

August 26, 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 6:02 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 Marinaro and carried on voice vote with all members voting YES.

Since there was no one 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 members voting YES.

APPROVAL OF CONSENT AGENDA

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

- A. Approval of informational items: Weeks Ending July 18 and 25; August 1 and 8, 2008
- B. Request from Lake Iosco to use Council Chambers; November 15, 2008 at 12:30 p.m.
- C. Adoption of July 22 and August 12, 2008 Governing Body Minutes

Councilman Vroom seconded the motion, and it carried on voice vote with all Council Members voting YES.

PENDING BUSINESS

Governmental Operations Committee

Report from Borough Administrator as to Borough “Going Green”

Borough Administrator asked that in order to get a better idea of the savings to the Borough in “Going Green”, he would like to extend the four-day work week trial period to December 1, 2008 and report back at that time.

Councilman Specchio moved that the four-day work week trial period be extended until December 1, 2008; seconded by Councilman Sloomaker and carried as per the following roll call: Council Members: Altfield; Vroom; Huntley; Sloomaker; Marinaro and Specchio.

Trailers at Samuel R. Donald School

Councilman Specchio praised the DPW for the work they did in assisting the Board of Education in demolishing their trailers at a savings of \$18,237.00

DPW Superintendent Gallagher stated that Tim Duffy from Pompton Lakes should be recognized for donating twelve dumpsters at a savings of \$5,400 along with the DPW workers who helped.

Councilwoman Huntley stated that the Board of Education publicly thanked the Borough for their help at the last meeting.

Public Health and Safety

Donation to Fire Department

Mayor Steenstra stated that the Tri Boro Rotary Club donated three Fit Five Units to the Boroughs of Butler, Kinnelon and Bloomingdale to assist in putting out fires; we appreciate their generosity.

Grant Writers Committee

Councilwoman Huntley stated that they will be meeting on Thursday to finalize a grant which they will be submitting.

INTRODUCTION OF NEW BUSINESS

Governmental Operations Committee

Adoption of Resolution #2008-8.3: Payment of Municipal Obligations

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

**RESOLUTION - #2008-8.3
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Payment of Municipal Obligations

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

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

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

BILLS LIST

CURRENT	2,695,194.87
UTILITY	86,568.32
CAPITAL	7,384.42
UTILITY CAPITAL	1,590.00
TRUST	3,299.35
DOG	1,204.56
RECREATION	1,197.75
UNEMPLOYMENT	6,383.40
ROSE FUND	3,263.97
RECYCLING	2,409.20

TOTAL 2,808,495.84

PREPAID LIST

CURRENT	878,935.98
UTILITY	38,669.92
UNEMPLOY.	122.93
RECYCLING	914.20
CAPITAL	0.00
TRUST	2,130.00
SPEC. ASSESS.	0,000.00
RECREATION	23,165.04
UTILITY CAP.	0.00
DOG	000.00

TOTAL 943,938.07

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

Request from PRBRSA for Proposal for Operation and Maintenance Contract

Borough Administrator will contract PRBRSA in regard to whether or not we will be bidding on this.

Board of Health Vacancy

Mayor Steenstra noted that we have a vacancy on the Board of Health due to death of Ildiko Smith and our sincere sympathy goes out to her family.

Adoption of Resolution #2008-8.4: membership in the North jersey Municipal Employee Benefits Fund

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

RESOLUTION #2008-8.4
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the North Jersey Municipal Employee Benefits Fund, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8:1, and 40A:10-36 et. seq., and;

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been in operation since that date, and;

WHEREAS, the statues and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND;

WHEREAS, the governing body of the Borough of Bloomingdale, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

NOW THEREFORE, BE IT RESOLVED that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Become a member of the FUND for a period outlined in the LOCAL UNIT'S Indemnity and Trust Agreements.
- ii. Will participate in the following type(s) of coverage(s):

- a) Health Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND'S bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND'S bylaws.
- iv. Execute an application for membership and any accompanying certifications.
- v. Commit to the four principles of the FUND which are:
 - a) A long-term philosophy on rates.
 - b) A willingness to work with bargaining unit to achieve plan design changes.
 - c) Professional management with stability and commitment.
 - d) Rating structure based on actuarial numbers.

BE IT FURTHER RESOLVED that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND'S Bylaws, and to deliver these documents to the FUND'S Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

Councilman Specchio 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 #2008-8.5: State Tax appeal for Block 89; Lot 21

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

**RESOLUTION # 2008-8.5
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing State Tax Court Refund

WHEREAS, the Governing Body ("Governing Body") of the Borough of Bloomingdale ("Borough") finds and declares that on August 1, 2008 the Municipality was notified of a State Tax Court judgment, and

WHEREAS, the Governing Body further finds and declares that this judgment is on Block 89, Lot 21, known as 86 MAIN STREET, owned by NICHOLAS SALLEROLI and 15 KIEL AVENUE LLC; and

WHEREAS, the Governing Body further finds and declares that since this judgment is against the 2006 and the 2007 tax assessment for taxes, and that the 2006 and the 2007 taxes have already been paid in full by the owner/owners, and

WHEREAS, per the directives of the STIPULATION OF SETTLEMENT filed with the STATE TAX COURT any refund of monies is to be paid to the plaintiff's attorney, Mr. Daniel G. Keough, Trustee,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale that the Borough Treasurer be and is hereby authorized to issue a check in the

amount of \$ 14,405.98 payable to Daniel G. Keough, Trustee, 783 Springfield Avenue, Summit, NJ 07901

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

Authorization for contract for Vegetative yard Waste

Borough Administrator stated that three bids were picked up but no one bid on the contract; this will have to go out for bid again.

Councilwoman Altfield moved that the contract for Vegetative Yard Waste be rebid on September 8 at 10:30 p.m.; seconded by Councilman Vroom and carried on voice vote with all members voting YES.

Adoption of Resolution #2008-8.6: Authorizing Interlocal Agreement for Street Sweeper

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

RESOLUTION 2008-8.6
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE

SHARED SERVICES AGREEMENT
FOR STREET SWEEPING SERVICES

Shared Services Agreement pursuant to NJSA 40A:65-1 et seq, made this ___ day of September 2008 between the **BOROUGH OF BLOOMINGDALE**, a body politic, with offices located at 101 Hamburg Turnpike, Bloomingdale, New Jersey and the **BOROUGH OF POMPTON LAKES**, a body politic, with office located at 25 Lenox Avenue, Pompton Lakes, New Jersey.

WITNESSETH:

The Borough of Bloomingdale (hereinafter 'Bloomingdale') and the Borough of Pompton Lakes (hereinafter 'Pompton Lakes') have agreed that the citizens of their respective communities can be better served, at a reduced expenditure of scarce tax dollars, by arranging for the joint provision of certain governmental services.

IT IS THEREFORE AGREED AS FOLLOWS:

1. Term of Agreement

This Interlocal Service Agreement ('Agreement') shall be effective from September 1, 2008 through December 31, 2012.

2. Scope of Services

2.1 Designated as General Agent

Bloomingdale is hereby designated the agent of Pompton Lakes to furnish Pompton Lakes with Street Sweeping Services.

2.2 Responsibility

At all times, Bloomingdale shall maintain responsibility for all personnel providing services covered under this Agreement. Authority to regulate the overall departmental performance and the performance of all personnel shall reside with Bloomingdale. The Borough

of Bloomingdale will provide two days per week, street sweeping for a nine month period, beginning in March and ending in November of each year. For the months of December, January, and February the Borough will only sweep after a snow storm when salt or millings were used, as per State Stormwater Regulations. The fee for the winter month's service will be on a requested basis and will be paid on a per diem rate of \$375.00. The Borough of Bloomingdale will not be responsible for the disposal of the contents, it being expressly understood that the Borough of Pompton Lakes shall be responsible for disposal of the debris.

All citizen inquiries and complaint resolutions shall be handled through Bloomingdale unless same are beyond the scope of the services provided herein by Bloomingdale. In such event, the citizen inquiries and complaints will be referred to the appropriate Pompton Lakes municipal official.

2.3 Supervision and Direction of Staff

A. The Department of Public Works of Bloomingdale (DPW) shall be responsible for the day-to-day operation and supervision of activities of the assigned DPW employee to Street Sweeping.

B. The staff, furnished by Bloomingdale, will be a trained operator who will possess a New Jersey Commercial Drivers License (CDL).

2.4 Designation as Officials

A. Borough of Bloomingdale Department of Public Works and staff hired by Bloomingdale shall be designated by Pompton Lakes as the service provider of Pompton Lakes.

B. Pompton Lakes shall deliver by letter, which shall be on file with Bloomingdale, a copy of Pompton Lakes' Street Sweeping ordinances.

3. Activities

3.1 Site Facility

All Street Sweeping material will be picked up by the Borough of Pompton Lakes and shall be transported to the Borough of Pompton Lakes Department of Public Works Site/Facility. The disposition of these materials will follow proper procedures as recommended by EPA. At all times, the facility shall be maintained and operated under such standards as are set by State law.

3.2 Services to be performed.

The Bloomingdale Department of Public Works staff shall provide to Pompton Lakes, in as responsive a manner as possible, the following:

A. To provide street sweeping on a twice weekly basis.

B. To respond during normal working hours (6:00 A.M. to 2:00 P.M., Monday through Friday) to routinely perform the street sweeping service. Non-routine problems, questions or issues of service will be reported by Pompton Lakes to the Bloomingdale Borough Administrator.

C. The Borough of Bloomingdale will maintain the Street sweeper and the Borough of Pompton Lakes will be required to purchase once a year two curb brushes and one large brush. The Borough of Bloomingdale shall be responsible for labor and such care and maintenance costs of the equipment as may arise from time to time.

E. In those cases when the Street Sweeper is out of service, the Borough of Bloomingdale will make every effort to repair the equipment and Pompton Lakes will be notified. Any costs incurred for this procedure shall be the responsibility of Bloomingdale.

F. In those cases where weather/emergencies or road repairs limit the ability of the operator to perform the function of street sweeping or delays the process, the Borough of Bloomingdale shall not be responsible for any such acts and no credit or compensation will be given to the Borough of Pompton Lakes because of it.

3.3 Place of Operation

The business office for the Department of Public Works and staff will be located in Bloomingdale.

4. Enforcement Actions

Each municipality shall be solely responsible for its own enforcement actions. The cost of enforcement activities, including, but not limited to, legal actions and collection of any fines and/or penalties assessed as a result of a legal action, shall be borne solely by the municipality within which the violation occurred. Bloomingdale shall only be responsible for ensuring that the Operator and/or other department personnel are available to testify and for providing documentation substantiating any investigation undertaken and the results thereof.

5. Funding

5.1 Compensation Payable by Participating Town

In consideration of this service, Pompton Lakes, shall, in the first year pay on a pro-rated basis at the rate of \$3,000.00 per month for a total of \$36,000.00 per year base rate. The Borough of Pompton Lakes can either purchase or reimburse the Bloomingdale for replacement brushes for the street sweeping machine. Pompton Lakes will pay a per-diem rate of \$375.00 per day for any additional work days requested by Pompton Lakes. The Borough will increase the fee schedule by 3.5 % per year for each consecutive year, including an annual 3.5% increase of the per diem rate. The base rates for each year of this Agreement are as follows:

2008	\$36,000.00 (pro rata balance only)
2009	\$37,260.00
2010	\$38,564.00
2011	\$39,913.00
2012	\$41,310.00

5.2 Quarterly Payments by Pompton Lakes to Bloomingdale

A. Pompton Lakes shall provide sufficient funds in its budget to cover contract costs. Pompton Lakes shall provide quarterly payments for said contract charges, based on the charges shown in Paragraph 5.1, for the duration of the term of the Agreement.

B. The quarterly payments shall be made as follows: March billing cycle, June billing cycle, September billing cycle, and December billing cycle of each year that the Agreement is in effect.

C. Failure by Pompton Lakes to pay its quarterly contribution by the following month in which payment is due shall result in the imposition of a five percent (5%) late penalty for that payment, as well as interest on the payment to accrue at the rate of five percent (5%) per annum.

D. If Pompton Lakes fails to pay its contribution in a timely manner twice, it may be subject to cancellation of service by the affirmative vote of the majority of the Governing Body of Bloomingdale and shall be responsible for all costs incurred to the date of removal as well as any costs associated with the removal of Pompton Lakes from the Agreement.

6. General Cooperation and Intent

A. It is the intention of the parties that the Street Sweeping activities within and on behalf of Pompton Lakes shall be performed by the Department of Public Works staff of

Bloomingtondale according to the same general standards of performance, procedure and recordkeeping as said office presently furnishes for matters within the Borough of Bloomingtondale. Bloomingtondale agrees that its employees and contractors will cooperate with the duly authorized representative of Pompton Lakes to perform the services listed in Section 3.2 above.

B. At all times, Bloomingtondale shall maintain responsibility for all personnel providing services covered under this Agreement.

7. Termination

This Agreement may be terminated upon the happening of any of the following events:

A. If there are incidents that vary from the intent of this Agreement and there is no mutual agreeable resolution between the parties, either Bloomingtondale or Pompton Lakes may terminate this Agreement upon ninety (90) days written advance notification; or

B. If for any reason Bloomingtondale determines that providing Street Sweeping Services to Pompton lakes becomes a financial liability for Bloomingtondale, Bloomingtondale reserves the right, upon ninety (90) days written notice to Pompton Lakes, to renegotiate or terminate this Agreement and shall be held harmless by Pompton Lakes for taking any such action to renegotiate or terminate this Agreement; or

C. Following notice of an increase in the amount paid pursuant to Paragraph 5.1, Pompton Lakes may terminate this Agreement with one hundred twenty (120) days written notification to Bloomingtondale.

8. Insurance

Each party will maintain their separate insurance coverage for automobile liability, general liability and worker's compensation for their respective employees.

9. Administrative and Legal Supervision

To the extent that is appropriate to matters pertaining to Pompton Lakes, Bloomingtondale personnel shall receive subject matter and specific information from Pompton Lakes. In addition, the Municipal Attorney of Pompton Lakes shall provide legal advice, guidance and representation to Bloomingtondale personnel on specific matters pertaining to Pompton Lakes. It is expressly understood, however, that matters of discipline, compensation, attendance and related items remain under the sole control of Bloomingtondale in regard to all persons serving under this Agreement, who shall at all times remain employees of Bloomingtondale only.

10. Other Contracts

The parties recognize that this is not an exclusive agreement and that Bloomingtondale shall be permitted to enter into similar agreements with other municipalities to provide the same services as specified herein.

11. Conformity of Local Ordinances with this Agreement

In cases where the terms and conditions of this Agreement are in conflict with the Local Ordinances of Pompton Lakes, Pompton Lakes shall amend its Ordinances to eliminate any such inconsistency.

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

Adoption of Resolution #2008-8.7: Authorizing purchase of vehicles from Borough of Kinnelon

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

**RESOLUTION #2008-8.7
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Payment for Purchase of Police Vehicles

WHEREAS, there exists an opportunity for the Borough of Bloomingdale to purchase two police vehicles from the Borough of Kinnelon which Kinnelon deems surplus property; and

WHEREAS, the Borough of Kinnelon will sell two surplus police vehicles, a 2004 Dodge Intrepid, color white, VIN #2B3HD46V14H619050 for \$500.00 and 2004 Dodge Intrepid, color blue, VIN #2B3HD46V14H619051 for \$1,000.00 to the Borough of Bloomingdale; and

WHEREAS, the amount to be paid to the Borough of Kinnelon has been reviewed by the Borough of Bloomingdale Administrator and has been mutually agreed upon by the Borough of Kinnelon per Resolution _____ in the amount of \$1,500.00;

NOW, THEREFORE BE IT RESOLVED, that the Borough of Bloomingdale is hereby authorized to accept these terms and pay the Borough of Kinnelon \$1,500.00 for the above mentioned surplus property;

AND BE IT FURTHER RESOLVED, that payment be paid in full upon receipt of the aforementioned items.

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

Adoption of Resolution #2008-8.8: Authorizing purchase of emergency generator and transfer switch

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

**RESOLUTION #2008-8.8
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Payment for Purchase of Emergency Generator and Transfer Switch

WHEREAS, there exists an opportunity for the Borough of Bloomingdale to purchase an emergency generator and transfer switch from the Township of Livingston which the township deems surplus property; and

WHEREAS, the Township of Livingston will sell a surplus emergency generator and transfer switch formerly utilized at the Main Fire Headquarters to the Borough of Bloomingdale; and

WHEREAS, the amount to be paid to the Township of Livingston has been reviewed by the Borough Administrator and has been mutually agreed upon by the Township of Livingston per Resolution 08-179 in the amount of \$500.00;

NOW, THEREFORE BE IT RESOLVED, that the Borough of Bloomingdale is hereby authorized to accept these terms and pay the Township of Livingston \$500.00 for the above mentioned surplus property;

AND BE IT FURTHER RESOLVED, that payment be paid in full upon receipt of the aforementioned items.

Councilman Specchio 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 #2008-8.9: Authorizing Approval of Elevator Contract

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

RESOLVED, that the Full Maintenance Agreement from Liberty Elevator dated June 25, 2008 for maintenance of the Borough elevator at 101 Hamburg Turnpike be approved.

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

Adoption of Resolution #2008-8.10: Authorizing Approval of Morse lake Drinking Water Improvements, Petillo Inc. Contractor

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

**RESOLUTION #2008-8.10
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

WHEREAS, Notice to Bidders for the Morse lake Watermain Extension of the Borough of Bloomingdale was advertised in accordance with the Local Public Contracts Law; and

WHEREAS, ten bids were received, opened and read on May 9, 2008; and

WHEREAS, said bids were reviewed and recommended by the Borough Engineer and Certification of Funds has been received by the Chief Financial Officers;

NOW, THEREFORE, BE IT RESOLVED that the Morse Lake Water Main Extension be awarded to the lowest qualified bidder, Petillo Incorporated, 167 Flanders-Netcong Road, Flanders, NJ 07836 at their total bid proposal of \$922,060.00; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk be and are hereby authorized to execute the contract agreement.

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

Comments from Planning Board as to their review of ordinances #16-2008 and Ordinance #17-2008

Consensus that the comments received from the Planning Board on Ordinances #16-2008 and #17-2008 will be reviewed and discussed at the September 9 Work Session and adoption is on September 23.

Vegetative Waste Bids

Municipal Clerk stated that the date authorized prior in the meeting to receive bids will not meet the statutory requirements for publication.

Councilman Sloodmaker amended the motion to receive bids for Vegetative yard Waste on September 18, 2008 at 10:30 p.m.; seconded by Councilman Vroom and carried on voice vote with all Council members voting YES.

Public Health & Safety

Councilman Specchio noted that the committee is meeting every other month and we are satisfied with the progress.

Ordinance Review Committee

Councilwoman Huntley sated that the Committee will be meeting in September.

Voting District in Samuel R Donald School

Councilwoman Huntley stated that at the last board of education meeting there was some concern as to safety when using the schools as voting district.

Municipal Clerk stated that this is a decision made by the Board of Elections and it is an involved process and they have informed the Clerks that the Attorney General has encouraged use of schools as polling places but she will inquire as to feasibility.

Recognition of Certified Court Administrator

At this time, Mayor and council recognized the recent accomplishment of Court Administrator Phyllis Muter on obtaining her Certification for court administrator; the presentation was roundly applauded by all those in attendance.

LATE PUBLIC COMMENT

Councilwoman Altfield opened the meeting to Late Public comment; seconded by councilman Marinaro and carried on voice vote with all Council Members voting YES.

Since there was no one who wished to speak under late Public comment, councilwoman Altfield moved that it be closed; seconded by councilman Marinaro and carried on voice vote with all council Members voting Yes.

Adoption of Resolution #2008-8.11: Authorization for Executive Session

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

**RESOLUTION #2008-8.11
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. Litigation – Two Matters
 1. City of Paterson v. Bloomingdale
 2. DR Horton v. Bloomingdale
 - B. Personnel – Two Matters
4. Minutes will be taken.

5. It is anticipated at this time that minutes of the above-referenced subject matter will be made public when it is in order to do so.
6. This Resolution shall take effect immediately.

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

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

RECONVENED

The mayor and Council noted that they will reconvene the meeting at the Bloomingdale Firemen's Hall for the swearing in of Sergeants to the Bloomingdale Police Department at 7:30 p.m.

SWEARING IN OF SERGEANTS OF BLOOMINGDALE POLICE DEPARTMENT

At this time, Police Chief Joseph Borrel spoke in regard to the process which was followed in selecting the promotions for Sergeants and recommended the following Officers for promotion:

Michael Boffa
 Ron Frost
 Mark Johnson
 Robert Resslerand

At this time, Mayor Steenstra administered the Oath of Office individually to each Officer and the presentations were roundly applauded by all those in attendance.

RECESS:

The mayor and Council recess at 7:40 p.m. for a small celebration with the newly promoted Sergeants.

RECONVENED

Mayor Steenstra reconvened the meeting at 8:15 p.m. back in the Municipal Building.

At this time, Mayor Steenstra acknowledged Mr. Dean Smith who recently lost his wife Ildiko Smith who was a member of our board of health and expressed his condolences.

Adoption of 2008 Municipal Budget

Motion to Open the Public Hearing on Amendment to Municipal Budget

Councilwoman Altfield moved that the Public Hearing on Resolution #2008-8-1 be opened to the public.

Councilman Marinaro seconded the motion, and it carried on voice vote with all members voting YES.

Since there was no one who wished to speak under the Public comment, Councilwoman Altfield moved that it be closed; seconded by Councilman Marinaro and carried as per the following roll call: Council members: Sloomaker; Marinaro; Specchio; Altfield; Vroom and Huntley all Yes.

Adoption of Resolution #2008-8.12: Adoption of Municipal budget

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

SEE PAGE ATTACHED

Councilman Vroom seconded the motion.

At this time, Councilwoman Huntley read the following into the record:

“The budget does not take into account the economy and its effects on the average taxpayer. The price of gas for taxpayers traveling back and forth to work, the expected increase in the price of heating their home, the increase in the cost of electricity, the increase in the cost of their water, etc.

Last year we were fortunate in that we were able to accumulate a sizeable surplus. A surplus that equated to approximately 6 points. Additionally, we have been able to estimate additional revenue in this year’s budget. But instead of maintaining our expenditures and even permitting only a minimal increase, current expenditures increased by 6%. Granted some expenses are not within the control of the Borough, such as the contribution to the public employers retirement fund, however, the increase in the surplus as well as the additional income anticipated more than covers that increase. This year, we also refinanced some of our debt to try and reduce the town’s expenditures. But instead of taking advantage of the increases in revenue, the large surplus and the reductions in certain costs to keep taxes stable, this budget has permitted a large increase in expenditures which necessitated an increase in municipal taxes.

If taxes have to be increased in a year with a sizeable surplus and increased revenues, what is going to happen next year? We, just like the taxpayers have to watch our spending. I do not believe this budget does that. I believe we should work harder to reduce the budgeted expenditures tonot have any increase this year.”

Councilwoman Altfield stated that it is her understanding if the Governor had not cut our Finance by \$181,000, we would have been at “0” budget.

Mayor Steenstra stated that it was a roller coaster ride and the Committee did an outstanding job and thanked the Finance Department for their work.

Councilman Marinaro stated that towns less than 10,000 residents were affected by cuts.

The motion carried as per the following roll call: Council Members: Marinaro, YES; Specchio, YES; Altfield, YES; Vroom, YES; Huntley, NO and Sloomaker, YES.

PUBLIC HEARING ON ORDINANCE #15-2008

Municipal Clerk read the Public Notice Statement on t his ordinance.

Councilman Marinaro 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 #15-2008

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$375,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$357,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

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 several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Bloomingdale, New Jersey as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the

aggregate to \$375,000, including the aggregate sum of \$18,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$357,000 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. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

(a) Providing for purchase of a new fire engine and all related equipment thereto.

<u>APPROPRIATION</u>	<u>BOND AUTHORIZATION</u>	<u>PERIOD OF USEFULNESS</u>
\$300,000	\$285,600	10 years

(b) Providing for engineering expenses related to various road improvement projects.

<u>APPROPRIATION</u>	<u>BOND AUTHORIZATION</u>	<u>PERIOD OF USEFULNESS</u>
\$75,000	\$71,400	10 years
 <u>TOTAL APPROPRIATION</u>	 <u>TOTAL BOND AUTHORIZATION</u>	 <u>AVERAGE PERIOD OF USEFULNESS</u>
\$375,000	\$357,000	10 years

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 purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Borough may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10 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 \$357,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$75,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

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 that the public Hearing be opened on this ordinance; seconded by Councilman Vroom and carried on voice vote.

Since there was no one who wished to speak under the Public Hearing, Councilwoman Altfield moved that it be closed; seconded by Councilman Specchio and carried as per the following roll call: Council Members: Specchio; Altfield; Vroom; Huntley; Sloomaker and Marinaro all Yes.

Adoption of Resolution #2008-8.13: Authorization for Shared Services Agreement with Borough of Kinnelon for construction code services.

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

**RESOLUTION #2008-8.13
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

A Resolution of the Borough of Bloomingdale Authorizing Execution of a Shared Services Agreement Between the Borough of Bloomingdale and the Borough of Kinnelon for Services of a Construction Official and any Necessary Subcode Officials

WHEREAS, the Governor and Legislature are encouraging municipalities to enter into shared services agreements with each other when possible so as to provide services to the residents of the State of New Jersey in a more cost effective manner; and

WHEREAS, the Borough of Bloomingdale and the Borough of Kinnelon have determined that it would be mutually beneficial to enter into a shared services agreement whereby the Borough of Bloomingdale would furnish the services of a Construction Official and any necessary Subcode Officials as required by N.J.S.A. 52:27D-119, *et seq.*; and

WHEREAS, the Borough Administrator of Bloomingdale has negotiated a written shared services agreement with the Borough of Kinnelon, the terms of which have been approved by the Governing Body of the Borough of Kinnelon and which also are acceptable to the Governing Body of the Borough of Bloomingdale; and

WHEREAS, the Governing Body has determined that execution of a shared services agreement as aforesaid is in the public interest.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize the execution of a shared services agreement with the Borough of Kinnelon upon the terms and conditions as set forth in the attached shared services agreement.

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

Introduction of Ordinance #18-2008: Directing the Acquisition of Real Property Designated as Block 60; Lot 14.01

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE APPROVING AND DIRECTING THE ACQUISITION OF REAL PROPERTY DESIGNATED AS BLOCK 60, LOT 14.01 ON THE TAX MAP OF THE BOROUGH OF BLOOMINGDALE, COMMONLY KNOWN AS 182 UNION AVENUE, FOR THE CONTRACT PRICE OF \$550,000.00 was introduced by title by Councilman Vroom who moved that second and final reading and Public Hearing be held on September 9, 2008, at 7:30 p.m.; seconded by Councilman Sloomaker and carried as per the following roll call: Council Members: Vroom; Huntley; Sloomaker; Marinaro; Specchio and Altfield.

Adoption of Resolution #2008-8.14: Disciplinary Action Timothy Solo

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

RESOLUTION #2008-8.14

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

*Approving and Taking Disciplinary Action Against Borough of Bloomingdale
Employee Timothy Solo*

WHEREAS, on July 14, 1999, Timothy Solo was hired as an employee of the Borough of Bloomingdale, working in the Department of Public Works; and

WHEREAS, on December 7, 2004, Mr. Solo was suspended two days because of an accident that occurred due to his failure to check the Leaf-Vac truck; and

WHEREAS, on July 1, 2007, Mr. Solo was warned of abuse of sick time, with a letter being placed in his personnel file; and

WHEREAS, on February 29, 2008, Mr. Solo was suspended for five days for accepting \$100.00 from a resident to take construction waste in the Borough sanitation truck; and

WHEREAS, on August 20, 2008, the Borough Administrator recommended suspension of Mr. Solo for a total period of fifteen days for abuse of sick time and for failure to be truthful when interviewed by the Borough Administrator; and

WHEREAS, Mr. Solo received a Rice notice informing him that his employment status would be discussed during the August 26, 2008 Executive Session meeting of the Governing Body; and

WHEREAS, on August 26, 2008 the Governing Body did discuss with the Borough Administrator and Superintendent of the Department of Public Works the continued employment status of Mr. Solo, and having determined that the recommended disciplinary action to be taken against Mr. Solo was appropriate under the circumstances:

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED, that the Governing Body of the Borough of Bloomingdale does hereby suspend Mr. Solo without pay for a period of fifteen days, ten days of which is to be served immediately, with Mr. Solo to return to work on September 4, 2008, and the remaining five days of suspension to be imposed by the Borough Administrator at a time to be determined by the Borough Administrator and Superintendent of the Department of Public Works.

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

LATE PUBLIC COMMENT

Councilman Marinaro noted that he is really proud with the work the Borough Administrator has done towards obtaining Shared Services.

Councilwoman Alfield opened the meeting to Late Public Comment; seconded by Councilman Marinaro and carried on voice vote.

Sue Smith, 110 Van Dam Avenue, thanked the Mayor and Council for all the work they did on the budget in bringing it in at only four points.

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

ADJOURNMENT

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

Jane McCarthy, RMC
Municipal Clerk