BOROUGH OF BLOOMSBURY COUNCIL MEETING MINUTES JANUARY 25, 2005

The regular meeting of the Bloomsbury Borough Council was held on January 25, 2005, at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey. The meeting was called to order at 7:00 PM by the reading of the Sunshine Law by Mayor Peck.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on January 6, 2005 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: Carol Flink

Steve Ross Vicky Papics

Mark Peck, Mayor

Marc Scheffel Martha Tersigni

David Thomas-Arrived 7:05

APPROVAL OF MINUTES

A motion was made by Mrs. Tersigni, seconded by Mr. Scheffel to approve the regular minutes of December 28, 2004. All ayes. Motion carried.

A motion was made by Mrs. Tersigni, seconded by Mrs. Papics to approve the re-organization meeting minutes of January 1, 2005. All ayes. Motion carried

TAX COLLECTOR'S REPORT

Mrs. Tersigni made a motion to approve the December 31, 2004 Tax Collector's Report, seconded by Mrs. Papics.

ROLL CALL VOTE: Flink-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomas-aye; Papics-aye. Motion carried.

APPROVAL OF BILL LIST

Mrs. Tersigni made a motion to approve the bill list of January 25, 2005, seconded by Mr. Scheffel.

ROLL CALL VOTE: Flink-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomas-aye; Papics-aye. Motion carried.

COMMITTEE REPORTS:

C. Flink:

Fire Department- Breakfast in February.

OEM- County OEM has been communicating daily weather advisories.

Recent storm cost \$2,660. Borough has applied for FEMA relief.

S. Ross:

No Report.

M. TERSIGNI:

Planning Board:

Todd Mickey was elected Planning Board Chairman. Christian Slusser was elected Vice-Chairman.

Alwin Properties- Ms. Rubright will review the file and report back to the Board.

Pilot- Mayor Peck will review the file and report back to the Board.

Escrow reports will be generated and reviewed on a monthly basis.

Run-off complaint- Mr. Zederbaum continues to receive complaints about North Street run-off. The Board will request that Mr. Zederbaum conduct a visual inspection of the site next time he is in town.

Municipal Court of Bethlehem and Bloomsbury- Mrs. Tersigni requested a year end report of Borough Court activity. Reports that are generated reflect all Court activity and Borough information can not be isolated.

V. Papics:

Board of education- The Substitute Teacher rate of pay will increase from \$70.00/ day to \$75.00/ day.

Full day Kindergarten in 2005-2006 school year.

D. Thomas:

Newsletter- Abbreviated Newsletter has been sent out. Will establish February submission deadline for Spring Newsletter to be mailed mid- March.

M. Scheffel:

Streets and Roads- Two cars were towed during the recent storm.

OLD BUSINESS:

ARTS AND CRAFTS FAIR- The Bloomsbury Art Festival will be held on September 24th and 25th 2005. European Country Kitchen will not be contributing this year. Sponsors are needed to help off-set the cost of advertising.

RECREATION COMMISSION AGREEMENT- Council will review the agreement for possible adoption at February Council meeting. Mrs. Papics will follow up with Mr. Parker about park rental fees and report any changes to Council.

NEW BUSINESS:

RESOLUTION # 11-05- TAX COLLECTOR'S RESOLUTION-

WHEREAS, the Tax Collector has overpayments and underpayments of taxes for 2004 in the amount of \$5.00, and that they be cancelled; and

NOW, THEREFORE LET IT BE RESOLVED, by a majority of the members of the Common Council of the Borough of Bloomsbury, County of Hunterdon, State of New Jersey that these overpayments of \$5.00 and under be cancelled to surplus and balances of \$5.00 and under be cancelled.

Mr. Ross made a motion to adopt the Tax Collector's Resolution # 11-05, seconded by Mr. Thomas. All Ayes, motion carried.

PARKING ENFORCEMENT REPORT- DECEMBER 2004- The Board reviewed the report.

FIRST READING- ORDINANCE #101-05-AN ORDINANCE SETTING THE SALARIES FOR EMPLOYEES OF THE BOROUGH OFBLOOMSBURY, COUNTY OF HUNTERDON, STATE OF NEW JERSEY FOR THE YEAR 2005.

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

Section 1. This ordinance shall fix the salaries of the employees named herein for the year of 2005.

Section 2. Salaries for the year of 2005 are as follows:

a.	Borough Clerk	\$18,000.00-26,000.00
b.	Deputy Clerk	\$9.00/hour
c.	Chief Financial Officer	\$8,000.00-16,000.00
d.	Tax Assessor	\$5,000.00-9,000.00
e.	Tax Collector	\$5,000.00-10,000.00
f.	Public Works Superintendent	\$6,500.00-15,000.00
g.	Public Works Labor #1	\$5,000.00-13,500.00
h.	Public Works Labor #2	\$3,600.00-7,500.00
i.	Public Works labor #3	\$3,000.00-7,000.00
j.	Water Superintendent	\$6,000.00-12,000.00
k.	Filter Plant Attendant	\$3,600.00-6,500.00
1.	Assistant Labor (Water)	\$3,000.00-6,500.00
m.	Clerk/Water Department	\$4,500.00-8,000.00
n.	Pl. Bd./Zoning Bd. Clerk/Treas.	\$1,500.00-3,000.00
0.	Zoning Officer	\$2,000.00-4,000.00
p.	Emergency Mng. Coordinator	\$2,000.00-3,500.00
q.	Assistant EMC	\$7.35/hour
r.	Parking Enforcement Officer	\$17.50/hour
S.	Deputy Parking Enf. Officer	\$17.50/hour
t.	School Crossing Guard	\$26.50/day
u.	Regular Labor	\$13.98/hour
v.	Summer Labor	\$9.25/hour

Section 3. All salaries and hourly wages contained herein shall be retroactive as of January 1, 2005 and include a 3.5 % increase.

Section 4. All Ordinances inconsistent with this Ordinance are hereby repealed.

Section 5. This Ordinance shall take effect upon final passage and publication according to law.

Mr. Scheffel made a motion to move Ordinance #101-05, be adopted on first reading and published in the Hunterdon County Democrat, seconded by Mrs. Papics. Public hearing will be held on February 22, 2005.

ROLL CALL VOTE: Flink-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomas-nay; Papics-aye. Motion carried.

FIRST READING ORDINANCE #102-05- AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A 40A:4-53 IN CONNECTION WITH THE COSTS ATTRIBUTABLE TO A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY FOR THE USE OF THE BOROUGH OF BLOOMSBURY TAX ASSESSOR

BE IT ORDAINED by the Committee of the Borough of Bloomsbury, County of Hunterdon and State of New Jersey, that pursuant to N.J.S.A. 40A:4-53 (Ch. 48, P.L. 1956 as amended by Ch. 144, P.L. 1965 and Ch. 38, P.L. 1969) the sum of \$46,000.00 is hereby appropriated for the preparation and execution of a complete program of revaluation of real property for the use of the Borough of Bloomsbury Tax Assessor, which shall also include costs attributable to the Borough tax map update, and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-55.

The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized pursuant to this act (N.J.S.A. 40A:4-55).

This Ordinance shall take effect 20 days after the publication thereof subsequent to its final passage, which shall follow a public hearing to be conducted thereon.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading by the Borough of Bloomsbury Committee at its regular monthly meeting held on Tuesday, January 25, 2005 which Ordinance shall be given further consideration for final passage following a public hearing to be conducted thereon, at its regular monthly meeting to be held on Tuesday, February 22, 2005, which shall commence at 7:00 p.m. at the Borough of Bloomsbury Municipal Building, 91 Brunswick Avenue, Bloomsbury, New Jersey 08804.

Mr. Thomas made a motion to move Ordinance # 102-05 be adopted on first reading and published in the Hunterdon County Democrat, seconded by Mr. Scheffel. Public Hearing will be held on February 22, 2005.

ROLL CALL VOTE: Flink-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomas-aye; Papics-aye. Motion carried.

FIRST READING ORDINANCE # 103-05- AN ORDINANCE REGULATING NOISE IN THE BOROUGH OF BLOOMSBURY

BE IT ORDAINED by the Mayor and Council of the Borough of Bloomsbury, County of Hunterdon, State of New Jersey:

Section I. Prohibited Acts.

A. Unnecessary noise. It shall be unlawful for any person to make, continue, suffer, permit, allow or cause to be made or continued, upon any premises or in any vehicle owned, occupied or controlled by him or upon any public street, thoroughfare or parking lot or in any public park, playground, gathering place or

means of public transportation, any excessive, unnecessary or unusually loud noise which either annoys, injures, disturbs or endangers the comfort, health, repose, peace or safety of others within the Borough or which are so harsh, prolonged or unusual in their use, time and place as to annoy, disturb or endanger the comfort, health, repose, peace or safety of others in the Borough. Loud, disturbing, injurious, unnecessary and unlawful noises in violation of this Ordinance include but are not limited to the following enumerated acts:

- 1. Owning, possessing or harboring any pet animal or pet bird that frequently or for continued duration makes sounds that create a noise disturbance. For the purposes of this section, a noise disturbance from a barking dog shall be defined as that created by a dog barking continually for ten (10) minutes or intermittently for thirty (30) minutes, unless provoked.
- 2. Yelling, shouting, whistling, the playing of musical instruments or singing, at any time or place, particularly between the hours of 10:00 p.m. and 7:00 a.m., which annoys or disturbs the quiet, comfort or repose of persons in any home, office, dwelling, or any other type of residence, or of any persons in the vicinity.
- 3. The sounding of any horn or warning device on an automobile, motorcycle, bus or other vehicle for a period of thirty (30) seconds or more except when required by law or when necessary to give timely warning of the approach of the vehicle or as warning of impending danger to persons driving other vehicles or to persons on the street.
- 4. Personal or commercial vehicular music amplification or reproduction equipment shall not be operated upon the public streets of the Borough of Bloomsbury in such a manner that it is plainly audible at any residential property line between the hours of 8:00 p.m. and 8:00 a.m.
- 5. Personal vehicular music amplification equipment shall not be operated in such a manner as to be plainly audible at a distance of 50' in any direction from the operator between the hours of 8:00 a.m. and 8:00 p.m.
- 6. Self-contained, portable, handheld music or sound amplification or reproduction equipment shall not be operated on a public space or public right-of-way in such manner as to be plainly audible at a distance of 50' in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound from such equipment shall not be plainly audible by any person other than the operator.
- B. No person shall cause, suffer, allow or permit the following acts:

- 1. Loudspeakers and public address systems. Using or operating any loudspeaker, public address system or similar device between the hours of 10:00 p.m. and 8:00 a.m. in the following day such that the sound therefrom creates a noise disturbance across a residential property line.
- 2. Loading and unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, liquids, garbage cans, refuse or similar objects; or the pneumatic or pumped loading or unloading of bulk materials in liquid, gaseous, powder or pellet form; or the compacting or refuse by persons engaged in the business of scavenging or garbage collection, whether private or municipal, between the hours of 10:00 p.m. and 7:00 a.m., except by permit, when the sound therefrom creates a noise disturbance across a residential real property line.
- 3. Standing motor vehicles. Operating or permitting the operation of any motor vehicle whose manufacturer's gross weight is in excess of ten thousand (10,000) pounds, or any auxiliary equipment attached to such vehicle, for a period of longer than five (5) minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion or emergency work, on a public space within one hundred fifty (150) feet of a residential property line between the hours of 8:00 p.m. and 8:00 a.m. of the following day.
- 4. Construction and demolition. Operating or permitting the operation of any tools or equipment used in construction, drilling, earthmoving, excavating or demolition work between the hours of 6:00 p.m. and 7:00 a.m. the following day on weekdays or at any time on weekends or legal holidays, provided that such equipment is equipped with a functioning muffler, except for:
 - a. emergency work; or
 - b. by variance issued pursuant to §III below.

Section II. Exceptions.

The provisions of this Ordinance shall not apply to:

- A. The emission of sound for the purposes of alerting persons to the existence of an emergency.
- B. The emission of sound in the performance of emergency work.
- C. The emission of sound by stationary emergency signaling devices that conform with the provisions of N.J.A.C. 7:29.

- D. Noise from a burglar alarm of any building or motor vehicle provided such burglar alarm shall terminate its operation within fifteen (15) minutes after it has been activated.
- E. The emission of sound in situations within the jurisdiction of the Federal Occupational Safety and Health Act.
- F. Noise from municipally sponsored or approved celebrations or events.

Section III. Conditions for Variance.

- A. Any person who owns or operates any stationary noise source may apply to the Borough Zoning Officer for a variance from one (1) or more of the provisions of this Ordinance. Applications for a permit of variance shall supply such information, including but not limited to:
 - 1. The nature and location of the noise source for which such application is made.
 - 2. The reason for which the permit of variance is requested, including the hardship that will result to the applicant, his/her client or the public if the permit of variance is not granted.
 - 3. The nature and intensity of noise that will occur during the period of the variance.
 - 4. The section or sections of this Ordinance for which the permit of variance shall apply.
 - 5. A description of interim noise-control measures to be taken by the applicant to minimize noise and the impacts occurring therefrom.
 - 6. A specific schedule of the noise-control measures which shall be taken to bring the source into compliance with this Ordinance within a reasonable time.
- B. Failure to supply the information required by this ordinance shall be cause for the rejection of the application.
- C. A copy of the permit of variance must be kept on file by the Borough Clerk for public inspection.
- D. The Zoning Officer shall charge the applicant a reasonable fee, as set forth in the Borough's Fee Ordinance, to cover expenses resulting from the processing of the permit of variance application.

- E. The Zoning Officer may, at his/her discretion, limit the duration of the permit of variance, which in no case shall be not longer than one (1) year. Any person holding a permit of variance and requesting an extension of time shall apply for a new permit of variance under the provisions of this Ordinance.
- F. No variance shall be approved unless the applicant presents adequate proof that noise levels occurring during the period of the variance will not constitute a danger to public health and that compliance with the Ordinance would impose an arbitrary or unreasonable hardship upon the applicant without equal or greater benefits to the public.
- G. The Zoning Officer may, at his/her discretion, refer applications for a permit of variance to the Borough Council for disposition. In such cases such application shall be heard at the next occurring Council meeting, provided that the application is made not less than seven (7) days prior to such meeting. The applicant shall provide public notice in the following manner:
 - 1. The posting of notice containing the information required by §III(A) above in at least five (5) conspicuous places in the Borough.
 - 2. Personal delivery of notice containing the information required by \$III(A) above to all property owners within 200' of the proposed activity. Applicants shall obtain a list of all such property owners from the Borough Tax Assessor.
 - 3. The failure to comply with the notice requirements set forth above shall be cause for the immediate revocation of the permit of variance and the imposition of penalties as set forth in §IV below.

Section IV. Violations.

Any person, firm or corporation who shall violate any of the provisions of this ordinance shall upon conviction be punished by a fine not to exceed \$1,500.00, or by imprisonment for not more than 90 days, or by both such fine and such imprisonment. Up to 100 hours of community service may also be imposed. For purposes of this ordinance, each day the provisions of the same are violated shall be deemed and taken to be a separate and distinct offense.

Section V. Severability.

If any provision of this ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions of this ordinance.

Section VI. Repealer.

All other ordinances and parts of ordinances in conflict or inconsistent with this ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, and this ordinance shall be in full force and effect immediately upon its adoption and its publication, as provided by law.

Mr. Thomas made a motion to move Ordinance # 103-05 be adopted on first reading and published in the Hunterdon County Democrat. Public hearing will be held on February 22, 2005.

ROLL CALL VOTE: Flink-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomas-aye; Papics-aye. Motion carried.

ELIZABETHTOWN GAS- Gas line installed from Route 173, up Church Street to Bloomsbury School. Elizabethtown Gas asks that Council consider converting their limited franchise agreement to a full franchise. Brief discussion followed. Ms. Keefe will provide Mr. Edleston with appropriate petition for his review. Appropriate legal notice will be published in the Hunterdon County Democrat in time for the February Council meeting.

BLACK MILL REDEVELOPMENT- Council discussed options for the possible redevelopment of the Bloomsbury Mill. Mayor Peck, Mr. Scheffel, and Mrs. Papics will form a working subcommittee to pursue a redevelopment plan and ensure that progress continues.

OPEN TO THE PUBLIC-

Mrs. Murray inquired about parking for teachers and voiced concern about current parking on Church Street. Brief discussion followed.

ADJOURNMENT-

There being no further business, a motion to adjourn was made by Mr. Thomas, seconded by Mrs. Papics. All ayes, motion carried. Meeting adjourned at 8:50 PM

Respectfully submitted,

Lisa A. Burd, Acting Borough Clerk

BOROUGH OF BLOOMSBURY COUNCIL MEETING MINUTES FEBRUARY 22, 2005

The regular meeting of the Bloomsbury Borough Council was held on February 22, 2005, at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey. The meeting was called to order at 7:02 PM by the reading of the Sunshine Law by Martha Tersigni.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on January 6, 2005 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: Carol Flink Marc Scheffel
Steve Ross Martha Tersigni

Vicky Papics David Thomas

Mark Peck, Mayor- Excused William Edleston, Esq. Arrived 7:05

APPROVAL OF MINUTES

A motion was made by Mr. Ross, seconded by Mr. Thomas to approve the regular minutes of January 25, 2005. All ayes. Motion carried.

TAX COLLECTOR'S REPORT

Mr. Scheffel made a motion to approve the January 31, 2005 Tax Collector's Report, seconded by Mr. Ross.

ROLL CALL VOTE: Flink-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomas-aye; Papics-aye. Motion carried.

APPROVAL OF BILL LIST

Mr. Ross made a motion to approve the bill list of February 22, 2005, seconded by Mrs. Flink. ROLL CALL VOTE: Flink-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomas-aye; Papics-aye. Motion carried.

COMMITTEE REPORTS:

V. Papics:

Board of Education: The Bloomsbury School will be addressing parking and will be painting the curbs near the school. The PTO is currently seeking donations for playground improvements and they have received \$1,000 from Exxon. The 2005-2006 Budget meeting will be held on March 23rd at 7:00 PM.

Recreation: Recreation Commission meeting will be held at Borough Hall on March 1st at 7:30 PM. The 2005 Sports Banquet will be held on April 24th at the Almond Tree restaurant.

D. Thomas:

Spring Newsletter: March 4th submission deadline for publication on March 15th.

M. Scheffel:

Streets and Roads: Complaints were received because cars were ticketed but not towed during recent storm.

S. Ross:

Community Relations: Hunterdon County will be holding a hazardous waste clean-up day on March 12th at the Hunterdon County Complex. Mr. Ross will make copies of the notice and post throughout the Borough.

Recycling: Mr. Ross is in the process of gathering required information to complete the annual Recycling Tonnage Report which is due April 30th.

C. Flink:

OEM- The Borough has received the federal portion of relief funds due to hurricane damage and the State portion is expected soon.

Fire Department: The Fire Department is concerned that all alleys were not cleared during recent storm. Mrs. Flink will follow up with Fire Department and report specific locations back to Mr. Scheffel.

Bloomsbury Rescue Squad: A brief presentation was given to Council by Jim Anderson. Council reviewed the Call Summary Report. The rescue Squad recently purchased a new ambulance with a loan through the Department of Agriculture. The rescue vehicle is approximately 24 years old and needs to be replaced. Jim Anderson asked that Council consider meeting with other municipalities within their service area to discuss further aid to the Rescue Squad. Mrs. Flink will discuss with Mayor Peck and report back to Council and Jim Anderson.

M. TERSIGNI:

Water Department: The water leak was repaired and although there was a significant water loss, once repairs were made, the reservoir filled quickly.

Planning Board: The Board is continuing to work on a redevelopment plan for the Black Mill. Mrs. Tersigni will continue to work Mr. Francisco to fine tune escrow accounts.

Council: Mrs. Tersigni acknowledged that Council received a note of appreciation from the Scheffel family.

The Borough received \$ 2,709.00 from Service Electric in franchise fees.

Deadline for Agenda Submissions: The deadline for Agenda items/ presentations will be the Tuesday prior to the scheduled meeting date.

PERRYVILLE STATE POLICE:

Sergeant Sofhauser reported that he investigated previous claims of deviant behavior by children riding the High School bus. After speaking to the bus driver he feels that it is not an on-going problem.

OLD BUSINESS:

SECOND READING AND PUBLIC HEARING – ORDINANCE # 101-05 – AN ORDINANCE SETTING THE SALARIES FOR EMPLOYEES OF THE BOROUGH OF

BLOOMSBURY, COUNTY OF HUNTERDON, STATE OF NEW JERSEY FOR THE YEAR 2005.

Mr. Ross moved to open discussion to Council, seconded by Mr. Thomas. No Comments from Council. Mr. Ross made a motion to move a public hearing on the above ordinance, seconded by Mr. Scheffel. No comments from the public. Mr. Ross moved the ordinance be adopted on second reading and final passage, seconded by Mrs. Flink and adopted by a call of the roll. ROLL CALL VOTE: Flink-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomas-nay; Papics-aye. Motion carried.

SECOND READING AND PUBLIC HEARING – ORDINANCE # 102-05 – AN ORDINACE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53 IN CONNECTION WITH THE COST OF REVALUATION OF REAL PROPERTY FOR THE USE OF THE BOROUGH OF BLOOMSBURY TAX ASSESSOR.

Mr. Thomas moved to open discussion to Council, seconded by Mrs. Papics. Brief discussion followed. Mr. Ross made a motion to move a public hearing on the above ordinance, seconded by Mr. Thomas. No comments from the public. Mr. Thomas moved the ordinance be adopted on second reading and final passage, seconded by Mr. Ross and adopted by a call of the roll. ROLL CALL VOTE: Flink-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomas-aye; Papics-aye. Motion carried.

<u>SECOND READING AND PUBLIC HEARING – ORDINANCE # 103-05 – AN</u> <u>ORDINANCE REGULATING NOISE IN THE BOROUGH OF BLOOMSBURY.</u>

Mr. Ross moved to open discussion to Council, seconded by Mr. Thomas. Discussion followed. Mr. Thomas made a motion to move a public hearing on the above ordinance, seconded by Mrs. Papics.

George Allen, 26 Center Street voiced concerns that this ordinance may prohibit the operation of an emergency generator or window air conditioner. He stated that the ordinance needs a section which exempts certain things.

Susan Frost, 53 Brunswick Avenue explained that the houses on Brunswick Avenue are very close and that noise from air conditioners and attic fans can be heard. She stated that the phrase "crossing the property line" is in her opinion too vague.

Mark O'Hagan, 38 West Street stated that in section IA, paragraph # 2 prohibits the playing of loud music particularly between the hours of 10:00 PM and 7:00 AM. Mr. O'Hagan is concerned that this will not apply to loud music played during the day.

Mr. Ross made a motion to continue the public hearing on the above ordinance to the March 22^{nd} meeting, seconded by Mrs. Papics and adopted by the call of the roll.

ROLL CALL VOTE: Flink-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomas-aye; Papics-aye. Motion carried.

<u>RECREATION COMMISSION AGREEMENT</u>- Mrs. Papics will follow up with Mr. Parker in reference to the amended agreement. Council will consider for possible adoption at March meeting.

<u>COMBINED PARKING/ CODE ENFORCEMENT POSITION</u>- Council discussion the benefits of creating a combined positioned. Discussion will be continued at March meeting.

<u>ELIZABETHTOWN GAS</u>- Elizabethtown Gas will be placed on the March agenda for consideration of their application for a full franchise in the Borough. Mr. Edleston requested that the Ordinance be written to reflect that this application is for a full, not limited franchise. They will provide the clerk with necessary documentation.

NEW BUSINESS:

<u>BLOOMSBURY P.T.O. RAFFLE APPLICATION-</u> Susan Frost asked Council to sign a resolution granting approval for the PTO to host a Tricky Tray on April 15th, 2005. Mr. Edleston stated that we could move to grant conditional approval, contingent upon the completion of the appropriate documentation and submission of the appropriate fees by 2/24/05.

Mr. Edleston will forward above resolution to the clerk.

Mr. Ross moved Council grant conditional approval for the PTO raffle application, seconded by Mrs. Papics. All ayes, motion carried.

<u>ORDINANCE # 104-05 – AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET</u> APPROPRIATION LIMITSAND TO ESTABLISH A CAP BANK

The above ordinance will be tabled until the March Council meeting.

PARKING ENFORCEMENT REPORT - January 2005

Council reviewed the parking enforcement report submitted by Mr. Corso.

Mrs. Flink will follow up with Ms. Jordan in reference to her monthly submission of a parking enforcement report.

<u>BOROUGH HISTORIAN</u> - Mr. Thomas will include information in the Spring Newsletter. Names will be submitted to the Mayor for review.

REVALUATION CONTRACT

Mr. Ross moved Council authorize the execution of the revaluation contract with Appraisal Systems, Inc., seconded by Mr. Thomas.

ROLL CALL VOTE: Flink-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomas-aye; Papics-aye. Motion carried.

RESOLUTION # 12-05 RESOLUTION DETERMINING THE BLOOMSBURY MILL LOCATED ON LOT 6.01, BLOCK 13 TO BE DESIGNATED AS AN AREA IN NEED OF REHABILITATION AND REDEVELOPMENT.

WHEREAS, in Resolution # 03-05, the Planning Board of the Borough of Bloomsbury, after conducting a preliminary investigation, recommended to the governing body of the Borough of Bloomsbury that the property known as Lot 6.01, Block 13 on the Borough Tax map be designated as a redevelopment area pursuant to N.J.S.A. 40A:12A-1 et seq. pursuant to the

Local Redevelopment and Housing Law, which was adopted to assist in promoting redevelopment in areas in need of rehabilitation; and

WHEREAS, the aforesaid property currently encompasses the Bloomsbury Mill, which has been found by the Bloomsbury Planning Board to be substandard, unsafe, unsanitary, dilapidated and obsolete and that by virtue thereof the property is detrimental to the safety, health, and welfare of the community; and

WHEREAS, the mayor and Council of the Borough of Bloomsbury do hereby adopt the Planning Board's findings and conclusions as reflected in the foregoing resolution;

NOW, THEREFORE BE IT RESOLVED, by the mayor and Council of the Borough of Bloomsbury that the Bloomsbury Mill located at Lot 6.01, Block 13 is hereby determined to be an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5;

BE IT FURTHER RESOLVED that the municipal clerk shall forthwith transmit a copy of this resolution to the commissioner of the Department of Community Affairs for review and that in the event neither an approval nor disapproval is received within 30 calendar days of transmittal the same by the clerk determination by this governing body shall be deemed approved.

Mr. Ross made a motion, seconded by Mrs. Papics to adopt Resolution #12-05 Determining the Bloomsbury Mill in need of redevelopment be adopted.

ROLL CALL VOTE: Flink-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomas-aye; Papics-aye. Motion carried.

RESOLUTION # 13-05 BLOOMSBURY HOSE COMPANY, LADIES AUXILIARY ON PREMISE DRAW RAFFLE AND BASKET BINGO.

Mr. Thomas made a motion, seconded by Mr. Scheffel to approve resolution # 13-05.

RESOLUTION # 14-05 BLOOMSBURY PTO ON-PREMISE DRAW RAFFLE AND 50/50 CONDITIONAL RESOLUTION

WHEREAS, application has been made to the governing body of the Borough of Bloomsbury by the Bloomsbury P.T.O. for the authorization to conduct a 50/50 on premises draw raffle on April 15, 2005; and

WHEREAS, the request was duly considered at the regular meeting of the Borough Council held on February 22, 2005 and was approved accordingly; and

WHEREAS, the Bloomsbury P.T.O. constitutes an organization as referenced in the Legalized Games of Chance Law, which is eligible to conduct raffles to raise funds for educational and public-spirited purposes;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council on this 22^{nd} day of

February 2005 that the Bloomsbury P.T.O. is hereby authorized pursuant to the provisions of the Raffle Licensing Law, N.J.S.A. 5:8-50 et seq., to advertise and conduct a 50/50 on premises draw raffle on April 15, 2005 at the Bloomsbury Elementary School;

BE IT FURTHER RESOLVED, the Bloomsbury Borough Clerk has hereby directed to forward a certified copy of this resolution together with the application from the Bloomsbury P.T.O. to conduct the raffle to the Legalized Games of Chance Control Commission requesting that it approve the application and authorize same to be held on the date and location as stated herein.

PUBLIC COMMENT:

Ilse Goshen inquired about the status of the installing speed bumps in the Borough. Brief discussion followed. The Environmental Commission will be holding their meeting on March 2nd at 7:30 PM at Borough Hall.

ADJOURNMENT-

There being no further business, a motion to adjourn was made by Mr. Thomas, seconded by Mrs. Flink. All ayes, motion carried. Meeting adjourned at 9:20 PM

Respectfully submitted,

Lisa A. Burd, Acting Borough Clerk

BOROUGH OF BLOOMSBURY COUNCIL MEETING MINUTES MARCH 22, 2005

The regular meeting of the Bloomsbury Borough Council was held on March 22, 2005, at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey. The meeting was called to order at 7:03 PM by the reading of the Sunshine Law by Mayor, Mark Peck.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on January 6, 2005 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: Carol Flink

Steve Ross – Arrived 7:08

Vicky Papics

Mark Peck, Mayor

Marc Scheffel Martha Tersigni

David Thomas – Arrived 7:04

William Edleston, Esq. Arrived 7:04

FLAG SALUTE

APPROVAL OF MINUTES

A motion was made by Mr. Scheffel, seconded by Mrs. Papics to approve the regular minutes of February 22, 2005. All ayes. Motion carried.

TAX COLLECTOR'S REPORT

Mrs. Tersigni made a motion to approve the February 28, 2005 Tax Collector's Report, seconded by Mr. Thomas. All ayes. Motion carried.

APPROVAL OF BILL LIST

Mrs. Tersigni made a motion to approve the bill list of March 22, 2005, seconded by Mrs. Papics. All ayes. Motion carried.

PERRYVILLE STATE POLICE:

Sergeant Sofhauser presented Council with a call response report indicating call type and frequency from February 1, 2005 through March 21, 2005. Council reviewed the report, brief discussion followed.

COMMITTEE REPORTS:

V. Papics:

Board of Education: Special meeting will be held on March 4, 2005. The regular meeting will be held on March 8, 2005. The budget meeting is scheduled for March 23, 2005.

Recreation: Mrs. Papics will send the Recreation Agreement changes to Mayor Peck for review.

D. Thomas:

Spring Newsletter: Was mailed to Borough residents in mid March.

M. Scheffel

Streets and Roads: No reported problems with streets and roads. Mr. Scheffel spoke to a resident engineer about options for installing speed humps and signage to slow motor vehicles in the Borough. He will pursue the issue and report back to Council at the April 26, 2005 meeting.

S. Ross:

Recycling: Tonnage report has been started.

Environmental Commission: Ken Robbins was appointed to the Planning Board. The Environmental Commission is applying for a Grant for Bloomsbury Environmental Resource Inventory.

Ilse Goshen, President, Bloomsbury Environmental Commission, spoke to Council about the ERI Grant application. Amy Greene consulting firm estimated that the ERI would cost approximately \$6,000.00.

C. Flink:

OEM- County OEM is looking for members to join the Civilian Emergency Response Team.

Fire Department: Four dozen flags have been ordered for Memorial Day.

Rescue Squad: Reported 28 calls, 4 of which were in the Borough.

M. TERSIGNI:

Planning Board:

Brown's Hunterdon Mack – The Board reviewed a letter from Mr. Brown's Attorney stating that they will apply to the DEP for a permit to create an access to the river. They will also purchase an auxiliary pump to aid the Fire Department in the event of a fire.

Pilot - Planning Board Attorney, Susan Rubright, will be sending a letter to address the delay in the installation of the turn lane on Route 173.

Administration:

Revaluation - Tax map changes have been sent to Trenton for approval.

Finance – Working to reduce the Borough phone expenses, looking into the possibility of reducing the fixed fee per phone line.

OLD BUSINESS:

<u>RECREATION COMMISSION AGREEMENT</u>- Mrs. Papics will follow up with Mr. Parker in reference to the amended agreement. Council will consider for possible adoption at April 26, 2005 meeting.

<u>COMBINED PARKING/ CODE ENFORCEMENT POSITION</u>- Council discussed the benefits of creating a combined positioned. Discussion will be continued at April meeting.

NEW BUSINESS:

2005 Budget Introduction:

Mrs. Papics made a motion to approve the 2005 Municipal Budget, seconded by Mrs. Tersigni. ROLL CALL VOTE: Mrs. Flink-aye; Mrs. Papics-aye; Mr. Ross-aye; Mr. Scheffel-aye; Mrs. Tersigniaye; Mr. Thomas-aye.

RESOLUTION # 15-05 - 2005 SELF-EXAM BUDGET RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5, the Borough of Bloomsbury has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2005 budget year, so now therefore

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Bloomsbury that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification. The governing body has found the budget has met the following requirements:

- 1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges.
 - b. Deferred charges and statutory expenditures.
 - c. Cash deficit of preceding year.
 - d. Reserve for uncollected taxes.
 - e. Other reserves and nondisbursement items.
 - f. Any inclusions of amounts required for school purposes.
- 2. That the provisions relating to limitation on increases of appropriations pursuant to <u>N.J.S.A.</u> 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
- 3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
- 4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated,
 - b. Items of appropriation are properly set forth.
 - c. In itemization, form, arrangement, and content, the budget will permit the exercise of the comptroller function within the municipality.
- 5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
- 6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

Mr. Ross made a motion to approve resolution # 15-05, seconded by Mr. Thomas. ROLL CALL VOTE: Mrs. Flink-aye; Mrs. Papics-aye; Mr. Ross-aye; Mr. Scheffel-aye; Mrs. Tersigni-aye; Mr. Thomas-aye.

<u>FIRST READING ORDINANCE # 104-05 – AN ORDINANCE TO EXCEED THE</u> MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% 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 2005 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

WHEREAS, the Governing Body hereby determines that a one percent increase in the budget for said year, amounting to \$4,700.04 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the 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 2005 budget year, the final appropriations of the Borough of Bloomsbury shall, in accordance with this ordinance and N.J.S.A. 40A:4045.14, be increased by 3.5% amounting to %16,450.50, and that the CY 2005 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 the 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 Governmental Services within 5 days of introduction; and

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

Mr. Ross made a motion to move Ordinance # 104-05 be adopted on first reading and published in the Hunterdon County Democrat, seconded by Mr. Thomas. Public hearing will be held on April 26, 2005.

ROLL CALL VOTE: Mrs. Flink-aye; Mrs. Papics-aye; Mr. Ross-aye; Mr. SCheffel-aye; Mrs. Tersigni-aye; Mr. Thomas-aye.

BRUSH CLEAN UP: The Borough will hold a Spring Brush Clean up on April 18, 2005. A fall brush clean up will be scheduled for mid October.

MILL REDEVELOPMENT: Council will review the draft request for proposals and forward comments to Mayor Peck by March 24, 2005. A joint meeting of the Council and Planning Board will be held on March 29, 2005 to discuss RFP concerns and final RFP will be mailed to interested parties on April 1, 2005.

<u>PUBLIC COMMENT</u>: Kim and Stan Kossip, 36 West Street voiced concerns about the introduction of Ordinance # 103-05, an ordinance regulating noise in the Borough of Bloomsbury. Mrs. Kossip will review the draft ordinance and forward specific concerns to Mayor Peck.

ADJOURNMENT-

There being no further business, a motion to adjourn was made by Mr. Thomas, seconded by Mrs. Flink. All ayes, motion carried. Meeting adjourned at 9:20 PM

Respectfully submitted,

Lisa A. Burd, Acting Borough Clerk

BOROUGH OF BLOOMSBURY COUNCIL MEETING MINUTES APRIL 26, 2005

The regular meeting of the Bloomsbury Borough Council was held on April 26, 2005, at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey. The meeting was called to order at 7:04 PM by the reading of the Sunshine Law by Acting Borough Clerk, Lisa Burd.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on January 6, 2005 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: Carol Flink

Marc Scheffel-Excused

Steve Ross Martha Tersigni

Vicky Papics David Thomas – Excused Mark Peck, Mayor - Excused William Edleston, Esq.

APPROVAL OF MINUTES

A motion was made by Mrs. Papics, seconded by Mrs. Flink to approve the regular minutes of March 22, 2005. All ayes. Motion carried.

A motion was made by Mrs. Papics, seconded by Mrs. Flink to approve the special joint meeting minutes of March 29, 2005. All ayes. Motion carried.

TAX COLLECTOR'S REPORT

Mrs. Papics made a motion to approve the March 31, 2005 Tax Collector's Report, seconded by Mr. Ross. All ayes. Motion carried.

APPROVAL OF BILL LIST

Mr. Ross made a motion to approve the bill list of April 26, 2005, seconded by Mrs. Papics. ROLL CALL VOTE: Flink-aye; Ross-aye; Scheffel-Excused; Thomas-Excused; Papics-aye; Tersigni-aye. Motion carried.

PERRYVILLE STATE POLICE:

No report.

SECOND READING AND PUBLIC HEARING ORDINANCE # 104-05 - ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

Mr. Ross moved to open discussion to Council, seconded by Mrs. Papics. Mr. Ross made a motion to move a public hearing on the above ordinance seconded by Mr. Papics. No comments from the public. Mr. Ross moved discussion be closed to public, seconded by Mrs. Papics. Mr.

Ross moved the ordinance be adopted on second reading and final passage, seconded by Mrs. Papics and adopted by a call of the roll.

ROLL CALL VOTE: Flink-aye; Ross-aye; Scheffel-Excused; Thomas-Excused; Papics-aye; Tersigni-aye. Motion carried.

SECOND READING AND PUBLIC HEARING - 2005 MUNICIPAL BUDGET

Mrs. Papics moved to open discussion to Council, seconded by Mr. Ross. Mr. Ross made a motion to move a public hearing on the above ordinance seconded by Mrs. Flink. No comments from the public. Mr. Ross moved discussion be closed to public, seconded by Mrs. Papics. Mr. Ross moved the ordinance be adopted on second reading and final passage, seconded by Mrs. Papics and adopted by a call of the roll.

ROLL CALL VOTE: Flink-aye; Ross-aye; Scheffel-Excused; Thomas-Excused; Papics-aye; Tersigni-aye. Motion carried.

BLOOMSBURY RESCUE SQUAD

The Bloomsbury Rescue Squad is asking Borough Council to contribute to the purchase of a new rescue vehicle.

Mr. Ross moved Council authorize Mr. Edleston and Mr. Francisco to research funding options, seconded by Mrs. Flink.

COMMITTEE REPORTS:

V. Papics:

Board of Education: The 2005 School Budget passed.

Recreation: President, Scott Parker appointed Alison Madden to the recreation commission.

RESOLUTION # 22-05 BLOOMSBURY RECREATION COMMISSION APPOINTMENTS

The following amended appointments of committee members for the Bloomsbury Recreation Commission were approved at April 26, 2005 council meeting.

Scott Parker President
Chris Smith Vice-President
Tom Decker Secretary
Michele Stiehler Treasurer

The following are appointments to our commission:

Alison Madden Commissioner

Our membership now looks as follows:

		<u>Term Expires</u>
Scott Parker	Commissioner	12/31/05
Chris Smith	Commissioner	12/31/06
Michele Stiehler	Commissioner	12/31/06
Tom Decker	Commissioner	12/31/06

Bob Clark	Commissioner	12/31/05
Joe Walen	Commissioner	12/31/07
Tracy Moon	Commissioner	12/31/07
Alison Madden	Alt. Commissioner	12/31/05
Vacant	Alt. Commissioner	12/31/06

Changes submitted to Council by Scott Parker, President.

Mr. Ross made a motion to approve the recreation commission appointment, seconded by Mrs. Papics. All ayes. Motion carried.

S. Ross:

Recycling: Mr. Ross submitted the 2004 Recycling Tonnage Report.

Environmental Commission: Mr. Ross attended the recent Environmental Commission meeting. The Environmental Commission is concerned about possible violations at Travel Centers; will contact DEP and pursue compliance.

C. Flink:

OEM- Resident affected by flooding during recent storm was provided with FEMA information. Cots, blankets and pillows are available at the County Jail in Flemington in case of emergency.

Fire Department: Planning Centennial Celebration for June 2007.

Rescue Squad: Reported three fire calls and three motor vehicle accidents.

M. Tersigni:

Planning Board:

The Planning Board received the Storm water Management Plan from Mr. Zederbaum. Mill Redevelopment: Requests For Proposals have been sent out to all interested parties and updated information from the pre-bid meeting will be forwarded as well.

Public Works: More than eleven loads of wood chips were removed from the Borough in the spring brush clean-up.

Willow Avenue and Milford Road are scheduled for chip and seal in 2005.

Wilson Street erosion issue will be addressed.

RECREATION COMMISSION AGREEMENT- The Recreation Commission Agreement will be tabled until the May meeting.

FIRST READING ORDINANCE # 106-05 - ORDINANCE CREATING THE DUAL OFFICE OF MUNICIPAL VIOLATIONS OFFICER/ PARKING ENFORCEMENT OFFICER

BE IT ORDAINED by the Mayor and Council of the Borough of Bloomsbury, County of Hunterdon, State of New Jersey, as follows:

Section 1. Office created; appointment; qualifications.

There is hereby created in the Borough of Bloomsbury the dual office of Municipal Violations Officer/ Parking Enforcement Officer. The Municipal Violations Officer/ Parking Enforcement

Officer shall be appointed and removed at will by the Borough Council. The Municipal Violations Officer/ Parking Enforcement Officer shall:

- A. Be a resident of the State of New Jersey during the term of his or her appointment.
- B. Be able to read, write, and speak the English language well and intelligently.
 - C. Be of sound mind and in good health.
 - D. Be of good moral character.
- E. Not have been convicted of any offense involving dishonesty or which would make a person unfit to perform the duties of his or her office.
 - F. Possess a good familiarity with the Ordinances of the Borough of Bloomsbury.
 - Section 2. Eligibility and qualifications.

The Mayor in conjunction with the Commander of the Perryville State Police Barracks shall ascertain the eligibility and qualifications of the applicant and report these determinations, in writing, to the Borough Council.

- Section 3. Powers and Duties.
- A. As Parking Enforcement Officer, the Municipal Violations Officer/ Parking Enforcement Officer shall enforce state, county, or municipal statutes and resolutions, ordinances or regulations related to the parking of vehicles within the Borough of Bloomsbury and shall possess the power and authority to:
- 1. Issue a parking ticket pursuant to state or local ordinances for a parking offense, as those two (2) terms are defined in the Parking Offenses Adjudication Act P.L. 1985, c. 14 (N.J.S.A. 39:4-193.2 et seq.).
- 2. Serve and execute all process for any parking offenses issuing out the court having jurisdiction over the complaint.
- 3. Cause any vehicle parked, stored, or abandoned in the Borough in violation of a statute, resolution, ordinance or regulation to be towed away from the scene of the violation and to collect from the vehicles owner or the owner's agent, on behalf of the Borough, the costs of the towing and subsequent storage of the vehicle before surrendering the vehicle to the owner or agent.
- B. As Municipal Violations Officer, the Municipal Violations Officer/ Parking Enforcement Officer shall possess the power and authority to enforce all other ordinances of the Borough of Bloomsbury. He or she shall, in his or her discretion, issue warnings for ordinance violations reported to him or her. He or she shall cause a complaint to be sworn out in accordance with law for violations of Borough ordinances which occur in his or her presence or which he or she personally observes. Nothing herein shall prohibit concurrently holding the office of Zoning Officer or Health Officer.
 - Section 4. Uniform and Insignia.

Prior to the commencement of duties, the Municipal Violations Officer/ Parking Enforcement Officer shall be furnished with Insignia which shall clearly identify the Officers function. The insignia shall include an appropriate badge together with a name tag and identify the officers status as a Municipal Violations Officer/ Parking Enforcement Officer. The insignia shall be issued within ninety (90) days following the appointment of the first Municipal Violations Officer/ Parking Enforcement Officer provided; however, that the Borough may issue a temporary insignia for use during the first ninety (90) days of the Officer's appointment.

Section 5. Exclusion from Police Department and retirement system; use of firearms. No person appointed Municipal Violations Officer/ Parking Enforcement Officer shall concurrently hold the position of police officer nor shall such person be a special law enforcement officer. He or she shall not carry or use a firearm while on duty. He or she is not eligible for membership in the Police and Fireman's Retirement System established pursuant to P.L. 1944, c. 255.

Section 6. Term of Office, Compensation.

The Municipal Violations Officer/ Parking Enforcement Officer shall be appointed for a term of one (1) year. If he or she shall be appointed after January 1 of any year, the appointment shall be deemed, for the purpose of calculating the term, to have commenced the January 1 immediately prior to his or her appointment. He or she shall serve such hours and for such compensation as the Borough shall determine by separate resolution.

Section 7. This Ordinance shall take effect immediately upon passage and publication according to law.

Mr. Ross made a motion to move Ordinance # 106-05 be adopted on first reading and published in the Hunterdon County Democrat, seconded by Mrs. Flink. Public hearing will be held on May24, 2005. All ayes. Motion carried.

FIRST READING ORDINANCE # 107-05 - AN ORDINANCE OF THE BOROUGH OF BLOOMSBURY GRANTING MUNICIPAL CONSENT TO NUI UTILITIES, INC., d/b/a ELIZABETHTOWN GAS COMPANY TO CONSTRUCT, MAINTAIN AND OPERATE A GAS LINE FOR THE DISTRIBUTION OF NATURAL AND MIXED GAS.

WHEREAS, NUI Utilities, Inc. doing business as Elizabethtown Gas Company, a Corporation of the State of New Jersey and a public utility subject to the jurisdiction of the New Jersey Board of Public Utilities, on January 26, 2005, filed a Petition with the Borough of Bloomsbury seeking Municipal Consent to construct, operate and maintain natural and mixed gas distribution lines for public and private consumption throughout the Borough of Bloomsbury.

WHEREAS, representatives of the Petitioner appeared before the Bloomsbury Borough Committee on September 28, 2004 and January 26, 2005 to present their general plans for extension of gas lines within the Borough as the need arose, and specifically, their immediate desire to extend a line to Bloomsbury Elementary School located within the Borough; and

WHEREAS, the Petitioner has provided public notice of such Petition through publication in the official newspaper of the Municipality, the Hunterdon Democrat, and by posting notice of such Petition pursuant to Statute.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Bloomsbury.

Section I. Grant of Municipal Consent.

Pursuant to N.J.S.A., 48:3-11, the Mayor and Council of the Borough of Bloomsbury hereby grants to NUI Utilities, Inc. doing business as Elizabethtown Gas Company, a Corporation of the State of New Jersey (hereinafter "Elizabethtown") with principal offices located at One Elizabethtown Plaza, Union, New Jersey, its successors and assigns, a non-exclusive consent, right and privilege for the use, without impairment of, or obstruction to the public use, of the roads, streets, avenues and ways of the Borough of Bloomsbury to construct, lay, maintain, and operate for a period of ten (10) years, the necessary mains, conductors, pipes and concomitant appurtenances for the purpose of conveying, storing, supplying and distributing natural and mixed gas for heat, power, light and other purposes for public and private use and consumption, along in, or under the following described service area: all the streets, avenues, alleys, parks, parkways, highways, or other public places within the Borough as they now exist or may be hereinafter laid out by the municipal authorities of the said Borough or dedicated to said Borough.

Section II. Conditions on Grant of Municipal Consent.

The Municipal Consent granted herein is expressly conditioned upon the following:

- (a) the written acceptance of Elizabethtown of the terms and conditions of this municipal Consent Ordinance within thirty (30) days of its final adoption.
- (b) the New Jersey Board of Public Utilities (hereinafter "N.J.B.P.U.") approval of the Consent herein granted and the issuance of such other grants or approvals as determined by the N.J.B.P.U..
- (c) Elizabethtown shall satisfy all Statutory requirements of N.J.S.A. 48:13-1 et seq. regarding the proper organization and operation of a Public Utilities engaged in the distribution of natural and mixed gas, and shall remain subject to the jurisdiction of and comply with all Rules and Regulations of the United States Department of Transportation, Office of Pipeline Safety and the N.J.B.P.U. as well as the Ordinance of the Borough of Bloomsbury.
- (d) Elizabethtown shall construct and continuously maintain and operate their distribution line within the service area in a safe and efficient manner, and maintain such gas distribution lines in a state of good operation and repair and including all streets, roads, and public rights-of-way within the Borough of Bloomsbury wherein its lines are located.
- (e) the construction, operation and maintenance of the gas distribution system within the rights-of-way of the Borough of Bloomsbury shall in no way place any obligation, financial or otherwise, or any liability of any kind, upon the Borough of Bloomsbury and no obligation is to attach for the construction, operation and maintenance of the said gas distribution system to the Borough.

(f) any and all regulating pits and venting structures or like facilities shall not be located along the public rights-of-way comprising the service. Area.

<u>Section III.</u> Construction; Installation; Restoration.

- A. Construction. In each and every case in which road openings or excavation of any nature are required or made for the purposes aforesaid, Elizabethtown shall restore, all such public and private lands or facilities to as good a condition as existed at the commencement of the said work or such better condition, at its sole cost and expense. All such openings and installation and maintenance shall be undertaken in strict compliance with the standards imposed by the N.J.B.P.U., any other regulatory agency, and all applicable Borough Ordinances with such work to be done in a careful, prudent and workmanlike manner, and within such time limitations as shall be best for the proper safeguard of the public.
- B. Relocation. If at any time during the period of this Municipal consent, the Borough of Bloomsbury finds it necessary to alter or change the grade of any street, road or other public right-of-way or area, Elizabethtown shall, upon reasonable notice by the Municipality, remove and relocate its distribution line and pipes at the expense of Elizabethtown.
- C. Restoration. In the event that Elizabethtown shall refuse or neglect, after ten (10) days notice in writing by the representative of the Borough, that is, the borough Clerk or Borough Engineer, to restore any disturbed area at its cost and expense, and in compliance with all applicable Municipal Ordinances in effect at the time, to its pre-existing or better condition, any street, road, pavement, driveway or other reserves after having made an opening or excavation, the necessary work to accomplish such restoration may be done by the Borough of Bloomsbury, and thereafter, Elizabethtown shall be liable for the actual and necessary costs thereof, and shall immediately pay such costs to the Borough upon receiving notice thereof.
- D. Preconditions to Undertaking Construction. Elizabethtown shall give to the Borough of Bloomsbury, through its duly designated representative, written notice of its intention to open or excavate any street or other public place in accordance with the Borough of Bloomsbury's Ordinance regulating the excavation and opening of streets, roads and highways, with the exception that such notice requirement shall be waived in the event of an emergent circumstance such that such emergency will affect public health or safety. As soon as practically possible after the occurrence of such emergent circumstance, Elizabethtown shall give prompt written notice to the Borough of any emergency opening or excavation that Elizabethtown shall undertake.

Section IV. Indemnification, Performance Bond, Liability.

- A. Indemnification. Elizabethtown, its successors and assigns, by the acceptance of the grants, rights and privileges conferred by this ordinance, shall at all times and does hereby and will indemnify and hold harmless, the Borough of Bloomsbury and all of its subsidiary agencies, officials and employees for any and all claims of whatsoever kind or nature arising from or relating to the construction, installation, maintenance, laying, repairing, inspecting, or altering of maintains conductors, pipes and appurtenances thereto, and any other facilities, and including, but not by way of limitation, any damages, penalties, costs, attorney's fees and charges for personal injury, property damage or otherwise, based upon Elizabethtown's negligence or the negligence of its agents, servants, employees or independent contractors.
- B. Performance Bond. Prior to the commencement or any construction or installation under this Municipal Consent, Elizabethtown shall execute and deliver to the Clerk of the Borough and subject to prior review and approval by the Borough Attorney, a Bond in the amount of \$10,000.00 guaranteeing the faithful performance of all of its obligations and undertakings under this Ordinance, which Bond shall be enlarged or renewed from time to time as the Council may require.
- C. Liability Insurance. Elizabethtown agrees to maintain and keep in full force and effect, at its sole expense, and at all times during the terms and duration of this municipal Consent, sufficient liability insurance naming the Borough of Bloomsbury as an additional insured party, and insuring and indemnifying the Borough against any loss by any such claim, suite, judgment, execution or as follows:
 - (a) Elizabethtown shall carry Workman's Compensation Insurance with Statutory limits.
 - (b) Elizabethtown shall at all times, maintain a Comprehensive General Liability Insurance Policy with a single limit amount of \$1,000,000.00 covering liability for any death, personal injury, property damage or other liability arising out of its construction and operation of the gas distribution systems herein and in addition, an excess liability (or "umbrella") policy in the amount of \$3,000,000.00.
 - (c) Elizabethtown shall furnish to the Borough of Bloomsbury a certified copy or Certificate of Insurance of each of the Policies as set forth herein.

<u>Section V.</u> Duration of Consent.

- A. Term. The Limited Municipal consent granted to Elizabethtown herein is for a period of ten (10) years from the effective date of this Ordinance.
- B. Public Hearing. Immediately prior to the ten (10) year expiration of Consent, the Borough of Bloomsbury shall conduct public hearings regarding the performance of Elizabethtown with the terms of this Municipal Consent. The public hearing shall be duly advertised and shall provide any opportunity for all interested persons to participate.
- C. Extension. Upon the conclusion of the public hearings as set forth herein, the Borough of Bloomsbury shall consider such extension and such additional conditions as the record of the public hearings may warrant.
- D. Transferability. The right of Elizabethtown to transfer or assign any and all of its rights and obligations under this Limited Municipal Consent Ordinance shall only be permitted upon Elizabethtown providing to the Borough thirty (30) days advance written notice of such intent to transfer, and specifying the name of the assignee and other pertinent data as may be required by the Borough. No transfer or assignment shall be made without the prior written consent of the Borough of Bloomsbury, which consent shall not be unreasonably withheld. Any notice or request for assignment must contain the written acknowledgement of the proposed assignee to be bound by all the terms and conditions of this Limited Municipal Consent Ordinance and shall require the posting of a replacement Performance Bond and satisfaction of the liability insurance requirements prior to any written consent to transfer by the Bloomsbury Mayor and Council.
- E. Notice of Proceedings. Elizabethtown shall give the Municipality timely written notice of at least fifteen (15) days in advance of all proceedings initiated by Elizabethtown or the N.J.B.P.U. or other Regulatory Agency, when such proceedings may affect the commitments, this Limited municipal Consent or relationship between Elizabethtown and the Municipality, whether or not such notice is required by law. All submissions provided to such Regulatory Agency by Elizabethtown shall also be provided to the Borough of Bloomsbury.

<u>Section VI.</u> Severability.

If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by any Court or Competent jurisdiction, such Order or Judgment shall not effect or invalidate this remainder of any such article, section, subsection, paragraph or clause, and, to this end, the provisions of this Ordinance are hereby declared to be severable.

Section VII. Effective Date.

This Municipal Consent Ordinance shall become effective upon adoption and publication according to law, and only upon written acceptance of this Limited Municipal Consent by Elizabethtown, which written consent shall be filed with the Clerk of the Municipality within thirty (30) days of the date after which Elizabethtown receives notice of the passage of this Ordinance.

Mr. Ross made a motion to move Ordinance # 106-05 be adopted on first reading and published in the Hunterdon County Democrat, seconded by Mrs. Flink. Public hearing will be held on May24, 2005. All ayes. Motion carried.

MILL REDEVELOPMENT:

Mayor Peck, Mrs. Tersigni, Mrs. Papics, and Mr. Scheffel met with a member of the Highlands Council to discuss the redevelopment project. A meeting with representatives from Smart Growth and the Highlands Council is scheduled for May, 2005.

ORDINANCE # 103-05 - AN ORDINANCE REGULATED THE NOISE IN THE BOROUGH OF BLOOMSBURY

The above ordinance was tabled until the May Council meeting.

FIRST READING ORDINANCE # 105-05 - AN ORDINANCE PROHIBITING NUISANCE

BE IT ORDAINED by the Mayor and Council of the Borough of Bloomsbury, County Hunterdon and State of New Jersey, as follows:

Section 1. Purpose: To assure that the owners and occupiers of real property control persons and activities on their property so as not to create nuisance in, on, or around public spaces in the Borough of Bloomsbury. The Borough takes notice of the fact that private property owners are failing to regulate congestion on their property such that motor vehicles seeking to enter and or exit the property are continually, excessively and with justification impeding the free and unfettered flow of pedestrians and vehicles along the public sidewalks and streets of the Borough Bloomsbury. The failure of private property owners or occupiers to properly regulate the use of their property has created hazards to the public health, safety and welfare by preventing persons and vehicles to pass along the public sidewalks and streets of the Borough of Bloomsbury. The conditions created by the owners or occupiers of property if uncorrected will result in emergency vehicles e.g. police, fire and rescue from passing along the public sidewalks and street in order to provide timely services to all residents of the Borough of Bloomsbury.

Section 2. Definitions

- a. Public space shall mean any area not owned by a private individual, corporation or entity.
- b. Nuisance shall mean any combination of person, things or events occurring on private property that prevents any other person or thing from being able to utilize a public space for its intended purpose.
- c. Obstruction of public spaces shall mean the inability of persons or vehicles to pass along the frontage of any private property on the abutting public sidewalks or streets of the Borough Bloomsbury. For pedestrian traffic obstruction shall mean the inability to use the sidewalk for its entire length or in the absence of sidewalk for pedestrian to be compelled to walk in the street more than three (3.0') feet from the edge of the pavement. For vehicular traffic obstruction shall mean being unable to move forward over the public road across the frontage of particular private property in excess of three 93) minutes.

Section 3. Prohibited Action: No owner or occupier of private property, their agents, servants or invitees shall create, suffer to be created or fail to terminate any activity on private property deemed to be a nuisance.

Section 4. Presumption: It shall be a rebuttal presumption that the use or occupation o private property constitutes a nuisance when any combination of person, things or events occurring on private property causes an obstruction of the public spaces within the Borough of Bloomsbury. It shall be an irrebuttable presumption that the inability of an emergency vehicle to pass along the frontage of private property on the abutting public street shall constitute a nuisance.

Section 5. Penalty: Any person violating this Ordinance shall be subject to a fine of not less that Five Hundred (\$500.00) Dollars nor more than One Thousand Dollars (\$1,000.00) Dollars for each offense as well as incarceration in the Hunterdon County Jail up to six months in the discretion of the Court. The impediment of each pedestrian or vehicle shall be deemed a separate offense.

Section 6. This Ordinance shall take effect immediately upon passage and publication according to law.

Mr. Ross made a motion to move Ordinance # 105-05 be adopted on first reading and published in the Hunterdon County Democrat, seconded by Mrs. Papics. Public hearing will be held on May24, 2005. All ayes. Motion carried

RESOLUTION # 16-05 BLOOMSBURY HOSE COMPANY NO. 1 OFF PREMISE 50/50 RAFFLE

WHEREAS, the Bloomsbury Hose Company #1 Inc. is the licensee on the application to conduct an Off-Premise 50/50 Raffle on November 18, 2005 to be held at the Bloomsbury Hose Company, 91 Brunswick Avenue, from 7:30 PM – 11:00 PM.

WHEREAS, the appropriate application forms and fees have been submitted to the Borough Clerk; and

WHEREAS, there appear to be no reasons to deny the aforesaid off-premise 50/50 raffle,

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council as follows:

1. The off-premise 50/50 raffle application is approved contingent to the Legalized Games of Chance Control Commission approving said application.

Mr. Ross made a motion to approve resolution # 16-05, seconded by Mrs. Papics. All ayes. Motion carried.

BOROUGH OF BLOOMSBURY RESOLUTION # 17 - 05 CHURCH OF THE ANNUNCIATION OFF PREMISE 50/50 RAFFLE

WHEREAS, the Church of the Annunciation is the licensee on the application to conduct an Off-Premise 50/50 Raffle on June 11, 2005 to be held at the Church of the Annunciation, 80 Main Street, Bloomsbury, NJ 08804.

WHEREAS, the appropriate application forms and fees have been submitted to the Borough Clerk; and

WHEREAS, there appear to be no reasons to deny the aforesaid off-premise 50/50 raffle,

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council as follows:

2. The off-premise 50/50 raffle application is approved contingent to the Legalized Games of Chance Control Commission approving said application.

Mr. Ross made a motion to approve resolution # 17-05, seconded by Mrs. Papics. All ayes. Motion carried.

BOROUGH OF BLOOMSBURY RESOLUTION # 18 - 05 RESOLUTION OF APPRECIATION

WHEREAS the Mayor and Council of the Borough of Bloomsbury wish to express their sincere appreciation; and,

WHEREAS, student volunteers from Phillipsburg High School volunteered their time to assist the Bloomsbury Public Works Department in park maintenance and beautification;

Now, Therefore Be It Resolved, the Mayor and Council of the Borough of Bloomsbury hereby express appreciation and gratitude to the aforementioned volunteers for their enthusiasm and community spirit.

Mr. Ross made a motion to approve resolution # 18-05, seconded by Mrs. Papics. All ayes. Motion carried.

BOROUGH OF BLOOMSBURY RESOLUTION # 19 - 05 TONNAGE GRANT APPLICATION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which a tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulation impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing the municipality to apply for such tonnage grants (for calendar year 2004) will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough of Bloomsbury to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE BE IT RESOLVED by the Common Council of the Borough of Bloomsbury that the Borough of Bloomsbury hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Steve Ross, Recycling Coordinator, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling.

Mr. Ross made a motion to approve resolution # 19-05, seconded by Mrs. Papics. All ayes. Motion carried.

BOROUGH OF BLOOMSBURY RESOLUTION # 20 - 05 HONORING LYNN LOCKARD UPON HER RETIREMENT

WHEREAS, Lynn Lockard has served as a teacher in the State of New Jersey for twenty-seven (27) years, and has educated Bloomsbury's children for twenty-five (25) of those years; and

WHEREAS, Lynn Lockard has, in addition to her teaching duties, been the yearbook advisor for many years, has served on numerous committees, and has held various offices in the Bloomsbury Education Association; and

WHEREAS, for decades, students have looked forward to being in Mrs. Lockard's class, and their parents have likewise appreciated her well-honed teaching skills; and

WHEREAS, Lynn Lockard was also an active member of the Pohatcong Township Historic Preservation Commission and a member of the PRO - Preservation of Open Space project committee; and

WHEREAS, Lynn Lockard will be retiring in June, 2005; and

WHEREAS, Lynn Lockard performed her duties diligently and consistently exhibited a cooperative spirit and genuine caring, which earned the respect of students, teachers, staff and residents; and

WHEREAS, Lynn Lockard will be missed by all served by the Bloomsbury School.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council as follows:

- 1. Lynn Lockard is thanked for her many years of faithful service to the Bloomsbury School, its students and their parents.
- 2. The Borough of Bloomsbury sends its best wishes that Lynn Lockard enjoys a long, healthy and fulfilling retirement.

Mr. Ross made a motion to approve resolution # 20-05, seconded by Mrs. Papics. All ayes. Motion carried.

BLOOMSBURY BOROUGH HALL LEASE AGREEMENT

Mr. Ross made a motion to approve the Lease Agreement for April 1, 2005 through March 31, 2006, seconded by Mrs. Flink. All ayes. Motion carried.

BLOOMSBURY TOWN WIDE YARD SALE

Pat Fitzpatrick, 55 Center Street, asked Council to assume responsibility for advertising for the annual town sale to be held on June 11, 2005. Brief discussion followed.

Council agreed to pay for advertising costs up to \$75.00 for the 2005 sale. Mrs. Fitzpatrick will work with Mrs. Papics and the Bloomsbury Celebrations Committee to create and place ads in the local newspapers.

Mr. Ross made a motion to approve the allocation of up to \$75.00 to cover advertising costs for the town sale, seconded Mrs. Papics. All ayes. Motion carried.

BLOOMSBURY WATER COMPANY

Mrs. Tersigni reported the need for a contract to ensure that testing of the Borough water supply is completed as required. Brief discussion followed.

Mr. Ross made a motion, seconded by Mrs. Papics to authorize Mr. Edleston and Mr. Zederbaum to work with Council to draft an agreement outlining the responsibilities of each party involved. All ayes. Motion carried.

BOROUGH OF BLOOMSBURY RESOLUTION #21-05 SUPPORTING ENVIRONMENTAL COMMISSION'S NRI GRANT APPLICATION AND AUTHORIZING BOROUGH MATCHING FUNDS

WHEREAS, the Bloomsbury Environmental Commission ("BEC") is submitting a grant application to obtain funds to prepare a Natural Resources Inventory ("NRI"), said application attached hereto as Exhibit A; and

WHEREAS, the NRI grant application requires that the Borough agree to provide matching funds in the event that said application is approved; and

WHEREAS, \$2,000.00 is requested of the Borough in connection with this NRI grant application; and

WHEREAS, the Borough is of the opinion that an NRI is desirable and agrees to provide the \$2,000.00 sought.

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

- 1. The BEC NRI grant application is hereby endorsed.
- 2. The Borough agrees to provide \$2,000.00 in the event that the NRI grant application is approved.
- 3. The Mayor and Borough Clerk are authorized to take such actions as are necessary to implement this Resolution.

4. This Resolution shall take effect immediately.

Mr. Ross made a motion to approve resolution #21-05, seconded by Mrs. Flink. ROLL CALL VOTE: Flink-aye; Papics-aye; Ross-aye; Scheffel-excused; Tersigni-aye; Thomas-excused. Motion carried.

BLOOMSBURY ELEMENTARY SCHOOL PTO - PLAYGROUND PROJECT

The PTO is currently raising funds to replace outdated playground equipment at the school, raising approximately twenty thousand dollars to date. Tom Decker addressed Council as a member of the Bloomsbury Elementary School Parent Teacher Organization, asking Council to consider making a monetary donation to the project.

Council will continue discussion at the May 24, 2005 meeting.

PUBLIC COMMENT:

Sandra Schuler,125 Main Street, addressed Council with a water drainage complaint. Mr. Edleston will contact Mr. Zederbaum and discuss his findings during on site investigation and respond to Ms. Shuler.

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 potential pending litigation.

Mrs. Papics made a motion to go into closed session, seconded by Mrs. Flink. All ayes, motion carried.

Council returned from executive session at approximately 9:52 PM. No action was taken.

ADJOURNMENT-

There being no further business, a motion to adjourn was made by Mr. Ross, seconded by Mrs. Flink. All ayes, motion carried. Meeting adjourned at 9:54 PM

Respectfully submitted,

Lisa A. Burd, Acting Borough Clerk

BOROUGH OF BLOOMSBURY COUNCIL MEETING MINUTES May 24, 2005

The regular meeting of the Bloomsbury Borough Council was held on May 24, 2005, at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey. The meeting was called to order at 7:03 PM by the reading of the Sunshine Law by Council President, Martha Tersigni.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on January 6, 2005 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: Carol Flink Marc Scheffel

Steve Ross Martha Tersigni Vicky Papics David Thomas

Mark Peck, Mayor- 7:35 William Edleston, Esq.

APPROVAL OF MINUTES

A motion was made by Mrs. Papics, seconded by Mrs. Flink to approve the regular minutes of March 22, 2005. All ayes. Motion carried.

A motion was made by Mr. Ross, seconded by Mr. Thomas to approve the regular minutes of April 26, 2005. All ayes. Motion carried.

TAX COLLECTOR'S REPORT

Mr. Ross made a motion to approve the April 30, 2005 Tax Collector's Report, seconded by Mrs. Papics. All ayes. Motion carried.

APPROVAL OF BILL LIST

Mr. Ross made a motion to approve the bill list of May 24, 2005, seconded by Mrs. Papics. ROLL CALL VOTE: Flink-aye; Papics-aye; Ross-aye; Scheffel-aye; Thomas-aye; Tersigni-aye. Motion carried.

PERRYVILLE STATE POLICE:

No report.

COMMITTEE REPORTS:

V. Papics:

Board of Education: June 15, 2005 last day for students. **Recreation:** The benches have been installed in the park.

Bloomsbury Celebrations Committee: A Bloomsbury Borough Centennial Celebration is being planned for September.

D. Thomas:

Newsletter: Newsletter will be ready for publication and mailing in June.

C. Flink:

Fire Department: Activities and fundraisers are being planned for the upcoming 100 year Anniversary.

S. Ross:

Environmental Commission: Brief discussion about NRI grant.

M. Tersigni:

Buildings and Grounds: Benches have been installed at the park.

Planning Board: Three proposals for the Mill Redevelopment project were received at the May Planning Board meeting.

Public Works: Several loads of debris have been hauled away from Borough property. **Borough Hall Keys:** The Borough Clerk has received additional keys from the landlord. Council members must sign for their key and return it to the Clerk upon their resignation. **Files For Destruction:** The shredding cost may be shared with Bethlehem Township.

SECOND READING & PUBLIC HEARING -

ORDINANCE # 107-05 - AN ORDINANCE OF THE BOROUGH OF BLOOMSBURY GRANTING MUNICIPAL CONSENT TO NUI UTILITIES, INC., d/b/a ELIZABETHTOWN GAS COMPANY TO CONSTRUCT, MAINTAIN AND OPERATE A GAS LINE FOR THE DISTRIBUTION OF NATURAL AND MIXED GAS.

Mr. Ross made a motion to move a public hearing on the above ordinance, seconded by Mrs. Papics. Mr. Thomas moved the hearing be closed to the public, seconded by Mr. Ross. Mr. Ross moved the ordinance be adopted on seconded reading and final passage, seconded by Mr. Thomas and adopted upon a call of the roll.

ROLL CALL VOTE: Flink-aye; Papics-aye; Ross-aye; Scheffel-aye; Thomas-aye; Tersigni-aye.

RECREATION COMMISSION AGREEMENT- The Recreation Commission Agreement will be tabled until the June meeting.

MILL REDEVELOPMENT:

ORDINANCE # 105-05 - AN ORDINANCE PROHIBITING NUISANCE

Ordinance # 105-05 will be tabled until the June meeting.

ORDINANCE # 103-05 - AN ORDINANCE REGULATED THE NOISE IN THE BOROUGH OF BLOOMSBURY

Ordinance # 103-05 will be tabled until the June meeting.

BLOOMSBURY RESCUE SQUAD

Brief discussion about possible Borough contribution toward the purchase of a new rescue vehicle.

STORMWATER MANAGEMENT

Mr. Zederbaum is making changes as per the County's recommendations.

ORDINANCE # 106-05 - ORDINANCE CREATING THE DUAL OFFICE OF MUNICIPAL VIOLATIONS OFFICER/ PARKING ENFORCEMENT OFFICER

Ordinance # 106-05 will be tabled until the June meeting.

OPEN TO THE PUBLIC

CLOSE TO THE PUBLIC

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 potential pending litigation.

Mr. Peck made a motion to go into closed session, seconded by Mr. Ross. All ayes, motion carried.

Council entered into executive session to discuss potential litigation. Council returned from executive session at approximately 9:57 pm.

Mr. Thomas made a motion to adjourn executive session and return to the regular meeting, seconded by Mrs. Papics. All ayes. Motion carried.

Council returned from executive session at approximately 9:58 PM. No action was taken.

ADJOURNMENT-

There being no further business, a motion to adjourn was made by Mr. Ross, seconded by Mr. Thomas. All ayes, motion carried. Meeting adjourned at 10:02 PM

Respectfully submitted,

Lisa A. Burd, Acting Borough Clerk

BOROUGH OF BLOOMSBURY JOINT MEETING OF THE MAYOR AND COUNCIL AND PLANNING BOARD MEETING MINUTES JUNE 28, 2005

The special meeting of the Bloomsbury Borough Council and Planning Board was held on June 28, 2005, at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey. The meeting was called to order at 7:02 PM by the reading of the Sunshine Law by Lisa Burd.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on June 25, 2005 by the publication of said notice in the Easton Express Times and the posting of said notice in the Municipal Building on the same date.

ROLL CALL: Planning Board: Council:

Susan Frost Carol Flink
Todd Mickey Vicky Papics
Karen Murray Marc Scheffel
Thomas Reilly Mark Peck, Mayor
Christian Slusser William Edleston, Esq.
Robert Waterson

Ken Robbins - 7:05

FLAG SALUTE

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 potential pending litigation.

Mr. Reilly made a motion to go into closed session, seconded by Mr. Mickey. All ayes, motion carried.

The Board and Council Members returned from executive session at approximately 7:20 PM.

The Planning Board, having considered all applicants, decided to recommend Wood, Stone, and Steel, LLC to Council for their approval as the Mill redevelopment company.

OPEN TO THE PUBLIC:

No Comment from the Public.

ADJOURNMENT-

There being no further business, a motion to adjourn was made by Mr. Peck, seconded by Mr. Mickey. All ayes, motion carried. Meeting adjourned at 7:26 PM.

Respectfully Submitted,

Lisa A. Burd, Acting Borough Clerk,

Planning Board Secretary

BOROUGH OF BLOOMSBURY COUNCIL MEETING MINUTES June 28, 2005

The regular meeting of the Bloomsbury Borough Council was held on June 28, 2005, at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey. The meeting was called to order at 7:28 PM by the reading of the Sunshine Law by Acting Borough Clerk, Lisa Burd.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on January 6, 2005 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: Carol Flink Mar

Steve Ross - Absent Vicky Papics Mark Peck, Mayor Marc Scheffel Martha Tersigni - Excused David Thomas - Excused William Edleston, Esq.

APPROVAL OF MINUTES

A motion was made by Mrs. Papics, seconded by Mr. Scheffel to approve the regular minutes of May 24, 2005. All ayes. Motion carried.

TAX COLLECTOR'S REPORT

Mayor Peck moved Council approve the Tax Collector's Report of May 31, 2005. All ayes. Motion carried.

APPROVAL OF BILL LIST

Mayor Peck moved Council approve the bill list of June 28, 2005. All ayes. Motion carried.

PERRYVILLE STATE POLICE:

No report.

COMMITTEE REPORTS:

V. Papics:

Board of Education: Full day kindergarten is scheduled for the 2005-2006 school year.

Recreation: Special Thanks to the Bloomsbury Department of Public Works employees for their hard work and help to make the weekend tournament a success.

Bloomsbury Celebrations Committee: Centennial Celebration meeting will be held on July 11, 2005.

M. Scheffel:

Streets and Roads: Mr. Scheffel reported that speeding through the Borough is an on going problem. The installation of speed humps on Borough Streets is not currently feasible due to the high cost. Mr. Scheffel proposed the installation of additional stop signs within the Borough to slow the flow of traffic. Mr. Scheffel will work with Scott Parker and Mr. Edleston to investigate further.

C. Flink:

OEM: The format of the Emergency Operations Plan will be changed by 2006. Mrs. Flink reported that each municipality must have a Local Emergency Planning Council to meet twice a year.

Fire Department: Activities are being planned for the upcoming 100 year Anniversary. The celebration will be held on June 24, 2007.

M. Peck:

Water Department: Mr. Peck reported that a letter will going out to all Borough residents outlining who is responsible for water system repairs. The Borough is responsible for all needed repairs from the main to the curb box, while repairs from the curb box to the house are the responsibility of the homeowner.

MILL REDEVELOPMENT:

The Planning Board reviewed three proposals and chose to recommend Council designate Wood, Stone and Steel, LLC as the redeveloper for the Mill.

RESOLUTION # 30-05 DESIGNATE WOOD, STONE AND STEEL AS THE REDEVELOPER FOR THE BLOOMSBURY MILL

Mayor Peck: Oral Resolution

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Bloomsbury, County of Hunterdon, State of New Jersey, that Wood Stone and Steel, LLC, of Bloomsbury, New Jersey, is designated as the redeveloper for the old Mill, and

LET IT FURTHER BE RESOLVED, that the Borough redevelopment committee, the Borough Attorney, and Redeveloper are to commence negotiations for the redevelopment agreement, and

LET IT FURTHER BE RESOLVED, that the Borough redevelopment committee, the Borough Attorney, and Redeveloper shall commence meeting with DEP and the Highlands Council as warranted.

Mrs. Flink made a motion to adopt Resolution # 30-05, seconded by Mr. Scheffel. ROLL CALL VOTE: Flink-aye; Scheffel-aye; Papics-aye; Tersigni-excused. Motion Carried.

ENVIRONMENTAL COMMISSION - NRI GRANT AGREEMENT

Mr. Scheffel moved Council authorize Mayor Peck to execute an agreement with Amy Greene Environmental Consulting Firm, seconded by Mrs. Papics.

All ayes. Motion carried.

CODE ENFORCEMENT

Council discussed amended code enforcement job description.

SECOND READING - ORDINANCE # 106-05 - ORDINANCE CREATING THE DUAL OFFICE OF MUNICIPAL VIOLATIONS OFFICER/ PARKING ENFORCEMENT OFFICER

Mrs. Papics moved to open discussion to Council, seconded by Mr. Scheffel. Mr. Scheffel made a motion to move a public hearing on the above ordinance seconded by Mr. Papics. Brief discussion followed. Mrs. Papics moved discussion be closed to public, seconded by Mr. Scheffel. Mr. Scheffel moved the ordinance be adopted on second reading and final passage, seconded by Mrs. Papics and adopted by a call of the roll.

ROLL CALL VOTE: Mrs. Flink-aye; Mrs. Papics-aye; Mr. Ross-absent; Mr. Scheffel-aye; Mrs. Tersigni-excused; Mr. Thomas-excused.

ORDINANCE # 105-05 - AN ORDINANCE PROHIBITING NUISANCE

Ordinance # 105-05 will be tabled until the July meeting.

ORDINANCE # 103-05 - AN ORDINANCE REGULATED THE NOISE IN THE BOROUGH OF BLOOMSBURY

Ordinance # 103-05 will be tabled until the July meeting.

BLOOMSBURY RESCUE SQUAD- RESCUE VEHICLE CONTRIBUTION:

Mr. Francisco will contact the Rescue Squad and request that contributing municipalities forward copies of their signed resolutions to the Borough. Mr. Edleston will draft an inter local agreement.

RECREATION COMMISSION AGREEMENT- The Recreation Commission Agreement will be tabled until the July meeting.

RESOLUTION # 26-05CLOSING MAIN STREET, CENTER STREET-BETWEEN MAIN AND NORTH STREETS, AND NORTH STREET-BETWEEN CENTER AND CHURCH STREETS ON SEPTEMBER 10, 2005, BETWEEN THE HOURS OF 12:00 AND 3:30 P.M.

WHEREAS, there is a volunteer committee in the Borough of Bloomsbury known as the Bloomsbury Celebrations Committee ("BCC"), which plans events within the Borough, at no cost to the Borough; and

WHEREAS, the BCC is going to host a Centennial Celebration Parade on Saturday, September 10, 2005, at 2:00 p.m. starting at Borough property known as Point Park, which is located between Route 173 and Main Street; and

WHEREAS, the community is invited to attend; and

WHEREAS, to ensure safety, it is necessary and proper to close Main Street, Center Street- between Main and North Streets, and North Street- between Center and Church Streets to

vehicular traffic between the hours of 12:00 p.m. and 3:30 p.m. on Saturday, September 10, 2005.

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

- 1. The BCC Centennial Celebration Parade is hereby endorsed.
- 2. Partial closure of Main, Center and North Streets shall be in effect at the times above recited.
- 3. Parking will be prohibited on above mentioned streets between the hours of 12:00 p.m and 3:30 p.m..
 - 4. The Mayor and/or Borough Clerk shall notify the State Police of this action.
- 5. The Mayor and Borough Attorney are hereby authorized and directed to take such other steps as are necessary to implement this Resolution.
- 6. This Resolution shall be posted in five (5) conspicuous spots within the Borough.

Mrs. Flink made a motion to approve resolution # 26-05, seconded by Mrs. Papics. All ayes. Motion carried.

RESOLUTION # 27-05 RESOLUTION AUTHORIZING THE AQUISITION AND INSTALLATION OF 4-TON WEIGHT LIMIT SIGNS ON BOROUGH STREETS

WHEREAS, trucks over four tons registered gross weight are excluded from traveling on Borough Streets except for pickup and delivery on materials on said streets; and

WHEREAS, regulatory signs are needed to ensure the 4 ton weigh limit is observed on all streets within the Borough of Bloomsbury excepting County Route 579;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Bloomsbury, County of Hunterdon, State of New Jersey, 4 ton weight limit signs will be installed on streets throughout the Borough of Bloomsbury.

Mr. Scheffel made a motion to approve Resolution # 27-05, seconded by Mrs. Flink. All ayes. Motion carried.

RESOLUTION # 28-05 RESOLUTION AUTHORIZING THE PURCHASE OF A NEW GARAGE DOOR BY THE BLOOMSBURY WATER COMPANY

WHEREAS, the Bloomsbury Water Department Facility garage door is in need of replacement,

BE IT RESOLVED, the Mayor and Council of the Borough of Bloomsbury authorize the purchase of a new garage door from Richard J. Miller and Sons, Inc., Milford, NJ. in the amount of \$728.00.

Mrs. Papics made a motion to approve Resolution # 28-05, seconded by Mr. Scheffel. All ayes. Motion carried.

RESOLUTION # 29-05 GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2004 has been filed by a Registered Municipal Accountant

with the Borough Clerk pursuant to N.J.S.A.40a:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the section of the annual audit entitled "Comments and Recommendation"; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, specifically the section of the Annual Audit entitled "Comments and Recommendation", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the Local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date of fixed compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilt of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the Borough of Bloomsbury, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Mr. Scheffel made a motion to approve Resolution # 29-05, seconded by Mrs. Flink. All ayes. Motion carried.

OPEN TO THE PUBLIC

CLOSE TO THE PUBLIC

ADJOURNMENT-

There being no further business, a motion to adjourn was made by Mr. Ross, seconded by Mr. Thomas. All ayes, motion carried. Meeting adjourned at 8:45 PM.

Respectfully submitted,

Lisa A. Burd, Acting Borough Clerk

BOROUGH OF BLOOMSBURY SPECIAL COUNCIL MEETING MINUTES AUGUST 15, 2005

The rescheduled July meeting of the Bloomsbury Borough Council was held on August 15, 2005, at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey. The meeting was called to order at 7:02 PM by the reading of the Sunshine Law by Acting Borough Clerk, Lisa Burd.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on August 13, 2005 by the publication of said notice in the Easton Express Times and the posting of said notice in the Municipal Building on the same date.

ROLL CALL: Carol Flink

Steve Ross - Absent Vicky Papics Mark Peck, Mayor Marc Scheffel - Absent Martha Tersigni David Thomas - Arrived 7:30 William Edleston, Esq. - Absent

APPROVAL OF MINUTES

A motion was made by Mrs. Papics, seconded by Mrs. Flink to approve the regular minutes of June 28, 2005; the joint Planning Board and Council meeting minutes of June 28, 2005; and the executive session minutes of June 28, 2005. Tersigni - abstain. All ayes. Motion carried.

TAX COLLECTOR'S REPORT

Mrs. Tersigni moved Council approve the Tax Collector's Report of May 31, 2005, seconded by Mrs. Papics. All ayes. Motion carried.

APPROVAL OF BILL LIST

Mrs. Papics moved Council approve the bill list of July 31, 2005, and the August bill list reflecting payments made through August 15, 2005, seconded by Mrs. Tersigni. All ayes. Motion carried.

PERRYVILLE STATE POLICE:

No report.

COMMITTEE REPORTS:

V. Papics:

Bloomsbury Celebrations Committee: Mrs. Papics provided Council with an update to events planned for the Bloomsbury Centennial Celebration to be held on September 10, 2005.

C. Flink:

Rescue: Mrs. Flink reported that last month's Rescue Squad meeting was cancelled. **Fire Department:** The Fire Department will be hosting a beer truck for the Bloomsbury Centennial Celebration on September 10, 2005

M. Peck:

Water Department: Mr. Peck reported the Borough fire hydrants have been painted and the reservoir water level remains steady.

M. Tersigni:

Administration: Mrs. Tersigni reported that she has been unable to locate a contract in the Pilot file.

MILL REDEVELOPMENT:

Mayor Peck reported meeting with Borough Attorney, Mr. Edleston and Mr. Kelley of Wood, Stone, and Steel met to discuss permitting for the Mill redevelopment. A Memorandum of Understanding was drafted by Mr. Edleston and will be sent to Mr. Kelley. Mr. Edleston and Mayor Peck will continue to work on the draft redevelopment agreement

RESOLUTION # 36-05- INSERTION IN THE 2005 BUDGET OF THE BOROUGH OF BLOOMSBURY IN THE AMOUNT OF \$4,000 FROM THE ASSOCIATION OF NJ ENVIRONMENTAL COMMISSIONS SMART GROWTH PLANNING GRANT

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been available by Law and the amount thereof was not determined at the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for the equal amount,

NOW, THEREFORE, BE IT RESOLVED that the Borough of Bloomsbury request the Director of the Division of Local Government Services to approve the insertion of an item of special revenue in the year 2005 budget in the sum of \$4,000 which is now available from the Association of NJ Environmental Commissions - Smart Growth Planning Grant.

BE IT FURTHER RESOLVED that the like sum of \$4,000 is hereby appropriated under caption:

"UNDER STATE & FEDERAL PROGRAMS OFFSET BY REVENUES"

Association of NJ Environmental Commissions – Smart Growth Planning Grant

BE IT FURTHER RESOLVED that the above is the result of the receipt of an executed Grant from the Association of NJ Environmental Commissions and that a certified copy of this Resolution be forwarded to the Division of Local Government Services.

Mrs. Papics made a motion to adopt resolution #36-05 authorizing the insertion of \$4,000 from the Association of NJ Environmental Commissions-Smart Growth Planning Grant into the 2005 Budget, seconded by Mrs. Flink.

<u>ROLL CALL VOTE</u>: Mrs. Flink-aye; Mrs. Papics-aye; Mrs. Tersigni-aye; Mr. Peck-aye. Motion Carried.

ORDINANCE # 105-05 - AN ORDINANCE PROHIBITING NUISANCE

Ordinance # 105-05 will be tabled until the August 23, 2005 meeting.

PILOT-

Mayor Peck reported having several conversations with Schragger, Schragger and Levine in reference to the right turn lane installation. It appears that no work has begun on this project to date. Mayor Peck will contact their attorney again and report back to Council at the August 23, 2005 meeting.

BLOOMSBURY RESCUE SQUAD- RESCUE VEHICLE CONTRIBUTION:

Mr. Edleston will draft an Inter local agreement for possible approval at the September Council meeting.

RECREATION COMMISSION AGREEMENT- The Recreation Commission Agreement was amended by Mayor Peck and briefly reviewed by Council. Mayor Peck will draft a resolution for the adoption of the amended recreation agreement at the August 23, 2005 meeting.

ENVIRONMENTAL COMISSION-

The Environmental Commission members will prepare a list of ideas for how Clean Communities Grant money may be spent in the Borough.

SERVICE ELECTRIC

Mayor Peck will follow up will Borough Attorney, Bill Edleston on status of cable and internet hook-up.

STORMWATER MANAGEMENT-

A public hearing will be held at the regular meeting of the Bloomsbury Planning Board on September 20, 2005.

CODE ENFORCEMENT-

Jim Wyant has been appointed Code Enforcement Officer for the Borough of Bloomsbury. Kathleen Jordan has been appointed Deputy Code Enforcement Officer.

RESOLUTION # 31-05 - BLOOMSBURY HOSE COMPANY NO. 1 LADIES AUXILIARY ON-PREMISE 50/50

WHEREAS, the Bloomsbury Hose Company Ladies Auxiliary is the licensee on the application to conduct an ON-PREMISE 50/50 on September 24, 2005 and September 25, 2005 to be held at the Bloomsbury Hose Company, 91 Brunswick Avenue, Bloomsbury, New Jersey; and

WHEREAS, the appropriate application forms and fees have been submitted to the Borough Clerk; and

WHEREAS, there appear to be no reasons to deny the aforesaid On-Premise 50/50 Raffle.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council as follows:

1. The On-Premise 50/50 Raffle application is approved contingent to the Legalized Games of Chance Control Commission approving said application.

Mr. Thomas moved Council approve Resolution # 31-05, seconded by Mrs. Papics. All ayes. Motion carried.

RESOLUTION # 32-05 - BLOOMSBURY HOSE COMPANY NO. 1 LADIES AUXILIARY ON-PREMISE 50/50, BASKET BINGO, AND ON-PREMISE DRAW RAFFLE

WHEREAS, the Bloomsbury Hose Company Ladies Auxiliary is the licensee on the application to conduct an On-Premise 50/50 Raffle, Basket Bingo, and On-Premise Draw Raffle on October 30, 2005 to be held at the Bloomsbury Hose Company, 91 Brunswick Avenue, Bloomsbury, New Jersey; and

WHEREAS, the appropriate application forms and fees have been submitted to the Borough Clerk; and

WHEREAS, there appear to be no reasons to deny the aforesaid On-Premise 50/50 Raffle, Basket Bingo, and On-Premise Draw Raffle

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council as follows:

2. The On-Premise 50/50 Raffle, Basket Bingo and On-Premise Draw Raffle application is approved contingent to the Legalized Games of Chance Control Commission approving said application.

Mr. Thomas moved Council approve Resolution # 32-05, seconded by Mrs. Flink. All ayes. Motion carried.

RESOLUTION # 33-05 BLOOMSBURY ELEMENTARY SCHOOL, PTO ON-PREMISE 50/50 RAFFLE

WHEREAS, the Bloomsbury Elementary School, PTO is the licensee on the application to conduct an On-Premise 50/50 Raffle on September 10, 2005 to be held at the Borough Park located on Church Street in Bloomsbury, New Jersey; and

WHEREAS, the appropriate application forms and fees have been submitted to the Borough Clerk; and

WHEREAS, there appear to be no reasons to deny the aforesaid On-Premise 50/50 Raffle

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council as follows:

3. The On-Premise 50/50 Raffle application is approved contingent to the Legalized Games of Chance Control Commission approving said application.

Mrs. Papics moved Council approve Resolution # 33-05, seconded by Mr. Thomas. All ayes. Motion carried.

RESOLUTION #34-05 - BLOOMSBURY HOSE COMPANY NO. 1 LADIES AUXILIARY ON-PREMISE 50/50 RAFFLE

WHEREAS, the Bloomsbury Hose Company Ladies Auxiliary is the licensee on the application to conduct an On-Premise 50/50 Raffle on September 10, 2005 to be held at the Bloomsbury Hose Company, 91 Brunswick Avenue, Bloomsbury, New Jersey; and

WHEREAS, the appropriate application forms and fees have been submitted to the Borough Clerk; and

WHEREAS, there appear to be no reasons to deny the aforesaid On-Premise 50/50 Raffle

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council as follows:

4. The On-Premise 50/50 Raffle application is approved contingent to the Legalized Games of Chance Control Commission approving said application.

Mr. Thomas moved Council approve Resolution # 34-05, seconded by Mrs. Papics. All ayes. Motion carried.

RESOLUTION # 35-05 BLOOMSBURY HOSE COMPANY #1 MEMBERSHIP APPLICATION

Be It Resolved, by the Common Council of the Borough of Bloomsbury, County of Hunterdon, New Jersey, that

The Council hereby confirms the active membership of Gregory M. Donner to the Bloomsbury Hose Company #1 effective August 1, 2005.

Mrs. Papics moved Council approve Resolution # 35-05, seconded by Mr. Thomas. All ayes. Motion carried.

NO PARKING- EAST STREET

Mayor Peck asked Council consider adoption of an Ordinance prohibiting parking on East street between Brunswick Avenue and Main Street. Brief discussion followed.

TREES

Mayor Peck reported receiving several complaints about the condition of trees located on Center Street. Two Tree Service Companies were contacted to evaluate the condition of the trees. Reports were received from both companies giving specific recommendations for each tree. Brief discussion followed. No action was taken.

OPEN TO THE PUBLIC

Ilse Goshen asked Council to consider a year round curfew for children in the Borough citing ongoing vandalism at night. Brief discussion followed. No action was taken.

CLOSE TO THE PUBLIC

ADJOURNMENT-

There being no further business, a motion to adjourn was made by Mrs. Papics, seconded by Mr. Thomas. All ayes, motion carried. Meeting adjourned at 8:35 PM.

Respectfully submitted,

Lisa A. Burd, Acting Borough Clerk

BOROUGH OF BLOOMSBURY COUNCIL MEETING MINUTES AUGUST 23, 2005

The regular meeting of the Bloomsbury Borough Council was held on August 23, 2005, at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey. The meeting was called to order at 7:03 PM by the reading of the Sunshine Law by Acting Borough Clerk, Lisa Burd.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on January 6, 2005 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: Carol Flink Marc Scheffel - Arrived 7:05

Vicky Papics Martha Tersigni Mark Peck, Mayor David Thomas

Steve Ross - Absent William Edleston, Esq.

APPROVAL OF MINUTES

A motion was made by Mrs. Papics, seconded by Mrs. Tersigni to approve the special minutes of August 15, 2005. All ayes. Motion carried.

TAX COLLECTOR'S REPORT

Mrs. Tersigni moved Council approve the Tax Collector's Report of July 31, 2005, seconded by Mr. Thomas. All ayes. Motion carried.

APPROVAL OF BILL LIST

RBZ Enterprises - Tax Map Maintenance - payment of \$564.75 will be held until September 27, 2005 meeting.

Mrs. Tersigni moved Council approve remaining bill list items of August 23, 2005, seconded by Mrs. Papicsi.

ROLL CALL VOTE: Flink-aye; Papics-aye; Scheffel-aye; Tersigni-aye; Thomas-aye. Motion carried.

COMMITTEE REPORTS:

V. Papics:

Bloomsbury Celebrations Committee: Mrs. Papics reported that the BCC is still looking for volunteers for the Centennial Celebration to be held on September 10, 2005.

Board of Education: Preliminary bids for Bloomsbury Elementary School kitchen renovation are high.

D. Thomas:

Newsletter: Mr. Thomas reported that the Fall newsletter will be ready for production by August 25, 2005.

M. Scheffel:

No Report.

C. Flink:

Rescue: Rescue has had thirty calls year to date.

M. Tersigni:

Administration:

Service Electric will be installing cable in the Borough office in mid September.

Fire Hydrant list has been updated.

Code enforcement transition to take place on September 1, 2005.

M. Peck:

Elizabethtown Gas- Mayor Peck reported that the installation of gas lines to Fawn Run development has begun.

PILOT- Mayor Peck reported that the right hand turn lane construction cannot begin until the utility poles have been moved. RBZ will investigate and report back to Mayor Peck for the discussion at the September 27, 2005 meeting.

PERRYVILLE STATE POLICE:

Sergeant Sofhauser presented Council with 2003/2004 crime reports as well as addition current year's raw data crime information. Council reviewed. Brief discussion followed.

MILL REDEVELOPMENT:

Mr. Edleston will complete draft redevelopment agreement and forward to Mayor Peck next week.

ORDINANCE # 105-05 - AN ORDINANCE PROHIBITING NUISANCE

Ordinance # 105-05 will be tabled until the September 27, 2005 meeting.

ENVIRONMENTAL COMMISSION-

Ilse Goshen presented Council with a list of project ideas the Environmental Commission members would like to use the Clean Communities Grant to pay for.

STORMWATER MANAGEMENT-

A public hearing will be held at a regular meeting of the Bloomsbury Planning Board in September or October, 2005.

TREES-

Mayor Peck discussed the implementation of a tree policy in the Borough with Council.

RESOLUTION # 37-05 STREET CLOSURE FOR BLOOMSBURY FINE ART & FINE CRAFT FESTIVAL

WHEREAS, the Bloomsbury Fine Art & Fine Craft Festival is a Bloomsbury PTO fundraiser for the Bloomsbury Elementary School, and

WHEREAS, the festival will be held on Borough streets on September 24th and 25th, 2005, and

WHEREAS, to ensure safety, it is necessary and proper to close Main Street from Church Street to East Street and Center Street from Brunswick Avenue to North Street to vehicular traffic beginning at 3:30 pm on September 23rd and ending at 7:00pm on September 25.

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

- 1. The Bloomsbury Fine Arts and Fine Crafts Festival is hereby endorsed.
- 2. The partial closure of Main and Center Streets will be in effect during the times above recited.
- 3. Vehicles not removed from the above mentioned street will be ticketed and towed at the owners expense.
- 4. The Borough Clerk shall notify the State Police of this action.
- 5. This Resolution shall be posted in (5) conspicuous spots within the Borough.

Mrs. Papics moved Council adopt resolution # 37-05, seconded by Mrs. Flink. All ayes. Motion carried.

RESOLUTION # 38-05 RESOLUTION ADOPTING THE AGREEMENT BETWEEN THE BOROUGH OF BLOOMSBURY AND THE RECREATION COMMISSION

BE IT RESOLVED, by the Mayor and Council the attached agreement between the Borough of Bloomsbury and the Bloomsbury Recreation Commission is hereby adopted.

BE IT FURTHER RESOLVED, the Mayor is authorized to execute said agreement.

Mr. Thomas moved Council adopt resolution # 38-05, seconded by Mrs. Tersigni. All ayes. Motion carried.

RESOLUTION # 39-05 RESOLUTION AUTHORIZING A FIREWORKS DISPLAY BY GARDEN STATE FIRE WORKS COMPANY, INC. AT THE BLOOMSBURY CENTENNIAL CELEBRATION

WHEREAS, there is a Centennial Celebration in the Borough of Bloomsbury to be held on September 10, 2005 at Mayor Tuxhorn Park in Bloomsbury; and

WHEREAS, there has been a request for a resolution of approval from the governing body of the Borough of Bloomsbury to have a fireworks display at the event; and

WHEREAS, an application for a permit to the New Jersey Department of Community Affairs, Division of Fire Safety, has been made by the Borough of Bloomsbury for a fireworks display on Saturday September 10, 2005; and

WHEREAS, Garden State Fireworks, a New Jersey operator approved by the Borough of Bloomsbury, will be displaying the fireworks and complying with the requirements of the New Jersey Division of Fire Safety's permit; and

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council, the Borough of Bloomsbury grants permission for the public fireworks display in the Borough of Bloomsbury Centennial Celebration.

Mr. Thomas moved Council adopt resolution # 39-05, seconded by Mrs. Papics. All ayes. Motion carried.

PUBLIC ALLIANCE INSURANCE COVERAGE FUND

Council reviewed a memo from Brown & Brown Insurance Company dated July 8, 2005, and a sample letter preserving the right to withdraw. After brief discussion, Mrs. Tersigni made a motion to execute the agreement to preserve the Borough's right to withdraw their membership from the Public Alliance Insurance Coverage Fund, seconded by Mrs. Flink. All ayes. Motion carried.

CLEAN COMMUNITIES GRANT

Mr. Scheffel moved Council allocate up to 50% of the Clean Communities Grant toward Environmental Commission projects which must be presented to and approved by Council at September 27, 2005 meeting.

BOROUGH WEBSITE

Borough resident, Jennifer Rittenhouse has offered to design and maintain a Borough website. Council discussed briefly.

OPEN TO THE PUBLIC

The Environmental Commission will donate a tree to the Borough at the September 10, 2005 Centennial Celebration.

CLOSE TO THE PUBLIC

<u>ADJOURNMENT</u>There being no further business, a motion to adjourn was made by Mr. Thomas, seconded by Mrs. Papics. All ayes, motion carried. Meeting adjourned at 8:47PM.

Respectfully submitted,

Lisa A. Burd, Acting Borough Clerk

BOROUGH OF BLOOMSBURY COUNCIL MEETING MINUTES OCTOBER 3, 2005

The rescheduled September meeting of the Bloomsbury Borough Council was held on October 3, 2005, at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey. The meeting was called to order at 7:32 PM by the reading of the Sunshine Law by Acting Borough Clerk, Lisa Burd.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on September 30, 2005 by the publication of said notice in the Easton Express Times and the posting of said notice in the Municipal Building on the same date.

ROLL CALL: Carol Flink Marc Scheffel - Arrived 7:05

Vicky Papics Martha Tersigni Mark Peck, Mayor David Thomas

Steve Ross - Absent William Edleston, Esq.

APPROVAL OF MINUTES

A motion was made by Mrs. Papics, seconded by Mr. Thomas to approve the regular meeting minutes of August 23, 2005. All ayes. Motion carried.

TAX COLLECTOR'S REPORT

Mr. Thomas moved Council approve the Tax Collector's Report of August 31, 2005, seconded by Mrs. Tersigni. All ayes. Motion carried.

APPROVAL OF BILL LIST

Mrs. Papics moved Council approve the bill list of October 3, 2005, seconded by Mrs. Flink. ROLL CALL VOTE: Flink-aye; Papics-aye; Ross-absent; Scheffel-absent; Tersigni-aye; Thomas-aye. Motion carried.

COMMITTEE REPORTS:

V. Papics:

Bloomsbury Celebrations Committee: Mrs. Papics presented Council with an itemized accounting report of the Celebration Committee's revenues and expenses for the Bloomsbury Centennial Celebration held on September 10, 2005. Mrs. Papics asked Council grant approval for a \$200.00 donation to be made to the Phillipsburg High School Band for their participation in same event.

D. Thomas:

Newsletter: Mr. Thomas reported that a resident had contacted him questioning weather they could place a "lost cat" ad in the next newsletter. Mr. Thomas asked Council if they would approve of this type of humanitarian ad being included. Brief discussion followed. Mr. Thomas will contact the resident before the winter newsletter is published and include the ad if still warranted.

M. Scheffel:

No Report.

C. Flink:

Fire Department: The Bloomsbury Hose Company will host a Murder Mystery Dinner in January or February 2006.

OEM: Peter Flink reported that the Office of Emergency Management is working in cooperation with the State OEM, County officials, and Bloomsbury Hose Company No. 1 to establish a response procedure for any emergency which may occur at the F.S. Fertilizer Company.

Emergency Operations Plan - Emergency phone list has been updated.

M. Tersigni:

Elizabethtown Gas: Installation is progressing.

Planning Board: The Planning Board will hold a public hearing of the Stormwater

Management Plan on October 18, 2005.

Susan Rubright has resigned as planning board attorney.

M. Peck:

Bloomsbury Celebrations Committee: Special Thank You to the Bloomsbury Celebrations Committee for their efforts in making the Centennial Celebration a success.

Hurricane Katrina Relief: Mayor Peck reported that resident, Elizabeth Bello, raised \$500.00 at the Centennial Day Celebration to be donated to Hurricane relief. Ms. Bello and other 8th graders from Bloomsbury Elementary School raised an additional \$500.00 at the Bloomsbury Fine Arts and Crafts Festival held on September 24 & 25, 2005. Thank you for your hard work.

PERRYVILLE STATE POLICE:

Sergeant Sofhauser reported that the State Police, State OEM, County Officials, Local OEM, Bloomsbury Rescue, and Bloomsbury Hose Company No. 1 are working together to evaluate the F.S. Fertilizer Company and establish a report for emergency response to the facility. All agencies will be briefed on the results.

ELIZABETHTOWN GAS:

Mrs. Tersigni reported that the Water Department has marked out approximately 30 homes to date. There have been some problems with the mark-out as several lines have been dug up. Two water line breaks have occurred and repairs have been made.

RESUE SQUAD- INTERLOCAL AGREEMENT

Mrs. Flink made a motion to authorize the Mayor and Clerk to execute the Interlocal Service Agreement which will become effective upon the execution by Bethlehem and Pohatcong Township, seconded by Mrs. Tersigni. All ayes. Motion carried.

RESOLUTION # 40-05 FALL CURFEW & HALLOWEEN HOURS

WHEREAS, the Borough of Bloomsbury, County of Hunterdon, State of New Jersey is desirous of insuring the health, safety, and welfare of the residents of the Borough of Bllomsbury, and

WHEREAS, the unregulated or unsupervised presence of persons under the age of 18 presents a substantial risk to the public during the month preceding Halloween and the weekend thereafter.

NOW THEREFORE BE IT RESOLVED, that the Borough of Bloomsbury hereby declares a Fall Curfew from October 1, 2005 through November 1, 2005. No one person under the age of 18 shall be permitted on the streets between the hours of 7:00PM and 6:00AM, unless accompanied by an adult. Any person violating this curfew shall be deemed a "Disorderly Person."

BE IT FURTHER RESOLVED, that Halloween Trick or Treat hours shall be between 5:30PM – 7:30PM on October 31, 2005.

Mrs. Papics moved Council adopt Resolution # 40-05 establishing a fall curfew, seconded by Mrs. Flink. All ayes. Motion carried.

RESOLUTION # 41-05 NAMING DONNA VANYA DEPUTY CROSSING GUARD

BE IT RESOLVED, by the Common Council of the Borough of Bloomsbury, County of Hunterdon, State of New Jersey that

The Council hereby confirms Donna Vanya to the position of Deputy Crossing Guard, effective immediately.

Mrs. Papics moved Council adopt Resolution # 41-05 confirming Donna Vanya as Deputy Crossing Guard, seconded by Mr. Thomas. All ayes. Motion carried.

RESOLUTION NO. 42-05 GRANT AGREEMENT BETWEEN THE BOROUGH OF BLOOMSBURY AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS the Common Council of the Borough of Bloomsbury desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of five thousand (5,000) dollars to fund stormwater activities as described in the scope of services.

THEREFORE, BE IT RESOLVED by the Common Council of the Borough of Bloomsbury, the Mayor is authorized to make application for such a grant, if awarded, to execute a grant agreement with the State and to execute any amendments hereto.

Mr. Thomas made a motion to adopt Resolution # 42-05, seconded by Mrs. Papics. All ayes. Motion carried.

GARBAGE CONTRACT-

Mr. Edleston will prepare the advertisement for garbage bids requesting both one and five year contracts. Bids will be due back in mid November.

ENVIRONMENTAL COMMISSION-

Council reviewed correspondence from Tim Merkel regarding the health of some trees in the Borough. Brief discussion followed.

STORMWATER MANAGEMENT-

A public hearing will be held at a regular meeting of the Bloomsbury Planning Board in October 18, 2005.

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 potential pending litigation.

Mr. Thomas made a motion to go into closed session, seconded by Mrs. Flink. All ayes, motion carried.

Council returned from executive session at approximately 8:32 PM. No action was taken.

OPEN TO THE PUBLIC

CLOSE TO THE PUBLIC

ADJOURNMENT-

There be	ing no further business, a	motion to adjourn wa	as made by Mrs.	Papics, seconded by	Mr.
Thomas.	All ayes, motion carried.	Meeting adjourned	at 8:35PM.		

Respectfully submitted,

Lisa A. Burd, Acting Borough Clerk

BOROUGH OF BLOOMSBURY COUNCIL MEETING MINUTES OCTOBER 25, 2005

The regular meeting of the Bloomsbury Borough Council was held on October 25, 2005, at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey. The meeting was called to order at 7:03 PM by the reading of the Sunshine Law by Acting Borough Clerk, Lisa Burd.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on January 6, 2005 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: Carol Flink- Absent

Vicky Papics - Excused Mark Peck, Mayor

Steve Ross

Marc Scheffel Martha Tersigni - Excused **David Thomas** William Edleston, Esq.

APPROVAL OF MINUTES

The October 3, 2005 meeting minutes and executive session minutes were tabled for approval at the November Council meeting.

TAX COLLECTOR'S REPORT

Mr. Scheffel moved Council approve the Tax Collector's Report of October 5, 2005, seconded by Mr. Thomas. All ayes. Motion carried.

APPROVAL OF BILL LIST

Mr. Ross moved Council approve the bill list of October 25, 2005, seconded by Mr. Scheffel. ROLL CALL VOTE: Flink-absent; Papics-excused; Ross-aye; Scheffel-aye; Tersigni-excused; Thomas-aye. Motion carried.

COMMITTEE REPORTS:

D. Thomas:

No Report.

M. Scheffel:

Mr. Scheffel presented a letter from the Moms of Bloomsbury requesting permission to plant a memorial tree at the Borough Park in memory of Tracy Moreland.

Mr. Scheffel moved Council approve the planting of the memorial tree in the Borough Park subject to the Recreation Committee, Environmental Commission and Robert Heinrich, Public Works Supervisor approval of the location, seconded by Mr. Thomas. All ayes. Motion carried.

S. Ross:

No Report.

M. Peck:

Mayor Peck reported that Planning Board Attorney, Susan Rubright resigned last month. The Board has appointed Howard Appar to serve through the end of 2005 under the same terms.

PERRYVILLE STATE POLICE:

Sergeant Sofhauser reported that information about the Fertilizer plant has been forwarded to the State Police and Office of Emergency Management, whom are currently working on a site assessment and plan. All involved entities will be briefed on the results when complete.

Sergeant Sofhauser stated that added patrols would be present in the Borough through October 31st for Halloween and curfew enforcement.

STORMWATER MANAGEMENT-

Council reviewed a letter from Ilse Goshen, President of the Environmental Commission, dated October 15, 2005, setting forth four areas pointed out by the County, which need to be amended. Mayor Peck reported that the Planning Board had reviewed these changes at the October 18, 2005 planning board meeting.

Mr. Ross moved Council adopt the Stormwater Management Plan with the understanding that Robert Zederbaum will make the recommended changes, as set forth in the letter from the Environmental Commission dated October 15, 2005 and forward an amended plan to the Department of Environmental Protection no later than November 29, 2005, seconded by Mr. Thomas.

CLEAN COMMUNITIES PROGRAM RECOMMENDATIONS

Council reviewed a memo submitted by Martha Tersigni and the Environmental Commission. Mr. Scheffel moved Council adopt the recommendations made by Mrs. Tersigni and the Environmental Commission in said memo and suggest that the Environmental Commission take the lead in implementing the same, seconded by Mr. Thomas. All ayes. Motion carried.

ENVIRONMENTAL COMMISSION- STORM DRAIN STENCILING

Mr. Ross moved Council approve the storm drain stenciling, seconded by Mr. Thomas. All ayes. Motion carried.

FIRST READING - ORDINANCES # 108-05 through # 115-05

ORDINANCE # 108-05 AN ORDINANCE ESTABLISHING A CLAIMS PROCEDURE FOR THE PAYMENTS OF BILLS

Be it ordained by the Mayor and Council of the Borough of Bloomsbury, County of Hunterdon, State of New Jersey, as follows:

Certification prior to payment.

The Borough of Bloomsbury, by its governing body, shall not pay out any of its money;

A. Unless the person claiming or receiving the same shall first present a detailed bill of times or demand, specifying particularly how the bill or demand is made up, with the certification of the party claiming payment that it is correct which certification should be in substantially the following form:

The undersigned, of full age, does hereby certify that the several items of the foregoing account are correct and true to the best of his or her knowledge and belief and the amount stated is justly due and owing as set forth.

The governing body may, by resolution, require an affidavit in lieu of the said certification, and the clerk or disbursing officer of the local unit may take such affidavit without cost.

- B. Unless it carries a written order or electronic certification of some officer or duly designated employee of the local unit having knowledge of the facts that the goods have been received by, or the services rendered to, the local unit.
- C. Notwithstanding the provisions of the Subsection A of this section, upon adoption by the Local Finance Board of rules adopted pursuant to the Administrative Procedure Act, P.L. 1968, c. 410 (N.J.S.A. 52:14B-1 et seq.) that provides for procedures to be followed by local units and under those circumstances deemed appropriate by the Board, the Borough shall be permitted to pay out its moneys without requiring a certification of the party claiming payment as otherwise required by Subsection A of this section. Such circumstances may

include, but shall not be limited to:

- (1) When payment to vendors is required in advance of the delivery of certain materials or services that cannot be obtained from any other source at comparable prices; or (2) When ordering, billing and payment transactions for goods or services are made through a computerized electronic transaction; or
- (2) When claim or demand is less than a threshold set by the Board and the certification is not readily obtainable by the Borough; but such exceptions shall not include reimbursement of employee expenses or payment for personal service.

Payment of advances to officers and employees.

Notwithstanding the provisions of N.J.S.A. 40A:5-16.1, the Borough may, by resolution, provide for and authorize payment of advances to officers and employees of the local unit toward their expenses for authorized official travel and expenses incident thereto. Any such resolution shall provide for the verification and adjustment of such expenses and advances and the repayment of any excess advanced by means of detailed bill of items or demand and the certifications or affidavit required by N.J.S.A. 40A:5-16 which shall be submitted within 10 days after the completion of the travel for which an advance was made.

Payment of advances to nonprofit organizations or agencies.

Notwithstanding the provisions of N.J.S.A. 40A:5-16.2, the Borough may, by resolution, provide for and authorize payment of an advance to any nonprofit organization or agency with which the Borough has entered into a service contract, for the purpose of meeting service program start-up costs; provided, however, that:

A. The source of the funds to be advanced is a federal grant allowing the local unit to receive

- funds in advance of disbursement and requiring that any interest earned on said funds be returned to the federal government;
- B. The governing body has determined, by resolution, that the advance is necessary in order to prevent undue hardship to said contractor in achieving the objectives of the federal grant;
- C. The amount of the advance to any given contractor does not exceed an amount equal to the total amount of the contract divided by the number of months in the term of the contract, and provided further that the total disbursements of the Borough to the contractor, including the amount of the advance outstanding, shall not, at any time, exceed the total cash receipt of the local unit under the federal grant up to that time; and,
- D. The resolution authorizing the advance includes a schedule for the depletion of the advance, in accordance with sound accounting practice, indicating that the advance will be entirely depleted by the termination date of the contract.

Approval of claims.

The governing body shall approve or disapprove all claims.

Chief Financial Officer.

A. The governing body does hereby designate the Chief Financial Officer and determines him to be the certifying and approval officer. The Chief Financial Officer shall accept certifications required by N.J.S.A. 40A:5-16b, ascertaining the existence of proper and legal appropriations for the payments to be made and determining that there is legal authority for the payments, evidenced by action of a purchasing department or agent or officer in respect to the goods or services ordered and the incurring of the expense therefor.

- B. The Chief Financial Officer shall provide for the approving and certifying of the proper officer claims for payments and drawing checks therefor.
- C. The Chief Financial Officer shall prescribed for certifying approved claims to the governing body and regulating its approval or disapproval thereon.

Payment of claim.

Payment of claim shall be made by checks drawn on the municipality signed by the Mayor and countersigned by the Chief Financial Officer or, in their absence, the Council President and/or Municipal Clerk.

Books of account.

The Chief Financial Officer shall keep general books of account for the municipality and shall maintain same.

Property tax refunds or delinquencies.

The Chief Financial Officer shall have the authority to process without further action on the part of the governing body the cancellation of any property tax refund or delinquency of less than \$10.

Recording of claims; certification of availability of funds.

All claims approved for payment shall be recorded in the minutes of the governing body, and such approval shall be opened to the public. Prior to the presentation to the governing body of a claim's list, the Chief Financial Officer shall certify that there are funds available for said

payment and that there is legal authority for the payments evidenced by action of the purchasing department or agent or officer in respect to the goods or services ordered and the incurring of the expense therefor.

Salaries, wages or other compensation.

The Borough shall pay salaries, wages or other compensation for services in the same manner as for checks drawn upon the municipality and signed for that purpose.

Return of materials upon expiration of term of office.

Whenever an official ceases to hold office in the Borough or, in the case of an employee who ceases employment, on the day of the expiration of the term of office or employment as the case may be, the officer or employee shall forthwith deliver to the Chief Financial Officer all Borough property including but not limited to code books, pagers, keys and computers.

Petty cash funds.

Certain petty cash funds in an amount not to exceed \$100.00 may be established by the Borough after approval by the Director of the Department of Community Affairs.

Payment for travel and incidental expenses.

The governing body may, by Resolution, provide for and authorize payment of advances to officers or employees toward their expenses for authorized travel and expenses incidental thereto. Any such Resolution shall provide for verification and adjustment of such expenses and advances and the repayment of any excess amount by receipt of a detailed bill and supporting certification, same to be submitted within ten (10) days of completion of said expenses.

Repealer. All Ordinances or parts of Ordinances which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.

Effective Date. This Ordinance shall take effect following final passage and publication in accordance with law.

ORDINANCE # 109-05 AN ORDINANCE PRESCRIBING REGULATIONS TO BE IMPLEMENTED PURSUANT TO CODES KNOWN AS THE UNIFORM FIRE SAFETY ACT OF 1983 AND THE NEW JERSEY UNIFORM FIRE CODE

(1) **Type 1: \$35.** Be it ordained by the Mayor and Council of the Borough of Bloomsbury, County of Hunterdon, State of New Jersey, as follows:

Adoption.

It is hereby adopted by the Mayor and Council of the Borough of Bloomsbury for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous material or explosion, those certain codes known as the Uniform Fire Safety Act of 1983 (N.J.S.A. 52:27D-192 et seq.) and the New Jersey Uniform Fire Code (N.J.A.C. 5:70 et seq.).

Local enforcement.

Pursuant to Section 11 of the Uniform Fire Safety Act, the New Jersey Uniform Fire Code, adopted as N.J.A.C. 5:70 et seq., shall be enforced locally within the established limits of the Borough of Bloomsbury.

Designation of enforcing agency.

The New Jersey Uniform Fire Code shall be enforced by the Bureau of Fire Prevention therein, hereinafter known as the "Bureau," a Division of the Fire Department of the Borough of

Bloomsbury, which is hereby established and which shall be operated under the supervision of the Fire Official, who shall be the chief administrator of the unit.

Duties of Bureau of Fire Prevention.

The Bureau shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all the buildings, structures and premises within the established boundaries of the Borough of Bloomsbury, other than owner-occupied one- and two-family dwellings and comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code as stated throughout.

Inspections of life hazard uses.

The Bloomsbury Fire Prevention Bureau of the Bloomsbury Fire Department shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of Community Affairs.

Supervision of enforcing agency.

The local enforcing agency established under the provisions of this chapter shall be a division of the Bloomsbury Fire Department and shall be under the direct supervision and control of the Fire Official, who will supervise the activities of the agency. The Fire Official shall report directly to the Chief of the Bloomsbury Fire Department.

Appointment of Fire Official.

The appointment of the Fire Official shall be made by the Mayor and Council of the Borough of Bloomsbury. The Mayor and Council shall make the appointment from a list provided by the Chief of the Bloomsbury Fire Department. The person(s) shall be certified as a fire official by the Department of Community Affairs of the State of New Jersey.

Term of office and duties of Fire Official.

The Fire Official shall serve for a term of five years. The duties of the Fire Official are set forth under N.J.A.C. 5:70 et seq. and as stated throughout the code. The Fire Official shall write a monthly report of the Bureau's activities, which shall be transmitted to the Chief of the Fire Department and the Mayor and Council through the Council Liaison. Any vacancy in the position of the Fire Official shall be filled for the unexpired term. The Fire Official shall recommend to the Chief of the Fire Department and the Mayor and Council any amendments of the code which, in his judgment, shall be desirable. The Fire Official shall be responsible for the enforcement and implementation of the New Jersey Uniform Fire Safety Act and the New Jersey Uniform Fire Code, and said Official shall sign all purchase orders and vouchers and shall be responsible for making reports and keeping records of all activities of the Bureau.

Inspectors and other employees.

Such inspectors and other employees as may be necessary in the local enforcing agency may be appointed by the Mayor and Council upon recommendation of the Fire Official, within budgetary constraints.

Removal from office.

The Fire Official may be removed from office if his removal is recommended by the Chief of the Fire Department and the Mayor and Council for inefficiency, misconduct and/or not fulfilling his duties. Inspectors or other employees of the Bureau may be recommended for removal by the Fire Official or the Chief of the Fire Department for inefficiency, misconduct and/or for not fulfilling his/her duties. The Fire Official, inspectors and other employees to be removed shall be afforded an opportunity to be heard by the Mayor and Council at a formal hearing, if so requested by them, and the actual discharge from office must be done by action of the Mayor and Council.

Board of Appeals.

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any order of the local enforcement agency shall have the right to appeal to the Construction Board of Appeals of Hunterdon County.

Permit fees.

- A. The permit fees established by the Uniform Fire Code shall be as set forth in N.J.A.C.5:70 et seq., which at the present time are as follows:
- (2) Type 2: \$138.
- (3) Type 3: \$276.
- (4) Type 4: \$414.
- B. These fees are changed annually under the Administrative Codes, and the fees set forth herein are the fees in existence at the time of the adoption of this chapter and are set forth herein for information purposes, since these fees will change annually, and will be as set

forth in the New Jersey Administrative Code.

Technical amendments.

Technical amendments to the Uniform Fire Code or permissible amendments to the Uniform Fire Code shall not be more restrictive than those imposed by the Uniform Construction Code, nor shall they be less restrictive than those imposed by the Uniform Fire Code.

Job description of fire inspectors.

Fire inspectors shall perform inspections in accordance with the rules and regulations established and set forth in N.J.A.C. 5:70 et seq. Inspectors shall prepare written reports within 15 days after completing their inspections and shall then be responsible for furnishing copies of said written reports to the Fire Official, the property owner and the property user and/or tenant within 10 days after the completion of said written reports. Notices to property owners and/or users or tenants shall be given by certified mail, return receipt requested, or by such other means as set forth in N.J.S.A. 52:27D-211 of the New Jersey State Uniform Fire Safety Act. The inspector shall be responsible for conducting a follow-up inspection of those premises which have violations within 15 days after the period for correcting the violations has elapsed, and the inspector shall then complete and file a written report with the Fire Official setting forth the results of his follow-up inspection within seven days after completing the follow-up inspection and shall advise the Fire Official of any outstanding violations which have not been corrected. The inspector shall also be responsible for testifying in court, if necessary, concerning the nature and results of his inspections and reports. The inspector shall undergo a yearly performance review by the Fire Official. Failure to perform any of the requirements of the position shall be grounds for removal.

In situations involving imminent hazards, fire inspectors shall prepare written reports and furnish copies of said written reports to the Fire Official, the property owner and the property user and/or tenant as required in accordance with provisions of N.J.A.C. 5:70 et seq.

Violations and penalties.

For violation of any provision of this chapter, the penalty for a first offense will be a fine of up to \$100, and the penalty for any and all subsequent offenses will be a fine of up to \$100 and/or up to 90 days' community service.

Repealer. All Ordinances or parts of Ordinances which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.

Effective Date. This Ordinance shall take effect following final passage and publication in accordance with law.

ORDINANCE # 110-05 AN ORDINANCE ESTABLISHING THE BLOOMSBURY BOROUGH WATER DEPARTMENT

BE IT ORDAINED by the Mayor and Council of the Borough of Bloomsbury, County of Hunterdon and State of New Jersey as follows:

1. Section 1. Establishment.

There is hereby established in the Borough of Bloomsbury a department to be known as the Water Department, the same to be under the supervision, management and control of the Mayor and Borough Council thereof.

2. Section 2. Definitions.

Whenever in this chapter the words or terms named in quotation marks in this section shall be used, they shall be understood to mean and shall have the meaning here and below defined unless otherwise specifically stated or unless some other meaning be obviously and clearly intended:

- A. "Approved" refers to the approval of the Borough or the superintendent;
- **B.** "Borough" means the Mayor and Council of the Borough of Bloomsbury;
- **C.** "Department" means the Water Department of the Borough;
- **D.** "Fixed rates" means the rates or prices to be charged for the use of water based upon the uses of utilities in use, not measured by a water meter as herein after mentioned;
- **E.** "Main" in its plural mean any types other than supply pipes and service pipes used for conveying water or distributing it in the Borough;
- **F.** "Meter rates" means the rates for prices to be charged for water based upon the quantity of water consumed as measured by a water meter or estimated in cases where no meter is used;
- **G.** "Office" means the office of the Water Department in the Borough;
- H. "Owner" means any person, persons, firm or corporation actually owning any property or premises supplied or prospectively to be supplied with Borough water or his duly authorized agent; in the absence of instructions from the owner or his or her agent to the contrary, the occupant of any property or premises will be held to be the agent or the owner in so far as the owner's relation to the Water Department may be concerned with

respect to water uses shall mean a single dwelling or apartment in existing services;

- I. "Premises" means land occupied by one family only together with the land connected therewith and such outbuildings as are used exclusively in connection therewith for a single room or building occupied for business or other purposes by one person, organization, association, firm or corporation;
- J. "Services pipe" means the pipe extending from the curb line into privately owned land for supplying the premises with water;
- **K.** "Superintendent" means the superintendent of public works of the Borough or his or her properly authorized representative;
- **L.** "Supply pipe" means a pipe tapped into the main and extending thence and including the curb cock or valve on the curb line of the street.

3. Duties and responsibilities.

Employees of the Department will be held strictly responsible for the performance of the duties and powers delegated to them. They shall not vary or exceed the instructions given or the powers conferred upon them by the Borough or their superiors.

4. Appointment of employees – pay rates.

The Chief Executive Officer shall be the superintendent who shall have immediate control and management of the Department. The superintendent and all employees of the Department shall be appointed by resolution of the Mayor and Council and shall hold their office or employment at the will of the Mayor and Council. The rate of pay of such superintendent and employees shall be fixed by the annual salary ordinance. The

superintendent shall appoint, subject to approval of the Mayor and Council, such assistance as may be required for the proper administration of the Department.

5. Department employee obligations.

The superintendent and all employees shall promptly notify the Mayor and Council of any defects, leaks or injury in the mains, fixtures or attachments of the system or of any displacement or loss of tools and supplies. The superintendent shall report monthly as to the conditions and requirements of said Department to the Mayor and Council.

6. Main changes or extensions – petitions; repair of lateral lines

Extensions or changes in the water mains of the Borough may be initiated by the Mayor and Council or by petition from property owners or citizens. Petitions for the extension of old or new mains shall be addressed to the Mayor and Council who will thereupon consider the petition and advise the petitioners of its decision. Unless otherwise stipulated, the work will be done at the expense of the Department. The repair of all lateral lines leading from the main to the structure located on the lot shall be repaired or replaced, as necessary at the expense of the property owner.

7. Tampering with water mains prohibited.

The water mains of the Department are under the exclusive control of the Borough and its authorized agents and employees. All other persons are forbidden to tap, disturb, change, obstruct access to or interfere with them in any way.

8. Application for service.

An application for the introduction of Borough water to private premises, or for the change of an existing supply, shall be made to the superintendent by the owner of the premises or by his agent. The request shall be in writing. The application must be

accompanied by the required permit fee, which will be returned if the application is not granted. Upon the receipt of an application, the superintendent will make or cause to be made an inspection of the premises and unless the application is rejected for cause, he shall prepare an estimate of the cost of the work applied for and render a bill for the same to the owner of the premises. Upon the payment of full of such bill, the work of making the proper connection with the premises will be proceeded with as promptly as possible. No additional connections or alterations to existing connections will be made for the owner of any premise unless and until all charges of every nature due the Department from such owner or charge against such premises are first paid.

9. Pipes – required materials.

Supply pipes and service pipes shall be of such material and quality as the Department may prescribe.

- a. Supply pipes and meters, including curb cocks, shall be put in only by the Department. Service pipes, through and including a compression stop on the street side of the meter, shall be installed only by licensed plumbers after obtaining the permit from the Health Department. Supply pipes and meters, under the exclusive control of the Department and no person other than an employee of the Department or the parties authorized directly by the Department, shall construct, repair or otherwise change or interfere with them in anyway.
- b. Service pipes, through and including a compression stop on the street side of the meter, are the responsibility of the property owner who shall contract with a licensed plumber to construct, repair or otherwise change said service pipes.

All service pipe installations, repairs or changes shall be done in accordance with this chapter and shall be under the supervision and inspection of the Department.

10. Pipe freezing prevention.

Service pipes and all other pipes or fixtures placed underground must be placed at least four (4) feet below the surface or finished grade of the ground to insure against freezing.

11. Stop valves.

In each building intended to be connected with the public water supply, there shall be provided a stop valve placed as near the front basement or foundation wall as possible, but beyond the meter position and where easily accessible in order that water may be turned on and off and drained from the pipes in case of accident or in order to make necessary repairs. Such valves must be kept in good working condition and much be thoroughly protected from freezing. Provision shall be made for the convenient installation of the meter in accordance with the standard plans of the Department.

12. Permit fees – requests for meters.

Permit fees for the use of Borough water and the installation or replacement of service pipes and charges for tapping of mains and the installation or replacement of supply pipes from the main to the curb and installation of meters shall be set from time to time by resolution of the governing body.

13. Use of water.

Borough water shall not be taken or used for any purpose other than for domestic use or the supply of manufacturing business or public buildings until a special permit shall have been issued therefor by the Department. Special use permit and application for a special permit to use Borough water in the construction or repair of building or for any other construction or repair work shall be made to the superintendent. An estimate of the value of the water to be used at the established rates will then be prepared by the superintendent and a bill rendered for same. Upon the payment of the bill in full, a permit will be issued by the Department which permit must be posted in a conspicuous place on the premises or the locality where the work is to be done and must be so displayed until the work is completed or the water turned off.

14. Misrepresentation of water use.

In the event the applicant for water to be used in the construction or repair of buildings or other construction work misrepresented as to the quantity of work to be done, the supply of water to the applicant shall be immediately shut off and shall not again be turned on until a true and revised estimate of the quantity of such work be submitted.

15. Fire hydrants.

Fire hydrants are provided for the sole purpose of the extinguishing fires and are to be opened and used only by the water and fire departments of the Borough or by such persons as may be specially authorized by the Water Department. No person, firm or corporation shall in any manner obstruct or prevent free access to any fire hydrant or place or store temporarily or otherwise any object, material, snow, debris or other structure of any kind within the distance of five (5) feet of any fire hydrant. Any obstruction, when discovered, may be removed at once by the Department at the expense of the person, firm or corporation responsible for the obstruction.

16. Meter required.

The service for the supplying of water for domestic or other purposes shall be equipped with a meter and thereafter all charges for the use of water through such services shall be based upon the established meter rates.

17. **Meter installation – inspection.**

In all cases where meters are to be installed, an inspection of the premises will be made by the Department to determine the size of the meter required, its proper location and the manner in which it shall be set up and protected. The decisions of the superintendent in regard of these matters shall be final.

18. Non-interference with meter.

No person other than the authorized employees of the Department shall change the location of, alter or interfere in any way with any meter. The meters shall remain the property of the Department at all times.

19. Installation and maintenance – responsibility.

All necessary expenses of installing, maintaining and caring for meters will be borne by the Department provided that where replacements, repairs or adjustments of any meter are necessary by the neglect or carelessness of the owner or occupant of the premises, any expense to the Department caused thereby shall be charged against and collected from the owner of the premises. The owner of the premises where the meter is installed is held responsible for its care and protection from freezing and from injury. In case of any injury to the meter or in case of its stoppage or imperfect working, the owner shall give immediate notice to the superintendent.

20. Water must pass through meter.

All water used on any Borough premises where a meter is installed must pass through the meter. No bypass or connection between the meter and the main shall be made or maintained.

21. Accuracy of meter's testing.

The accuracy of the meter on any premises will be tested by the Department upon written request of the owner who shall pay in advance a fee of ______ dollars to cover the cost of the test. If upon such test, the meter shall be found to register over five percent (5%) more water than actually passes through it another meter will be substituted therefor and the fee will be repaid to the owner of the premises. The water bill for the current quarter in such manner shall be adjusted accordingly. When metered property changes ownership, meter must be tested at the cost of the new owner.

22. Billing for multi-tenant properties.

Where one property is occupied by two (2) or more distinct families or where a business building is occupied by two (2) or more firms or persons, each family and each business, firm or person shall be considered as a separate premises but a single water charge shall be made against the owner of the property. In default of the payment of any this charge, premises will be subject to the same penalties as are provided in regard to other overdue charges.

23. Water service through Department only.

Borough water shall be taken and used only through supply and service pipes established by or under the supervision of the Department. No connection by which water may attach one property to the other shall exist even though the ownership for both properties may be the same.

24. Wasting water prohibited.

Excessive or other unnecessary use or waste of water whether caused by carelessness or by defective or leaking plumbing or fixtures is strictly prohibited. For disregard of or repeated violation of this requirement, the water may be turned off by the Department.

25. Prohibited water turn on.

Where water has been turned off by the Department for any reason, no person shall turn it on again without the permission of the Department.

26. Water repairs and unoccupied houses.

In all cases where plumbing repairs are made in unoccupied houses, the plumber must on completion of his or her work leave the curb cock closed and if the plumber shall fail or neglect to do so, he or she shall be liable for all damages.

27. Employees entering private premises – identification.

The superintendent and the employees of the Department, whose duty it may be to enter upon private premises to make inspections and examinations of the pipes, meters, fixtures or attachments used in connection with the Borough water supply, will be supplied with identification that the Mayor and Council may deem to properly identify them as authorized agents of the Department.

28. Temporary vacancy of premises – water shut off.

In case of the temporary vacancy of any premises, the water will be turned off at the curb cock by the Department upon the request in writing of the owner of the premises. It will be turned on again when requested in writing. Where the water is paid for at meter rates, the minimum charge for any quarter in which the vacancy occurs will be reduced in proportion to such vacancy. No rebate will be allowed for a period of less than 30

successive days in any quarterly period. In no case will the charge for any period be reduced below one half of the prescribed minimum charge for such period. Where metered premises are left unoccupied with the water not turned off by the Department, no rebate will be allowed for water registered by the meter that may leak or waste through the plumbing or fixtures.

29. Water charges calendar.

For the purpose of making and collecting charges for Borough water use by consumers, the calendar year shall be subdivided and designated as follows:

- A. The year shall begin on January 1 and end of December 31;
- **B.** The quarterly period shall begin on the first day of January, April, July and October respectively and shall extend to the beginning of the succeeding quarterly period.

30. Rates and charges.

The following rates are established and shall be charged for	water supplied by the
Department provided, however, the same may be changed or alto	ered without notice from
time to time by resolution of the Mayor and Council:	
	_
	_

31. Delivery of bills.

The Borough will render bills for water, but the non-receipt of a bill covering such charges will not excuse failure to pay or a delay in paying same.

32. Charges for partial periods.

Charges for water supplied at meter rates for any quarterly period or fractional part thereof will be dated on the last day of such period or on the day where the water is turned off and are due and payable on the day when dated.

33. Payment of charges, interests and penalties.

All charges for water must be paid upon receipt of the water bill. Any charges not paid within 30 days after they become due and payable shall bear interest at the rate of eight percent (8%) on the first \$1,500.00 of delinquency and eighteen percent (18%) on any delinquency over \$1,500.00 and shall be added to and collected with such charges. Water may also be turned off from a premises against which said charges have not been paid together with the further sum of \$10.00 provided notice has been given to the owner or resident of the date of termination of service and procedure by which such termination may be contested.

34. Charges or liens against property.

All charges for water are liens upon the premises or property on account of which the charge is incurred until paid and satisfied.

35. All water charged for.

Where water is supplied at meter rates, all of the water registered by the meter will be charged or no deductions will be made for leaks or alleged inaccuracy of the meter except as otherwise provided.

36. Payment to Water Department Clerk.

Payment of all water charges through the Department shall be made to the Water Department Clerk of the Borough of Bloomsbury.

37. Emergency water shut off – notice.

Should it become necessary to shut off the water from any section of the Borough because of accidents or for the purpose of making changes or repairs, the Department will endeavor to give timely notice to the consumers affected thereby and will, so far as practical, use its best efforts to prevent inconvenience and damage arising from any such cause. Failure to give such notice will not render the Department responsible or liable for damages that may result therefrom or from any other cause.

38. Water shut off for violation – notice.

The superintendent, at his discretion, may shut off the water from the premises of any owner or tenant guilty of violating any of the provisions in this chapter, but the superintendent shall give said owner or tenant at least 24 hours notice before the water is shut off and notice of the procedures for contesting the termination.

39. Notice regulations.

Whenever notice is required to be given hereunder, the same shall be given by enclosing a copy thereof in an envelope with postage prepaid, addressed to the person, firm or corporation to be notified, at the post office or residence address of such person, firm or corporation as the same appears on the books of the Department and mailing the same at the post office in the Borough. Such notice, so given, shall be conclusively deemed to have been given at the time of such mailing.

40. Violation – penalty.

In addition to the penalty of cutting off the supply of water as herein provided, the following penalties are hereby prescribed:

- a. A person, firm or corporation violating any of the provisions of this chapter shall, upon conviction, forfeit and pay a penalty of \$50.00 for each violation thereof;
- b. Any person, firm or corporation violating any of the sections of this chapter as specifically enumerated shall upon conviction forfeit and pay a penalty of \$50.00 for each violation thereof;
- c. Upon refusal or neglect to pay any fine or penalty imposed, any person so convicted may be imprisoned according to law.

Repealer. All ordinances or parts of ordinances, which are inconsistent with this ordinance shall be repealed as to their inconsistencies only.

Effective Date. This ordinance shall take effect following final passage and publication in accordance with law and the notices hereby given.

ORDINANCE # 111-05 AN ORDINANCE ESTABLISHING THE STATE UNIFORM CONSTRUCTION CODE AND FEES FOR CONSTRUCTION AND OTHER PERMITS PURSUANT THERETO

The establishment of enforcing agency.

Be it ordained by the Mayor and Council of the Borough of Bloomsbury, County of Hunterdon, State of New Jersey, as follows:

Section 1: Enforcement of State Codes by State Agency.

The Bureau of Construction Code Enforcement, the Department of Community Affairs of the State of New Jersey is hereby appointed by the Borough of Bloomsbury as the enforcing agency of the State Uniform Construction Code pursuant to the provisions of N.J.S.A. 52:27D-119 et seq. The Commissioner of Community Affairs shall promulgate such regulations as are necessary to provide for the enforcement of the aforesaid code and act in the Borough of Bloomsbury and for payment to the State of New Jersey for fees necessary to defray the expenses in furtherance of that end pursuant to N.J.S.A. 52:27D-128 and in accordance with N.J.A.C. 5:23-4.3 (a)1ii.

Section 2: Determination of fees.

- A. The fees for construction and related permits shall be as provided herein and shall be paid before the permit is issued. The building subcode, plumbing subcode and electrical subcode fees shall be as set forth in the fee schedule on file at the office of the municipal clerk.
- B. The fees for plan reviews shall be as set forth on the fee schedule located at the office of the municipal clerk and shall be paid before the plans are reviewed. The amount paid for this fee shall be credited toward the amount of the fee to be charged for the construction permit.
- C. The fees for demolition of buildings or structures, construction of signs and Certificates of Occupancy for new construction, shall be as set forth in the fee schedule located at the office of the municipal clerk.

Section 3: Copy of chapter filed with State.

The clerk of the Borough of Bloomsbury is hereby directed to forward a certified copy of this ordinance to the Department of Community Affairs following its adoption upon final passage.

Repealer. All Ordinances or parts of Ordinances which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.

Effective Date. This Ordinance shall take effect following final passage and publication in accordance with law.

ORDINANCE # 112-05 AN ORDINANCE ESTABLISHING A FEE SCHEDULE OF ADMINISTRATIVE FEES FOR THE BOROUGH OF BLOOMSBURY

BE IT ORDAINED by the Mayor and Council of the Borough of Bloomsbury, County of Hunterdon and State of New Jersey as follows:

5. Miscellaneous administrative fees.

The following fees shall be charged by the Borough:

- A. Office of the municipal clerk;
 - 1. Code subscription or supplement service
 - a. Land use code subscription \$50.00 dollars per year;
 - b. Code subscription service \$100.00 dollars per year
 - 2. Section reserved for future use

6. Recreational facilities fees.

Park to be established by Recreation Commission.

The following fees shall be charged by the Borough for the use of recreational facilities and services.

7. Licenses and Permits.

- B. Auctions and auctioneers;
- C. Games of chance;
- D. Junk dealers;

E. Pedaling and soliciting, including yard sales limited to not more than 2 per year; said sales to be conducted between the hours of 10:00 a.m. Friday to 3:00 p.m. Sunday.

8. Application.

All applications for licenses shall be made to the Borough clerk upon forms provided and shall contain the following information:

- F. Name and permanent local address of the applicant or if the applicant is a corporation, the name and address of its registered agent;
- G. If the licensed activity is to be carried on at a fixed location, the address and a description of the premises;
- H. If a vehicle is to be used, its description including the license number;
- I. If the applicant is employed by another, the name and address of the employer together with credentials establishing the exact relationship.

Repealer. All ordinances or parts of ordinances, which are inconsistent with this ordinance shall be repealed as to their inconsistencies only.

Effective Date. This ordinance shall take effect following final passage and publication in accordance with law and the notices hereby given.

ORDINANCE # 113-05 AN ORDINANCE REQUIRING PROOF OF THE PAYMENT OF TAXES AS A CONDITION TO ISSUING LICENSES, PERMITS AND DEEMING LAND USE APPLICATIONS COMPLETE

BE IT ORDAINED by the Mayor and Council of the Borough of Bloomsbury, County of Hunterdon and State of New Jersey as follows:

6. Section 1. Proof of payment required.

Any applicant for a permit, license, approval or relief from any ordinance or regulation of the Borough of Bloomsbury, from either the Borough Council, any borough board, officer, licensing official or borough employee, seeking permission or authority of the applicant to use any parcel of real property owned by the applicant within the Borough of Bloomsbury, in the County of Hunterdon, shall, as a condition to obtaining said permit, license, approval or relief, submit proof with such application that all real estate taxes assessed against such real property, to include rollback taxes that were assessed as omitted assessments and which are unappealable, have been paid through the current tax quarter or any required due date that has accrued prior to or at the date of the application as filed.

7. Section 2. Certification of payment.

No permit, license, approval or relief for any use or activity in connection with a designated parcel of real property located in the Borough of Bloomsbury, in the County of Hunterdon, shall be issued by the Borough Council, any borough board, officer or licensing official or employee of the borough unless that body, official or employee has received from the applicant a certification that all real estate taxes assessed against such real property, including rollback taxes as above provided, have been paid through the current quarter or any due date that accrued through the date of issuance of the permit, license, approval or release.

8. Section 3. Proof of payment required for land use applications.

No application for land use or variance relief made to the Planning Board of the Borough of Bloomsbury shall be deemed complete and no hearing shall commence thereon unless the applicant supplies a certification that all real estate taxes accessed against the real property, which is the subject of the application, have been paid through the current quarter or any due date on which the application is filed.

9. Fee for certification.

The Borough tax collector shall receive a fee in the amount of \$5.00 for providing the certification of the payment of all taxes under this chapter.

Repealer. All ordinances or parts of ordinances, which are inconsistent with this ordinance shall be repealed as to their inconsistencies only.

Effective Date. This ordinance shall take effect following final passage and publication in accordance with law and the notices hereby given.

ORDINANCE # 114-05 AN ORDINANCE IMPLEMENTING GARBAGE AND PICKUP PROCEDURES AND ESTABLISHING RECYCLING REQUIREMENTS WITHIN THE BOROUGH OF BLOOMSBURY

Be it ordained by the Mayor and Council of the Borough of Bloomsbury, County of Hunterdon, State of New Jersey, as follows:

Definitions.

BULKY WASTE -- Includes television sets, mattresses, large furniture, large trash and similar materials not required to be recycled and which are accepted at the Borough's authorized solid waste disposal site.

GARBAGE RECEPTACLE -- Includes any light-gauge steel, plastic or galvanized receptacle, closed at one end and open at the other, furnished with a top or lid, and of a capacity not exceeding 32 gallons and not weighing more than 60 pounds when full. It shall also include plastic bags or liners of .0125 gauge or heavier, securely tied at the top and not exceeding 32 pounds gross weight.

SOLID WASTE -- Includes all garbage and rubbish normally placed at the curb at residential and nonresidential properties in the Borough of Bloomsbury for regular municipal collection. Solid waste shall not include "designated materials," as defined in Article II of this chapter.

Collection of solid waste by contractor; terms of contract.

All solid and bulky wastes which are generated by dwelling houses, hotels, victualing houses, stores, shops and other buildings in the Borough of Bloomsbury shall be collected by contract in the manner set forth in the specifications prepared by the borough and the contract awarded pursuant thereto to the successful bidder according to the Local Public Contracts Law for a period not to exceed five years.

Collection vehicles.

It shall be the duty of such contractor who shall be awarded a contract for the collection of the borough's solid and bulky wastes to furnish a suitable number of scavenger trucks with watertight bodies and so protected on top that no solid waste or other refuse shall be blown or dropped from said vehicles. Each truck shall, at all times, have at least one broom and shovel to clean up solid waste that may be spilled or otherwise scattered during the process of collection. It

shall be a violation of this article for any such contractor to neglect or refuse to clean up any solid waste or other refuse spilled or otherwise scattered during collection.

Days and hours of collection.

It shall be the duty of the contractor as aforesaid to pass through every street in said borough with one or more scavenger trucks between the hours of 7:00 a.m. and 6:00 p.m. on Thursday of each week and promptly remove the solid and bulky wastes from each place pursuant to the terms of the contract entered into between the borough and the contractor.

Placement and removal of garbage receptacles.

The owners of any premises receiving garbage collection services from the borough are hereby required to have all solid waste in garbage receptacles, to be placed adjacent to the street or traveled way in front of their premises or at such location as designated by the borough for collection by the borough's contractor. Garbage receptacles shall not be placed out for collection prior to 6:00 p.m. on the day proceeding said collection and shall be removed from the street, traveled way or other authorized location by 8:00 p.m. on the collection day. Failure to comply with the requirements of this section shall be deemed a violation of this article. Each day that a garbage receptacle remains at the curb or other authorized location after the time authorized herein shall be deemed a separate offense.

Expenses of collection.

The expenses of said garbage collection shall be raised by general taxation, levied and assessed upon the tax ratables of said borough in the same way and manner as other borough taxes.

Prohibition against household garbage and waste being placed in dumpsters and roll-off containers.

No household garbage or waste shall be placed in any dumpster or roll-off container earmarked for the pickup of commercial or industrial solid waste.

Violations and penalties.

Any person who violates any of the provisions of this article, shall, upon conviction thereof, be punished by a fine not exceeding \$1,000, by imprisonment in the county jail for a term not exceeding 90 days, by a period of community service not exceeding 90 days, or any combination thereof.

Definitions.

As used in this article, the following terms shall have the meanings indicated:

ALUMINUM -- Recyclable all-aluminum cans.

BROWN BAGS -- Brown paper bags.

CARDBOARD -- Paper used to construct boxes, including corrugated cardboard.

COMMERCIAL -- Any nonresidential building or establishment, including but not limited to those used for industrial purposes, retail, wholesale, dining, offices, professional services, shipping and receiving areas and cafeterias.

CORRUGATED CARDBOARD -- The term used to identify a type of paper in which a portion has been made to have a wavy surface (alternating ridges, and grooves) and is placed between two flat surfaces for the sake of strength and which is commonly used to form cartons.

DESIGNATED MATERIALS -- Those recyclable materials listed in the Hunterdon County

District Recycling Plan which are mandated to be source-separated for recycling; namely, glass,
aluminum and high-grade aluminum, newspapers, corrugated cardboard, mixed paper, plastic

(bottle No. 1 PETE and No. 2 HDPE), ferrous containers, yard waste, tires, vehicular batteries,
white goods, motor oil, oil-contaminated soil, stumps, asphalt roofing shingles and household
dry cell batteries and, in addition, brown bags and cardboard.

FERROUS CONTAINERS -- Steel and bimetal cans.

GLASS -- All bottles and jars made from silica or sand, soda ash and limestone, the product being transparent or translucent and being used for packaging or bottling of various matter, and all other materials commonly known as "glass," excluding, however, blue and flat glass commonly known as "window glass" and glass used for cookware.

HIGH-GRADE ALUMINUM -- Aluminum packaging materials, such as foil, trays, caps, disposable pans, etc., other than all-aluminum beverage containers.

INSTITUTION -- An established organization or foundation dedicated to public service or culture, including but not limited to religious, educational, health-care and governmental establishments.

MIXED PAPER -- Includes all magazines, junk mail, envelopes, coupons, NCR paper, direct mail ads, fax paper, manila file folders and pendaflex folders (without metal bars). Brown paper, plastic bags and hard cover books are specifically excluded.

OFFICE PAPER -- High-grade papers, generally used in offices, that are of high quality and do not have a glossy finish, including but not limited to computer, letterhead, ledger and photocopy paper.

OIL-CONTAMINATED SOIL -- Nonhazardous, Type 27 soil.

PLASTICS -- Packaging materials composed of one or more organic polymeric substances of large molecular weight, such as low-density polyethylene (LDPE), high-density polyethylene (HDPE), polystyrene (PS), polypropylene (PP), polyvinyl/chloride (PVC), polyethylene terephthalate (PET) or other resin types or multiple resin layers, blends or parts.

RESIDENT -- Any person who owns, leases and/or occupies dwellings within the municipality, including those in multifamily dwellings and/or single-family developments.

SOLID WASTE -- Includes all garbage and rubbish normally placed at the curb at residential and nonresidential properties in the Borough of Bloomsbury for regular municipal collection. As used in this article, solid waste is deemed to be nonrecyclable material.

STUMPS -- Includes logs, branches and natural wood waste.

TIRES -- From cars and small trucks only; no rims.

USED NEWSPAPERS -- Paper of the type commonly referred to as "newsprint" and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. All other paper products of any nature whatsoever are specifically excluded.

WHITE GOODS -- Appliances (CFC's must be recovered where applicable).

Separation of recyclables required.

On and after the date of final approval of this article, it shall be mandatory for all residential, institutional and commercial inhabitants of the Borough of Bloomsbury to source-separate designated materials from all other solid waste for recycling.

Program responsibilities and descriptions.

A. Residential establishments.

- (1) Residents shall separate all designated materials from all other solid waste and shall segregate newspaper, cardboard, brown bags, glass, aluminum cans, ferrous containers, high-grade aluminum, mixed paper, and plastic bottles for curbside collection. Materials shall be deposited at curbside recycling, pickup and dates and hours established by the Borough's governing body.
 - (a) Newspaper: cross-tie with string or twine into bundles not to exceed 50 pounds.
 - (b) Cardboard: flatten, stack and tie with twine or place in a single large cardboard container.
 - (c) Glass: rinse and remove cap and rings; color separate into green, brown and clear; and place in rigid containers for curbside collection.
 - (d) Aluminum cans: rinse and place in rigid containers for curbside collection. [NOTE: Aluminum cans, ferrous containers and high-grade aluminum may be commingled for curbside collection (in rigid containers).]
 - (e) Plastic bottles: rinse, remove and discard caps and rings and place in rigid containers for curbside collection.
 - (f) Ferrous containers: rinse and place in rigid containers for curbside collection.
 [NOTE: Aluminum cans, ferrous containers and high-grade aluminum may be commingled for curbside collection (in rigid containers).]
 - (g) High-grade aluminum: rinse and place in rigid containers for curbside collection.
 [NOTE: Aluminum cans, ferrous containers and high-grade aluminum may be commingled for curbside collection (in rigid containers).]
 - (h) Mixed paper: separate from other paper products; place in rigid recycling container.

- (i) Brown bags: flatten and place in paper bags or tie with twine; may also be mixed with corrugated cardboard.
- (j) Motor oil: bring to any service station that is also a New Jersey State inspection station.
- (k) Vehicular batteries: bring to the site designated by borough rules and regulations.

 Tonnage receipts must be provided to the borough.
- (l) Household dry cell batteries: bring the batteries to ______

 for disposal in a properly marked container.
- (m)Brush: tied in bundles not more than six feet in length, weighing no more than 50 pounds, for curbside pickup during times as may be directed by the Borough's governing body. Small twigs may be placed in a rigid container.
- (o) Tires: telephone Borough Hall for instructions.
- (2) Oil-contaminated soil, stumps and asphalt and asphalt roofing shingles shall not be disposed of at the recycling depot but rather shall be disposed of by the owner in accordance with procedures approved by the New Jersey Department of Environmental Protection. All persons are prohibited from placing oil-contaminated soil, stumps and asphalt roofing shingles at the curb for collection or in solid waste collections. Said prohibition, however, shall not impose an obligation upon the Borough of Bloomsbury to provide for the collection and disposal of oil-contaminated soil, stumps and asphalt and asphalt roofing shingles. The collection and disposal of oil-contaminated soil, stumps and asphalt and asphalt roofing shingles is the responsibility of the resident and/or property owner. Documentation of tonnage recycled pursuant to this subsection shall be submitted in accordance with requirements of the Borough's governing body.

- (3) All of the aforementioned provisions may, from time to time, be modified by the Recycling Coordinator to the extent that procedures are developed for residents to have their recyclables recycled.
- B. Commercial establishments and institutions shall separate designated materials for recycling. Glass, aluminum cans, ferrous containers, high-grade aluminum, mixed paper, newspaper and plastics included as designated materials may be deposited at the recycling depot. Materials deposited at the recycling depot shall be disposed in the manner directed by signs or attendants at the site. The commercial establishments and institutions shall be responsible for establishing recycling programs for the collection, transportation and marketing of all other designated materials not deposited at the depot. Documentation of tonnage of materials recycled pursuant to such a program shall be submitted in accordance with requirements of the Borough's governing body.

Documentation.

- A. Each commercial establishment and institution in the borough must provide the Recycling Coordinator with a copy of its recycling plan by February 15 of each year. For purposes of this section, a contractual commitment shall be sufficient.
- B. All commercial establishments and institutions which do not deposit designated materials at the recycling depot and all property owners recycling materials pursuant to requirements of the Borough's governing body must annually submit documentation of tonnage of materials recycled to the Municipal Recycling Coordinator by February 15 of the following year.
- C. The Recycling Coordinator will compile all recycling documentation and report annually to the New Jersey Department of Environmental Protection (NJDEP) and to the County

Recycling Coordinator in accordance with NJDEP regulations.

D. Those commercial establishments and institutions which do not comply with this section will

be subject to the penalties set forth herein for violations of any of the provisions of this

article.

Unlawful acts.

A. It shall be a violation of this article for any person to deposit recyclable materials outside of

the designated containers or areas at the recycling depot or to otherwise fail to follow the

signs and directions posted at the recycling depot.

B. It shall be a violation of this article for any person to deposit any material at the depot center

which is not a designated material accepted at the depot center.

C. It shall be unlawful to combine designated, unsoiled recyclables with other solid waste.

Failure to source-separate designated materials for recycling is a violation of this article.

Donation or sale of recyclables to other entities.

Any person who is an owner, lessee or occupant may donate or sell recyclable materials to any

person, partnership or corporation, whether operating for profit or not for profit, provided that

the recycling individual or company submits documentation to the Municipal Recycling

Coordinator. Said person, partnership or corporation may not, however, under any circumstances

pick up said recyclables from the curbside in the Borough of Bloomsbury, whether or not said

recyclables are placed at curbside on or immediately preceding regular curbside collection.

Enforcement; inspections.

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- A. The Borough's Code Enforcement Officer, or in his absence the Director of Public Works or any other agent duly designated by the Borough's governing body, are authorized and directed hereby to enforce this article. The Recycling Coordinator is hereby authorized and directed to establish and promulgate and/or amend, from time to time, reasonable regulations as to the manner, days and times for the collection and/or deposit of newspapers, cardboard, brown bags, glass, aluminum cans, ferrous containers, high-grade aluminum, mixed paper, plastic bottles, vehicular batteries, motor oil, household dry cell batteries, white goods and yard waste included as designated materials in accordance with the terms hereof.
- B. At the direction of the Recycling Coordinator, the municipal garbage hauler shall perform random inspections of garbage set out for disposal in order to determine whether recyclables are contained therein. The inspections shall be reported and identified on the annual tonnage reports required. Any garbage containing recyclables shall be stickered by said hauler and left at curbside. Said hauler shall keep a record of the address of premises at which recyclables are so found in garbage set out for disposal. The presence of recyclables in garbage set out for disposal and collection shall be a violation of this article.
- C. Notwithstanding any language contained herein to the contrary, if curbside garbage hauling is not provided to any of the premises to which the inspection requirement applies, said inspections shall be conducted by the municipal enforcing authorities under this article.

Violations and penalties.

A. Any person, firm or corporation who or which violates or neglects to comply with any provision of this article or any regulation promulgated pursuant thereto shall, upon conviction thereof, be punishable by a fine not to exceed \$1,000 and not less than \$25 per

offense. Enforcement shall commence upon the effective date of this article.

B. Each and every day that said violation continues shall be considered a separate offense.

Investigation of conditions; report.

Upon complaint of any resident or property owner of the Borough of Bloomsbury, or any employee of said borough, or upon his own motion, the Code Enforcement Officer shall make an investigation of the condition complained of and report thereon in writing to the Borough Clerk for the Borough Council.

Notice to correct conditions.

Upon receiving said report, if the land in question about which the complaint was made is found to be in such condition that a violation of one or more of the provisions of this chapter hereof exist on said land, the Borough Clerk shall notify the owner or possessor of said lands complained of, in writing, either personally or by registered or certified mail; return receipt requested, to take such steps as will effectively remove said violation from said land within 10 days after receipt of said notice.

Reinspection and report.

The Building Inspector shall reinspect said lands after the ten-day period shall have expired and shall report in writing to the Borough Clerk for the Borough Council whether or not the violative

condition complained of and previously found to exist in violation of this article has been abated or remedied.

Correction of conditions by borough.

In the event that the owner or possessor of said lands shall refuse or neglect to abate or remedy the condition complained of and which constituted a violation of this article, after said 10 days' notice, the Borough Council shall cause the condition complained of to be abated and remedied.

Lien for costs.

Upon the removal of any of the materials prohibited to be stored on lands by this article, by or under the direction of such officer or officers of this borough in cases where the owner or tenant shall have refused or neglected to remove same in the manner and within the time provided above, such officer or officers shall certify the cost thereof to the Borough Council, which shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against said lands; the amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and levied upon said lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

Violations and penalties.

Any person convicted of a violation of any of the provisions of this article shall either pay a fine of not exceeding \$1,000 or be imprisoned in the Hunterdon County Correctional Facility, in the State of New Jersey, for a term not exceeding 90 days, or both, at the discretion of the Judge

before whom said conviction is had, and each day that a violation is allowed to exist beyond the time fixed in the notice to abate said violation for the removal thereof shall constitute a separate offense. The penalties set forth in this section are separate and apart from any remedy for legal or equitable relief in a court of competent jurisdiction.

Legislative intent.

Notwithstanding any other evidence of legislative intent of the Borough Council herein, it is hereby declared to be the controlling legislative intent that if any provision of this article, or the application hereof to any person or circumstances, is held invalid, the remainder of this article, and the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Repealer. All Ordinances or parts of Ordinances which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.

Effective Date. This Ordinance shall take effect following final passage and publication in accordance with law.

ORDINANCE # 115-05 AN ORDINANCE ESTABLISHING THE IMPOSITION OF A BUSINESS LICENSE FEE FOR BUSINESS ESTABLISHMENTS WITHIN THE BOROUGH OF BLOOMSBURY

BE IT ORDAINED by the Mayor and Council of the Borough of Bloomsbury, County of Hunterdon and State of New Jersey as follows:

10. Purpose and Scope.

The business license fee imposed herein is for revenue purposes only. Neither the acceptance of the prescribed fee nor the issuance of the applicable license shall be construed to constitute a regulation of any business activity or a permit to engage in any

activity otherwise prohibited by law or ordinance, or a waiver of any regulatory licensing requirement imposed by any ordinance other than this.

11. Definitions.

- A. Business: all professions, trades, rental activity, occupations and activities carried on with the intent that a profit be realized therefrom and that the profit, if any, inure to the benefit of the owner or owners of the activity;
- B. A person includes a person, co-partner or corporation; singular includes plural;
- C. During a transacting business: any acts or series of acts performed in the course or pursuant of a business activity.

12. Business License Required.

It shall be unlawful for any person for themselves or his agent or employee of another transaction carry on any business, trade, professional, calling or occupation within the Borough of Bloomsbury unless its business activity has been duly licensed as herein provided and the license is valid at the time of the transaction.

13. License Application.

All applications for business licenses shall be submitted on forms to be provided by the municipal clerk's office. Such application shall be signed by the owner or duly authorized agent and shall contain the following information:

- A. Name of person or persons owning business; if a corporation, the name of an authorized officer;
- B. Assumed business name and phone number, if any;
- C. Address of business premises and mailing address and phone number;

- D. Nature of business;
- E. Number of employees;
- F. Emergency contact name and telephone;
- G. Where the business includes activities classifiable in two or more categories, the primary or predominant activity shall be designated.

14. License fee schedule.

A person licensed under this chapter shall pay an annual license tax in the following amount:

- A. If the business is carried on by not more than two individuals, the license fee is \$50.00;
- B. For each individual in excess of two, \$10.00 for each individual;
- C. For corporations, limited liability companies or similar business entities,\$100.00.

15. License fee exemption.

The following persons are exempt from the license requirements imposed by the business license law:

- A. Persons whom the Borough is prohibited from licensing under the Constitution or laws of the United States or the State of New Jersey;
- B. Nonprofit or charitable, religious or educational organizations which have received a tax exempt certificate from the Internal Revenue Service and which devote the net proceeds from the sale of goods and services to the purpose of the organization;

- C. The sale of personal property acquired for household or other personal use by the seller;
- D. The operation of a display space booth or table maintained for displaying or selling merchandise at any festival, fair, market provided the sponsor of the event is licensed to do business;
- E. Any family daycare provider who regularly provides daycare in the provider's home in the family living quarters or any babysitter who goes into the home of a child to give care during the temporary absence of the parent, legal guardian or custodian;
- F. Any unincorporated business activity carried on by individuals under the age of 18.

16. Fees.

A business license shall be for a calendar year beginning January 1 and ending December 31 of the same year and business license fees are due annually on or before January 1 of the calendar year for which the license is required; if after July 1, a person begins a business to be licensed under this chapter, the tax shall be prorated on a quarterly basis.

8. Issuance of License.

The municipal clerk shall issue a business license to any applicant desiring to transact or conduct any lawful business within the Borough upon receipt of an application duly signed and executed together with payment of the prescribed fee.

9. Temporary license.

If a business license under this chapter is for a limited duration of not more than 90 consecutive days, then the original license shall be one quarter of the annual fee as herein set forth.

10. Delinquent penalty.

There shall be a penalty of 10 percent added to all business license fees paid later than 30 days after they are due.

11. License must be displayed.

At all times after the issuance of the business license, the licensee shall cause it to be posted in a conspicuous place upon the business premises.

12. Penalty.

Any person violating any provision to this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$500.00. Each day any person shall continue violating the provisions of this chapter shall constitute a separate defense.

Repealer. All ordinances or parts of ordinances, which are inconsistent with this ordinance shall be repealed as to their inconsistencies only.

Effective Date. This ordinance shall take effect following final passage and publication in accordance with law and the notices hereby given.

Mr. Ross made a motion to move Ordinances #108-05 through 115-05, be adopted on first reading and published in the Hunterdon County Democrat, seconded by Mr. Scheffel. Public hearing will be held on November 22, 2005.

GARBAGE CONTRACT-

The Invitation to bid will be published in the November 3, 2005 edition of the H.C. Democrat with bids being accepted no later than 3:00 p.m., November 15, 2005.

BLOOMSBURY CELEBRATIONS COMMITTEE

Mayor Peck will draft a letter to be sent to all Borough Organizations, encouraging involvement with Bloomsbury Celebrations Committee Events.

The Second Annual Christmas Tree Lighting Celebration will be held at Point Park on December 2, 2005.

ENVIRONMENTAL COMMISSION APPOINTMENT

Mayor Peck appointed John Ronca as a member of the Bloomsbury Environmental Commission.

OPEN TO THE PUBLIC

CLOSE TO THE PUBLIC

ADJOURNMENT-

There being no further business, a motion to adjourn was made by Mr. Thomas, seconded by Mr. Scheffel. All ayes, motion carried. Meeting adjourned at 7:45 PM.

Respectfully submitted,

Lisa A. Burd, Acting Borough Clerk

BOROUGH OF BLOOMSBURY COUNCIL MEETING MINUTES NOVEMBER 29, 2005

The rescheduled November 22, 2005 meeting of the Bloomsbury Borough Council was held on November 29, 2005, at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey. The meeting was called to order at 7:00 PM by the reading of the Sunshine Law by Acting Borough Clerk, Lisa Burd.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on November 23, 2005 by the publication of said notice in the Easton Express Times and the posting of said notice in the Municipal Building on the same date.

ROLL CALL: Carol Flink

Marc Scheffel

Marcha Taraia

Vicky Papics Martha Tersigni Mark Peck, Mayor David Thomas - Absent

Steve Ross William Edleston, Esq.

APPROVAL OF MINUTES

A motion was made by Mrs. Tersigni, seconded by Mrs. Flink to approve the regular meeting minutes of October 3, 2005. All ayes. Motion carried.

A motion was made by Mrs. Tersigni, seconded by Mrs. Papics to approve the executive session meeting minutes of October 3, 2005. All ayes. Motion carried.

A motion was made by Mr. Ross, seconded by Mr. Scheffel to approve the regular meeting minutes of October 25, 2005. All ayes. Motion carried.

TAX COLLECTOR'S REPORT

Mr. Ross moved Council approve the Tax Collector's Report of November 2, 2005, seconded by Mrs. Papics. All ayes. Motion carried.

APPROVAL OF BILL LIST

Mr. Ross moved Council approve the bill list of November 29, 2005, seconded by Mrs. Tersigni. ROLL CALL VOTE: Flink-aye; Papics-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomas-absent. Motion carried.

COMMITTEE REPORTS:

V. Papics:

Bloomsbury Celebrations Committee: The second annual Christmas Tree Lighting Ceremony will be held at Point Park on December 4, 2005.

The Bloomsbury Celebrations Committee will be hosting a Borough Door Decorating Contest on December 18, 2005.

D. Thomas:

No report.

M. Scheffel:

Mr. Scheffel reported that the Borough Website should be running in early 2006.

C. Flink:

No report for Fire Company or Rescue this month.

OEM:

Bird Flu- Peter Flink reported that there are no confirmed cases of the Bird Flu in the United States and no documented cases of human to human transmission. The County is planning for the distribution of medication in the event an emergency is declared.

NIMS- Council members will be required to take two courses related to the National Incident Management System.

S. Ross:

No report.

M. Tersigni:

Special Thanks - Mrs. Tersigni expresses her appreciation for the support she was given after her recent surgery.

Recreation: The Borough Park has been winterized.

Fee Schedule is a work in progress.

Dog/ Cat Census has been completed.

Mrs. Tersigni reported that changes to the rosters of the Borough Commissions must been forward to the Borough Clerk for completion of the reorganization agenda.

M. Peck:

Hurricane Katrina Relief:

Special Thanks - Mayor Peck reported that Borough resident, Vita Bello has continued to raise funds for Hurricane Katrina relief and recently made a donation in the name of Borough residents.

Pilot - No action has been taken, Mayor Peck and Mr. Zederbaum are following up.

Council Tie Vote - Mr. Edleston has determined that the County Committee must submit a list of three names to Council for appointment to the vacant seat which will be vacated as of January 1, 2006.

PERRYVILLE STATE POLICE:

No report.

STORMWATER MANAGEMENT:

Council reviewed a memo from Robert Zederbaum dated November 14, 2005.

WATER DEPARTMENT:

Council reviewed a memo from Robert Zederbaum dated November 1, 2005.

PILOT:

Council reviewed a memo from Robert Zederbaum dated October 27, 2005.

Mrs. Tersigni moved Council rescind the April 26, 2005 introduction of Ordinance No. 105-05, seconded by Mr. Ross.

ROLL CALL VOTE: Flink-aye; Papics-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomas-absent. Motion carried.

FIRST READING ORDINANCE # 105-05 AN ORDINANCE OF THE BOROUGH OF BLOOMSBURY, COUNTY OF HUNTERDON, AND STATE OF NEW JERSEY, PROHIBITING NUISANCE

BE IT ORDAINED by the Mayor and Council of the Borough of Bloomsbury, County Hunterdon and State of New Jersey, as follows:

Section 1. Purpose: To assure that the owners and occupiers of real property control persons and activities on their property so as not to create nuisance in, on, or around public spaces in the Borough of Bloomsbury. The Borough takes notice of the fact that private property owners are failing to regulate congestion on their property such that motor vehicles seeking to enter and or exit the property are continually, excessively and with justification impeding the free and unfettered flow of pedestrians and vehicles along the public sidewalks and streets of the Borough Bloomsbury. The failure of private property owners or occupiers to properly regulate the use of their property has created hazards to the public health, safety and welfare by preventing persons and vehicles to pass along the public sidewalks and streets of the Borough of Bloomsbury. The conditions created by the owners or occupiers of property if uncorrected will result in emergency vehicles e.g. police, fire and rescue from passing along the public sidewalks and street in order to provide timely services to all residents of the Borough of Bloomsbury.

Section 2. Definitions

Public space shall mean any area not owned by a private individual, corporation or entity. Nuisance shall mean any combination of person, things or events occurring on private property that prevents any other person or thing from being able to utilize a public space for its intended purpose.

Obstruction of public spaces shall mean the inability of persons or vehicles to pass along the frontage of any private property on the abutting public sidewalks or streets of the Borough Bloomsbury. For pedestrian traffic obstruction shall mean the inability to use the sidewalk for its

entire length or in the absence of sidewalk for pedestrian to be compelled to walk in the street more than three (3.0') feet from the edge of the pavement. For vehicular traffic obstruction shall mean being unable to move forward over the public road across the frontage of particular private property in excess of three 93) minutes.

Section 3. Prohibited Action: No owner or occupier of private property, their agents, servants or invitees shall create, suffer to be created or fail to terminate any activity on private property deemed to be a nuisance.

Section 4. Presumption: It shall be a rebuttal presumption that the use or occupation o private property constitutes a nuisance when any combination of person, things or events occurring on private property causes an obstruction of the public spaces within the Borough of Bloomsbury. It shall be an irrebuttable presumption that the inability of an emergency vehicle to pass along the frontage of private property on the abutting public street shall constitute a nuisance.

Section 5. Penalty: Any person violating this Ordinance shall be subject to a fine of not less that Five Hundred (\$500.00) Dollars nor more than One Thousand Dollars (\$1,000.00) Dollars for each offense as well as incarceration in the Hunterdon County Jail up to six months in the discretion of the Court. The impediment of each pedestrian or vehicle shall be deemed a separate offense.

Section 6. This Ordinance shall take effect immediately upon passage and publication according to law.

Mrs. Tersigni made a motion to move Ordinance # 105-05 be adopted on first reading and published in the Hunterdon County Democrat, seconded by Mr. Ross. Public hearing will be held on December 27, 2005. All ayes. Motion carried

ORDINANCE # 108-05 - AN ORDINANCE ESTABLISHING A CLAIMS PROCEDURE FOR THE PAYMENTS OF BILLS

Second Reading Public Hearing will be held on December 27, 2005.

ORDINANCE # 109-05 - AN ORDINANCE PRESCRIBING REGULATIONS TO BE IMPLEMENTED PURSUANT TO CODES KNOWN AS THE UNIFORM FIRE SAFETY ACT OF 1983 AND THE NEW JERSEY UNIFORM FIRE CODE

Second Reading Public Hearing will be held on December 27, 2005.

ORDINANCE # 110-05 - AN ORDINANCE ESTABLISHING THE BLOOMSBURY BOROUGH WATER DEPARTMENT

Second Reading Public Hearing will be held on December 27, 2005.

ORDINANCE # 111-05 - AN ORDINANCE ESTABLISHING THE STATE UNIFORM CONSTRUCTION CODE AND FEES FOR CONSTRUCTION AND OTHER PERMITS PURSUANT THERETO

Second Reading Public Hearing will be held on December 27, 2005.

ORDINANCE # 112-05 - AN ORDINANCE ESTABLISHING A FEE SCHEDULE OF ADMINISTRATIVE FEES FOR THE BOROUGH OF BLOOMSBURY

This ordinance was will be carried to the January 2006 meeting.

ORDINANCE # 113-05 - AN ORDINANCE REQUIRING PROOF OF THE PAYMENT OF TAXES AS A CONDITION TO ISSUING LICENSES, PERMITS AND DEEMING LAND USE APPLICATIONS COMPLETE

Second Reading Public Hearing will be held on December 27, 2005.

ORDINANCE # 114-05 - AN ORDINANCE IMPLEMENTING GARBAGE AND PICKUP PROCEDURES AND ESTABLISHING RECYCLING REQUIREMENTS WITHIN THE BOROUGH OF BLOOMSBURY

The Environmental Commission will review the sample ordinance and prepare their recommendations to Council at the January 2006 meeting.

This ordinance will be carried to the January 2006 meeting.

ORDINANCE # 115-05 - AN ORDINANCE ESTABLISHING THE IMPOSITION OF A BUSINESS LICENSE FEE FOR BUSINESS ESTABLISHMENTS WITHIN THE BOROUGH OF BLOOMSBURY

This ordinance will be carried to the January 2006 meeting.

MILL REDEVELOPMENT AGREEMENT

The redevelopment agreement will be ready for discussion at the December 20th meeting of the Planning Board for possible adoption at the December 27, 2005 meeting of the Mayor and Council.

GARBAGE CONTRACT-

The Garbage Contract Bid deadline has been extended to January 20th, 2006.

PROCLAMATION - FIBRODYSPLASIA OSSIFICAN PROGRESSIVA

Council voted unanimously to adopt the proclamation in support of funding and research for Fibrodysplasia Ossificans Progressiva.

<u>RESOLUTION # 43-05 - A Resolution Closing Main Street between Route 173 and Wilson Street on December 2, 2005.</u>

WHEREAS, there is a volunteer committee in the Borough of Bloomsbury known as the Bloomsbury Celebrations Committee ("BCC"), which plans events within the Borough, at no cost to the Borough; and

WHEREAS, the BCC is going to host a Christmas Tree lighting ceremony on Friday, December 4, 2005, at 6:00 p.m. at Borough property known as Point Park, which is located between Route 173 and Main Street, said tree to remain lit between sundown and sunrise until January 2, 2005; and

WHEREAS, the community is invited to attend; and

WHEREAS, to ensure safety, it is necessary and proper to close Main Street between Route 173 and Wilson Street to vehicular traffic between the hours of 5:30 and 7:00 p.m. on Friday, December 4, 2005.

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

- 1. The BCC Christmas Tree lighting ceremony is hereby endorsed.
- 2. Partial closure of Main Street shall be in effect at the times above recited.
 - 3. The Mayor and/or Borough Clerk shall notify the State Police and the County and State Departments of Transportation of this action.
- 4. The Mayor and Borough Attorney are hereby authorized and directed to take such other steps as are necessary to implement this Resolution.
- 5. This Resolution shall be posted in five (5) conspicuous spots within the Borough.

Mrs. Paics moved Council adopt Resolution # 43-05, seconded by Mrs. Flink. All ayes. Motion carried.

RESOLUTION # 44-05 - Tax Collector's Resolution for the Refund of Overpayments

WHEREAS, after the review of the 2003 and 2004 tax records of the Borough of Bloomsbury, it was found that various tax overpayments were made, and

WHEREAS, these overpayments have to be refunded,

NOW THEREFORE, BE IT RESOLVED, that the Council of the Borough of Bloomsbury, County of Hunterdon, State of New Jersey, authorize the Treasurer to issue checks for the following:

<u>2003</u>

BLC	OCK 1	LOT	OWNER OF RECORD	AMOUNT
2 2	_	13 18	Modica, Carl Tuxhorn, Edwin & Mildred	250.00 10.00
<u>2004</u>				
9	.01	3	Kerfoot, Kevin & Colleen	54.12
1	8	9	Murphy, Stephen M. & Joanna	252.91
2	8	1.01	Buchinski, Thomas & Grace	796.96
2	9	14	Buchinski, Thomas & Grace	48.96

Mr. Ross moved Council adopt Resolution # 44-05, seconded by Mr. Scheffel. All ayes. Motion carried.

RESOLUTION # 45-05 - Bloomsbury Hose Company Membership Application of Thomas P. Costly

Be It Resolved, by the Common Council of the Borough of Bloomsbury, County of Hunterdon, New Jersey, that

The Council hereby confirms the active membership of Thomas P. Costly to the Bloomsbury Hose Company #1 effective November 15, 2005.

Mrs. Papics moved Council adopt Resolution # 45-05, seconded by Mr. Ross. All ayes. Motion carried.

RESOLUTION # 46-05 - STREET CLOSURE FOR STREET SWEEPING

WHEREAS, the Borough of Bloomsbury will be conducting a street sweeping on December 6, 2005 from 9:00 am to 12:00 pm; and

WHEREAS, the streets which will be swept are Brunswick Avenue, North Street, and Center Street; and

WHEREAS, it is necessary to remove all vehicles from the streets which will be swept

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

- 1. The street sweeping is hereby endorsed.
- 2. Closure of Brunswick Avenue, Center Street and North Streets shall be in effect at the times above recited.
- 3. Parking will be prohibited on above mentioned streets between the hours of 9:00 am and 12:00 p.m.
- 4. The Mayor and/or Borough Clerk shall notify the State Police, County and State Department of Transportation of this action.
- 5. The Mayor and Borough Attorney are hereby authorized and directed to take such other steps as are necessary to implement this Resolution.
- 6. This Resolution shall be posted in five (5) conspicuous spots within the Borough.
- 7. Rain date to be December 7, 2005 and subsequent days as needed.
- 8. Vehicles remaining on the above cited streets during the prohibited times shall be ticketed and towed at owner's expense.

Mrs. Tersigni moved resolution # 46-05 be adopted, seconded by Mrs. Papics. All ayes. Motion carried.

HUNTERDON HUMANE SHELTER - 2006 Contract -

The 2006 Contract will be carried for consideration at the January 1, 2006 Reorganization meeting.

MEALS ON WHEELS - MR. FIXIT PROGRAM

Mr. Ross will draft a resolution endorsing the Meals on Wheels and Mr. Fixit programs. All ayes. Motion Carried.

<u>FIRST READING - ORDINANCE # 116-05 - AN ORDINANCE CREATING</u> <u>PEDOPHILE-FREE ZONES WITHIN THE BOROUGH OF BLOOMSBURY</u>

WHEREAS, there are presently no State laws which concern or touch upon the prohibition of convicted sex offenders from residing or living near areas where children regularly meet and congregate; and

WHEREAS, the Borough Council believes it is in its resident's best interest to adopt legislation to protect the health, safety and welfare of the children of the Borough of Bloomsbury; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Bloomsbury that the following language be incorporated within the Code of the Borough of Bloomsbury:

SEX OFFENDER RESIDENCY PROHIBITION

- A. No person over the age of 18 who has been convicted of a violation of any crime against a minor as listed in NJSA 2C:7-2 and who as a result of said conviction is required to register with the proper authorities pursuant to NJSA 2C:7-1 et seq., Registration and Notification of Release of Certain Offenders, shall be permitted to reside or live within 3,000 feet of any school, park, playground or day care center in the Borough of Bloomsbury. (hereinafter "Prohibited Area").
- B. A Sex Offender who resides within a Prohibited Area established pursuant to the provisions of this ordinance shall have sixty (60) days from the effective date of this ordinance, or upon termination of any residential lease entered into prior to the effective date of this ordinance and the term of which is not longer than one (1) year, whichever is later, to relocate outside the Prohibited Area. Failure to move to a location which is in compliance with this section within the prescribed time period shall constitute a violation of this ordinance.
- C. The provisions of this ordinance shall not apply to any Sex Offender who has purchased property to be used as his/her primary residence which is located within the Prohibited Area prior to the effective date of this ordinance.
- D. Each section, subsection, sentence, clause, and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this ordinance to be unconstitutional, void or ineffective for any cause or reason shall not affect any other portion of this ordinance.
- E. Any violation of this section shall be punishable by one or more of the following penalties: a fine not exceeding \$1,200.00; imprisonment for a term not exceeding ninety (90) days; a period of community service not exceeding ninety (90) days.

BE IT FURTHER RESOLVED, this ordinance shall take effect immediately upon final passage and publication according to law.

Mrs. Papics moved Ordinance # 116-05 be adopted on first reading and published in the Hunterdon County Democrat, seconded by Mrs. Flink.

ROLL CALL VOTE: Flink-aye; Papics-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomas-absent. Motion carried. The Public Hearing will be held on December 27, 2005.

FIRST READING ORDINANCE # 117-05 - ORDINANCE CREATING THE POSITION OF "CLERK-CLERK-ADMINISTRATOR" IN THE BOROUGH OF BLOOMSBURY

WHEREAS, the necessities of modern government requires executive decision making during the work day; and

WHEREAS, the Borough Clerk is often the sole person available during said work day, but is without the authority to undertake necessary tasks, including supervision of employees, directing Borough professionals, and overseeing the daily operations of the Borough; and

WHEREAS, the Bloomsbury Borough Council wishes to create and define, as well as set the duties and responsibilities of, the position of Borough Clerk-Clerk-Administrator.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Bloomsbury, County of Hunterdon, State of New Jersey, that the Ordinances of the Borough of Bloomsbury are hereby supplemented as follows:

1. Position created.

There be and hereby is created in the Borough of Bloomsbury the position of Borough Clerk-Clerk-Administrator.

2. General Duties.

The duties of the Borough Clerk-Clerk-Administrator shall include, generally, the management of the business and operations of the Borough under the supervision and control of the Mayor and such duties as shall be specifically assigned by the Borough Council from time to time either verbally or by Resolution.

3. Appointment, Term, Vacancy.

The appointment of the Borough Clerk-Clerk-Administrator shall be by the Borough Council. The appointment shall be for a term consistent with the term of the Borough Clerk as set by the New Jersey Revised Statutes. Any vacancy in such office shall similarly be filled by appointment of the Borough Council.

The Borough Clerk-Clerk-Administrator may be removed, for cause, by a two-thirds vote of the entire Borough Council. Any absence or disability of the Borough Clerk-Clerk-Administrator in excess of three (3) months may be deemed a vacancy. The Resolution of removal shall become effective immediately after its adoption by the Borough Council. The Borough Council may provide that the Resolution shall have immediate effect; provided, however, that the Borough Council shall cause to be paid to the Clerk-Clerk-Administrator, forthwith, any unpaid balance of their salary and his/her salary for the next three (3) calendar months following adoption of the Resolution.

Upon the vacancy, removal, resignation or during any absence or disability of the duly appointed Borough Clerk-Clerk-Administrator, the Borough Council may appoint an officer or

regular employee of the municipality or other individual to perform such duties and said person shall serve as the "Acting Borough Clerk-Clerk-Administrator." The Acting Borough Clerk-Clerk-Administrator shall serve for 90 days or until a new Borough Clerk-Clerk-Administrator is appointed. The Acting Borough Clerk-Clerk-Administrator shall serve at the pleasure of the Borough Council and may be removed by a two-thirds vote of the entire Borough Council. Employment of the Acting Borough Clerk-Clerk-Administrator is at will.

4. Qualifications and Requirements.

The Borough Clerk-Administrator shall be appointed on the basis of executive and administrative abilities and qualifications, with special regard to education, training and experience in governmental affairs.

The Borough Clerk-Administrator must be a resident of the State of New Jersey.

The Borough Clerk-Administrator shall be paid a fixed salary and adopted by the Borough Council in the annual salary ordinance/resolution. The Borough Clerk-Administrator shall receive additional compensation for other positions whose titles may be held and shall be reimbursed for all necessary expenses which are approved in advance by the Borough Council and incurred in the performance of the office.

5. Restrictions of Authority; no Political Activity; Conflicts of Interest.

Nothing in this section shall derogate from, or authorize the Borough Clerk-Administrator to exercise the powers and duties of the elected and appointed officials or statutory employees, as provided by law.

At no time shall the Borough Clerk-Administrator engage in any organized political campaigns within the municipality or publicly offer any opinion with regard to a candidate in the municipality.

The Borough Clerk-Administrator shall comply with the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et. seq.

Mrs. Papics moved Ordinance # 117-05 be adopted on first reading and published in the Hunterdon County Democrat, seconded by Mrs. Papics.

ROLL CALL VOTE: Flink-aye; Papics-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomas-absent. Motion carried. The Public Hearing will be held on December 27, 2005.

FIRST READING ORDINANCE # 118-05 - ORDINANCE ESTABLISHING
"PEDDLING AND SOLICITING" REGULATING CANVASSING, SOLICITING OR
RAISING FUNDS IN THE BBOROUGH OF BLOOMSBURY

WHEREAS, the Mayor and Council of the Borough of Bloomsbury find that, regulations regarding canvassing, soliciting or raising funds which if often accomplished by door-to-door contact with residents is necessary and proper to ensure the safety of the residents of the Borough; and

WHEREAS, the Mayor and Council of the Borough of Bloomsbury deem it in the best interest of the Borough and its residents to establish an ordinance regulating canvassing, soliciting or raising funds; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Bloomsbury, County of Hunterdon, State of New Jersey, that the Ordinances of the Borough of Bloomsbury are hereby supplemented as follows:

SECTION 1: A new ordinance, entitled "Peddling and Soliciting" is hereby adopted, reading as follows:

PEDDLING AND SOLICITING

Legislative declaration.

This ordinance is adopted to regulate the distribution of certain materials and peddling, soliciting and related activities within the Borough of Bloomsbury. The licensing of persons engaged in the above-mentioned activities is required so that the identity of persons going door-to-door or otherwise distributing materials or food and beverages within the township may be established, so that general regulations may be more effectively enforced for the protection and maintenance of the health, safety and welfare of the inhabitants of the Borough and to prevent dishonest business practices and dishonest solicitation of funds in the Borough of Bloomsbury.

Definitions.

MERCHANDISE — All goods, wares, food, meat, fish, ice cream, fruit, vegetables, magazines, periodicals, printed materials, farm products, services and orders or contracts for services, home improvements or alterations, and anything that may be sold or distributed by peddlers or transient merchant as defined herein.

PEDDLER — Any person, whether a resident of the Borough or not, who goes from house to house, from place to place or from street to street or whether stationary or traveling by foot, automotive vehicle or any other type of conveyance, carrying or transporting merchandise for the purpose of selling and delivering the merchandise to customers, or attempting to take orders for the sale of merchandise or services of any kind for future performance or delivery, whether or not such individual has, carries or exposes for sale a sample of the merchandise or services, arid whether or not he is collecting advance payments on such sales or orders, or who engages in any of the foregoing activities from a stationary location on any street or any public place. The word "peddler" shall also include the words "hawker" and "huckster."

PERSON — Any individual, firm, partnership, corporation, organization, club or association or any principal thereof.

TRANSIENT MERCHANT — Any person engaging in the activities commonly referred to as "transient merchant" or "itinerant vendor" who merchandises or sells with the intent to close out or discontinue such business within a period of one (1) year from the date of commencement and occupies a room, building, tent lot or other premises for the purpose of selling merchandise.

License required.

It shall be unlawful for any peddler, distributor or transient merchant to sell, offer for sale or distribute merchandise, printed material or services within the Borough of Bloomsbury without first securing a license therefor by filing an application for the license, paying a license fee and obtaining a license from the Borough Clerk, as hereinafter provided.

Effect of license; expiration.

Upon obtaining a license as hereinafter provided, a peddler, or transient merchant may conduct his activities within the Borough of Bloomsbury only as long as he adheres to the regulations set forth herein and carries the license upon his person at all times during the conduct of his activities. The license shall identify the person and the type of activity for which he has registered and shall be shown to any borough official upon request. All licenses shall expire December 31 of the calendar year in which they are issued. A separate license shall be required for each vehicle used.

Exemptions.

Upon receipt of a completed application, a license may not be denied to:

- A. Any veteran or exempt fireman who holds a special state license.
- B. Any person soliciting a vote or support for any political candidate or program.
- C. Any person soliciting for a bona fide charitable, religious, patriotic, community service or philanthropic purpose or organization.
- D. Wholesale salesmen calling on businesses.
- E. Public utility or its employees, which said public utility is subject to regulation by the State Board of Public Utility Commissioners; provided, however, that said employees shall display the identification badge or card issued by their employer.
- F. Persons appointed by the borough or other governmental agency to conduct a census or canvass.

The above-listed categories shall be exempt from licensing fees.

Application for license.

No person, firm, corporation or organization shall hawk or peddle without first having filed the required bond and having obtained a license. Written application for such license shall be made to the Borough Clerk and shall show:

- A. The name, address and telephone number of the applicant and of all persons associated with him in his business.
- B. The type of business for which the license is desired.
- C. In case of transient merchants, the place where the business is to be carried on.
- D. The length of time for which said license is desired.
- E. A general description of the thing or things to be sold.
- F. The present place of business of the applicant.
- G. The places of residence of the applicant for the two (2) years last past.
- H. A statement as to whether or not the applicant or his employer or principal has been convicted of any crime, misdemeanor or violation of any municipal ordinance, stating the nature of the offenses and the punishment or penalty assessed therefor.
- I. If a vehicle is to be used, a description of such vehicle and its license number.
- J. A photograph of the applicant taken within sixty (60) days immediately prior to the date of the application, which photograph shall clearly show the head and shoulders of the applicant and shall measure two by two (2 x 2) inches.
- K. Two (2) business references located in the State of New Jersey or, 'in lieu thereof, such other available evidence of the character and business responsibility of the applicant

Issuance of license.

Upon approval of the license application by the Borough Council, the Borough Clerk shall issue the said license, provided that the application is complete and that there is nothing in the application to indicate that the applicant's character or business is other than satisfactory for carrying on the said business within the Borough of Bloomsbury. In the event that the application is rejected, the Borough Clerk shall note such rejection on the application and return it to the applicant along with his application fee.

License fees.

The fees for licenses shall accompany the application and shall be as follows:

Type of License	Fee
Annual	\$50.00
Daily	\$15.00

Hours of operation.

No person duly licensed shall hawk, or peddle before 8:00 a.m. or after 6:00 p.m., prevailing time, nor at any time on the day commonly called "Sunday." This provision shall not apply to exempt organizations.

Use of license.

No license issued shall be used at any time by any person other than the one to whom it was issued.

Revocation of license.

- A. Licenses issued may be revoked by the Borough Council after notice and hearing or any of the following causes:
 - (1) Fraud, misrepresentation or false statements contained in the application for license.
 - (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as peddler.
 - (3) Any violation of this chapter.
 - (4) Conviction of any crime or misdemeanor involving moral turpitude.
 - (5) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or constitute a menace to the health, safety or general welfare of the general public.
- B. Notice of the hearing of revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for the hearing.

Appeal to Borough Council.

Any person aggrieved by the action of the Clerk in the denial of an application for a license shall have the right of appeal to the Borough Council within twenty-five (25) days after notice of the action complained of has been mailed to such persons' last known address, by a written statement setting forth the time and place for a hearing on such appeal, and notice of such hearing shall be given to the appellant. The decision and order of the Borough Council on such appeal shall be final and conclusive.

General regulations.

No licensee shall:

- A. Attempt to peddle, or distribute merchandise or printed material without first having identified himself as a peddler or distributor registered with the borough and displaying his license.
- B. Have exclusive right to any location in the public streets or operate in any congested area in such a manner as to impede the flow of traffic or of pedestrians or create a breach of the peace.
- C. Enter or attempt to enter the land of any resident in the borough where such resident has posted a notice prohibiting such entry.
- D. Refuse to leave any private dwelling or property after having been once requested to do so by the owner or occupant thereof.
- E. Shout, cry out, blow a horn, ring a bell or use any soundmaking or amplifying device on any of the streets, parks or public places of the borough or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the private premises, for the purpose of attracting attention to any merchandise or services, without first obtaining written authorization for same time from the appropriate borough official.
- F. Distribute obscene merchandise or printed material or that which advocates unlawful conduct.
- G. Litter the streets, public places or public or private property within the borough with any merchandise or printed material.
- H. Violate the Borough Zoning Ordinance or any other ordinance of the borough.

Duration of validity of license.

Every license or permit shall remain in force and be valid only for the time thereon expressed. All yearly licenses shall run until December 31 of any given year. All daily licenses shall be valid only for the day indicated on the license.

Canvassing, Soliciting or Raising Funds.

- **A. Definitions.** For the purposes of this section only, the following words are hereby defined:
 - "Canvass" shall mean face to face contact with any person for the purpose of conducting surveys, asking for votes, surveying to determine probable vote outcomes or public sentiment on any matter, or obtaining signatures for a petition or similar document, and, not in conjunction with the soliciting of persons for the purpose of obtaining funds, money or anything of value.
 - "Charitable Organization or purposes" shall mean any charitable organizations qualifying under N.J.S.A. 45:17A-20 and/or non-profit or not-for-profit organizations or organizations formed and existing for charitable, eleemosynary, philanthropic, political or publicly beneficial purposes.
 - "Solicit" shall mean face to face to contact with a person anywhere in the Borough, including at a persons home, for the purpose of requesting or obtaining the contemporaneous donation of funds, money or anything of value.

B. Prohibition of Soliciting, Canvassing. Registration and Regulations.

- **1. Soliciting.** No person shall solicit on behalf of a charitable organization or for a charitable purpose without registering with the Borough as set forth herein. This section and the requirements herein do not relieve persons or organization from the licensing requirements of the Borough of Bloomsbury Revised General Ordinances, if applicable, for other activities not defined or addressed herein.
- **2.** Canvassing. Persons or organizations are permitted to canvass without registering with the Borough. The requirements herein do not relieve persons or organization from the licensing requirements of the Borough of Bloomsbury for other activities not defined or addressed herein.
- **3. Registration.** Any person or organization wishing to solicit must register with the Borough at least forty-eight (48) hours prior to the commencement of soliciting, as follows:

- a. The person or organization must submit a letter to the Borough Clerk, upon the organizations letterhead if applicable, containing at least the following information:
 - 1. the specific date(s) and times of day the participants will be in Bloomsbury, and,
 - 2. the specific location(s) where the solicitation will occur, and,
 - 3. the name, address, and a legible photocopy of a form of identification for each participant, and,
 - 4. the name, mailing address and telephone number of a person to contact should any questions arise before the person or organization comes to the Borough and the same information for a person to act as a contact while the person or organization is present in Bloomsbury.
- b. Upon receipt of this information, the Borough Clerk shall promptly provide copies of the same to the Police for background checks, and the Code Enforcement Officer.
- c. The Borough will only contact the person or organization if the Borough Council determines that certain persons or the organization will not be permitted to solicit in the Borough. Appeals from the Borough's decision in this regard may be taken to any court of competent jurisdiction. The basis for the Borough's determination that certain persons, or the organization, will not be permitted to solicit in the Borough are:
 - 1. any pending criminal or quasi-criminal claims of fraud, financial wrongdoing, acts of violence, robbery, burglary or other claims involving the persons or the organizations moral turpitude, or,
 - 2. a conviction or finding within in the past three (3) years against the persons, or the organization, in any criminal, quasi-criminal or civil matter involving fraud, financial wrongdoing, acts of violence, robbery, burglary or other claims involving the persons or organizations moral turpitude.
- **4. Regulations.** Once a person or organization has registered with the Borough of Bloomsbury, the following regulations apply to their solicitation activities:
 - a. No solicitation is allowed after 9 p.m. or before dawn. The Borough requests, but does not require, that solicitation occur during daylight hours.

- b. Persons, organization and its participants must abide by all other rules, regulations, ordinances and laws.
- c. Failure to abide by these prerequisites, regulations and conditions may result in legal action and/or criminal process, and, the person and/or organization may be ordered to cease all further solicitation until the applicable prerequisites, regulations and conditions have been complied with.

SECTION 2. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

SECTION 3. All ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This ordinance shall take effect 20 days after final passage, adoption and publication according to law.

Mr. Ross moved Ordinance # 118-05 be adopted on first reading and published in the Hunterdon County Democrat, seconded by Mrs. Papics.

ROLL CALL VOTE: Flink-aye; Papics-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomas-absent. Motion carried. The Public Hearing will be held on December 27, 2005.

WINTER ORDINANCES-

Mrs. Flink will follow up with Jim Wyant, Code Enforcement Officer about the Winter Ordinances in effect in the Borough.

ENVIRONMENTAL COMMISSION-

Green Communities Challenge Grant-

Mr. Ross moved Council approve the Bloomsbury Environmental Commission Application for the Green Communities Challenge Grant, seconded by Mr. Scheffel.

ROLL CALL VOTE: Flink-aye; Papics-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomas-absent. Motion carried.

National Recreational Trails Program-

Mrs. Tersigni moved Council approve the Bloomsbury Environmental Commission application for the 2006 Recreational Trails Program Grant, seconded by Mr. Ross.

ROLL CALL VOTE: Flink-aye; Papics-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomas-absent. Motion carried.

The Environmental Commission Members presented Council with a framed aerial photo of the Borough Bloomsbury.

RESOLUTION # 47-05 - RESOLUTION AUTHORIZING THE PURCHASE AND OF A FIREPROOF FILE FOR THE CLERK'S OFFICE

BE IT RESOLVED, that the Borough of Bloomsbury does hereby authorize the purchase of a new fireproof file for the clerk's office with a total cost not to exceed \$2,000.00.

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

Mayor and Clerk are authorized to execute any necessary documents.

Funding for this project is provided in the 2005 Current Fund Budget under the line item: Clerk's Office – Other Expenses.

Mr. Ross moved Council approve the purchase of a fireproof file, seconded by Mrs. Papics.

ROLL CALL VOTE: Flink-aye; Papics-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomas-absent. Motion carried.

OPEN TO THE PUBLIC

CLOSE TO THE PUBLIC

ADJOURNMENT-

There being no further business, a motion to adjourn was made by Mr. Ross, seconded by Mrs. Papics. All ayes, motion carried. Meeting adjourned at 9:28 pm.

Respectfully submitted,

Lisa A. Burd, Acting Borough Clerk

BOROUGH OF BLOOMSBURY COUNCIL MEETING MINUTES DECEMBER 27, 2005

The regular meeting of the Bloomsbury Borough Council was held on December 27, 2005, at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey. The meeting was called to order at 6:32 PM by the reading of the Sunshine Law by Acting Borough Clerk, Lisa Burd.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on January 6, 2005 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: Carol Flink

Vicky Papics Mark Peck, Mayor Steve Ross- Arrived 6:55 Marc Scheffel Martha Tersigni David Thomas

William Edleston, Esq.

APPROVAL OF MINUTES

A motion was made by Mrs. Tersigni, seconded by Mrs. Papics to approve the regular meeting minutes of November 29, 2005. All ayes. Motion carried.

TAX COLLECTOR'S REPORT

Mrs. Tersigni moved Council approve the Tax Collector's Report of December 7, 2005, seconded by Mrs. Flink. All ayes. Motion carried.

APPROVAL OF BILL LIST

Mr. Scheffel moved Council approve the bill list of December 27, 2005, seconded by Mrs. Flink.

ROLL CALL VOTE: Flink-aye; Papics-aye; Ross-absent; Scheffel-aye; Tersigni-aye; Thomasaye. Motion carried.

COMMITTEE REPORTS:

V. Papics:

BCC - Christmas Tree Lighting Celebration was a success.

Recreation - Luminary sale went well.

D. Thomas:

The winter 2005 newsletter was distributed.

M. Scheffel:

No report.

C. Flink:

OEM - The Emergency Operation Plan is in the Borough computer. As per the County's request for 2006 updates, the State Police, Bloomsbury Hose Company and Bloomsbury rescue Squad will also be updating their plans.

HOSE COMPANY - 146 calls to date.

S. Ross:

No Report.

M. Tersigni:

BUILDINGS AND GROUNDS - Report of a hunter on Borough Park land recently. The authorities were called and the man was identified.

ADMINISTRATIVE -

Tax Sale is scheduled for December 28, 2005.

Fireproof file was ordered for the Clerk's Office.

The Borough has received four requests for bid specifications for the Garbage Contract. Insurance Company has notified that the clerk that our deductible will be going up because we do not have an update employee handbook. The Clerk is working to resolve this issue. Christmas tree pick-up will begin on January 2, 2006 and continue through January 27, 2006. Results of Tax reassessment hearings should be available in January and mailed directly to the homeowner.

PLANNING BOARD - The Planning Board agreed that Pilot must certify a plan of action to the Borough by tonight's meeting or they would support Council in the adoption of Ordinance 105-05. Planning Board had a detailed discussion of the Mill Redevelopment Agreement at the December 20, 2005 meeting. Amendments were made and are available for review.

M. Peck:

Mayor Peck reported that Planning Board Attorney, Susan Rubright resigned last month. The Board has appointed Howard Appar to serve through the end of 2005 under the same terms.

SECOND READING - ORDINANCE # 108-05 AN ORDINANCE ESTABLISHING A CLAIMS PROCEDURE FOR THE PAYMENTS OF BILLS

Mr. Scheffel moved a public hearing on the above ordinance, seconded by Mr. Thomas. Mr. Thomas moved discussion be closed to public on the above ordinance, seconded by Mrs. Papics. Brief discussion followed. Mrs. Papics moved the ordinance be adopted on second reading and final passage, seconded by Mr. Scheffel and adopted by a call of the roll.

ROLL CALL VOTE: Flink-aye; Papics-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomas-aye. Motion carried.

SECOND READING - ORDINANCE # 109-05 AN ORDINANCE PRESCRIBING REGULATIONS TO BE IMPLEMENTED PURSUANT TO CODES KNOWN AS THE UNIFORM FIRE SAFETY ACT OF 1983 AND THE NEW JERSEY UNIFORM FIRE CODE

Mr. Thomas moved a public hearing on the above ordinance, seconded by Mrs. Papics. Mr. Thomas moved discussion be closed to public on the above ordinance, seconded by Mrs. Papics. Brief discussion followed. Mr. Thomas moved the ordinance be adopted on second reading and final passage, seconded by Mrs. Papics and adopted by a call of the roll.

ROLL CALL VOTE: Flink-aye; Papics-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomas-aye. Motion carried.

<u>SECOND READING - ORDINANCE # 110-05 AN ORDINANCE ESTABLISHING THE BLOOMSBURY BOROUGH WATER DEPARTMENT</u>

Mr. Scheffel moved a public hearing on the above ordinance, seconded by Mr. Thomas. Mr. Thomas moved discussion be closed to public on the above ordinance, seconded by Mrs. Papics. Brief discussion followed. Mr. Thomas moved the ordinance be adopted on second reading and final passage, seconded by Mrs. Papics and adopted by a call of the roll.

ROLL CALL VOTE: Flink-aye; Papics-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomasaye. Motion carried.

SECOND READING - ORDINANCE # 111-05 AN ORDINANCE ESTABLISHING THE STATE UNIFORM CONSTRUCTION CODE AND FEES FOR CONSTRUCTION AND OTHER PERMITS PURSUANT THERETO

Mrs. Papics moved a public hearing on the above ordinance, seconded by Mrs. Flink. Mrs. Papics moved discussion be closed to public on the above ordinance, seconded by Mr. Scheffel. Brief discussion followed. Mrs. Papics moved the ordinance be adopted on second reading and final passage, seconded by Mr. Scheffel and adopted by a call of the roll.

ROLL CALL VOTE: Flink-aye; Papics-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomas-abstain. Motion carried.

SECOND READING - ORDINANCE # 113-05 AN ORDINANCE REQUIRING PROOF OF THE PAYMENT OF TAXES AS A CONDITION TO ISSUING LICENSES, PERMITS AND DEEMING LAND USE APPLICATIONS COMPLETE

Mr. Thomas moved a public hearing on the above ordinance, seconded by Mrs. Papics. Mr. Thomas moved discussion be closed to public on the above ordinance, seconded by Mrs. Papics. Brief discussion followed. Mr. Scheffel moved the ordinance be adopted on second reading and final passage, seconded by Mrs. Papics and adopted by a call of the roll.

ROLL CALL VOTE: Flink-aye; Papics-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomas-aye. Motion carried.

SECOND READING - ORDINANCE # 116-05 AN ORDINANCE CREATING PEDOPHILE FREE ZONES IN THE BOROUGH OF BLOOMSBURY

Mr. Scheffel moved a public hearing on the above ordinance, seconded by Mrs. Papics. Mr. Scheffel moved discussion be closed to public on the above ordinance, seconded by Mrs. Papics. Brief discussion followed. Mrs. Papics moved the ordinance be adopted on second reading and final passage, seconded by Mrs. Flink and adopted by a call of the roll.

ROLL CALL VOTE: Flink-aye; Papics-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomas-aye. Motion carried.

SECOND READING - ORDINANCE # 117-05 AN ORDINANCE CREATING THE POSITION OF CLERK - ADMINISTRATOR IN THE BOROUGH OF BLOOMSBURY

Mrs. Papics moved a public hearing on the above ordinance, seconded by Mr. Flink. Mrs. Papics moved discussion be closed to public on the above ordinance, seconded by Mr. Flink. Brief discussion followed. Mrs. Papics moved the ordinance be adopted on second reading and final passage, seconded by Mrs. Flink and adopted by a call of the roll.

ROLL CALL VOTE: Flink-aye; Papics-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomas-nay. Motion carried.

SECOND READING - ORDINANCE # 118-05 AN ORDINANCE ESTABLISHING "PEDDLING AND SOLICITING" REGULATING CANVASSING, SOLICITING OR FUND RAISING

Mr. Scheffel moved a public hearing on the above ordinance, seconded by Mrs. Papics. Mrs. Papics moved discussion be closed to public on the above ordinance, seconded by Mrs. Tersigni. Brief discussion followed. Mr. Scheffel moved the ordinance be adopted on second reading and final passage, seconded by Mrs. Flink and adopted by a call of the roll.

ROLL CALL VOTE: Flink-aye; Papics-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomas-aye. Motion carried.

RESOLUTION # 48-05 - A RESOLUTION SCHEDULING THE REORGANIZATION MEETING AND THE FIRST REGULAR COUNCIL MEETING OF 2006

WHEREAS, the Borough wishes to give notice of its 2006 reorganization meeting and first regular Council meeting,

NOW, THERFORE, BE IT RESOLVED by the Council of the Borough of Bloomsbury, that the Council reorganization meeting will be held on January 1, 2006 at 12:00 PM and the first regular meeting of 2006 will be held at 7:00 PM on Tuesday, January 24, 2006, at Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey. This resolution shall take effect immediately.

Mr. Ross moved Council adopt Resolution # 48-05, seconded by Mrs. Papics. All ayes. Motion carried.

RESOLUTION # 49-05 - A RESOLUTION REAPPOINTING LISA BURD AS ACTING BOROUGH CLERK

WHEREAS, Lisa Burd was appointed Acting Borough Clerk effective December 1, 2005 for the term of one (1) year, and

WHEREAS, Lisa Burd does not as yet possess a registered Municipal Clerk Certificate to be appointed as Borough Clerk as required by N.J.S.A. 40A: 9-133 and therefore must be appointed to the title of Acting Borough Clerk until she has completed the courses required and successfully passed the examination for Municipal Clerk Certification;

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council of the Borough of Bloomsbury on this 27th day of December 2005 that Lisa Burd be re-appointed as Acting Borough Clerk for the Borough of Bloomsbury effective December 1, 2005;

BE IT FURTHER RESOLVED that this appointment shall be for a one (1) year term which appointment may, with the approval of the Director of the Division of Local Government Services and the Department of Community Affairs be extended by reappointment as Acting Municipal Clerk for the Borough of Bloomsbury for a maximum of two (2) subsequent one (1) year terms following the termination of the initial one (1) year temporary appointment.

Mr. Ross moved Council adopt Resolution # 49-05, seconded by Mrs. Papics. All ayes. Motion carried.

RESOLUTION # 50-05 TRANSFER IN THE 2005 BUDGET APPROPRIATIONS

WHEREAS, NJSA 40A:4-59 states that transfers can be made to Budget Appropriations during November and December, and

WHEREAS, by unforseen demand there has arisen the necessity for expenditures in excess of the following budget appropriation, and

WHEREAS, there is an excess in the following budget appropriation;

NOW, THEREFORE BE IT RESOLVED, by the Council of the Borough of Bloomsbury that the following 2005 budget appropriation transfers be made:

TO: Legal - Other Expenses \$4,000 Utilities - Fuel Oil \$1,200

FROM: Garbage - Other Expenses \$5,200

Mrs. Flink moved Council adopt Resolution # 50-05, seconded by Mrs. Papics.

ROLL CALL VOTE: Flink-aye; Papics-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Thomas-aye.

RESOLUTION # 51-05 A RESOLUTION REQUESTING THE HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS TO BANK AND RESERVE \$ 2,495.31 IN THE OPEN SPACE TRUST FUND FOR THE BOROUGH OF BLOOMSBURY

WHEREAS, the Borough of Bloomsbury Common Council is requesting the Hunterdon County Board of Chosen Freeholders to Bank and Reserve the Open Space Trust Fund amount of \$2,495.31 allocated for the Borough of Bloomsbury for further consideration.

Mr. Scheffel moved Council adopt Resolution # 51-05, seconded by Mr. Thomas. All ayes. Motion carried.

RESOLUTION # 52-05 A RESOLUTION PERMITTING A CHRISTMAS TREE BON FIRE AT THE BOROUGH PARK PER THE REQUEST OF THE BLOOMSBURY CELEBRATIONS COMMITTEE

BE IT RESOLVED BY THE MAYOR AND COUNCIL AS FOLLOWS:

- 1. The Bon Fire will be held from 7:00 9:00 PM on Friday, January 13th, 2006, with a rain date of January 20, 2006.
 - 2. The Borough Park will remain open until 9:00 PM for the event.
- 3. This approval is subject to the BCC adhering to all County and State regulations as they apply to Green Acres land.
- 4. The BCC must work with the Bloomsbury Hose Company to ensure safety at the event.
 - 5. The BCC is responsible for clean up from the event.

ROLL CALL VOTE: Flink-aye; Papics-aye; Ross-aye; Scheffel-aye; Tersigni-nay; Thomasaye.

PERRYVILLE STATE POLICE:

Sergeant Paul Sofhauser was present at the meeting of the Mayor and Council.

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 potential pending litigation.

Mr. Ross made a motion to go into executive session, seconded by Mrs. Tersigni. All ayes, motion carried.

Council entered into executive session to discuss potential litigation at 7:41 PM.

Brief discussion followed.

Mr. Scheffel made a motion to adjourn executive session and return to the regular meeting, seconded by Mr. Ross. All ayes. Motion carried.

Council returned from executive session at approximately 7:55 PM. No action was taken.

OPEN TO THE PUBLIC

CLOSE TO THE PUBLIC

ADJOURNMENT-

There being no further business, a motion to adjourn was made by Mr. Scheffel, seconded by Mrs. Papics. All ayes, motion carried. Meeting adjourned at 7:56 PM.

Respectfully submitted,

Lisa A. Burd, Acting Borough Clerk