question that all Council Members be required to fill out an OPRA request for information, Borough Attorney MacMahon stated the Mayor and Council should have the ability to look at material for their own purposes; there could be a benefit for them to gather information behind the scenes when something comes up.

Councilman Specchio stated that maybe an additional person should be hired to address all the OPRA requests.

Mike Mascitello, 43 Bailey Avenue, asked about public notices on the internet and it was noted that the resolution which was approved tonight supports the assembly bill allowing the Borough to publish their ordinances on the internet to save costs.

Mr. Mascitello noted that the meetings of the Grant Writers committee should be on the website and volunteered to be on the Grant Writers Committee.

Meg Gray, 72 Star Lake Road, stated that the Recreation Commission is working on a calendar program which is internet based instead of web based and suggested that it might be a good idea for the Borough to look into.

Since there was no one else who wished to speak under Public Comment, Councilwoman Altfield moved that it be closed; seconded by Councilman Marinaro and carried on voice vote with all Council Members voting yes.

Councilwoman Huntley stated that Congressman Frelinghuysen's office will be contacting the Borough about the Army Corps of Engineers coming out to help clean out Van Dam brook.

Councilwoman Huntley also would like to make a recommendation that all non-recorded expenditures that are not budget be presented to the Mayor and Council prior to the expenditures being paid.

Mayor Steenstra stated that this will be on the June 10 Work Session for discussion.

## **LATE EXECUTIVE SESSION**

### **Adoption of Resolution #2008-5.20: Authorization for Executive Session**

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

**RESOLUTION #2008-5.20  
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. Litigation – Three matters
  - 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 Vroom seconded the motion, and it carried on voice vote with all Council Members present voting YES.

**(At this time, the Mayor and Council went into Executive Session)**

**RECONVENED**

Mayor Steenstra reconvened the meeting at this time, 9:05 p.m. and noted that councilwoman Huntley recused herself from the Executive Session on this item.

**Adoption of Resolution #2008-5.21: Authorizing Settlement of the DR Horton v. Bloomingdale Litigation**

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

**RESOLUTION #2008-5.21  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***A Resolution of the Borough of Bloomingdale Authorizing Settlement of the  
DR Horton v. Bloomingdale Litigation***

**WHEREAS**, a Mount Laurel II lawsuit was filed against the Borough of Bloomingdale encaptioned D.R. Horton, Inc. - New Jersey and Bloomingdale Joint Venture v. Borough of Bloomingdale and Planning Board of Bloomingdale, et al, Docket No. PAS-L-3361-05, and D.R. Horton, Inc. - New Jersey and Bloomingdale Joint Venture, Joint Venture Partners v. Borough of Bloomingdale Planning Board, et al, Docket No. PAS-L-1259-06 (the “Bloomingdale Builder’s Remedy Action”) that resulted in a Court-ordered Builder’s Remedy for a tract of land identified on the Borough’s Tax Map as Block 59, Lot 1.04, and Block 60, Lots 9.02, 16.01, 16.02, 21.02, 21.03, 45, 46, 47, 48.02, 60.01, and 60.02; and

**WHEREAS**, the Court Order entered February 28, 2007, by the Honorable Burrell I Humphreys, JAD, specifically anticipates the use of the above described tract for an inclusionary residential development consisting of a maximum of 360 for sale multi-family dwelling units, including 72 low and moderate income for sale units, all to be constructed within a total of six buildings, each designed with four residential floors over a parking level and each containing a maximum of 60 dwelling units; and

**WHEREAS**, the accommodation of said Builder's Remedy required a change in the zoning of the tract to accommodate the type and configuration of development contemplated by the Court on a site impacted by steep slopes, rock outcroppings, wetlands and wooded areas; and

**WHEREAS**, the Court-appointed Special Master oversaw the process of preparing Ordinance No. 13-2007, a zoning amendment effectuating the Court Order; and

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

**WHEREAS**, on July 17, 2007 the Governing Body of the Borough of Bloomingdale adopted Ordinance No. 13-2007 and said Ordinance has not been challenged by any person or entity in Court; and

**WHEREAS**, the only remaining legal issue in the Bloomingdale Builder's Remedy Action between Plaintiffs and the Borough of Bloomingdale concerns the payment of sewer connection fees to the Borough; and

**WHEREAS**, the Governing Body of the Borough of Bloomingdale, with the recommendation of the Municipal Attorney and Planning Board Attorney, has determined that it is in the best interests of the residents of the Borough of Bloomingdale to settle the sewer connection fee issue:

**NOW, THEREFORE, BE IT ORDAINED AND RESOLVED**, that the Governing Body of the Borough of Bloomingdale does hereby authorize settlement of the DR Horton v. Bloomingdale upon the written terms and conditions of a certain Settlement Agreement to be executed on behalf of the Borough of Bloomingdale by the Mayor of the Borough of Bloomingdale.

**BE IT FURTHER ORDAINED AND RESOLVED**, that as set forth in the Settlement Agreement, the terms of settlement shall provide the following:

**Section 1.** Terms of Settlement

1. The Borough shall grant to D.R. Horton, Inc.-New Jersey ("D.R. Horton, Inc.") and/or Bloomingdale Joint Venture a \$300,000.00 credit towards the total \$1,512,000.00 sewer connection fees to be collected ( $\$4,200.00 \text{ fee/unit} \times 360 \text{ units} = \$1,512,000.00$ ).
2. In connection with the \$300,000.00 sewer connection fee credit, D.R. Horton, Inc. and/or Bloomingdale Joint Venture shall be entitled to an upfront credit of \$33,600.00, ( $\$4,200.00 \times 8 \text{ units} = \$33,600.00$ ) with the remaining \$266,400.00 credit to be given to D.R. Horton, Inc. at the time construction of all 360 units is completed.
3. The sewer connection fee credit shall inure only to the benefit of D.R. Horton, Inc. – New Jersey and Bloomingdale Joint Venture and/or their successors in interest for so long as either D.R. Horton, Inc. – New Jersey or Bloomingdale Joint venture has a controlling interest in this development project.
4. The Borough agrees that D.R. Horton, Inc. and or Bloomingdale Joint Venture shall be granted a 54 month sewer connection fee freeze from the

date of execution of the settlement agreement. This means that D.R. Horton, Inc. and or Bloomingdale Joint Venture shall not be subject to any increase in sewer connection fees that the Borough may pass for said 54 month period.

5. D.R. Horton, Inc. and or Bloomingdale Joint Venture shall have the right to pre-pay the sewer connection fees at any time after this agreement is executed if it chooses to do so.
6. The Borough and Planning Board agree that they shall not file an appeal as to any issue raised in the litigation. The ruling of the Court as set forth in the written opinion of Judge Humphreys dated February 14, 2007 and the Builders Remedy Judgment entered by the Court on February 28, 2007 shall remain in full force and effect except as modified and supplemented with respect to the limited issues addressed in this Agreement.

#### **Section 2A.** Builders Remedy Judgment

This settlement acknowledges that the Borough of Bloomingdale has satisfied the requirements of the Builder's Remedy Judgment as to the tract identified as Block 59, Lot 1.04, and Block 60, Lots 9.02, 16.01, 16.02, 21.02, 21.03, 45, 46, 47, 48.02, 60.01, and 60.02 and more commonly known as the "Meer" tract. The Judgment is therefore final as to the "Meer Tract" and the forty-five (45) day appeal period shall commence upon entry of this Settlement Agreement and Consent Order as to settlement.

#### **Section 2B.**

Upon the submission to the Bloomingdale Planning Board of an application for development on behalf of Plaintiffs, D.R. Horton, Inc.-New Jersey and Bloomingdale Joint Venture, substantially consistent with Exhibit P-3, and the Opinion and Judgment of the Trial Court, as well as pursuant to the aforementioned site specific inclusionary ordinance, the Bloomingdale Planning Board, with the assistance and under the supervision of the Special Master, the Honorable Harry K. Seybolt, J.S.C. retired shall hold public hearings on an expedited basis in order to hear and to approve the development application consistent with the Opinion and Judgment Granting Builder's Remedy entered by the Court.

#### **Section 2C.**

The failure to comply with any terms and conditions set forth in this Settlement Agreement or in connection with the Opinion of the Trial Court Judgment Granting Builder's Remedy or the Consent Order, by any parties shall be enforceable in Court through a Motion in aid of litigant's rights.

#### **Section 3.**

The subject property, commonly known as the "Meer" tract has Town Center designation and is currently in the Planning area under the Highlands Water Protection and Planning Act. In recognition of the Judgment Granting Builder's Remedy, Bloomingdale agrees that it will not petition the Highlands Council pursuant to N.J.S.A. 13:20-15a of its intention to revise its Master Plan and development regulations, as applicable to the development and use of land in the planning area, to conform with the goals, requirements and provisions of the Regional Master Plan, until such time as all necessary governmental approvals and permits are issued allowing the "Meer" tract to be eligible for the issuance of building permits in order to construct an inclusionary development of 360 residential dwelling units with 72 affordable housing units on site.

#### **Section 4.**

Bloomingdale currently has "center" designation within which is located the "Meer" tract. Bloomingdale agrees that at all times it will act diligently and in good faith, will utilize its best efforts and will take all necessary steps in order to obtain plan endorsement in order to receive a certificate of eligibility before June 2009. It is Bloomingdale's goal to maintain and to extend until June 2011 its "center" designation of which the "Meer" tract will continue to be

apart. Bloomingdale further agrees that it will not petition the Highlands Council of its intention to revise its Master Plan and development regulations, as applicable to the development and use of land in the planning area, to conform with the goals, requirements and provisions of the Regional Master Plan until such time as Bloomingdale obtains an extension of its town “center” designation of which the “Meer” tract will continue to be apart. Bloomingdale acknowledges that the terms and conditions set forth in Section 3 are also incorporated herein by reference.

**Section 5.** General

This Agreement shall be construed as a whole in accordance with its fair meaning and in accordance with the laws of the State of New Jersey. This Agreement is the result of arm’s length negotiations and shall not be construed in favor of any party as a result of its drafting. If any court determines that any of the provisions of or obligations imposed by this Agreement are unenforceable for any reason, the parties agree that such determination shall not bar or in any way affect the parties’ rights to enforce the remaining provisions of, or obligations imposed by, this Agreement.

This Agreement represents the sole and entire agreement between the parties and supersedes all prior agreements, negotiations and discussions between the parties hereto, and their respective counsel, with respect to the subject matters covered hereby.

Any amendment to this Agreement must be in writing signed by duly authorized representatives of the parties hereto and stating the intent of the parties to amend the Agreement.

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

**Adoption of Resolution #2008-5.22: Borough Administrator as DEP Liaison**

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

**RESOLUTION #2008-5.22  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

*A Resolution of the Borough of Bloomingdale Designating Borough Administrator Ted Ehrenburg as the Authorized Official of the Borough of Bloomingdale in Connection With DR Horton Permit Applications to be Submitted to the New Jersey Department of Environmental Protection*

**WHEREAS**, a Mount Laurel II lawsuit was filed against the Borough of Bloomingdale encaptioned D.R. Horton, Inc. - New Jersey and Bloomingdale Joint Venture v. Borough of Bloomingdale and Planning Board of Bloomingdale, et al, Docket No. PAS-L-3361-05, and D.R. Horton, Inc. - New Jersey and Bloomingdale Joint Venture, Joint Venture Partners v. Borough of Bloomingdale Planning Board, et al, Docket No. PAS-L-1259-06 (the “Bloomingdale Builder’s Remedy Action”) that resulted in a Court-ordered Builder’s Remedy for a tract of land identified on the Borough’s Tax Map as Block 59, Lot 1.04, and Block 60, Lots 9.02, 16.01, 16.02, 21.02, 21.03, 45, 46, 47, 48.02, 60.01, and 60.02; and

**WHEREAS**, the Court Order entered February 28, 2007, by the Honorable Burrell I Humphreys, JAD, specifically anticipates the use of the above described tract for an inclusionary residential development consisting of a maximum of 360 for sale multi-family dwelling units, including 72 low and moderate income for sale units, all to be constructed within a total of six buildings, each designed with four residential floors over a parking level and each containing a maximum of 60 dwelling units; and

**WHEREAS**, the accommodation of said Builder’s Remedy required a change in the zoning of the tract to accommodate the type and configuration of development contemplated by the Court on a site impacted by steep slopes, rock outcroppings, wetlands and wooded areas; and

**WHEREAS**, the Court-appointed Special Master oversaw the process of preparing Ordinance No. 13-2007, a zoning amendment effectuating the Court Order; and

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

**WHEREAS**, on July 17, 2007 the Governing Body of the Borough of Bloomingdale adopted Ordinance No. 13-2007 and said Ordinance has not been challenged by any person or entity in Court; and

**WHEREAS**, the only remaining legal issue in the Bloomingdale Builder's Remedy Action between Plaintiffs and the Borough of Bloomingdale concerned the payment of sewer connection fees to the Borough; and

**WHEREAS**, the Governing Body of the Borough of Bloomingdale, with the recommendation of the Municipal Attorney and Planning Board Attorney, determined that it is in the best interests of the residents of the Borough of Bloomingdale to settle the sewer connection fee issue and on May 27, 2008 adopted Resolution #2008-5.21 settling the DR Horton v. Bloomingdale litigation; and:

**WHEREAS**, DR Horton is submitting applications to the New Jersey Department of Environmental Protection for a Treatment Works Approval Permit and a Safe Drinking Water Permit and it necessary to designate an authorized Borough Official to sign the applications for the Borough of Bloomingdale:

**NOW, THEREFORE, BE IT ORDAINED AND RESOLVED**, that the Governing Body of the Borough of Bloomingdale does hereby designate Borough Administrator Ted Ehrenburg as the Borough Official authorized to execute on behalf of the Borough the Treatment Works Approval Permit application and Safe Drinking Water Permit application being submitted to the New Jersey Department of Environmental Protection by DR Horton.

Councilman Marinaro 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 (RECUSED)

(At this time, 9:20 p.m., the Mayor and Council resumed the Executive Session and Councilwoman Huntley resumed her seat on the dais)

### **RECONVENED**

Mayor Steenstra reconvened the meeting at 10:06 p.m.

### **Adoption of Resolution #2008-5.23**

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

**RESOLUTION #2008-5.23  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

*A Resolution of the Borough of Bloomingdale Authorizing Settlement of  
Salleroli v. Borough of Bloomingdale Tax Appeal*

**WHEREAS**, tax appeals were filed for the years 2006 and 2007 in connection with the property commonly known as 86 Main Street, Bloomingdale, New Jersey; and

**WHEREAS**, with the recommendation of Borough Tax Assessor Brian Townsend and Borough Attorney Joseph V. MacMahon, the Governing Body has determined that it is in the best interests of the Borough to settle the filed tax appeals; and

**WHEREAS**, pursuant to the proposed Stipulation of Settlement, the total requested Tax Court Judgment for 2006 will be \$245,500.00, for 2007 will be \$217,500.00, and the Borough further agrees to assess the subject property for 2008 for land and improvements at the total amount of \$199,600.00.

**NOW, THEREFORE, BE IT ORDAINED AND RESOLVED**, that the Governing Body of the Borough of Bloomingdale does hereby authorize Borough Attorney Joseph V. MacMahon to execute the proposed Stipulation of Settlement on behalf of the Borough of Bloomingdale.

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

**Adoption of Resolution #2008-5.24: Approving a Severance Agreement for Borough Employee Theresa Rubin**

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

**RESOLUTION #2008-5.24  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

***A Resolution of the Borough of Bloomingdale Approving a Severance Agreement for Borough Employee Theresa Rubin***

**WHEREAS**, with the recommendation of Borough Administrator Ted Ehrenburg, the Governing Body has determined that it is in the best interests of the Borough to enter into a Severance Agreement with Borough Employee Theresa Rubin, who will be retiring effective December 31, 2008;

**NOW, THEREFORE, BE IT ORDAINED AND RESOLVED**, that the Governing Body of the Borough of Bloomingdale does hereby authorize the execution of a certain written Severance Agreement upon the terms and conditions specified therein and as agreed to by the Governing Body of the Borough of Bloomingdale.

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

**ADJOURNMENT**

Because there was no further public business to be conducted, Councilwoman Altfield moved to **ADJOURN** the meeting at 10:09 p.m.; seconded by Councilman Marinaro and carried on voice vote with all members voting YES.

Jane McCarthy, RMC  
Municipal Clerk