

**BOROUGH OF BLOOMSBURY  
COUNCIL MEETING MINUTES  
JANUARY 28, 2014**

The regular meeting of the Mayor and Council was held on January 28, 2014 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 16, 2014 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.

|                   |                        |                        |
|-------------------|------------------------|------------------------|
| <b>ROLL CALL:</b> | Chris James            | Al Stiehler - excused  |
|                   | Kathleen Jordan        | Chris Smith            |
|                   | Vicky Papics           | Eric Weger             |
|                   | Martha Tersigni, Mayor | William Edleston, Esq. |

**FLAG SALUTE**

**APPROVAL OF MINUTES**

Mrs. Papics moved Council approve the Regular Meeting Minutes of November 26, 2013; seconded by Mrs. Jordan. All ayes. Motion carried.

Mrs. Papics moved Council approve the Reorganization Meeting Minutes of January 1, 2014; seconded by Mrs. Jordan. All ayes. Motion carried.

Mr. Weger moved Council approve the Executive Session Meeting Minutes of April 10, 2013 seconded by Mr. Smith. Jordan - Abstain- All ayes. Motion carried.

Mrs. Papics moved Council approve the Executive Session Meeting Minutes of May 15, 2013 seconded by Mrs. Jordan. Smith - Abstain- All ayes. Motion carried.

The Executive Session Meeting Minutes of August 27, 2013 will held until the February meeting.

**TAX COLLECTOR'S REPORTS**

**CONSENT AGENDA**

Council reviewed the Tax Collector's Monthly reports dated November 30, 2013 & December 31, 2013, the 2013 Report of Tax Sale & Annual Report.

Mr. Weger moved Council approve the four Tax Collector's Reports via consent agenda; seconded by Mrs. Papics.

ROLL CALL VOTE: James-aye; Jordan-aye; Smith-aye; Weger-aye. Motion carried.

### **APPROVAL OF BILL LIST**

Mr. Weger moved Council approve the Bill List of January 28, 2014; seconded by Mrs. Jordan. ROLL CALL VOTE: James-aye; Jordan-aye; except payroll; Papics-aye; except payroll; Smith-aye; Weger-aye. Motion carried.

### **CODE ENFORCEMENT REPORT**

Mrs. Tersigni stated she has made one request of the Zoning Officer and that was that for any permits that he starts to write that are not actually issued be voided. She explained that she anticipates that permit # 14-1 will be voided.

Mrs. Jordan asked is 55 North Street taxes are current. Mr. Creveling stated that he does not believe so, but that the permit issued was for a conversion for a furnace which is considered a necessity. Discussion followed.

Mr. James asked if the letter had been sent out regarding the shed violation in Fawn Run. The Code Enforcement Officer confirmed it had. Mr. James asked for a status update. The Clerk stated that the applicant had come in to her office yesterday asking for her to re-read their sample notice for the paper. The Clerk advised the applicant that the notice is not needed when they submit their application and explained that they should bring their completed application with the required fees in not later than February 11, 2014 in order to be on the February Planning Board Agenda.

Mrs. Papics moved Council accept the Code Enforcement Reports dated December 2013 & January 2014; seconded by Mr. Smith. All ayes. Motion carried.

### **COMMITTEE REPORTS**

#### ***V. Papics:***

##### Fire Department-

Mrs. Papics stated that the Fire Company wants a list of contractors the Borough has used in the past such as fuel service, tree service, etc. stating that OEM should have a list of these and we do not. Mrs. Papics and the Clerk will compile the same.

##### Rescue-

Mrs. Papics stated that the Rescue Squad appeared in Court today. They have until June 30, 2014 to be out of the building on Main Street. She understands the gentleman who purchased the building is interested in using it for automotive restoration.

##### 300<sup>th</sup> Celebration-

Mrs. Tersigni asked if there was anything new for the 300<sup>th</sup> Celebration. Mrs. Papics stated there is nothing new to report but she has looked through pictures for the same. Discussion followed.

***E. Weger:***

Public Works-

- Mr. Weger stated he has not received any phone calls and has nothing new to report.

***C. James:***

Environmental Commission –

- Mr. James stated was pleased to report that the EC members were able to get together at a re-scheduled date and they discussed the fact they will not have the membership to remain a commission. He explained that becoming an advisory committee would be best. They would like to contact Americorp and Musconetcong Watershed Association to set up a one day event in May of this year to do a town wide/park clean-up and storm drain labeling. He explained they would like to pull something together in February and advertise for it in March to ensure a good turn out.
- Mrs. Tersigni confirmed that we will continue to apply for Clean Communities funding through the Borough.
- The Clerk asked Mr. Edleston if she is still required to maintain membership information for them as an advisory committee in the Municipal Boards/Commissions Directory. Mr. Edleston stated this is not necessary for an advisory committee.

***K. Jordan:***

Board of Education-

- Mrs. Jordan attended the Reorganization meeting on January 6, 2014. Members were reappointed and sworn in Marianne Treynor is the BOE President and Kevin Kerfoot is the Vice President. Mrs. Jordan also attended the last BOE Meeting held two weeks ago and they discussed the NJASK testing.
- Mrs. Jordan reported she and Mr. James will get together this month to go over all the Newsletter information she will need. They questioned when the next edition will be going out. The Clerk stated it should go out on March 1<sup>st</sup>.

***C. Smith:***

Recreation-

- Mr. Smith reported that the annual egg hunt will be held on Saturday, April 12<sup>th</sup> at 10:00 am, and the rain date will be Sunday the 13<sup>th</sup>.
- The Golf outing has been scheduled for May 4, 2014 at Green Pond Country Club and they will be using an online registration system.
- Joe Walen has resigned from the Recreation Commission after many years of service and Megan Henry has agreed to step into the position of Vice President. Mrs. Tersigni asked

if the Commission now had enough members. Mr. Smith stated that they do as they still have seven. Mrs. Tersigni stated that she believes Mr. Walen may have been the only member whose paperwork had been completed and we need to tighten things up. The Clerk asked if some of the Oaths of Office she had previously provided to him would now need to be corrected. Mr. Smith agreed and said he would provide the changes.

- Met on January 9<sup>th</sup> to discuss upcoming changes to the summer recreation program. He explained they are targeting 6 – 7 weeks, beginning June 30<sup>th</sup> or July 2<sup>nd</sup> and they are revamping the application form which he will forward to Mr. Edleston for his review and approval. Mrs. Tersigni asked Mr. Smith to please coordinate with Mr. Francisco as to labor laws and how young student can be involved in this this year.
- Mr. Smith will forward a Recreation Commission submission to Mrs. Jordan for inclusion in the March newsletter.

### **STATE POLICE – PERRYVILLE**

Trooper John McGourty reported that they have charged a suspect in the vandalism incident at the Borough Park with fourth degree criminal mischief. He advised that they have not yet located the suspect so it is an ongoing investigation at this time. Once the subject is located and charged, they hope to determine the identity of the other two suspects on the surveillance footage. Trooper McGourty stated that the Borough will be notified when a court date is set and it is possible that the Borough could be compensated for the damages. He advised the Borough can proceed with cleaning the area or repainting it as they have pictures of everything they need.

Trooper McGourty reported that they made a drug arrest at the Pilot Truck Stop and one of the subjects was from Bloomsbury with the other two residing in Phillipsburg. He explained it was an ongoing investigation involving NJSP and the County Prosecutor's Office.

The Clerk thanked the Perryville State Police who responded to the vandalism incident who were very helpful in assisting her to download the surveillance footage. She stated she appreciated their assistance. Trooper McGourty stated that without that footage, they would not have been able to identify the suspect.

Mr. Creveling stated that there had also been graffiti on the railroad bridge and he thought it may be related to the park incident. He explained he had already cleaned it off the bridge but he had pictures. Trooper McGourty stated that Mr. Creveling could forward the pictures and they would look into it, but he advised that the railroad would have to be the complainant in that case.

### **CLERK/ADMINISTRATOR'S REPORT**

School Blinking Light –

- The Clerk stated that the light was malfunctioning again. She explained that the Engineer had asked if there may be a local electrician who could run a few tests. The Clerk explained that Donald Burd volunteered to conduct the same and the findings were reported to vendor. The Clerk also took pictures of the readings for the vendor as well.

They do not believe we will need to replace the entire unit, just the component that is not working properly.

#### Planning Board-

- The Clerk stated that a Planning Board member voiced concern about the lighting at Pilot, suggesting that they may have increased the intensity since the Engineer conducted the night light test. She explained that at the Boards request, Mr. Roseberry conducted another site visit and found no issues or violations.

#### Rabies Clinic-

- The Clerk reported that the rabies clinic went well. She thanked her family and Vicky Papis for volunteering their help again this year.

#### Public Works –

- The Clerk reminded Council that two of the heaters in the garage do not work and the one unit that was replaced a few years ago is struggling to keep up with the extreme low temperatures. She will be getting a price for replacement and will advise the CFO and Council of her findings.
- The Clerk reported that the DPW employees were going to see if their old tractor forks could be modified to be used with the new Kubota or if new ones needed to be purchased from Kubota. She stated that with an \$80 Government discount the cost is \$910 and she feels that they need to be purchased soon so that equipment can be lifted and moved as needed.
- Mr. Weger agreed that they should have a set of forks. He added that they should get rid of the roller for scrap because it has not been used in years and is taking up space. Mr. Weger stated that he would like to see the back hoe attachment and a plate tampered purchased as he thinks they would be more useful. Discussion followed.
- The Clerk advised that she is also going to purchase two more dollys for the DPW at a cost of \$40 each so that they can have one under each plow when they are taken off the trucks and then they can be easily moved around.
- The Clerk reminded Council that last year she reported the need for the DPW to purchase an electric hoist to use to move equipment and mount the box to the truck. She stated that they may have actually already given Mr. Heinrich the approval for the purchase; however, one was never ordered. She found one for under \$900 and requested Council consider the same.
- The Clerk stated that the DPW staff will need to build a new box in the early spring so that it is ready in time for leaf and brush pick up.
- The Clerk stated that there is hydraulic leak on truck and repairs should be underway at Brown's Mack.

- The Clerk reported that one of the garage doors got stuck the other day and Mr. Heinrich called Miller & Sons who was able to repair it. The owner will be submitting an estimate for other repairs to the lower panels of each door which are needed in the near term.
- The radio from the old Dodge truck will be installed in the new Ford in the next few weeks, but we do not have a cost for that yet.

***M. Tersigni:***

Planning Board -

- Mrs. Tersigni stated the Reorganization meeting will be held on February 18<sup>th</sup> as the January meeting was canceled due to inclement weather.

Foreclosures-

- Mrs. Tersigni stated that the North Street foreclosures have been filed on December 9, 2013 and noticed on January 23, 2014. She advised we have to wait 45 days for redemption. Mr. Edleston advised that then Mr. Klepesch will submit the notice of non-redemption to the foreclosure unit and we move forward.

Streets –

- Mrs. Tersigni reported that so far we have spread about 50 tons of salt which is a record for the Borough. She advised that the weather and efforts to maintain the streets have been extraordinary this year. The DPW has been running two crews of three trucks with plows and spreaders whenever they are not in for repair. The Clerk advised that one spreader is only throwing salt to one side. The alleys are being salted for first time this year as we now have a spreader on the new pick-up truck.

Budget-

- Mrs. Tersigni stated that they have been actively working on the Budget and that requests for contributions will be heard tonight and we will address salary ranges tonight. Mrs. Tersigni stated that someone asked her to look into the cost of a chipper for the Borough and the prices range from \$3,000 - \$325,000, and the type we would use seems to be in the \$35,000 - \$45,000 range which might not make our budget list. The Clerk added that even if we could afford the purchase, we do not have room to keep it in the borough garage.
- Mrs. Tersigni stated that Aqua finally did the mark out on Elmaker Lane where a sink hole has appeared but it is unclear if this was caused by a water line or from a residence. A contractor is ready to open it up as soon as the weather breaks.
- Mrs. Tersigni stated that several of us were able to meet with Bill Schroder who provided an overview of the budget. Mr. Francisco stated that we had a pretty good year last year in 2013 \$162,000 of surplus to balance the budget and we replaced it with \$200,000, so \$40,000 to the good. The Balance of the outstanding taxes at the end of 2012 was

\$39,000 and in 2013 it was \$127,000, or three times as much. Sharon Brown told Kim that this is due to several commercial properties. Discussion followed.

## **OLD BUSINESS**

### **MAIN STREET PHASE III**

Mrs. Tersigni stated we are still on target to bid this in February and start the project in April.

### **BRUNSWICK AVENUE PHASE I**

Nothing new to report.

### **SAFE ROUTES TO SCHOOLS**

Nothing new to report.

### **MILL REDEVELOPMENT**

Nothing new to report.

### **NORTH STREET/PICKEL LANE UPDATE**

Mrs. Tersigni stated that this is still on hold and is built into some material which will be discussed later.

### **ZONING PERMIT APPLICATION**

Mr. Edleston stated that he had promised this for this month, but he still has questions on this. He stated that there are two boxes on our form and Mrs. Tersigni suggested that they may be one for existing and the other for proposed. Mrs. Jordan stated she had always understood that to be the case.

The Clerk stated that she believed that at the last meeting Mr. James had requested Mr. Edleston remove the boxes and indicate that a survey or drawings be required to be attached. Mr. Edleston stated the form says one is "requested" and the Clerk reminded him that was already discussed and to be changed to "required". Discussion followed. Mr. Edleston asked if they want to require a survey or is a sketch ok. Mrs. Papis stated that that should be up to the zoning officer. Mrs. Jordan said that if it is anything outside they should be required to submit a survey. Mr. Creveling stated that historically this was not required but other towns do require it. Mrs. Jordan stated that if they are doing something inside, like just changing their windows she doesn't see why we would require a survey.

The Clerk said that most towns do not require a local zoning permit at all and she believes that only Frenchtown and Bloomsbury do this. She explained that typically you would not even come to the town to replace your screen door either, but residence of Bloomsbury do. She stated that if you are not required to go to State Code to have an inspector inspect it, that perhaps we should handle it a differently.

Mr. Creveling stated that he issues about 60 -70 zoning permits a year and less than half are actual changes to the impervious coverage or to the property. Mr. Edleston stated that he thought

the Clerk's suggestion was a good one. Mrs. Tersigni stated that we have a few difficult situations right now because a survey was not received. The Clerk stated that that is why the drawing has to be required in all cases and that now that they have to sign at the bottom allowing Mr. Creveling to conduct a site investigation we would be able to proof out where a 100' shed could be placed. Mr. James stated that he wants the drawing or survey to be attached, explaining that if it were a deck, those plans would be drafted by a builder. He stated that this is not about trying to catch somebody it is about trying to help them through the process.

Mr. Edleston stated that Mr. James had also wanted there to be a place for Larry to sign stating that he gave the applicant the section of the code that applied to the work they wanted to do. Mrs. Jordan stated that we discussed having a cheat sheet outlining the basics, that it would not be everything in the code, but could say see the specific section. The Clerk suggested Mr. Edleston add the link to the Code online. All agreed.

Mr. Edleston will work with Mr. James to write a draft and he will forward the same to the Clerk prior to the start of the next meeting.

## **NEW BUSINESS**

### **RESOLUTION # 20-14 - APPOINTMENT OF ON - CALL EMPLOYEES FOR THE BOROUGH OF BLOOMSBURY DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, from time to time it is necessary for the Department of Public Works Supervisor to hire additional, part-time help in order to provide services to the Borough, and

**WHEREAS**, these services are occasional or seasonal in nature including but not limited to road repairs, snowplowing, leaf pickup and brush pickup:

**NOW THEREFORE, BE IT RESOLVED**, the following shall be appointed as On-Call Employees for the Borough of Bloomsbury for Calendar Year 2014 and shall be required to endorse the required On-Call Employment Agreement.

Bob Clark

Ed Pacenti

Bob Heinrich Jr.

George Tuxhorn

Dave Heinrich

Steve Douglas

Kevin Heinrich

**BE IT FURTHER RESOLVED**, all On-call employees will be paid the hourly laborer rate in accordance with the Salary Ordinance.

**BE IT FURTHER RESOLVED**, that the aforementioned On-call employees will not be eligible for additional benefits such as paid time off from work, medical coverage or unemployment benefits.

Mrs. Tersigni stated that all On-Call Employees must complete the required training and paperwork prior to being eligible to work. If this is not complete, they will not be called to work.

Mr. James moved Council adopt Resolution # 20-14; seconded by Mrs. Jordan.  
ROLL CALL VOTE: James-aye; Jordan-aye; Papics-aye; Smith-aye; Weger-aye. Motion Carried.

**RESOLUTION # 21-14 - RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT WITH CERTAIN BOROUGH PROFESSIONALS**

**WHEREAS**, the Borough of Bloomsbury, County of Hunterdon and State of New Jersey requires the services of an engineer, auditor, attorney, and planner; and

**WHEREAS**, the Mayor and Common Council of the Borough of Bloomsbury are satisfied that the services to be provided by an engineer, auditor, attorney, special counsel and municipal planner are not susceptible to precise definition and that the bidding of same would be impracticable; and

**WHEREAS**, C. Richard Roseberry, P.E., P.P., C.M.E, of Maser Consulting is a duly qualified licensed engineer of the State of New Jersey; and

**WHEREAS**, William Schroeder of Nisivoccia and Company, is a duly qualified licensed auditor of the State of New Jersey; and

**WHEREAS**, William Edleston, Esq. is a duly licensed attorney of the State of New Jersey; and

**WHEREAS**, David Banisch, PP/AICP, of Banisch and Associates, is a duly qualified licensed professional planner of the State of New Jersey; and

**WHEREAS**, Stuart Klepesch, Esq. is a duly licensed attorney of the State of New Jersey, and

**WHEREAS**, the Mayor and Council are desirous of retaining the services of the aforementioned individuals;

**WHEREAS**, the Chief Finance Officer has certified that the contracts (recited below) with C. Richard Roseberry, of Maser Consulting, William Schroeder of Nisivoccia and Company, William Edleston, Esq., David Banisch of Banisch and Associates and Stuart Klepesch Esq. may exceed \$17,500 in value, and such parties have furnished to the Borough of Bloomsbury (or will furnish to the Borough of Bloomsbury prior to the effectiveness of an award of contract with them) a Business Entity Disclosure Certification certifying that their entity has not made any reportable contributions under the New Jersey Local Pay-To-Play Law (N.J.S.A.

19:4A-20.4 et seq.) and that they will not, during the term of their contract make any political contribution so reportable; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1et seq.) requires a resolution authorizing the award of contracts for Professional services without competitive bidding must be advertised,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Bloomsbury, County of Hunterdon, State of New Jersey as follows:

A. That the Mayor and Clerk of the Borough of Bloomsbury are hereby authorized and directed to execute contracts with the following all being for a period of one year, ending on January 1, 2015, contingent upon receipt from each of the following where the contract may exceed \$17,500 of a Business Entity Certification certifying that their entity has not made any reportable contributions under the New Jersey Local Pay-To-Play Law (N.J.S.A. 19:4A-20.4 et seq.) and that they will not, during the term of their contract make any political contributions so reportable:

C. Richard Roseberry, P.E., P.P., C.M.E., of Maser Consulting is appointed Borough Engineer for the calendar year 2014.

William Schroeder is appointed Borough Auditor for the calendar year 2014.

William Edleston, Esq. is appointed Borough Attorney for the calendar year 2014.

David Banisch, PP/AICP is appointed Municipal Planner for the calendar year 2014.

Stuart Klepesch, Esq. is appointed Special Counsel for In Rem Foreclosure for the calendar year 2014.

B. These contracts are awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5-(1) (a) of the Local Public Contracts Law.

C. This resolution shall be published once in the Hunterdon County Democrat.

D. Copies of said professional agreements shall be maintained in the municipal offices of the Borough.

Mrs. Tersigni stated that checks will not be released until the Clerk has all of the required paperwork from these professionals and so far she has only received from Nicivoccia and Banisch but the Clerk will continue to track the same.

Mr. James moved Council adopt Resolution # 21-14; seconded by Mr. Weger.

ROLL CALL VOTE: James-aye; Jordan-aye; Papis-aye; Smith-aye; Weger-aye. Motion carried.

**INTRODUCTION – ORDINANCE 101-14 - AN ORDINANCE SETTING THE SALARIES & WAGES FOR EMPLOYEES OF THE BOROUGH OF BLOOMSBURY, COUNTY OF HUNTERDON, STATE OF NEW JERSEY FOR THE YEAR 2014**

**BE IT ORDAINED** by the Mayor & Common Council of the Borough of Bloomsbury, County of Hunterdon, State of New Jersey.

Section 1. This ordinance shall fix the salaries or wages of the employees of the Borough of Bloomsbury at the following ranges for the year 2014:

Section 2. Salary and wage ranges for the year 2014 are as follows:

- a. Borough Clerk/Administrator \$20,000 - \$47,000 per year, plus \$28.00-\$38.50/hr. for additional hours.
- b. Deputy Clerk \$9.00 - \$11.00 per hour
- c. Registrar \$1,000 - \$3,000 per year
- d. Deputy Registrar \$100 – \$500 per year
- e. Chief Financial Officer \$9,000 - \$21,000 per year
- f. Tax Assessor \$5,000 - \$11,000 per year
- g. Tax Collector \$5,000 - \$11,500 per year
- h. Public Works Superintendent \$6,500 - \$18,500 per year, plus \$20.00-25.00/hr for hours in excess of 65 per month
- i. Public Works Laborer #1 \$5,000 - \$16,500 per year, plus \$15.00-20.50/hr for hours in excess of 65 per month
- j. Public Works Laborer #2 \$3,600 - \$9,000 per year
- k. Public Works Laborer #3 \$3,000 - \$7,500 per year
- l. Planning Bd. Secretary \$1,500 - \$5,000 per year
- m. Code Enforcement Officer \$5,000 – \$8,000 per year, plus \$25.00 per sidewalk inspection
- n. Assistant Code Enfor. Officer \$13.00 - \$15.00 per hour
- o. Emergency Mgt. Coordinator \$1,700 - \$4,000 per year \$9.00 - \$11.00/hr. for extraordinary FEMA events
- p. Recycling Coordinator \$250 - \$1,000 per year
- q. Dog/Cat Licensing Official \$400 - \$2,000 per year
- r. Tax Clerk \$2,400 – \$3,000 per year
- s. Assistant EMC \$7.50 - \$10.00 per hour
- t. School Crossing Guard \$28.00 - \$32.50 per day
- u. Regular Laborer \$15.00 - \$18.00 per hour
- v. Seasonal Laborer \$9.00 - \$12.00 per hour

Section 3. All ordinances inconsistent with this ordinance are hereby repealed.

Section 4. This ordinance shall take effect upon final passage and publication according to law.

Section 5. The exact annual salary or hourly wage for each position shall be specified by a resolution adopted by the Borough Council during the time this ordinance is effective.

Section 6. No Borough employee shall receive longevity or bonus pay.

Mr. James moved Council Introduce Ordinance # 101-14 on First Reading; seconded by Mr. Weger.

ROLL CALL VOTE: James-aye; Jordan-abstain; Papis-abstain; Smith-aye; Weger-aye. Motion carried.

**INTRODUCTION - ORDINANCE # 102-14 - CALENDAR YEAR 2014 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK(N.J.S.A.. 40A:4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

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

**WHEREAS**, the Governing Body of the Borough of Bloomsbury in the County of Hunterdon finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and the citizens; and

**WHEREAS**, the Governing Body hereby determines that a 3.0% increase in the budget for said year, amounting to \$18,861.03 in excess of the increase in final appropriations otherwise permitted by, by the Local Government Cap Law, is advisable and necessary; and

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

**NOW, THEREFORE, BE IT ORDAINED**, by the Governing Body of the Borough of Bloomsbury, County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Borough of Bloomsbury shall ,in accordance with this ordinance and N.J.S.A. 40A:40-45.14, be increased by 3.5% amounting to \$22,004.53, and that the CY 2014 municipal budget for the Borough of Bloomsbury be approved and adopted in accordance with this ordinance; and

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

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

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

Mr. Smith moved Council Introduce Ordinance # 102-14 on First Reading; seconded by Mr. Weger.

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

## **2014 CONTRIBUTION REQUESTS**

### **BLOOMSBURY HOSE COMPANY**

Sean McNulty thanked Council for their support last year and stated that they are making a request for the same amount of support this year. He stated they ran 122 calls last year with 41 in the Borough of Bloomsbury. He provided Council with a breakdown for 2013. Mr. McNulty stated that they met with the ISO Fire Insurance rated representative and we will receive a letter in 4 -6 months concerning our rating in town. He explained we are currently a 6 and hope to stay a 6 and that helps with insurance rates in town.

He stated that the 2013 expenses are a little tricky and show a negative because they didn't receive their 2013 funding from Bethlehem Township until 2014. He explained they projected a plus side of \$10,000 which is going to help to offset the cost of all the radios that they are purchasing this year. Mr. McNulty stated that they receive funding from Bloomsbury Bethlehem and Alexandria. He said that they all just recertified for their FIT Test and have to go through their next Right to Know Blood borne pathogens next month.

Mr. McNulty stated that they are always looking for more members, so any publication the Borough puts out that could include that would be appreciated. He will send something to Mrs. Jordan. Mr. Fitzpatrick stated they have three years remaining on their mortgage and will have a lot of work they will do when that is paid off.

Mr. McNulty stated that it was a busy year and they had a few major fires including one on Jug Town and one in Holland Township. Mr. McNulty stated that there will be no increase in the rent for the Borough for 2014.

The Clerk and Mr. McNulty will work together to look at the alleys that the Fire Department uses for access to river. He stated that people need to remove basketball hoops and Bethlehem Avenue access must remain clear of snow. Discussion followed.

### **BLOOMSBURY RESCUE SQUAD**

Mrs. Tersigni stated that no one was present from the Rescue Squad. She explained that Council had what they submitted to Mr. Papics a few weeks ago, but that it is not much and is not responsive to the request for information sent out to all groups in November. Mrs. Tersigni stated that she knows the Fire Department is concerned about who they will be partnering with moving forward and she has been doing regular follow up to find out what the options are. She stated we need to know from Rescue what their plans are. Discussion followed.

Mr. McNulty stated that they have spoken to Rescue a week or two ago and not only do they not have room for their vehicles, but they do not fit in their bays either. He explained that they have to be stored inside, and cannot be just locked behind a fence. Mrs. Tersigni stated that if anyone knows of a location in town with garage space to please forward that information to the Rescue Squad.

Mrs. Tersigni stated that when she spoke to them about providing the finance information, they advised that

### **ENVIRONMENTAL COMMITTEE**

Mr. James stated that the Environmental Committee would like to request the same contribution as last year as they would like to continue their membership with the Musconetcong Watershed Association. Mr. Francisco stated that they would keep the line item the same, having \$250 for the membership and \$200 extra to do what they need during the year.

Mr. James stated that he has to get with Kim Francisco regarding the missing EC reports and he will do so.

### **RECREATION COMMISSION**

Mr. Smith stated that they would like to request the same contribution as they received last year. He explained that he has not yet given Mr. Francisco all the budget information that he needs. Mr. Francisco stated that he has not received their income and deposit information for the year. Mr. Smith stated her had just gotten some of that information from Luminary sales to the treasurer on the 14<sup>th</sup>, so he will follow up with him about that information.

Mr. Francisco asked if found anything out about field modifications yet. Mr. Smith said he did not and could not even give an estimate at this point, but he thinks that in the absence of having obtained any estimates or quotes for the project he would guess we should just plan to match what they are contributing. He said he thinks they will get some work done this year. The Mayor and CFO voiced concern over finding the money in the budget for this without having any number to go on. Mr. Smith stated that he feels that at a minimum we should be prepared to match what Greenwich contributes.

Mrs. Tersigni stated that with any of these contributions, no funds will be released until all required paperwork has been submitted to the Clerk. She advised we will hold a firm line that this year.

### **BOROUGH HALL LEASE**

Mrs. Tersigni reminded Council that as Mr. McNulty stated earlier they have not made any changes and there is no increase this year. She advised this is the first year we have been responsible for snow removal which required a lot of clearing. Our annual rent will be in the amount of \$11,936 and we will continue to reimburse 25% of vendor invoices for utility bills and insurance.

Mrs. Jordan moved Council accept the agreement and authorize the Mayor sign the same; seconded by Mrs. Papics.

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

### **CORRESPONDENCE**

Council reviewed correspondence from Mr. Roseberry regarding quotes for conducting three phases of survey work in the Borough including Musconetcong Drive, the North Street extension, and alleys in the Borough. The Clerk advised that she met with the Tax Assessor and the Engineer to go over these areas. She explained there are several areas in town where it is unclear where our property line or rights of way may be. She gave the example of the end of Musconetcong Drive, where it is assumed to be a Borough Street, but it is really a private drive with rights of the public. She explained that with the case of the area where Elmaker lane abuts Musconetcong Drive, what is reflected on the tax map does not appear to be consistent with what exists.

The Clerk stated that the alleys are signed and depicted on the current tax map differently than they had been in the late 70's so now deeds along alleys now seem to be incorrect when they may in fact be marked on our tax wrong and at some point the signage was changed to match our map. Mr. James asked if this is basically just a house keeping issue. The Clerk advised that some of this came up after she did a ride along in the new truck and found that in many cases, property owners appear to have encroached onto alleys making it almost impossible for us to plow the same. She said there are areas where we are supposed to have 12' roadway and now have just over 9'. She explained this raised the question as to whether some of the alleys should be vacated. Discussion followed.

The Clerk has reached out to the Fire Chief and asked that they look at the alleys to consider which ones they need to ensure river access and which ones they do not use. Mr. James stated he would like to see this in the preliminary budget and hopefully it can stay in. Mr. Weger stated that he could see the need to not upkeep something that is ours, especially if you can say we will save \$10,000 on the upkeep but if we are going to spend \$15,000 to survey it and do all this work, and we may not even be able to say we don't have a liability issue. Mrs. Tersigni said it does present a liability when she gets a call that someone slipped and fell and we believe it is not even our street.

Mr. Weger stated that Bloomsbury is unique with all these old little lanes. He said it is not feasible to keep them open. The Clerk stated that we all agree that we should not even attempt to keep these open, but we can't simply say we are not going to maintain them anymore. Mr. Weger stated he would like to know who put up the sign, suggesting that maybe many years ago, it was a resident with property next to the alley and not the Borough at all. Discussion followed.

Mr. Weger stated that if we can't get safely down an alley to plow it, then we don't. The Clerk stated that is exactly why she sent out the email weeks ago asking what we do in these situations, where it is dangerous for us to even try to plow. Mr. Edleston stated that under the Tort Claims Act, basically a municipality can't be sued if your decision is not to provide certain snow removal services, that you would be immune, but if you do it, but do it negligently, then you can be sued. Mr. Weger stated that the few people who are down there have all these needs and wants, but he doesn't think we should risk our vehicles and property for that. He said we should

be making provisions to only open up the main roads and not try to maintain access to all of these little lanes which could even be private lanes. Discussion followed.

Mr. Weger stated that is the Fire Chief has three access points and that is all he is ever going to need to fight a fire, then that's all we should be trying to maintain. The Clerk asked the Attorney if that is what we should do then and Mr. Edleston stated that the Council could adopt a Resolution to that affect. The Clerk stated that she went out, took pictures, measured, wrote notes and recorded properties and gave the list to the Zoning/ Code Enforcement Officer and asked for him to send letters to request property owners remove all encroachments and she believes three people may have addressed the concerns.

Mr. Weger stated that he feels a decision should be made at the time based on our workers and our equipment and if we can do the job safely or not. If we cannot then we should not attempt it. The Clerk stated that he only concern is that if we spend 40 minutes trying to clear an alley last storm, but then do nothing in the next storm, and someone gets hurt, she wants to be sure that we will not be sued for it. Mr. James stated that he would suggest that continue to clear what we have been doing for the rest of the season, but then establish a policy for next season. Mr. Smith stated that we can go back to people and if they have not cleared obstructions, then be advised to do so.

The Clerk asked Mr. Edleston if he could prepare a memo regarding the alleys and the DPW's inability to plow the same safely due to obstructions and the excessive amount of snow. Mrs. Tersigni stated that he had already put some of that into writing to her. Mr. Edleston stated he needs to give a memo about this to the Clerk to be distributed to Council. Discussion followed.

### **PUBLIC COMMENT**

Mr. Weger moved Council open public comment; seconded by Mrs. Papics. All ayes. Motion carried.

Vince Stephano; 14 Woodland Terrace voiced concern for snow plowing on his cul-de-sac, stating that every storm snow is plowed into a pile in front of his mailbox. He stated that it should be plowed around the circle and placed on the other side where there are no driveways or mailboxes. Discussion followed. Mrs. Tersigni asked if he would prefer that the leave the snow where cars and a bus often park. Mr. Stephano agreed. Mr. Weger and the Clerk will discuss the same with Mr. Heinrich and Mr. Stoneback to see if they can plow the area differently.

Mr. James moved Council close public comment; seconded by Mr. Weger. All ayes. Motion carried.

### **EXECUTIVE SESSION**

#### **RESOLUTION FOR AN EXECUTIVE SESSION**

**WHEREAS**, N.J.S.A. 10:4-12 allows for a public body to go into closed session during a meeting, and

**WHEREAS**, the Mayor and Council of the Borough of Bloomsbury has deemed it necessary to go into a closed session to discuss certain matters which are exempted from the public,

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Bloomsbury will go into closed session for the following reasons as outlined in N.J.S.A. 10:14-2 to discuss ongoing litigation, potential litigation and discussion of tactics to protect the public.

Mr. Weger moved Council enter executive session at 8:56 pm; seconded by Mrs. Papics. All ayes. Motion carried.

Mr. Weger moved Council return to regular session at 9:44; seconded by Mrs. Papics. All ayes. Motion carried.

Mrs. Tersigni stated that the topics discussed were potential for a reassessment for 2015. Council will take it under advisement, include this in budget discussions and proceed based on availability of funds. Council will advise the Tax Assessor when we have more information for her whether or not to move forward with the contract.

Council also discussed the zoning permit #12-46 issued for 107 Main Street regarding a shed on that property. It has been proposed by council that the attorney write a letter in response to Mr. Ehrhardt's letter offering that the Borough will waive the application fee if they agree to file an application for variance relief for the shed to remain in its present location. Mr Edleston stated that they will be required to pay any escrow fees related to that application as well as the fees for obtaining a certified property owners list, affidavit of publication in the paper and the sending of certified notices to property owners. Mr. Edleston will have a draft letter prepared by Thursday and send the same to the Mayor and Clerk for their review and then send the letter as soon as possible.

Mr. Edleston will prepare a similar letter to be mailed to the Mr. & Mrs. Pasculli regarding their shed matter.

### **ADJOURNMENT**

There being no further business, a motion to adjourn was made by Mr. Weger; seconded by Mrs. Jordan. All ayes, motion carried. Meeting adjourned at 9:46 PM.

Respectfully Submitted,

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