

**WORK SESSION OF
THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

February 9, 2010

Mayor Steenstra called the meeting to order at 7:35 p.m.

ROLL CALL

<i>In Attendance:</i>	Mayor:	William Streenstra
	Council President:	Dean Specchio
	Council President Pro Tem:	Bernie Vroom
	Council Members:	Linda J. Huntley Jo-Ann Pituch Glenn Schiffman
<i>Professionals Present:</i>	Municipal Clerk:	Jane McCarthy, RMC
	Borough Administrator:	Ted Ehrenburg
	Borough Attorney:	Joseph V. MacMahon, Esq.
	Chief Financial Officer:	Donna Mollineaux

SALUTE TO THE AMERICAN FLAG

Mayor Steenstra led the Salute to the Flag.

PUBLIC NOTICE STATEMENT

Mayor Steenstra stated that on December 17, 2009, publication notification of the date, time and place of this Official Meeting was faxed and mailed to all local news media and posted in the Bloomingdale Municipal Building.

EARLY PUBLIC COMMENT

Councilman Specchio opened the meeting up to Public Comment; seconded by Councilman Vroom and carried on voice vote with all Council Members voting YES.

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

PROFESSIONAL REPORTS

Municipal Clerk – No Report

Borough Administrator – No Report

Borough Attorney – Noted that he has several items for Executive Session.

PENDING BUSINESS

Governmental Operations Committee

Discussion with members of Bloomingdale Animal Shelter in Regard to Contract with the Borough

At this time, there were some items that needed to be copied so the Mayor proceeded with other items on the agenda and will resume this shortly.

Snowplowing in Lake Iosco

At this time, Mr. Kuipers of Lake Iosco commended the job being done recently by the DPW in snowplowing Lake Iosco. The arrangement is working out fantastic and he wanted to formally thank the Borough and noted that as a taxpayer with the Borough plowing their roads now, we are ahead of the game.

Approval of Governing Body Minutes

Municipal Clerk noted that there will be several meeting minutes on the next agenda for approval and asked if the Mayor and Council had any changes, to please contact her ahead of time so that they can be incorporated before adoption.

Resolution from Planning Board for the Tilcon Permit

Noted that the Planning Board has stated that Tilcon is in compliance with all the specifications at the local level and recommend approval of this permit.

Resolution of approval by the Mayor and Council will be on the next agenda for approval.

Approval of Mayoral Appointments

Mayor Steenstra made the following appointments:

Board of Health – Carol Unger, Alternate I – unexpired three year term; expiring 12/31/12

ROSE Fund – Mark Crum – unexpired three year term of Steve Ramiza; expiring 12/31/20

Economic Development – Jennifer Alfield, Regular member – unexpired term of Keith Rounds; expiring 12/31/13

Mayor noted that he will have another name for the Board of Health by the next meeting.

Letter of appreciation to DPW

At this time, Dean Specchio read a letter of thanks from the residents of 23 Ridge Road for the services of DPW employees Rommele, Courter and Mr. Gallagher.

RESUMED DISCUSSION WITH MEMBERS OF BASS

At this time, Borough Attorney reiterated the past negotiations with BASS as to their contract and what is being proposed at this time; he went over all the items in the proposed new contract.

Discussion followed re request for \$1.50/capita for any additional municipalities to be served by the Animal Control Officer and fact that they would have veto power over any new services which may be provided by the Borough to additional municipalities.

It was noted that BASS is a non-profit organization and the Borough has to be very careful when spending taxpayer dollars.

Mayor Steenstra noted that his idea was to pay per animal we bring in; BASS noted that it costs them \$282/animal.

At this time, the Borough Attorney noted that both groups need to sit down with both contracts and iron out the agreements. He noted that he would not attend unless BASS was bringing their attorney.

It was noted that the Mayor and Council would like to see their operating budget and an evacuation plan and weekly reports.

Consensus that a Committee of each group will meet and report back to the Mayor and Council.

RECESS

At this time, the Mayor and Council took a ten minute recess.

RECONVENED

Mayor Steenstra reconvened the meeting at 9:11 p.m.

Adoption of Resolution #2010-2.2: Appointment of Borough Engineer

Councilman Schiffman offered the following Resolutions and moved for its adoption:

**RESOLUTION #2010-2.2
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

***Authorizing Award of Professional Services Agreement
to Municipal Engineer Darmofalski Engineering Associates, Inc.***

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

WHEREAS, the Governing Body further finds and declares that Darmofalski Engineering Associates, Inc., represented by Paul P. Darmofalski, P.E.. (“Professional”), has demonstrated the professional experience to warrant appointment as Municipal Engineer for a three-year term; expiring December 31, 2012; and

WHEREAS, the Governing Body further finds and declares that the Professional has submitted a Professional Services Agreement (“Agreement”) for professional services as Municipal Engineer

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

WHEREAS, the Governing Body further finds and declares that the New Jersey Local Unit “Pay to Play” Law, N.J.S.A. 40A:20-4, *et seq.*, governs the award of the Agreement because its value is in excess of the sum of \$17,500; and

WHEREAS, the Governing Body further finds and declares that the Professional has fully complied with the “Pay to Play” Law by completing and submitting to the Municipal Clerk a Business Entity Disclosure Certification (“Certification”), which certifies that the Professional has not made any reportable contributions to a political or candidate committee in the Borough during the previous year, and that the award of the Agreement will prohibit the Professional from making any reportable contributions through the term of the Agreement; and

WHEREAS, the Governing Body further finds and declares that it is in the best interests of the citizenry of the Borough to authorize the execution of the Agreement with the Professional under such circumstances that the Professional has certified that it will not make any reportable contributions to a political or candidate committee in the Borough during the three-year term of the Agreement; and

WHEREAS, the Governing Body further finds and declares that the Chief Financial Officer shall cause municipal funds to be encumbered pursuant to individual purchase orders submitted by the Professional for payment in accordance with the terms and conditions of the Agreement; and

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

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize the award of a Professional Services Agreement to Darmofalski Engineering Associates, Inc., 88 Newark Pompton Turnpike, Riverdale, NJ 07457-1429, represented by Paul P. Darmofalski, P.E., P.P., for the performance of professional services as Municipal Engineer during the years 2010 through 2012; and

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

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

Councilwoman Huntley seconded the motion.

Councilman Marinaro asked if we have interviewed the candidates and Borough Administrator stated that there were three resumes filed with him and we are familiar with Mr. Darmofalski's work and his estimates were right on the money.

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

Ordinance Review Committee

Councilman Specchio stated that the committee is going into definitions of the ordinances now. He also stated he will have additional proposals for Shared Services on the next agenda.

INTRODUCTION OF NEW BUSINESS

Governmental Operations Committee

Establishment of a Committee to Evaluate Purchases and Maintenance of Borough Vehicles

Consensus that a Select committee of the Council along with citizens will be established at the February 23rd meeting to evaluate purchases and maintenance of Borough vehicles.

Letter from the Board of Freeholders n regard to 2009 Passaic County Open Space

Noted receipt as to a letter from the County Board of Chosen Freeholders in regard to a Public Hearing on March 9, 2010 at 5:40 p.m. in regard to the 2009 Passaic County Open Space and Farmland Preservation Trust Fund Award Expenditures; Oakwood Lake Park Improvements, Woodward & Lakeside Avenues in the amount of \$100,000.

Councilman Vroom stated that he will not be at the council meeting on March 9, 2010 but will attend the Freeholders Meeting and Hearing on t his grant.

Letter from State of NJ Commission of Investigation re Audit

Noted receipt of a letter from the NJ Commission of Investigation notifying the Borough that they do not conduct isolated audits or performance reviews of specific municipalities in response to the Mayor's request.

This will be put on another meeting for discussion.

Adoption of Resolution #2010-2.3: Replacing Sewer Lateral on Sally Street

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

**RESOLUTION #2010-2.3
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

***Declaring an Emergency
For Purposes of Awarding Contract for Sally Street Emergency Lateral Repair***

WHEREAS, the Governing Body ("Governing Body") of the Borough of Bloomingdale ("Borough") finds and declares an emergency situation has developed with a Sally Street Emergency Lateral Repair;

WHEREAS, the Governing Body further finds and declares that this poses an imminent threat to the public health, safety and welfare of an emergent nature that warrants immediate remedial action; and

WHEREAS, the Governing Body further finds and declares that N.J.S.A. 40A:11-6 authorizes a municipality to negotiate and/or award a contract without public advertisement when an emergency affecting the public health, safety or welfare requires the immediate performance of services; and

WHEREAS, the Governing Body further finds and declares that the Water Utility Department, acting in the reasonable belief that an emergency affecting the public health, safety and welfare requires immediate remedial action without public advertisement for services;

WHEREAS, the Governing Body further finds and declares that the Water Utility Department has correctly recommended that the aforementioned emergency lateral repair/replacement due to a collapse be remediated through the award to John Barrett Inc., 38 Main Street, Bloomingdale, NJ 07403 and Advanced Plumbing and Drain, PO Box 2056, West Paterson, NJ 07424 which submitted the following cost estimate;

- John Barrett, Inc. \$3,600.00
- Advanced Plumbing \$ 600.00

and;

WHEREAS, the emergency costs to be funded through the 2010 Water Utility budget;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby declare the existence of a public emergency warranting the completion of the Sally Street Emergency Lateral Repair as soon as possible and does hereby award said project to John Barrett, Inc and Advanced Plumbing.

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

Adoption of Resolution #2010-2.4: Replacing Sewer Lateral on Fichter Street

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

**BOROUGH OF BLOOMINGDALE
RESOLUTION #2010**

Declaring an Emergency

For Purposes of Awarding Contract for Fichter Street Emergency Lateral Repair

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares an emergency situation has developed with a Fichter Street Emergency Lateral Repair;

WHEREAS, the Governing Body further finds and declares that this poses an imminent threat to the public health, safety and welfare of an emergent nature that warrants immediate remedial action; and

WHEREAS, the Governing Body further finds and declares that N.J.S.A. 40A:11-6 authorizes a municipality to negotiate and/or award a contract without public advertisement when an emergency affecting the public health, safety or welfare requires the immediate performance of services; and

WHEREAS, the Governing Body further finds and declares that the Water Utility Department, acting in the reasonable belief that an emergency affecting the public health, safety and welfare requires immediate remedial action without public advertisement for services;

WHEREAS, the Governing Body further finds and declares that the Water Utility Department has correctly recommended that the aforementioned emergency lateral repair/replacement due to a collapse be remediated through the award to John Barrett Inc., 38 Main Street, Bloomingdale, NJ 07403 and Advanced Plumbing and Drain, PO Box 2056, West Paterson, NJ 07424 which submitted the following cost estimate;

- John Barrett, Inc. \$7,200.00
- Advanced Plumbing \$ 600.00

and;

WHEREAS, the emergency costs to be funded through the 2010 Water Utility budget;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby declare the existence of a public emergency warranting the completion of the Fichter Street Emergency Lateral Repair as soon as possible and does hereby award said project to John Barrett, Inc and Advanced Plumbing.

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

Public Health & Safety Committee

Introduction of ordinance in regard to Amendment to fee Ordinance for Board of health Beach and Pool Licenses

Consensus that this will be introduced at the next meeting.

Introduction of Ordinance #1-2010 – An Ordinance of the borough of Bloomingdale re Bus Stops

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING BOROUGH CODE SECTION 7-22, BUS STOPS, TO DESIGNATE ADDITIONAL BUS STOP LOCATIONS WITHIN THE BOROUGH OF BLOOMINGDALE was introduced by title by Councilman Specchio who moved that second and final reading and public hearing be held on February 23, 2010 at 7:30 p.m.

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

Adoption of Blood borne Pathogen Exposure Control Plan as Recommended by Board of Health

Consensus that this will be on the next meeting for consideration.

Letter from Eileen and Michael Azzolino in regard to Request for Land Purchase of Block 49E; Lot 42.02

Borough Attorney stated that he has spoken to Mr. Azzolino in regard to his request and explained the process in which the borough must put the property out to bid. Councilman Schiffman will discuss this with Mr. Azzolino and report back.

Adoption of Resolution #2010-2.5: Time of Decision Rule

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

**RESOLUTION #2010-2.5
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

***RESOLUTION OPPOSING LEGISLATION AMENDING
THE TIME OF DECISION RULE***

WHEREAS, S-82 and A-437 are intended to modify the “time of decision” rule, which currently allows municipalities to change the zoning regulations during the pendency of an application for development; and

WHEREAS, the bills would deem as complete the ordinances in effect at the time of an application and shall govern the review of that application, and any decision made following upon that review;

WHEREAS, “the time of decision rule” is a judicially recognized principal that decisions are to be made on the basis of laws, ordinances and regulations in effect at the time the decision is rendered not upon application; and

WHEREAS, courts have applied the “time of decision rule” to correct errors in zoning ordinances, thus giving local legislators the opportunity to correct legislative policy that had been found to be imperfectly expressed; and

WHEREAS, the “time of decision rule” has permitted a municipality to give additional legislative consideration to serious and substantial land use planning concerns that, for whatever reason, had not been previously addressed in the ordinance; and

WHEREAS, application and zoning changes require public discussion and hearings, and S-82/A-437 would permit developers to “beat the clock” by filing applications and freezing the ability of local officials to act;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Bloomingdale in the county of Passaic, in the State of New Jersey hereby urges our State Legislators to oppose A-4 and S-82, and any legislation which would eliminate the “time of decision” rule at the local level; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to State Senator Joseph Pennacchio, Assembly representatives Alex DeCroce and Jay Webber, the members of the Senate Community and Urban Affairs Committee, the Assembly Housing and Local Government Committee, the New Jersey State League of Municipalities and the Office of the Governor.

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

Recognition of the 100th Anniversary of the Boy Scouts of America

Resolution will be on the February 23 meeting.

Recognition of the 100th Anniversary of the Bloomingdale Fire Department

Resolution will be on the March 23rd meeting.

Discussion as to offer from Frank Primavera to give Property to Borough; Block 3, Lot 14A – Glenwild Avenue

Borough Administrator stated that he has received a phone call from Mr. Primavera asking if the Borough was interested in Block 3: Lot 14A on Glenwild Avenue which he will give to the Borough at no cost; Administrator stated that maybe a cell tower could go there.

Consensus that the Borough Administrator will supply a copy of the tax map showing this piece of property and they will discuss it at the next meeting.

LATE PUBLIC COMMENT

Councilman Specchio moved that the meeting be open to late Public Comment; seconded by Councilman Vroom and carried on voice vote.

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

Adoption of Resolution #2010-2.6: Authorizing Executive Session

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

**RESOLUTION #2010-2.6
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. Negotiations – 1 matter
 - B. Pending Litigation – 3 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 Marinaro seconded the motion, and it carried on voice vote.

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

RECONVENED

Mayor Steenstra reconvened the meeting at 10:37 p.m. and noted that no action was taken during the Executive Session and that Councilwoman Huntley was recused from the meeting at 10:25 p.m. due to a conflict of interest.

ADJOURNMENT

Since there as no further business to be conducted, Councilman Schiffman moved to ADJOURN the meeting at 10:37 p.m.; seconded by Councilwoman Pituch and carried on voice vote.

Jane McCarthy, RMC
Municipal Clerk