

**BOROUGH OF BLOOMSBURY
COUNCIL MEETING MINUTES
JULY 28, 2015**

The regular meeting of the Mayor and Council was held on July 28, 2015 at Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey. The meeting was called to order at 7:01 PM by the reading of the Sunshine Law by Lisa Burd Reindel.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on January 8, 2015 by the publication of said notice in the Hunterdon County Democrat and the posting of said notice in the Municipal Building on the same date.

ROLL CALL:	Chris James-excused	Al Stiehler – arrived – 7:15
	Kathleen Jordan	Chris Smith
	Vicky Papics	Eric Weger- excused
	Martha Tersigni, Mayor	William Edleston, Esq.

FLAG SALUTE

APPROVAL OF MINUTES

Mrs. Jordan moved Council approve the June 23, 2015 meeting minutes; seconded by Mrs. Papics. All ayes. Smith – abstain. Motion carried.

TAX COLLECTOR'S REPORT

Mrs. Papics moved Council approve the Tax Collector's Monthly and Quarterly Reports of June 30, 2015; seconded by Mrs. Jordan.

ROLL CALL VOTE: Tersigni-aye; Jordan-aye; Papics-aye; Smith-aye. Motion carried.

APPROVAL OF BILL LIST

Mrs. Jordan moved Council approve the Bill List of July 28, 2015; seconded by Mr. Smith.

ROLL CALL VOTE: Tersigni-aye; Jordan-aye; Papics-aye, except payroll; Smith-aye. Motion carried.

COUNCIL ON AFFORDABLE HOUSING

Mr. Edleston stated that he filed the Declaratory Judgement in June and he has noticed 17 parties, including all that were on Mr. McGroarty's list as well as the parties that appeared in the Court action that was decided by the New Jersey Supreme Court earlier this year.

Chuck McGroarty explained that Mr. Edleston has filed for declaratory judgement for the Borough and that COAH is essentially out of the picture at this point. He said we are in what COAH would have called the 3rd round. COAH began in 1987 and has been basically consumed by litigation for the past 15 years. Mr. McGroarty explained that the New Jersey Supreme Court told COAH to revise the rules and get rid of the growth share methodology and in October of 2014, the Council met and with only 6 members present, they ended with a 3/3 vote and could not adopt the new rules.

Mr. McGroarty stated that from 1987 through 2014 the Borough's total combined obligation was reduced to zero because Dr. Burchell and the experts out of the center for policy research at Rutgers developed a buildable limit capacity. Going forward for the next 10 years, the Borough's obligation will be 4 units and 2 re-hab units under 5:99, COAH rules which were not adopted. There is a segment of interested parties that litigated and challenged COAH's rules as not being tough enough. It is the builders association and the Fair Share Housing Center. They say the rules are not fair to low and moderate income households in New Jersey and they have produced an expert, Dr. Kinsey from Princeton who has produced a report dated April 16, 2015. They will argue that the Borough's obligation from 1987 through 2014 is 17 units and they argue that going forward for the next 10 years it will be 57 additional units and a few re-hab units.

Discussion followed. Mr. McGroarty stated he will work with the Borough on our plan once we find out what the process is and what our number is. Mr. McGroarty stated that he is here to represent us and help us through the process. A number of municipalities are bringing on Dr. Burchell to represent them in the event they are challenged. He explained that it would be a cost share among all the municipalities that opt in and he understands the fee is \$2,000 per municipality and that a report will be written and available to all of those towns. Mr. McGroarty stated that many people are asking why we are paying Dr. Burchell for this if he is working with Rutgers and quite honestly he was pleased that they somehow worked out an arrangement that Dr. Burchell is somehow released from his contractual obligations from Rutgers and COAH and the State of New Jersey. He said he can't explain it to the Council as it is out of his area of expertise, but he can tell us that he is now available and to date there are something like 26 – 30 municipalities that signed on with him. Mr. McGroarty stated that the window of opportunity to sign up is rapidly closing. He said he contacted the office of Mr. Surenian, who has taken on the responsibility of organizing this and has provided his contact information to Mr. Edleston.

A draft report is expected next week and then all of the municipalities that have signed onto this will have their professionals review it. Chuck explained that if the Borough is challenged, that without bringing in Dr. Burchell to defend his numbers, and how he arrived using the buildable limit capacity there is no way to defend and explain the methodology used. The Borough could utilize Dr. Burchell as an expert witness and rely upon his report if we get taken to court.

Mr. Edleston asked if the fact that we are completely in the Highlands doesn't that mean the Borough has the shield of the Attorney General's Office that will defend in the event that any of our zoning was challenged as being exclusionary. Mr. McGroarty stated that he did not believe so but he doesn't want to offer a legal opinion on this. He explained that there was a memorandum of understanding between COAH and Highlands that they would recognize in the Highlands region that there were limitations on development and the COAH numbers would be adjusted accordingly. No one seems to know what will happen to that memorandum of understanding but they have heard that it is now void.

Mr. Edleston asked why the window was closing so quickly on hiring Burchell. Mr. McGroarty stated he does not know, but he would find out when the last day would be.

Mrs. Tersigni asked if the Borough would have to come up with a new plan and Mr. McGroarty stated that we would because all plans prepared to date have used the growth share methodology

and since the Court says that doesn't work come up with a different way of doing it, we need to modify that plan. We understand that the Courts will give a start date and all owns will have 5 months after that to complete their new plans.

RESOLUTION # 40-15 - RESOLUTION OF THE BOROUGH OF BLOOMSBURY AUTHORIZING THE BOROUGH'S PARTICIPATION IN MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT TO RETAIN DR. ROBERT BURCHELL FOR THE PURPOSES OF HIS PREPARATION OF A FAIR SHARE ANALYSIS

WHEREAS, the Borough of Bloomsbury has filed a Declaratory Judgment Action in the Superior Court of New Jersey Hunterdon County in furtherance of the Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

WHEREAS, Fair Share Housing Center ("FSHC"), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the "FSHC Numbers") for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality's affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Borough of Bloomsbury desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers"), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the "Burchell Fair Share Analysis") for determination of a municipality's obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region's affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision") and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation; and

WHEREAS, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

WHEREAS, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

WHEREAS, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

WHEREAS, a Municipal Shared Services Defense Agreement (hereinafter MSSDA”), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter “the Rutgers Agreement”) and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

WHEREAS, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC (“Surenian”) will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

WHEREAS, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

WHEREAS, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

WHEREAS, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Bloomsbury, as follows:

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Borough of Bloomsbury for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. The Mayor be and is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Borough of Bloomsbury in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
4. The Borough of Bloomsbury hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Borough of Bloomsbury the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
5. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Borough of Bloomsbury will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2,000 it paid.

6. This Resolution shall take effect immediately.

Mrs. Jordan moved Council adopt Resolution # 40-15; seconded by Mr. Smith.

ROLL CALL VOTE: Jordan-aye; Papics-aye; Smith-aye; Stiehler-aye. Motion carried.

CODE ENFORCEMENT REPORT

Mrs. Papics moved Council accept the Code Enforcement Report of July; seconded by Mrs. Jordan. All ayes. Motion carried.

COMMITTEE REPORTS

C. Smith:

Recreation –

- Mr. Smith stated that he has email exchange with Greenwich Recreation. He explained that they were not playing softball and we didn't go spend \$10,000 on the backstop, but did minimal repairs so that the Church League could use the field. He explained that there were only four snack stand days during soccer season. To go to the expense to do make major changes doesn't seem to make sense for residents of Bloomsbury. He said that on Clean Up Day, Greenwich Recreation began to line new soccer field without permission right behind the playground and they were taking some liberties and not communicating with him or the Borough. He sent a nice email to them and agreed to have a meeting to discuss everything. If they want their 5 years of the \$2,200 of our contribution to be given to them since we have not moved forward with any major project, that money can be released. We agreed to make the \$11,000 in funds available to them if that is what they choose. We are happy to give it back or to discuss what they may want to do. If they want to play softball here this year, we need to discuss a plan to get the field together. Mr. Smith will have an update at the next Council meeting.

V. Papics:

Fire Department-

- The Fire Department reported that the trees on Musconetcong Drive are once again hanging into the street. They plan to pursue the Rescue Squad's assets.

K. Jordan:

Board of Education-

- Mrs. Jordan stated that the Board of Education meeting is tonight, and she has asked they try to avoid scheduling the same on the fourth Tuesday of the month during Council meetings.

Newsletter-

- Mrs. Jordan stated that between family matters and starting a new job she did not get the Newsletter out in June. She added that the Clerk was kind enough to get Clean Up Day information sent out via email and she will have the September Newsletter out on time.

CLERK/ADMINISTRATOR:

- The Clerk reported that the Borough will be conducting Crossing Guard interviews and currently have three applicants for the same.
- JCP&L have agreed to assist the Borough with some tree removal which very helpful. DPW and on-call employees have also removed two other dead trees. A contractor has been hired to take down the willow tree on the Stone Walk Parcel.
- The Clerk authorized the DPW to move forward with the purchase of a new chain saw and a leaf blower in the near term.
- The Clerk reported that following Council adoption of the Resolution lowering pet licensing late fees, 52 additional pets have been licensed and a list of about 50 more will be given to the Code Enforcement Office so that letters of violation can be mailed out. The Clerk reminded Council that if it goes to Court, the resident would be responsible for court costs and an additional fine of \$100 per dog and \$50 per cat.
- The Clerk reported that she is still waiting for a few furniture items for Borough Hall and hopes to have everything back together for the August meeting.
- The Clerk reported that she may need to be out of the office for a few weeks in the near term and she requested that Council consider authorizing her to hire a Deputy Clerk. She explained that the Salary Ordinance does allow for the position with a range of \$9 - \$11/hour. She asked that Council allow her to hire Jessica McNulty to work Monday, Tuesday and Wednesday from 9 – 12 in that capacity at a rate of \$10/hour. She explained that her duties would basically be answering the phone, taking messages and keeping Borough Hall open for a half day while she is out. Additionally, the Clerk asked Mr. Creveling if he would adjust his hours so that he could work Thursdays from 9 – 11 as well. Mr. Creveling agreed to the same. The Clerk explained that she does not have a firm date for when this will be necessary.

RESOLUTION # 41-15 - RESOLUTION AUTHORIZING EMPLOYMENT OF DEPUTY MUNICIPAL CLERK

WHEREAS, the position of Deputy Municipal Clerk has been created by the Borough of Bloomsbury in order to provide services to the Borough, on an as needed basis;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Bloomsbury, County of Hunterdon, New Jersey, on this 27th day of July, 2015, that Jessica McNulty, or some other qualified individual as designated by the Municipal Clerk, is hereby engaged to provide the services of Deputy Municipal Clerk to serve on a part time basis between the hours of 9:00 a.m. and 12:00 p.m., Monday through Wednesday or between 9 – 12 hours per week, at a compensation rate of \$10.00 per hour;

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately and be implemented upon the Municipal Clerk’s unavailability as certified by her.

Mrs. Papics moved Council adopt Resolution #41-15; seconded by Mrs. Jordan.
ROLL CALL VOTE: Jordan-aye; Papics-aye; Smith-aye; Stiehler-aye. Motion carried.

M. Tersigni:

- Mrs. Tersigni asked Council to look at the changes to Borough Hall with new furniture and noted that it is not all together yet, but that the level of improvement is clear and it is due to the Clerk's efforts of making every penny of the insurance money received for the flood really count.

Clean Up Day –

- Mrs. Tersigni stated that they ended up with 4 regular and one metal dumpster. 70 loads were delivered by residents and a few people did come in afterward and dump things that were not supposed to be dumped.

Fire Department –

- Mrs. Tersigni reported that the Fire Department requested that the Borough file something requesting oversight over the dissolution of the Rescue Squad. They feel that the value of the assets far exceed the liabilities and Mr. Edleston felt the cost would be about \$2,000 - \$2,500.

Pattenburg Rescue-

- Mrs. Tersigni reported that they closed out their year and all of their information was being reviewed by their accountants and a real report will be sent to the Borough. They are being very patient and understanding so that we can review the same before releasing our funding to them for the year.

Tax Office-

- Mrs. Tersigni stated that the Clerk has received a few complaints about the new tax bills and has sent all of those to Mrs. Hagaman for her review but we have not heard back from her yet. Mrs. Tersigni reached out to her two weeks ago to ask about the status of the tax appeals and she sent.
- Mr. Edleston stated that 75 North Street will go to trial on December 2, 2015 if it is not settled by then. The offer so far is to reduce their 2014 assessment to \$750,000 and they want it reduced to \$500,000. The 2015 assessment has been reduced to \$750,000.

PERRYVILLE STATE POLICE-

- The Clerk has not received any comments or updates from Trooper Walsh. Mrs. Tersigni stated that there have been multiple complains about kids driving four-wheelers and dirt bikes on roads. The DPW has reported that they have also torn up park property and tipped over the port-o-johns. Discussion followed.

OLD BUSINESS

Mrs. Tersigni stated that agenda items 8A through 8D all fall under the Borough Engineer. The Clerk reported that she emailed him asking for updates to the same but has not heard back and has nothing new to report.

DPW JOB DESCRIPTIONS-

The Mayor and Clerk have not received any feedback from Council so they will finalize the job description for Council consideration and adoption at the August meeting.

NEW BUSINESS-

Congratulations to Kim Francisco on the birth of his grandson on July 24, 2015.

Mr. Stiehler stated that a few weeks ago he received several letters from Cathy Foulk regarding issues she has with her neighbor. She reported that the guy has a smoker and she wanted Larry to go out as Code Enforcement Officer stating that she has COPD and the smoke is affecting her breathing at night because she has to sleep with the windows open. She also complained about where he is placing his garbage cans and about where he has rocks along his driveway.

Mr. Stiehler stated that he offered to stop by to speak to her and she had a litany of complaints about the neighbor. She stated that she started to file a complaint against them but then the judge offered her some form of mediation which she declined. She voiced her dissatisfaction at the letter she received from Larry which stated the Bar-B-Que had been inspected and not found to be a violation. Because the letter did not say also say smoker, she was convinced that it had not been inspected. Mr. Stiehler promised to follow up with Mr. Creveling to ensure both has been inspected. Mr. Stiehler stated that he encouraged her to go through with the mediation which was offered to her. She refused.

Mr. Stiehler called Ms. Foulk to advise that the smoker had also been inspected by Mr. Creveling and Division of fire and she demanded documentation of the same as she felt she was being lied to. Mr. Stiehler stated that he received another letter from Ms. Foulk tonight and read the same aloud to Council. Discussion followed.

Mr. Stiehler will prepare a letter and send to Mr. Edleston for his review, prior to mailing it, stating that an inspection was performed by the State Fire Inspector, no violation violations have been found and she is welcome to pick up a copy from Town Hall. He will again recommend mediation as the best alternative to deal with this issue and that if she has any further issues regarding this issue she should come to a Council meeting and not reach out to me directly.

Mr. Creveling stated that the other party brought in a list of all of his neighbors who signed saying that it doesn't bother them at all and he also mentioned that she complains about it but during hurricane Sandy she brought her food over to him to cook it for her. Mrs. Tersigni stated it really becomes a neighbor to neighbor dispute which the Borough tries to stay out of. If a resident wants to appeal a zoning decision there is a way to do that outlined in the code.

CORRESPONDENCE-

Mrs. Tersigni stated that she received a letter from Bloomsbury Rescue Squad stating that they intend to discharge their liabilities and then donate all apparatus, equipment and monies to organizations providing similar ems rescue services. They have asked that anyone having concerns or questions please notify them in writing by July 31, 2015. Mrs. Tersigni stated that the Borough has not yet responded but Chief McNulty did stating that the Bloomsbury Hose Company formally requested that that department get first rights to all of the Rescue Squads assets referring to their constitution article 2 & 11, stating that Bloomsbury Hose Company meets those requirements.

In discussion with Bill following receipt of these letters, Mr. Edleston stated that there is a way that the Borough can file with Hunterdon County requesting that the Borough be granted oversight over the dissolution of the assets of the non-profit. Mr. Edleston stated that the Council needs a plan for dissolution. Discussion followed. Mr. McNulty stated that he had previously talked to Chuck, the Squad President who said yes, the Fire Department would have right of first refusal, but he thinks they need it in writing.

Mrs. Tersigni stated that she was not sure who received the letter so she contacted Sean as well as all of the Mayor involved in the previous round table discussions to ensure that everyone was copied on their letter. Chief McNulty stated that we should also ask for a list of people who have received the letter and responded to it so far. He added that the Fire Department will take the lead and work with the other agencies. Mrs. Tersigni will send a letter to the Squad both via regular mail and certified giving them a response date of August 4, 2015.

PUBLIC COMMENT

Chief McNulty stated the Fire Department continues to work well with 25 Rescue, they have had a few ALS calls and they are looking to expand that to Bethlehem Township and Alexandria.

ADJOURNMENT

There being no further business, a motion to adjourn was made by Mr. Weger; seconded by Mr. Stiehler. All ayes, motion carried. Meeting adjourned at 8:01 PM.

Respectfully Submitted,

Lisa A. Burd Reindel, RMC, CMR
Borough Clerk/Administrator