

**BOROUGH OF BLOOMSBURY  
COUNCIL MEETING MINUTES  
JANUARY 24, 2006**

The regular meeting of the Bloomsbury Borough Council was held on January 24, 2006, 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 January 5, 2006 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
Vicky Papics	Martha Tersigni
Mark Peck, Mayor - excused	Eric Weger
Steve Ross	William Edleston, Esq.

**APPROVAL OF MINUTES**

A motion was made by Mr. Ross, seconded by Mrs. Flink to approve the regular meeting minutes of December 27, 2005. All ayes. Motion carried.

A motion was made by Mrs. Papics, seconded by Mr. Weger to approve the Re-organization meeting minutes of January 1, 2006. All ayes. Motion carried.

A motion was made by Mrs. Papics, seconded by Mr. Weger to approve the special meeting minutes of January 2, 2006. All ayes. Motion carried.

**TAX COLLECTOR'S REPORT**

Mr. Ross moved Council approve the Tax Collector's Report of January 4, 2006 seconded by Mrs. Tersigni. All ayes. Motion carried.

**APPROVAL OF BILL LIST**

Mr. Ross moved Council approve the bill list of January 24, 2006, seconded by Mrs. Flink.

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

**COMMITTEE REPORTS:**

***V. Papics:***

**Recreation** - Meeting scheduled for January 3, 2006.

**BOROUGH PARK** - The water heater in the park concession stand is leaking. A park walk through will be held on March 12, 2006.

The Recreation Commission would like to have Council approval for relocating the back stop and bases of the ball field. Mrs. Papis will suggest that Mr. Parker make a formal presentation to Council. The clerk was directed to verify that volunteers would be covered by the Borough Insurance.

Infield and mound mix is needed for the ball field.

***E. Weger:***

No report.

***S. Ross:***

No Report.

***C. Flink:***

**OEM** - An updated OEM phone list was distributed to Council. Mrs. Flink requested that any questions or changes be given to the Clerk for incorporation.

***M. Tersigni:***

**PLANNING BOARD** - The Planning Board held their reorganization meeting and nominated Tom Reilly as Chairman and Todd Mickey as Vice-Chairman.

Howard Apgar was rehired as Planning Board Attorney for the first six months of 2006.

The Planning Board will be reviewing the variance application form and checklist to make it user friendly.

Pilot has finally submitted final site plans.

Finance team has met to discuss preliminary Budget numbers.

Tax Collector, Jane Heater held a tax sale in the Borough.

**INSURANCE** - The Clerk is working to establish the Personnel Policies and Procedures manual. Bleachers in the park may need to be removed.

**WATER DEPARTMENT** - A few significant leaks have been repaired and they are now down to pumping 82 gallons/ minutes.

**BOROUGH DIRECTORY** - The Clerk is working on an expanded directory for 2006.

**HASCOM TRAINING** -

Robert Heinrich, Walt Stoneback, and Lisa Burd attended certification classes this morning at Bethlehem Township.

**OLD BUSINESS** -



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 moved Council approve resolution # 12-06, seconded by Mr. Weger.

ROLL CALL VOTE: Flink-aye; Ross-aye; Scheffel-absent; Tersigni-aye; Mrs. Papis-aye; Mr. Weger-aye

### **RESOLUTION # 13-06 - NATIONAL INCIDENT MANAGEMENT SYSTEM**

**WHEREAS**, in Homeland Security Presidential Directive (HSPD) 5, the President directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, and Local Governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity; and

**WHEREAS**, the 9-11 Commission recommended adoption of a standardized incident Command System; and

**WHEREAS**, it is necessary that all Federal, State, and Local emergency management agencies and other public safety agencies coordinate their efforts to effectively and efficiently provide the highest level of incident management; and

**WHEREAS**, to facilitate the most efficient and effective incident management it is critical that Federal, State, and Local organizations utilize stand terminology, standardized organizational structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

**WHEREAS**, the NIMS standardized procedures for managing personnel, communications, facilities, and resources will improve the ability to utilize State and Federal funding to enhance County and Local agency readiness, maintain first responder safety and streamline incident management processes; and

**WHEREAS**, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the State, County and Local Municipalities, including all public safety and emergency response organizations training programs; and

**WHEREAS**, over fifty Federal grant programs mandate that NIMS be adopted as a prerequisite for obtaining these grants;

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Chosen Freeholders of the County of Hunterdon hereby mandates that the National Incident Management System (NIMS) be utilized for all incident management in the County of Hunterdon; and

**BE IT FURTHER RESOLVED**, the Mayor and Council of the Borough of Bloomsbury hereby adopt the National Incident Management System; and

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately.

Mrs. Papics moved Council approve resolution # 13-06, seconded by Mrs. Flink.

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

**RESOLUTION # 14-06 - TAX COLLECTION RESOLUTION- REDEMPTION OF TAX SALE CERTIFICATE**

WHEREAS, the Tax Collector of the Borough of Bloomsbury has been paid the necessary amount to redeem with interest calculated in accordance with the New Jersey Statutes and said payment has been deposited in the current account of the Borough of Bloomsbury on lands known on the Tax Maps and in the Tax Duplicate as the following:

Block Number 25

Lot Number 11

Tax Sale Certificate Number 01-05

Assessed to: Donald M & Elizabeth Warner

NOW, THEREFORE BE IT RESOLVED, on this 24th day of January, 2006

By the Mayor and Council of the Borough of Bloomsbury that the Chief Financial Officer is hereby authorized to issue a check for \$ 11,285.58

Payable to lienholder: Wachovia-Cust/Sass Muni V dtr

123 S. Broad St., PA132S

Philadelphia, PA 19109

And that the Tax Collector is hereby authorized to cancel said lien from the records and forward cancelled Tax Sale Certificate to redeeming party.

Mrs. Papics moved Council approve resolution # 14-06, seconded by Mr. Weger.

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

**RESOLUTION # 15-06 BLOOMSBURY RECREATION COMMISSION  
APPOINTMENTS**

The following amended appointments of committee members for the Bloomsbury Recreation Commission were approved at January 24, 2006 council meeting.

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

Our membership now looks as follows:

		<u>Term Expires</u>
Scott Parker	Commissioner	12/31/08
Chris Smith	Commissioner	12/31/06
Michele Stiehler	Commissioner	12/31/06
Tom Decker	Commissioner	12/31/06
Bob Clark	Commissioner	12/31/08
Joe Walen	Commissioner	12/31/07
Tracy Moon	Commissioner	12/31/07
Alison Madden	Alt. Commissioner	12/31/07
Ben Carney	Alt. Commissioner	12/31/06
Vacant	Alt. Commissioner	12/31/08

Changes submitted to Council by Scott Parker, President.

Mr. Ross moved Council approve resolution # 15-06, seconded by Mrs. Papics.  
ROLL CALL VOTE: Flink-aye; Ross-aye; Scheffel-absent; Tersigni-aye; Mrs. Papics-aye; Mr. Weger-aye.

**RESOLUTION # 16-06 - BLOOMSBURY HOSE COMPANY NO. 1 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 April 9, 2006 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.

Mrs. Papics moved Council approve resolution # 16-06, seconded by Mr. Weger.

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

**FIRST READING - ORDINANCE # 101-06 - AN ORDINANCE SETTING THE SALARIES FOR EMPLOYEES OF THE BOROUGH OF BLOOMSBURY, COUNTY OF HUNTERDON, STATE OF NEW JERSEY FOR THE YEAR 2006**

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

Section 1. This ordinance shall fix the salaries of the employees named herein for the year 2006

Section 2. Salaries for the year 2006 are as follows:

a. Borough Clerk/Administrator	\$18,000 - \$31,000
b. Deputy Clerk	\$9.00 per hour
c. Chief Financial Officer	\$9,000 - \$18,000
d. Tax Assessor	\$5,000 - \$9,000
e. Tax Collector	\$5,000 - \$10,000
f. Public Works Superintendent	\$6,500 - \$15,500
g. Public Works Laborer #1	\$5,000 - \$14,000
h. Public Works Laborer #2	\$3,600 - \$7,800
i. Public Works Laborer #3	\$3,000 - \$7,000
j. Water Superintendent	\$6,000 - \$12,500
k. Filter Plant Attendant	\$3,600 - \$6,500
l. Assistant Laborer (Water)	\$3,000 - \$6,500
m. Clerk/Water Department	\$4,500 - \$8,500
n. Planning Bd. Secretary	\$1,500 - \$3,000
o. Code Enforcement Officer	\$5,000 - \$8,000
p. Assistant Code Enfor. Officer	\$12.50 per hour
q. Emergency Mgt. Coordinator	\$2,000 - \$3,500
r. Assistant EMC	\$7.50 per hour
s. School Crossing Guard	\$27.25 per day
t. Regular Laborer	\$14.40 per hour
u. Summer Laborer	\$9.25 per hour
v. "Call to Dig" Coordinator (Water)	\$1,200 - \$1,600
w. Water line mark-outs	\$20.00 each

Section 3. All salaries and hourly wages contained herein shall be retroactive as of January 1, 2006 and shall include a 4 % 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. Ross moved a 4% increase in salaries and hourly wages, seconded by Mr. Weger.

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

Mr. Weger made a motion to move Ordinance # 101-06 be adopted on first reading and published in the Hunterdon County Democrat, seconded by Mr. Ross. Public hearing will be held on February 28, 2006.

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

### **ORDINANCE # 104-06 GARBAGE AND RECYCLING**

Ordinance # 104-06 will be tabled until the March 2006 Council meeting.

### **FIRST READING ORDINANCE # 102-06 STORMWATER MANAGEMENT**

Be it ordained by the Mayor and Council of the Borough of Bloomsbury that the following ordinance is hereby enacted

Statement of Purpose. This ordinance is designed to incorporate design and performance standards into the Borough's Municipal Stormwater Management Plans.

#### Section 1: Scope and Purpose

##### A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural Best Management Practices (hereinafter "BMPs"). Structural BMPs should be integrated with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated quantity or amount of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

##### B. Purpose

It is the purpose of this ordinance to establish minimum stormwater management requirements and controls for "major development," as defined in Section 2.

### C. Applicability

1. This ordinance shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:
  - a. Non-residential major developments; and
  - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This ordinance shall also be applicable to all major developments undertaken by the Borough of Bloomsbury.

### D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued for subdivisions and site plans pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

## Section 2: Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

“CAFRA Planning Map” means the geographic depiction of the boundaries for Coastal Planning Areas, CAFRA Centers, CAFRA Cores and CAFRA Nodes pursuant to N.J.A.C. 7:7E-5B.3.

“CAFRA Centers, Cores or Nodes” means those areas within boundaries accepted by the Department pursuant to N.J.A.C. 7:8E-5B.

“Compaction” means the increase in soil bulk density.

“Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

“County review agency” means an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

A county planning agency; or

A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Department” means the New Jersey Department of Environmental Protection.

“Designated Center” means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

“Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 et seq.

“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

“Environmentally critical areas” means an area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program.

“Empowerment Neighborhood” means a neighborhood designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

“Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

“Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“Infiltration” is the process by which water seeps into the soil from precipitation.

“Major development” means any “development” that provides for ultimately disturbing one or more acres of land. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

“Municipality” means any city, borough, town, township, or village.

“Node” means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

“Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

“Person” means any individual, corporation, company, partnership, firm, association, Township of Independence, or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law , N.J.S.A. 40:55D-1 et seq.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and nonhazardous pollutants.

“Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

“Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Site” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the state’s future redevelopment and revitalization efforts.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

“Stormwater management basin” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

“Stormwater management measure” means any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

“Tidal Flood Hazard Area” means a flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

“Urban Coordinating Council Empowerment Neighborhood” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“Urban Enterprise Zones” means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

“Urban Redevelopment Area” is defined as previously developed portions of areas:

- (1) Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
- (2) Designated as CAFRA Centers, Cores or Nodes;
- (3) Designated as Urban Enterprise Zones; and
- (4) Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

### Section 3: General Standards

#### A. Design and Performance Standards for Stormwater Management Measures

1. Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in Section 4. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.
2. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

### Section 4: Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section 10.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department' Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections 4.F and 4.G:
  1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
  2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
  3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

D. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections 4.F and 4.G may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
2. The applicant demonstrates through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of Sections 4.F and 4.G to the maximum extent practicable;
3. The applicant demonstrates that, in order to meet the requirements of Sections 4.F and 4.G, existing structures currently in use, such as homes and buildings, would need to be condemned; and
4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Sections 4.F and 4.G that were not achievable on-site.

E. Nonstructural Stormwater Management Strategies

1. To the maximum extent practicable, the standards in Sections 4.F and 4.G shall be met by incorporating nonstructural stormwater management strategies set forth at Section 4.E into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in Paragraph 2 below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.
2. Nonstructural stormwater management strategies incorporated into site design shall:
  - a. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
  - b. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
  - c. Maximize the protection of natural drainage features and vegetation;
  - d. Minimize the decrease in the "time of concentration" from pre-construction to post construction. "Time of concentration" is defined as the time it takes for runoff to

travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;

- e. Minimize land disturbance including clearing and grading;
- f. Minimize soil compaction;
- g. Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;
- h. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;
- i. Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:
  - (1) Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy Section 4.E.3. below;
  - (2) Site design features that help to prevent discharge of trash and debris from drainage systems;
  - (3) Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and
  - (4) When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.

3. Site design features identified under Section 4.E.2.i.(2) above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 4.E.3.c below.

- a. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
  - (1) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
  - (2) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

- b. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
- c. This standard does not apply:
  - (1) Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
  - (2) Where flows from the water quality design storm as specified in Section 4.G.1 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
    - (a) A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities);  
or
    - (b) A bar screen having a bar spacing of 0.5 inches.
  - (3) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars, to the elevation of the water quality design storm as specified in Section 4.G.1; or
  - (4) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.
4. Any land area used as a nonstructural stormwater management measure to meet the performance standards in Sections 4.F and 4.G shall be dedicated to a government agency, subjected to a conservation restriction filed with the appropriate County Clerk's office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.

5. Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Section 7, or found on the Department's website at [www.njstormwater.org](http://www.njstormwater.org).

#### F. Erosion Control, Groundwater Recharge and Runoff Quantity Standards

1. This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.
  - a. The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules.
  - b. The minimum design and performance standards for groundwater recharge are as follows:
    - (1) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 5, either:
      - (a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
      - (b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
    - (2) This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to (3) below.
    - (3) The following types of stormwater shall not be recharged:
      - (a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
      - (b) Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial

stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

- (4) The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or downgradient of the groundwater recharge area.
- c. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 5, complete one of the following:
- (1) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two, 10, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
  - (2) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the two, 10, and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
  - (3) Design stormwater management measures so that the post-construction peak runoff rates for the 2, 10 and 100 year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed. The percentages shall not be applied to post-construction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or
  - (4) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with (1), (2) and (3) above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.

2. Any application for a new agricultural development that meets the definition of major development at Section 2 shall be submitted to the appropriate Soil Conservation District for review and approval in accordance with the requirements of this section and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For the purposes of this section, “agricultural development” means land uses normally associated with the production of food, fiber and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacturing of agriculturally related products.

G. Stormwater Runoff Quality Standards

1. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by 80 percent of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional 1/4 acre of impervious surface is being proposed on a development site. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 1. The calculation of the volume of runoff may take into account the implementation of non-structural and structural stormwater management measures.

Table 1: Water Quality Design Storm Distribution			
Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000

40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

2. For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Section 7, or found on the Department’s website at [www.njstormwater.org](http://www.njstormwater.org). The BMP Manual and other sources of technical guidance are listed in Section 7. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to the Department at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418 Trenton, New Jersey, 08625-0418.

3. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (AXB)/100$$

Where

R = total TSS percent load removal from application of both BMPs, and

A = the TSS percent removal rate applicable to the first BMP

B = the TSS percent removal rate applicable to the second BMP

Table 2: TSS Removal Rates for BMPs	
Best Management Practice	TSS Percent Removal Rate
Bioretention Systems	90
Constructed Stormwater Wetland	90
Extended Detention Basin	40-60

Infiltration Structure	80
Manufactured Treatment Device	See Section 6.C
Sand Filter	80
Vegetative Filter Strip	60-80
Wet Pond	50-90

4. If there is more than one onsite drainage area, the 80 percent TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.
5. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in Sections 4.F and 4.G.
6. Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in Section 7.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C. 7:9B, and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage area. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:
  - a. The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:
    - (1) A 300-foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of

the bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession is provided. (2) Encroachment within the designated special water resource protection area under Subsection (1) above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than 150 feet as measured perpendicular to the top of bank of the waterway or centerline of the waterway where the bank is undefined. All encroachments proposed under this subparagraph shall be subject to review and approval by the Department.

- b. All stormwater shall be discharged outside of and flow through the special water resource protection area and shall comply with the Standard for Off-Site Stability in the “Standards For Soil Erosion and Sediment Control in New Jersey,” established under the Soil Erosion and Sediment Control Act , N.J.S.A. 4:24-39 et seq.
- c. If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the Standard For Off-Site Stability in the “Standards for Soil Erosion and Sediment Control in New Jersey,” established under the Soil Erosion and Sediment Control Act , N.J.S.A. 4:24-39 et seq., then the stabilization measures in accordance with the requirements of the above standards may be placed within the special water resource protection area, provided that:
  - (1) Stabilization measures shall not be placed within 150 feet of the Category One waterway;
  - (2) Stormwater associated with discharges allowed by this section shall achieve a 95 percent TSS post-construction removal rate;
  - (3) Temperature shall be addressed to ensure no impact on the receiving waterway;
  - (4) The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable;
  - (5) A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and
  - (6) All encroachments proposed under this section shall be subject to review and approval by the Department.

- d. A stream corridor protection plan may be developed by a regional stormwater management planning committee as an element of a regional stormwater management plan, or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to Section 4.G(8) has been approved by the Department of Environmental Protection, then the provisions of the plan shall be the applicable special water resource protection area requirements for that waterway. A stream corridor protection plan for a waterway subject to G.8 shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in G.8.a.(1) above. In no case shall a stream corridor protection plan allow the reduction of the Special Water Resource Protection Area to less than 150 feet as measured perpendicular to the waterway subject to this subsection.
- e. Paragraph G.8 does not apply to the construction of one individual single family dwelling that is not part of a larger development on a lot receiving preliminary or final subdivision approval on or before February 2, 2004, provided that the construction begins on or before February 2, 2009.

#### Section 5: Calculation of Stormwater Runoff and Groundwater Recharge

- A. Stormwater runoff shall be calculated in accordance with the following:
  - 1. The design engineer shall calculate runoff using one of the following methods:
    - a. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds; or
    - b. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.
  - 2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “runoff coefficient” applies to both the NRCS methodology at Section 5.A.1.a and the Rational and Modified Rational Methods at Section 5.A.1.b. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is

pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds and other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:

1. The New Jersey Geological Survey Report GSR-32 A Method for Evaluating Ground-Water Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at <http://www.state.nj.us/dep/njgs/>; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427 Trenton, New Jersey 08625-0427; (609) 984-6587.

## Section 6: Standards for Structural Stormwater Management Measures

A. Standards for structural stormwater management measures are as follows:

1. Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas, wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).
2. Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one-inch (1”) spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-

third (1/3) the width of the diameter of the orifice or one-third (1/3) the width of the weir, with a minimum spacing between bars of one-inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 8.D.

3. Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement.
  4. At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of two and one-half inches in diameter.
  5. Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at Section 8.
- B. Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by Section 4 of this ordinance.
- C. Manufactured treatment devices may be used to meet the requirements of Section 4 of this ordinance, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

#### Section 7: Sources for Technical Guidance

- A. Technical guidance for stormwater management measures can be found in the documents listed at 1 and 2 below, which are available from Maps and Publications, New Jersey Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey, 08625; telephone (609) 777-1038.
1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures such as: bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.
  2. The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.
- B. Additional technical guidance for stormwater management measures can be obtained from the following:

1. The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540;
2. The Rutgers Cooperative Extension Service, 732-932-9306; and
3. The Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey, 08625, (609) 292-5540.

## Section 8: Safety Standards for Stormwater Management Basins

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin.

### B. Requirements for Trash Racks, Overflow Grates and Escape Provisions

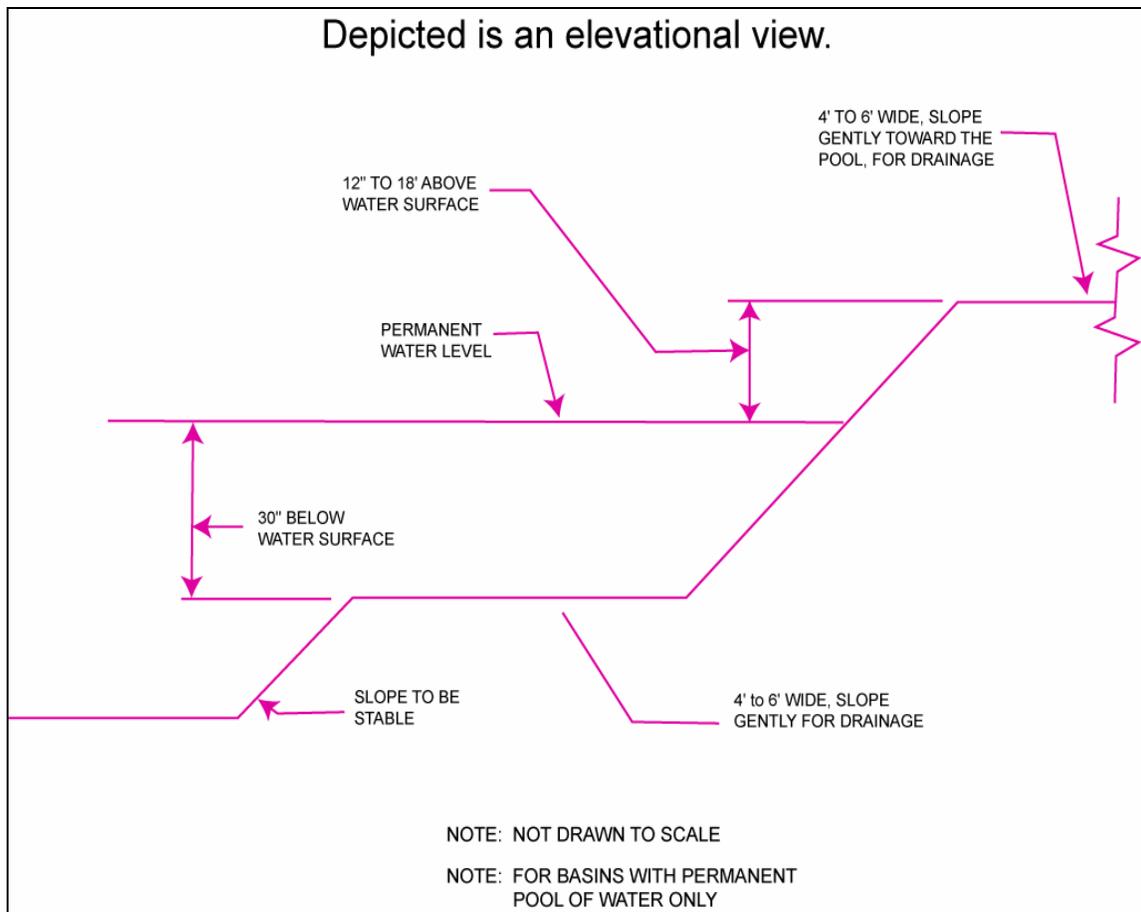
1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:
  - a. The trash rack shall have parallel bars, with no greater than six inch spacing between the bars.
  - b. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.
  - c. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.
  - d. The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs/ft sq.
2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
  - a. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.

- b. The overflow grate spacing shall be no less than two inches across the smallest dimension.
  - c. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs./ft sq.
3. For purposes of this paragraph 3, escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:
- a. If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in Section 8.C a free-standing outlet structure may be exempted from this requirement.
  - b. Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than two and one-half feet. Such safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See Section 8.D for an illustration of safety ledges in a stormwater management basin.
  - c. In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 vertical.

#### C. Variance or Exemption from Safety Standards

- 1. A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency (municipality, county or Department) that the variance or exemption will not constitute a threat to public safety.

#### D. Illustration of Safety Ledges in a New Stormwater Management Basin



## Section 9: Requirements for a Site Development Stormwater Plan

### A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 9.C below as part of the submission of the applicant's application for subdivision or site plan approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit 11 copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 9.C of this ordinance.

### B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained

by the Planning and/or Zoning Board (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

### C. Checklist Requirements

The following information shall be required:

#### 1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

#### 2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

#### 3. Project Description and Site Plan(s)

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high ground water elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.

#### 4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections 3 through 6 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

#### 5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- a. Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- b. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

#### 6. Calculations

- a. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 4 of this ordinance.
- b. When the proposed stormwater management control measures (e.g., infiltration basins) depends on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

#### 7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 10.

#### 8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipal engineer, waive submission of any of the requirements in Sections 9.C.1 through 9.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

### Section 10: Maintenance and Repair

#### A. Applicability

1. Projects subject to review as in Section 1.C of this ordinance shall comply with the requirements of Sections 10.B and 10.C.

#### B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
3. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.
4. If the person responsible for maintenance identified under Section 10.B.2 above is not a public agency, the maintenance plan and any future revisions based on Section 10.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
5. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.
6. The person responsible for maintenance identified under Section 10.B.2 above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.
7. The person responsible for maintenance identified under Section 10.B.2 above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.
8. The person responsible for maintenance identified under Section 10.B.2 above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Sections 10.B.6 and 10.B.7 above.
9. The requirements of Sections 10.B.3 and 10.B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the Township of Independence or another governmental agency.

10. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person.
- B. Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

#### Section 11: Penalties

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties: A fine of up to \$1,200.00 and/or imprisonment of up to 90 days and/or community service of up to 30 days or a combination of the foregoing at the discretion of the court.

#### Section 12: Effective Date

This ordinance shall take effect immediately upon the approval by the county review agency, or sixty (60) days from the receipt of the ordinance by the county review agency if the county review agency should fail to act and further following final passage and publication in accordance with law.

#### Section 13: Severability

If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

Mr. Ross made a motion to move Ordinance # 102-06 be adopted on first reading and published in the Hunterdon County Democrat, seconded by Mrs. Flink. All ayes. Motion carried. Public hearing will be held on February 28, 2006.

#### **ENVIRONMENTAL COMMISSION - TIER B STORMWATER GRANT**

The Environmental Commission requested Council approval for expenditures associated with the printing and mailing of a quarterly newsletter.

Mr. Ross moved Council approve the production of a quarterly newsletter, not to exceed \$500.00, seconded by Mrs. Papics. All ayes. Motion Carried.

**OFFICE OF EMERGENCY MANAGEMENT**

Mr. Flink distributed First Responder registration forms to Council. Forms must be completed and returned to the clerk by February 7, 2006.

**PARK CLEAN UP DAY**

Ilse Goshen reported that the department of health will remove discarded tires from the Borough Park and Musonetcong River banks free of charge.

Mr. Ross moved Council endorse the clean up efforts of the Bloomsbury Environmental Commission, seconded by Mrs. Papics. All ayes, Motion carried.

Mr. Ross moved Council approve April 22, 2006 as t the Borough Park Clean Up day, seconded by Mrs. Papics. All ayes. Motion carried.

**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 contract negotiations.

Mrs. Papics made a motion to go into closed session at 9:11 pm, seconded by Mrs. Flink. All ayes, motion carried.

Mr. Kelly left the meeting at 10:06 pm.

Mr. Ross moved Council return to regular session, seconded by Mrs. Flink.

Council returned from executive session at approximately 10:20 PM. No action was taken.

Mr. Weger moved Council authorize Mr. Edleston to make the following changes to the Redevelopment Agreement:

1. The contract will provide a mechanism for the Borough Council and Planning Board to consider, at the appropriate time, a request for a temporary certificate of occupancy, with compensation being made to the Borough.

2. The Redeveloper will not be granted any pre approval power over bills paid from escrow, but will have the right to appeal any invoice to the Borough Council.

3. Within five days of signing the agreement, \$4,000.00 will be posted in escrow. The escrow account will be replenished to the sum of \$2,000.00 every 30 days.

seconded by Mrs. Papics.

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

**ADJOURNMENT-**

There being no further business, a motion to adjourn was made by Mr. Ross, seconded by Mr. Weger. All ayes, motion carried. Meeting adjourned at 10:25 PM.

Respectfully submitted,

Lisa A. Burd,  
Acting Borough Clerk

**BOROUGH OF BLOOMSBURY  
JOINT MEETING OF THE MAYOR AND COUNCIL  
AND PLANNING BOARD  
MEETING MINUTES  
JANUARY 2, 2006**

The special meeting of the Bloomsbury Borough Council and Planning Board was held on January 2, 2006, at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey. The meeting was called to order at 7:09 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 December 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: Planning Board:**

Susan Frost  
George Allen  
Karen Murray  
Thomas Reilly  
Ken Robbins  
Chris Smith

**Council:**

Mark Peck, Mayor  
Vicky Papics  
Marc Scheffel  
Martha Tersigni  
Eric Weger

**FLAG SALUTE**

**BLOOMSBURY MILL - REDEVELOPMENT AGREEMENT**

Council and Planning Board Members reviewed the Bloomsbury Mill Redevelopment Agreement. Discussion followed.

Mr. Allen moved the Planning Board recommend Council approve the Mill Redevelopment Agreement as modified, seconded by Mr. Peck.

ROLL CALL VOTE: Frost-aye; Allen-aye; Murray-aye; Thomas-aye; Robbins-aye; Smith-aye; peck-aye. Motion carried.

Mrs. Papics moved Council adopt the Mill Redevelopment Agreement as modified and authorize the Mayor and Clerk to execute same, seconded by Mrs. Tersigni.

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

**OPEN TO THE PUBLIC:**

No Comment from the Public.

ADJOURNMENT - Planning Board Members

There being no further business, a motion to adjourn the Planning Board was made by Mr. Allen, seconded by Mrs. Murray. All ayes, motion carried. Meeting adjourned at 8:00 PM.

ADJOURNMENT - Council

There being no further business, a motion to adjourn was made by Mrs. Tersigni, seconded by Mrs. Papics. All ayes, motion carried. Meeting adjourned at 8:01 PM.

Respectfully Submitted,

Lisa A. Burd,  
Acting Borough Clerk,  
Planning Board Secretary

**BOROUGH OF BLOOMSBURY  
COUNCIL MEETING MINUTES  
FEBRUARY 28, 2006**

The regular meeting of the Bloomsbury Borough Council was held on February 28, 2006, 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 January 5, 2006 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

Marc Scheffel- arrived 7:03  
Martha Tersigni  
Eric Weger  
William Edleston, Esq.-arrived 7:14

**APPROVAL OF MINUTES**

A motion was made by Mrs. Tersigni, seconded by Mr. Weger to approve the regular meeting minutes of January 24, 2006. All ayes. Motion carried.

A motion was made by Mrs. Tersigni, seconded by Mrs. Flink to approve the Executive Session meeting minutes of January 24, 2006. All ayes. Motion carried.

**TAX COLLECTOR'S REPORT**

Mr. Ross moved Council approve the Tax Collector's Report of February 14, 2006 seconded by Mr. Weger.

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

**APPROVAL OF BILL LIST**

Mr. Ross moved Council approve the bill list of February 28, 2006, seconded by Mrs. Papics.

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

**TAX MAP MAINTENANCE**

Council directed the clerk to contact Robert Zederbaum, RBZ Enterprises and request a summary of changes made to the Borough Tax maps which correspond to the additional fees reflected in the Treasurer's Report.

## **COMMITTEE REPORTS:**

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

**Recreation** - Mrs. Papics reported that a Recreation Commission representative was supposed to address Council at tonight's meeting regarding changes they would like to make to the lower ball field; however, no member was present. A Recreation Commission meeting is scheduled for March 7, 2006.

### ***E. Weger:***

No report.

### ***M. Scheffel:***

**Board of Education** - The School Budget process is moving forward.

Board of Education reported noticing the increased Police presence in the Borough and wanted to note that it is appreciated.

### ***C. Flink:***

**HOSE COMPANY:** 15 calls year to date. Fire Department members currently have the First Responder Medical Distribution Forms.

**OEM** - Mrs. Flink reported that several Borough Officials have not handed in their First Responders Medical Distribution forms and the deadline for submission is passed. County reports a bird flu pandemic is possible in the next 2 years.

**LEPC** - Local Emergency Planning Council meeting is scheduled for March 20, 2006. Mrs. Flink reported that mayor Peck must appoint members from the Fire Department, Rescue Squad, OEM, and Council.

**EMERGENCY OPERATIONS PLAN** - E.O.P update is due in August. Different agencies have their annexes and OEM is waiting for them to be returned to be incorporated into the plan.

**DISASTER PREPAREDNESS** - Disaster Preparedness for Dummies DVD is available in the Clerk's office.

## **BLOOMSBURY RESCUE SQUAD ANNUAL REPORT FOR 2005**

Chief Jim Anderson, and Bruce Vakiener presented Council with a 2005 Rescue Squad Report. Council reviewed the report, discussion followed. Mr. Anderson reported that the arrival of the new rescue truck has been delayed and they anticipate it will be ready in June or July.

### ***S. Ross:***

The Environmental Commission continues to work on the NRI.

A presentation from the State Environmental Commission will be given at a joint meeting of the Bloomsbury and Bethlehem Township Environmental Commissions will be held.

*M. Tersigni:*

### **PLANNING BOARD**

Planning Board received draft application forms, check lists and model rules from Attorney, Howard Apgar.

Concern expressed over a lack of a signed agreement for the Mill Redevelopment project.

### **ADMINISTRATION**

Kim Francisco has received a check in the amount of \$2,409.00, representing the Borough's franchise fees for the Service Electric Cable TV Franchise. This represents the total amount due for 2005.

The Clerk has received the fire proof filing cabinet which contains all of the Borough minute books and vital records. The entire filing system is currently being reviewed by Lisa and volunteers and appropriate files are being pulled for destruction.

The 2006 Borough Directory will be mailed out with the Spring Newsletter in March.

The Clerk has received five resumes for the Code Enforcement Officer position. Phase one interviews will be scheduled soon.

Food Licensing has been completed and animal licensing is winding down with Lisa reporting 117 dogs and 38 cats licensed this year as compared to last year 154 dogs and 77 cats licensed.

Revaluation- The final data was received last week. There was a \$90,000.00 deduction in property value in Mrs. Tersigni's neighborhood because of a clerical error. The tax roster data was advertised to be available on January 4, 2006 but it was not. Mrs. Tersigni questioned whether the Borough Tax Assessor should republish the legal notice of availability. Mr. Edleston agreed that it should be republished. Mrs. Tersigni reported at February 10, 2006 was the cutoff date for changes to be made by the Assessor. Mrs. Tersigni questioned if this deadline should be changed due to the delay in availability of the information. Mr. Edleston will contact Appraisal Systems and look into deadline extension.

### **QC Labs**

Council authorized Mr. Edleston to draft a contract between the Borough and QC Labs for water testing services in 2006. All ayes. Motion carried.

*M. Peck:*

Pre-Construction meeting was held on February 27, 2006 for the railroad crossing at Church Street. The crossing is scheduled to be repaired with a tentative start date of July 19, 2006, and should be completed in a week. The original detour was set for Staats Road, Milford Road, and Willow Avenue. The Borough requested that the State investigate alternate detours and another meeting with be held in March.

### **PERRYVILLE STATE POLICE:**

No Report

**NORTH STREET-** Mayor Peck reported that the cul-de-sac on North Street was never formally accepted by the Borough.

Council authorized Mr. Edleston to draft an ordinance on behalf of the Borough, accepting that portion of North Street, to be introduced at the March 28, 2006 meeting.

**SECOND READING AND PUBLIC HEARING – ORDINANCE # 101-06– AN  
ORDINANCE SETTING THE SALARIES FOR EMPLOYEES OF THE BOROUGH OF  
BLOOMSBURY FOR THE YEAR 2006**

Mr. Ross moved to open discussion to Council, seconded by Mr. Scheffel. Brief discussion followed. 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 the ordinance be adopted on second reading and final passage, seconded by Mr. Weger and adopted by a call of the roll.

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

**SECOND READING AND PUBLIC HEARING – ORDINANCE # 102-05 – AN  
ORDINANCE ESTABLISHING DESIGN AND PERFORMANCE STANDARDS FOR  
THE BOROUGH OF BLOOMSBURY'S MUNICIPAL STORMWATER  
MANAGEMENT PLANS.**

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

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

**BLOOMSBURY ENVIRONMENTAL COMMISSION**

Ilse Goshen presented Council with copies of the first Environmental Commission newsletter. Mayor Peck requested that future newsletters be sent by bulk mail instead of first class, to reduce the cost of future mailings.

**MILL REDEVELOPMENT**

Mr. Edleston reported that he has sent out revisions to Mr. Kelley after the meeting in January. He received no response. A follow up letter was sent out last week requesting that agreement be signed by the February 28, 2006 Council meeting. Mr. Edleston then called Mr. Kelley who indicated that there was one other minor change he would like to make and then he would be ready to sign. Mr. Kelley further requested that the date of commencement be moved back due to delays, but did not give a start date. Brief discussion followed.

Mr. Ross moved Council direct Mr. Edleston to notify Mr. Kelley that the Mill Agreement must be signed by March 7, 2006, with escrow posted by March 12, 2006, and the commencement

date would be moved back to September 1, 2006; seconded by Mr. Weger. All ayes. Motion carried.

### **BROWN'S HUNTERDON MACK**

Council reviewed a letter from Mr. Zederbaum dated February 27, 2006, detailing outstanding items which must be completed by Brown's Hunterdon Mack. Mr. Zederbaum recommends that after payment of any outstanding bills, Council authorize the release of funds from a performance bond with the exception of \$14, 500.00., to be held until final site plan approval has been granted from Bloomsbury Planning Board.

### **LIFECHOICES**

Council reviewed a letter from Joan Fasanello, Director of Life Choices, requesting Council approval to hold a walkathon in the Borough on June 3, 2006. Brief discussion followed. Mayor Peck will contact Mrs. Fasanello and discuss the proposed route for the walkathon addressing Council concerns about partial street closures in the Borough and the location of sidewalks. Mayor Peck will report back to Council at the March 28, 2006 meeting.

### **COOPER POWER SYSTEMS - MAINTENANCE CONTRACT**

Mr. Ross moved Council authorize Mayor peck to enter into a service agreement with Cooper Power Systems for a maintenance agreement for the Water Department Generator, in the amount of \$795.00, seconded by Mr. Scheffel.

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

### **RESOLUTION #17-06 AUTHORIZING BLOOMSBURY P.T.O. 50/50 RAFFLE AND ON-PREMISE DRAW RAFFLE**

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 raffle and on premise draw raffle on April 28, 2006; and

WHEREAS, the request was duly considered at the regular meeting of the Borough Council held on February 28, 2006 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 28th day of February 2006 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 raffle and on premise draw raffle on April 28, 2006 at the Bloomsbury Elementary School;

BE IT FURTHER RESOLVED, the Bloomsbury Borough Clerk has hereby directed to forward a 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.

Mrs. Papics moved Council adopt resolution # 17-06, seconded by Mr. Weger. All ayes. Motion carried.

**RESOLUTION # 18-06 - DEFERRED LOCAL DISTRICT SCHOOL TAX**

WHEREAS, the local district school tax for the fiscal year July 1, 2005 to June 30, 2006 was raised in the 2005 tax levy in the amount of \$1,371,065.

WHEREAS, the statutes permit the deferral of the cash liability of such school tax up to 50% of the school tax levy or \$685,532.50.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Bloomsbury, that the deferred school tax for the local school district be increased from \$674,328 to \$685,532.50.

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed with the Director of the Division of Local Government Services.

Mr. Ross moved Council adopt resolution # 1806, seconded by Mrs. Papics. All ayes. Motion carried.

**FIRST READING ORDINANCE # 103-06 - ORDINANCE TO EXCEED THE 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 the 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 2006 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and the citizens; and

WHEREAS, the Governing Body hereby determines that a one percent increase in the budget for said year, amounting to \$4,717.80 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 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 2006 budget year, the final appropriations of the Borough of Bloomsbury shall, in accordance with this ordinance and N.J.S.A. 40A:40-45.14, be increased by 3.5% amounting to \$16,512.30, and that the CY 2006 municipal budget for the Borough of Bloomsbury be approved and adopted in accordance with this ordinance; and

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

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

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

Mr. Ross made a motion to move Ordinance # 103-06 be adopted on first reading and published in the Hunterdon County Democrat, seconded by Mrs. Tersigni.

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

Motion carried.

Public hearing will be held on March 28, 2006.

### **GARBAGE CONTRACT**

Council discussed the draft Garbage Contract and directed Mr. Edleston to make minor changes. Further consideration will be given at the March 28, 2006 Council meeting.

### **FIRST READING ORDINANCE # 104-05 - AN ORDINANCE IMPLEMENTING GARBAGE PICK-UP PROCEDURES AND ESTALISHING 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.

**DESIGNATED MATERIALS** – Those recyclable materials listed in the Hunterdon County District Recycling Plan which are mandated to be source-separated for recycling.

**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. It shall also include plastic bags or liners of .0125 gauge or heavier, securely tied at the top.

**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 bulky waste, recyclables or other designated materials.

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.

## ARTICLE II.

Definitions.

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

ALUMINUM -- Recyclable all-aluminum cans. .

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.

RECYCLABLE MATERIALS -- Those designated 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, plastic (bottles 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.

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.

OIL-CONTAMINATED SOIL -- Non-hazardous, Type ID 27 soil.

RECYCLING COORDINATOR -- a person appointed by the Mayor with the consent of Council who shall coordinate all aspects of the Borough's recycling program in conformity with State law.

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 non-recyclable 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).

**YARD WASTE** -- Leaves, brush, twigs, branches and shrubs. As used in this article, "yard waste" is deemed to be a recyclable material.

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.

Recycling Coordinator.

The Recycling Coordinator shall coordinate all aspects of the Borough's recycling program in conformity with State law.

Program responsibilities and descriptions.

A. Residential establishments.

(1) Residents shall separate all recyclables and designated materials from all other solid waste for curbside collection. Recyclable materials shall be deposited at curbside for recycling, pickup and dates and hours established by the Borough's governing body. Any materials disposed of by means other than those collection procedures described herein must be accounted for by tonnage receipts provided to the Borough.

(a) Newspaper: cross-tie with string or twine into bundles not to exceed 50 pounds; place curbside for collection; may not be co-mingled with other recyclables.

(b) Glass: rinse and remove cap and rings; place in rigid containers for curbside collection; may be co-mingled with other recyclables except newspapers.

(c) Aluminum cans: rinse and place in rigid containers for curbside collection; may be co-mingled with other recyclables except newspapers.

(d) Plastic bottles: rinse, remove and discard caps and rings and place in rigid containers for curbside collection; may be co-mingled with other recyclables except newspapers.

(e) Ferrous containers: rinse and place in rigid containers for curbside collection; may be co-mingled with other recyclables except newspapers.

(f) High-grade aluminum: rinse and place in rigid containers for curbside collection; may be co-mingled with other recyclables except newspapers.

(g) Motor oil: bring to any service station that is also a New Jersey State inspection station, or any designated collection or disposal site. Tonnage receipts must be provided to the Borough.

(h) Vehicular batteries: bring to any site designated for collection and disposal. Tonnage receipts must be provided to the borough.

(i) Household dry cell batteries: bring to any designated collection or disposal site for disposal in a properly marked container.

Brush: not more than six feet in length, butt-end to curb, for curbside pickup during times as may be directed by the Borough's governing body. Small twigs may be placed in a rigid container.

Christmas trees: may be placed curbside for pick up at such dates and times as may be designated by the Borough's governing body.

(l) Leaves: for curbside pickup during times as may be directed by the Borough's governing body. Loose leaves may be deposited onto any street or gutter only in accordance with Stormwater Regulations. Leaves may also be composted on property on which they are generated.

Tires: bring to any site designated for collection and or disposal. Tonnage receipts must be provided to the Borough.

(n) White goods, ferrous and non-ferrous metal: removal is the responsibility of the resident and/or property owner. Contact any hauler for removal. Tonnage receipts must be provided to the Borough.

Bulky waste: removal is the responsibility of the resident and/or property owner. Contact any hauler for removal. Tonnage receipts must be provided to the Borough. May be disposed of at a site and times designated by the Borough's governing body.

(2) White goods, ferrous and nonferrous metal will not be picked up.

(3) 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.

(4) All of the aforementioned provisions may, from time to time, be modified by the Borough's governing body, to the extent that procedures are developed for residents to have their recyclables recycled.

B. Commercial establishments and institutions shall separate all recyclable and other designated materials from all other solid waste. Materials may be deposited curbside for recycling and disposal in the manner described in Section A. The commercial establishments and institutions shall be responsible for establishing programs for the collection, transportation and marketing of all other solid waste, recyclables and other designated materials not disposed of in

accordance with the collection program described in Section A. Documentation of tonnage of materials disposed of 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 Borough Clerk with a copy of its recycling and disposal 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 dispose of recyclables or other designated materials through the Borough's curbside collection plan described in Section A must annually submit documentation of tonnage of materials recycled to the Borough Clerk by February 15 of the following year.

C. The Borough Clerk, or his or her designee, 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 or dispose of recyclable materials outside of the recycling plan described herein, or outside of a disposal plan on file with the Borough Clerk.

B. 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 Borough Clerk. 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.

A. The Code Enforcement Officer, Director of Public Works or any agent duly designated by the Borough's governing body are authorized and directed hereby to enforce this article. The Borough's governing body is hereby 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, glass, aluminum cans, ferrous containers, high-grade aluminum, plastic bottles, vehicular batteries, motor oil, household dry cell batteries, white goods, yard waste, designated materials or other materials which may be designated as recyclables, in accordance with the terms hereof.

B. 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 Code Enforcement Officer 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.

Mr. Weger made a motion to move Ordinance # 104-06 be adopted on first reading and published in the Hunterdon County Democrat, seconded by Mr. Ross.

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

Public hearing will be held on March 28, 2006.

### **INTRODUCTION OF ORDINANCE # 105-06 - AN ORDINANCE PROHIBITING THE IMPORTATION OF GARBAGE INTO THE BOROUGH OF BLOOMSBURY**

Mr. Ross moved Council introduce Ordinance # 105-06 by title, seconded by Mrs. Papics.

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

Mr. Edleston will prepare a draft ordinance for the March 28, 2006 Council meeting.

### **2006 BUDGET**

#### **BLOOMSBURY HOSE COMPANY- Jim Wyant**

Bloomsbury Hose Company Chief, Jim Wyant stated that he and Jim Race were never sworn in as town officials and that the Fire Police had been sworn in, but that they were not supposed to be this year because they are not certified by the State of New Jersey as Fire Police. He further stated that he doesn't know why they were sworn in, that they were told they were not Fire Police, they haven't taken care of their classes and they don't belong out there. Mayor Peck said that Mr. Wyant was on the re-organization meeting agenda to be given the Oath of Office and that he was absent. Mr. Wyant stated that his name did not appear on the agenda.

The Clerk then stated that she and Jim had a detailed discussion prior to the re-organization meeting about who should be given the oath of office this year and that Mr. Wyant had explained to her that his name should appear this year because he had been re-elected. He further stated that the Chief and Assistant Chief have staggered two year terms, so the assistant would need to be sworn in the following year.

Mr. Wyant then stated that he had been unable to attend the Sunday reorganization meeting.

Mr. Wyant stated that a few years ago, they had replaced the doors of the fire house and had left the "No Parking" signs off and that everyday they are getting more cars parked in front of the fire doors.

Mr. Wyant said he missed the last Fire department meeting, but the Fire Police issue has been a thorn in their side and that they had been notified by Hunterdon County that he and Jimmy would be liable if the Fire Police went out and caused an accident because they are not certified.

Mayor Peck asked what needed to be done, and Mr. Wyant interrupted that they need to attend classes and be certified. He further stated that they actually have to have a Captain and now that they have been sworn in, he and Jim Race would be liable if they cause an accident.

Mayor Peck asked how the Fire Police came to be included on the January agenda. The clerk responded that Mr. Fleming had contacted her with a list of Fire Police whose terms had expired at the end of 2005 who needed to be sworn in. Mr. Wyant then stated that Al Fleming has moved out of the Borough, that he had been in charge of the Fire police, and that he had been told that it wasn't going to happen. He further stated that he was shocked to find out that they went ahead and did it.

Mayor Peck asked Mr. Wyant to have the man from the County contact him directly about the situation.

In reference to the 2006 Budget, Mr. Wyant stated that the Fire Company has been in bad financial shape for the past five to six years, taking \$10,000 - \$20,000 out of the savings account each year.

Mr. Wyant said that the Fire Company couldn't run the breakfast anymore, with an average of 25-30 people working, they were only bringing in about \$300.00 profit.

Mr. Wyant said that the Division of Fire and Safety could come in and shut the Fire Company down at any time, due to outdated gear. He said that they have been applying for grants, and that the Clerk has been working on a different program for the Fire Company. Mr. Wyant stated that they need \$40,000 worth of gear in the next year or so.

Lengthy discussion followed regarding Fire Company expenses.

Mayor Peck asked Mr. Wyant what the Fire Company is looking for specifically, and Mr. Wyant responded that he didn't know.

Mr. Wyant stated that the Fire Company owns the Fire Company and they could pick up and leave the Borough.

Mayor Peck went on the record to say that the January 1, 2006 reorganization agenda did clearly state reappointment of Jim Wyant, Fire Chief, two-year term.

**BLOOMSBURY ENVIRONMENTAL COMMISSION**

Ilse Goshen, asked Council consider increasing the Bloomsbury Environmental Commission Budget from \$500.00 to \$1,000.00 for 2006.

**BOROUGH LAND LOCATED NEAR LEHIGH AVE AND DEERPATH**

Mayor Peck asked Council to consider the sale of a Borough owned, landlocked parcel behind the Fawn Run Development to Borough residents. Council members and the Environmental Commission members will consider and discuss again at the March Council meeting.

**RECREATION COMMISSION - LOWER BALL FIELD**

Not present.

**OPEN TO THE PUBLIC**

**ENVIRONMENTAL COMMISSION - NRI PRESENTATION**

Ilse Goshen reported that the Environmental Commission is finishing the Natural Resource Inventory for the Borough. When completed, the Environmental Commission would like to plan a power point presentation for the public.

**ADJOURNMENT**

There being no further business, a motion to adjourn was made by Mr. Ross, seconded by Mr. Weger. All ayes, motion carried. Meeting adjourned at 9:56 PM.

**BOROUGH OF BLOOMSBURY  
COUNCIL MEETING MINUTES  
MARCH 28, 2006**

The regular meeting of the Bloomsbury Borough Council was held on March 28, 2006, 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 January 5, 2006 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
Vicky Papics	Martha Tersigni
Mark Peck, Mayor - excused	Eric Weger - absent
Steve Ross - excused	William Edleston, Esq.-arrived 7:14

**APPROVAL OF MINUTES**

The regular meeting minutes of February 28, 2006 will be held for approval at the April 25, 2006 Council meeting.

**TAX COLLECTOR'S REPORT**

Mrs. Papics moved Council approve the Tax Collector's Report of March 1, 2006 seconded by Mrs. Flink.

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

**APPROVAL OF BILL LIST**

Mr. Scheffel moved Council approve the bill list of March 28, 2006, seconded by Mrs. Papics.

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

**COMMITTEE REPORTS:**

***V. Papics:***

**Recreation** - Mrs. Papics reported that Scott Parker, President of the Recreation Commission would appear to request Council approval for the proposed reconfiguration of the lower ball field.

**E. Weger:**  
Not present.

**M. Scheffel:**

**Board of Education** - Mr. Scheffel reported that the School Budget meeting would be held on March 29, 2006.

**C. Flink:**

**HOSE COMPANY**- Basket Bingo will be held on April 9, 2006. Mother's Day flower sale will be held from May 11, through the 13th.

**OEM** - The Bloomsbury Hose Company Medical Distribution forms are still not in.

**LEPC** - LEPC meeting was held on March 20, 2006. Resolution appointing LEPC members will be adopted tonight.

**S. Ross:**  
Not present.

**M. Tersigni:**

**PLANNING BOARD** - The March Planning Board meeting was cancelled as there was no business pending before the Board.

**ADMINISTRATION -**

**BOROUGH PARK:** Mrs. Tersigni reported that Garbage and building materials have been appearing in the park dumpster.

**STREET SIGNS:** The Road Department has replaced several signs in the Borough including "No Parking", "No Exit", and several street signs. The High Street sign was replaced and has already been stolen again.

**ROUTE 579 RAILROAD CROSSING:** Mrs. Tersigni reported that the road repair work is scheduled to begin on July 19th. A detour will be posted for Willow Avenue, Staats Road, and Route 579 a few weeks in advance.

**PILOT:** Right hand turn lane markout will begin on Wednesday, March 26, 2006 with construction scheduled to start on March 27, 2006.

**M. Peck:**  
Not present.

**2006 BUDGET**

**SECOND READING ORDINANCE # 103-06 - ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

Mrs. Tersigni called Ordinance # 103-06 up for second reading.

Mrs. Papics moved to open discussion to Council, seconded by Mr. Scheffel. Brief discussion followed. Mr. Scheffel made a motion to move a public hearing on the above ordinance, seconded by Mrs. Papics. No comments from the public. 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-absent; Scheffel-aye; Tersigni-aye; Weger-absent.

Motion carried.

**INTRODUCTION OF 2006 BUDGET**

Mrs. Papics moved Council introduce the 2006 Budget with a \$0.02 increase; seconded by Mrs. Flink.

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

Motion carried.

Public hearing will be held on April 25, 2006.

### **2005 AUDIT**

Council will review the 2005 Report of Audit for the April Council meeting.

### **PERRYVILLE STATE POLICE:**

Not present.

### **NORTH STREET**

Mr. Edleston will prepare an Ordinance for introduction at the April Council meeting.

### **K&S FITNESS 5K RUN/ 1 MILE WALK**

Patty Decker, President of the Bloomsbury Elementary School P.T.O. appeared before Council for approval to hold a 5K run and 1 Mile bunny hop walk on April 23, 2006, hosted by K&S Fitness to benefit the P.T.O. Mrs. Decker presented Council with a map of the proposed route including North Street, Wilson Street, Brunswick Avenue, and Center Street.

Mr. Scheffel made a motion endorsing the event with the condition that the Borough of Bloomsbury be added to the liability waiver on the registration form; seconded by Mrs. Papics.

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

### **ACCIDENT INSURANCE**

Council authorized the Clerk to contact Dave Quinn of Brown & Brown and further consider accident insurance for the Borough. Mrs. Flink moved Council authorize the Clerk to contact Brown & Brown and purchase additional accident insurance on behalf of the Borough ; seconded by Mr. Scheffel.

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

### **GARBAGE CONTRACT**

Mr. Edleton will make final changes to the Garbage contract and forward the final copy to Council for April 25, 2006 meeting.

Mrs. Papics moved Council authorize the Mayor and Clerk to execute a five year contract between the Borough of Bloomsbury and Kasper Disposal Services, seconded by Mr. Scheffel.

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

**SECOND READING ORDINANCE # 104-06 - AN ORDINANCE IMPLEMENTING GARBAGE PICK-UP PROCEDURES AND ESTALISHING RECYCLING REQUIREMENTS WITHIN THE BOROUGH OF BLOOMSBURY**

Mrs. Tersigni called Ordinance # 104-06 up for second reading.

Mr. Scheffel moved to open discussion to Council, seconded by Mrs. Papics. Brief discussion followed. Mr. Scheffel made a motion to move a public hearing on the above ordinance, seconded by Mrs. Papics. No comments from the public. 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-absent; Scheffel-aye; Tersigni-aye; Weger-absent.

**ORDINANCE # 105-06 - AN ORDINANCE PROHIBITING THE IMPORTATION OF GARBAGE INTO THE BOROUGH OF BLOOMSBURY**

Mr. Edleston will prepare a draft Ordinance prohibiting the importation of Garbage into the Borough of Bloomsbury for the April 25, 2006 Council meeting.

**OC LAB CONTRACT**

Mr. Edleston will prepare a contract for Council review at the April 25, 2006 meeting.

**RECREATION COMMISSION - LOWER BALL FIELD**

Scott Parker, President of Bloomsbury Recreation Association presented Council with a plan for ball field alterations. Mr Parker stated that volunteers from Bloomsbury and Greenwich would be relocating the field by moving it back approximately twenty feet. The estimated cost of the project will be \$470.00.

Mrs. Papics made a motion to endorse the field relocation, seconded by Mr. Scheffel. All ayes. Motion carried.

**RBZ CONTRACT**

Mr. Edleston will contact Robert Zederbaum and inquire about the length of the service contract and report back to Council for further consideration at the April 25, 2006 meeting.

**CODE ENFORCEMENT**

The appointment of a Borough Code Enforcement Officer will be carried to the April 25, 2006 Council meeting.

**RESOLUTION # 19-06 APPOINTMENT OF A LOCAL EMERGENCY PLANNING COUNCIL (LEPC) IN THE BOROUGH OF BLOOMSBURY**

WHEREAS, the State of New Jersey has mandated that each municipality within the state appoint by resolution a Local Emergency Planning Council (LEPC), and

WHEREAS, the Borough of Bloomsbury is a municipality within the State of New Jersey, and

WHEREAS, the elected Mayor of the Borough of Bloomsbury, the honorable Mark R. Peck, has designated specific, qualified persons to serve on the Local Emergency Planning Council

NOW THEREFORE, BE IT RESOLVED, that the Local Emergency Planning Council for the Borough of Bloomsbury will include the following persons:

Mark R. Peck, Mayor, Borough of Bloomsbury  
Martha Tersigni, President, Bloomsbury Borough Council  
James Wyant, Chief, Bloomsbury Hose Company No. 1  
James Anderson, Chief, Bloomsbury Rescue Squad  
Peter Flink, Office of Emergency Management Coordinator, Borough of Bloomsbury

Mr. Scheffel moved Resolution # 19-06 be adopted, seconded by Mrs. Papics. All ayes. Motion carried.

#### **STREET SWEEPING**

Ilse Goshen reported that Borough wide street sweeping, funded by the Clean Communities Grant money, will take place during the first two weeks of May.

Mrs. Tersigni moved Council endorse the street sweeping, seconded by Mr. Scheffel. All ayes. Motion carried.

#### **OPRA REQUEST FORM**

Mr. Scheffel moved Council endorse the use of the new OPRA form, seconded by Mrs. Papics. All ayes. Motion carried.

#### **BLOOMSBURY ENVIRONMENTAL COMMISSION**

Ilse Goshen reported Vince Stephano's appointment to the Bloomsbury Environmental Commission for a two-year term.

#### **BLOOMSBURY WATER DEPARTMENT**

Council reviewed an estimate for \$400.00 to cut down and remove trees from the Water Department property. Mrs. Papics moved Council approve the expenditure, seconded by Mr. Scheffel. All ayes. Motion carried.

Mrs. Papics moved Council authorize the Water Department to spend \$525.00 to replace a malfunctioning thermometer, seconded by Mrs. Flink.

ROLL CALL VOTE: Flink-aye; Papics-aye, Ross-absent; Scheffel-aye; Tersigni-aye; Weger-absent.

#### **OPEN TO THE PUBLIC**

Ilse Goshen asked Council if Mr. Zederbaum of RBZ Enterprises made changes to the Borough Stormwater Management Plan as requested by the Environmental Commission at the October 25, 2005 Council meeting, as a condition of the plans approval.

Council directed Mr. Edleston to contact Mr. Zederbaum and request a copy of the Stormwater Management Plan with changes.

Ilse Goshen reported that the Bloomsbury Celebrations Committee has agreed to take over the annual Bloomsbury Town for Sale event being held on June 10, 2006.

Mr. Scheffel moved Council authorize the BCC to advertise for the town wide yard sale with a cost not to exceed \$75.00, seconded by Mrs. Papics. All ayes. Motion carried.

Ilse Goshen reported that the Bloomsbury Environmental Commission members and community volunteers will participate in a park clean up to be held on April 22, 2006. Mrs. Goshen agreed to have all participants sign a liability waiver form. Mr. Parker agreed to have all participants in the field alteration sign a liability waiver form as well.

#### **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 municipal property.

Mr. Scheffel made a motion to go into closed session at 9:16 pm, seconded by Mrs. Papics. All ayes, motion carried.

Council returned from executive session at approximately 9:37 PM. No action was taken.

Mr. Scheffel moved Council re-enter regular session, seconded by Mrs. Papics. All ayes. Motion carried.

Mr. Scheffel moved Council terminate the contract with Bloomsbury Mill Limited, seconded by Mrs. Papics.

ROLL CALL VOTE: Flink-aye; Papics-aye, Ross-absent; Scheffel-aye; Tersigni-aye; Weger-absent.

#### **RESOLUTION NO. 20 -06 RESOLUTION TERMINATING RENOVATION AND REHABILITATION AGREEMENT WITH BLOOMSBURY MILL, LIMITED, A NEW JERSEY LIMITED LIABILITY COMPANY**

**WHEREAS**, the Mayor and Council (hereafter the “Borough”) have heretofore adopted a resolution declaring that the Black Mill, which is located on municipally owned property known as Lot 6.01, Block 13 on the Bloomsbury Borough tax map to be in a state of disrepair and obsolescence and declaring that same should be rehabilitated and redeveloped consistent with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq*; and

**WHEREAS**, pursuant to the aforesaid law, the Borough’s Planning Board completed a preliminary investigation and conducted a hearing pursuant to the provisions of the law and recommended to the Borough a development plan in furtherance thereof; and

**WHEREAS**, the Borough, as the duly designated redevelopment authority, solicited requests for proposals from potential developers; and

**WHEREAS**, the Planning Board recommended and the Borough concurred to designate Wood, Stone and Steel, LLC subsequently succeeded in name by the developer herein as the developer/redeveloper of the project; and

**WHEREAS**, a renovation and rehabilitation agreement was subsequently prepared and negotiations ensued between the Borough and the developer over many months regarding the terms, conditions and obligations to be incorporated therein; and

**WHEREAS**, the developer was ultimately notified by the Borough attorney of the requirement to execute the agreement by March 7, 2006 and to make the escrow payment required therein by no later than March 12, 2006; and

**WHEREAS**, the escrow deposit was not received by the Borough until March 14, 2006; and

**WHEREAS**, the Borough considers the rehabilitation and redevelopment of the Black Mill to be a critical project both as to the restoration of the structure as well as to spur revitalization of that area of the Borough; and

**WHEREAS**, although the Borough is desirous of the project proceeding expeditiously, several of the following factors lead the Borough to question the resolve of the developer to unequivocally devote the time and financial commitments to moving the project forward promptly at this time:

1. The length of time that has transpired in finalizing the contract with the Borough having to impose a deadline upon the developer to execute same and to remit the required escrow deposit by a time certain;
2. Failure of the developer's representative to attend a specially scheduled meeting of the Borough Planning Board on January 2, 2006 held for the sole and express purpose of discussing unresolved terms and conditions of the agreement;
3. Failure of the developer to remit the escrow deposit to the Borough within the time prescribed by the agreement;
4. A lack of response by the developer confirming that it is committed to moving forward with the project;
5. The lack of any activity or objective indication that the developer is committed to take action to commence work on the project; and

**WHEREAS**, as a result of the foregoing, the Borough is of the opinion that it will encounter continued difficulty in dealing with the developer in the future resulting in areas of disagreement that could delay or impede the timely completion of the project; and

**WHEREAS**, based upon the foregoing, the Borough is of the opinion that is in the best interest to declare the contract with the developer terminated accordingly;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council on the 28<sup>th</sup> day of March, 2006 that the agreement between the Borough of Bloomsbury and Bloomsbury Mill, Limited, a New Jersey Limited Liability Company, is hereby declared terminated;

**BE IT FURTHER RESOLVED** that the return of the developer's full escrow deposit in the amount of \$4,000.00 is hereby authorized accordingly;

**BE IT FURTHER RESOLVED** that a true copy of this resolution be sent to the developer.

Mr. Scheffel moved Council adopt resolution # 20-06, seconded by Mrs. Papics. All ayes. Motion carried.

ROLL CALL VOTE: Flink-aye; Papics-aye, Ross-absent; Scheffel-aye; Tersigni-aye; Weger-absent.

Mr. Scheffel moved Council reopen to the public, seconded by Mrs. Papics. All ayes. Motion carried.

Mike Graziano, reporter for the Hunterdon County Democrat asked Council if the Resolution terminating the Mill redevelopment agreement indicated reasons why the contract was being terminated. Mr. Edleston stated that resolution # 20-06 did outline some of the reasons for the termination of the contract.

Mrs. Papics moved Council close the meeting to the public, seconded by Mr. Scheffel. All ayes. Motion carried.

### **ADJOURNMENT**

There being no further business, a motion to adjourn was made by Mrs. Papics, seconded by Mr. Scheffel. All ayes, motion carried. Meeting adjourned at 9:43 PM.

Respectfully Submitted,

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Lisa A. Burd,  
Acting Borough Clerk

**BOROUGH OF BLOOMSBURY  
COUNCIL MEETING MINUTES  
APRIL 25, 2006**

The regular meeting of the Bloomsbury Borough Council was held on March 28, 2006, 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 January 5, 2006 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 - excused  
Vicky Papics  
Mark Peck, Mayor  
Steve Ross

Marc Scheffel  
Martha Tersigni  
Eric Weger  
William Edleston, Esq.-arrived 7:25

**APPROVAL OF MINUTES**

A motion was made by Mrs. Tersigni, seconded by Mr. Scheffel to approve the regular meeting minutes of February 28, 2006. All ayes. Motion carried.

A motion was made by Mrs. Tersigni, seconded by Mr. Weger to approve the regular meeting minutes of March 28, 2006

**TAX COLLECTOR'S REPORT**

Mr. Scheffel moved Council approve the Tax Collector's Report of April 5, 2006 seconded by Mrs. Papics.

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

**APPROVAL OF BILL LIST**

Mrs. Papics moved Council approve the bill list of April 25, 2006, seconded by Mr. Weger.

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

**PERRYVILLE STATE POLICE:**

Sergeant Sofhauser reported that some traffic delays have been caused by right hand turn lane construction by the Travel Centers and Pilot truck stops.

Troopers are patrolling Church Street during morning hours for speed control near the elementary school.

Mr. Scheffel relayed the Borough's appreciation for the increase in State Police presence.

Mrs. Tersigni expressed resident concern about ATV's riding on Borough streets and in the municipal park. Sergeant Sofhauser stated that residents should call the Perryville with a description of the ATV or motorcycle, and the rider and a license plate number if possible. Mayor Peck suggested including a notice prohibiting the riding of ATV's on Borough streets and in the Borough Park in the next Borough newsletter.

### **COMMITTEE REPORTS:**

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

**Recreation** - Mrs. Papics reported that the Recreation Commission reconfigured the lower ball field on April 1, 2006.

Infield mix needs to be replenished. Mrs. Papics asked for Council approval to order 25 tons of infield mix at \$30.55/ ton. Delivery should be made to the Borough Park by the end of the week.

There was a water leak in the park bathroom which was repaired by Bob Heinrich.

#### ***E. Weger:***

No Report.

#### ***M. Scheffel:***

**Board of Education** - Mr. Scheffel reported that he was unable to attend the April Board meeting.

#### ***S. Ross:***

**ENVIRONMENTAL COMMISSION** - The Park clean up organized by the Bloomsbury Environmental Commission was a success. A joint meeting with Bloomsbury and Bethlehem Township Environmental Commissions and ANJAC is planned for tomorrow.

Mr. Scheffel reported that access to the woods should be restricted with gates to prevent future dumping. Mrs. Tersigni then stated that the gates to the Borough Park haven't been replaced since they were damaged sometime last year. The Clerk will look into replacement costs.

#### ***M. Tersigni:***

**ADMINISTRATION** - The Clerk has developed an employee policies and procedures manual.

**PLANNING BOARD** - Mrs. Tersigni reported that the Planning Board had to wait 30 minutes for a quorum at the April meeting and would like to remind everyone to call the Clerk if they will be unable to attend a meeting. Concerns about the right hand turn lane construction which is being conducted. The Chairman will write a letter to the Borough Engineer to make sure that work is being done according to plan. The Planning Board attorney stated that he is holding

approximately 1,800.00 in unpaid, un-submitted legal bills for work done on the Mill redevelopment and he was very critical of Council's handling of the project.

*M. Peck:*

**WATER DEPARTMENT:**

Henry Zoller has expressed his desire to retire from the Water Department. Henry will continue to work time, receiving half of his salary to perform some administrative duties for the water department as the Borough advertises locally for a replacement.

**BLOOMSBURY BETHLEHEM COURT-**

Mayor Peck reported that he and Mr. Weger attended a meeting in Clinton with representatives from Bethlehem Township, Hampton, Glen Gardner and Lebanon Borough regarding the municipal court. While it is still very early in the process, there may be one or more municipalities seeking to joint our municipal court.

They also discussed the possibility of creating a regional police department if rural communities are required to pay for State Police coverage in the future.

*M. Scheffel:*

**BOROUGH MERGER-**

Mr. Scheffel stated that he had been talking to a few of the constituents and had taken a look at some of the shared services issues that have come up, such as the Police. He started to question the viability of a Borough this size. Mr. Scheffel said that the State flat funds us for education and while we do our best to maintain what is here, it is really keeping with status quo. He said that he would like to discuss with Council the idea of taking a look at why Bloomsbury exists and if there are options to where we might be better served if we would combine with municipalities around us.

Mayor Peck stated that up until 1905, the Borough of Bloomsbury was part of Bethlehem Township, and perhaps it is time for us to return. If in the long run it is cost effective, it doesn't hurt to look into it.

Mr. Scheffel stated that his concern was how the Borough would continue to pay its expenses with only 342 households and a hand full of businesses.

Mayor Peck called for a vote on the appointment of Mark Scheffel and Eric Weger to a subcommittee to look into the viability of the Borough combining with a neighboring municipality.

In Favor - Mr. Scheffel, Mr. Weger, Mr. Ross.

Opposed - Mrs. Tersigni, Mrs. Papics

**FIRST READING ORDINANCE # 106-06 - AN ORDINANCE ACCEPTING THE TERMINUS OF NORTH STREET AS A MUNICIPAL ROADWAY**

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

**HEREAS**, the Borough has heretofore maintained a portion of North Street terminating at a point which approximates its intersection with Wilson Street; and

**WHEREAS**, it is determined to be in the Borough's interest to accept jurisdiction and maintenance responsibilities for the remainder of North Street;

**NOW, THEREFORE**, the Mayor and Borough Council do hereby adopt this ordinance signifying acceptance of the remaining portion of North Street which terminates in a cul-de-sac for the purposes of future maintenance, snow and ice removal, removal of obstructions and the enforcement of the provisions of Title 39 of the Statutes of the State of New Jersey entitled "Motor Vehicles";

**BE IT THEREFORE ORDAINED** that upon adoption of this ordinance, North Street is accepted as a public roadway for the entire length thereof;

**IT IS FURTHER ORDAINED** that upon adoption of this ordinance a certified copy thereof shall be forwarded to the Office of the Hunterdon County Clerk for filing signifying acceptance of a public road within the Borough of Bloomsbury pursuant to the authority to accept same as set forth in N.J.S.A. 40:67-1(b).

**Effective date:** This ordinance shall take effect following final passage and publication in accordance with law.

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed on first reading by the Borough of Bloomsbury Council at its regular monthly meeting held on Tuesday, April 25, 2006 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, May 23, 2006, which shall commence at 7:00 p.m. at the Borough of Bloomsbury Administrative Offices, 91 Brunswick Avenue, Bloomsbury, New Jersey 08804.

Mr. Ross made a motion to move Ordinance # 106-06 be adopted on first reading and published in the Hunterdon County Democrat, seconded by Mr. Weger.

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

#### **DISCUSSION OF ORDINANCE # 113-05 PROOF OF TAXES PAID**

The Clerk expressed concerns about the intent of Ordinance # 113-05 and questioned if it required every applicant seeking a zoning permit to pay for an obtain a certification of taxes paid from the Tax Collector. The Clerk explained that this information is currently given out over the phone without charge to realtors, insurance companies and mortgage companies. Discussion followed. Mr. Edleston will review Ordinance # 113-05 and report back to Council at the May 23, 2006 meeting.

**FIRST READING ORDINANCE # 105-06 - AN ORDINANCE PROHIBITING THE IMPORTATION OF GARBAGE AND OTHER WASTE INTO THE BOROUGH OF BLOOMSBURY AND ESTABLISHING PENALTIES FOR THE VIOLATION THEREOF**

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

**Section 1: Unlawful Deposit**

- A. No person shall bring garbage, litter, refuse, rubbish, or other waste into the Borough of Bloomsbury for the purpose of disposing of same in the Borough of Bloomsbury, nor shall any person place garbage, litter, refuse, rubbish, or other waste generated outside of the Borough of Bloomsbury in any public waste receptacle of the Borough of Bloomsbury or in any private receptacle subject to collection and disposal by the Borough of Bloomsbury or its duly authorized contractor for such purposes, except that it shall not be illegal to deposit small amounts of garbage, trash, rubbish or other litter generated locally or in the course of travel such as newspapers, food, retail beverages and food containers and wrappings and other similar items in public waste receptacles.
- B. No person shall deposit household or commercial garbage in any public waste receptacle of the Borough of Bloomsbury except as otherwise provided by law.
- C. No person who has his or her garbage, litter, refuse, rubbish or other wastes collected by the Borough of Bloomsbury shall accept for disposal garbage, litter, refuse, rubbish or other wastes generated outside the Borough of Bloomsbury for the purpose of having it collected and/or disposed of by the Borough of Bloomsbury or its duly authorized contractor.
- D. No person shall cast, place, sweep or deposit any grass clippings, brush, sod or other refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place within the Borough.
- E. No person shall place any garbage or industrial waste in any street, alley or other public place or upon any private property, whether owned by such person or not, except in proper containers for collection; neither shall any person throw or deposit any garbage, refuse or industrial waste in any stream or storm drain.
- F. Any accumulation of refuse on any premises except in the manner herein provided is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within 30 days after the effective date of this chapter shall be deemed a violation of the same.

**Section 2: Violations and Penalties:**

- A. Any person who shall violate any of the provisions of this chapter shall, upon conviction, be punished for each offense by a fine not exceeding \$2,000.00, by imprisonment for a term not to exceed 90 days in the county jail or by a period of community service not to exceed 90 days.
- B. Any violations hereof from one or more residences or business establishments shall constitute a separate and distinct violation of this chapter.

**Effective Date:**

This ordinance shall take effect following final passage and publication in accordance with law.

**Repealer:**

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

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed on first reading by the Borough of Bloomsbury Council at its regular monthly meeting held on Tuesday, April 25, 2006 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, May 23, 2006, which shall commence at 7:00 p.m. at the Borough of Bloomsbury Administrative Offices, 91 Brunswick Avenue, Bloomsbury, New Jersey 08804.

Mr. Ross made a motion to move Ordinance # 105-06 be adopted on first reading and published in the Hunterdon County Democrat, seconded by Mr. Scheffel.

**ROLL CALL VOTE:** Flink-absent; Papiacs-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Weger-aye. Motion carried.

**MILL REDEVELOPMENT**

Council reviewed Resolution #02-06 submitted by the Borough Planning Board.

Council reviewed a letter from Attorney, Walter Wilson, PC, dated April 20, 2006 on behalf of his client, Peter Bosco who has expressed interest in the project.

Council reviewed a letter from Borough residents, Carol and Mike Venditti who also expressed interest in purchasing the Mill.

Mayor Peck stated Mr. Edleston researched the redevelopment laws and they have concluded that Council does not have to start the process over again, but rather can choose a redeveloper from one of the two remaining original applicants.

Peter Bosco, 4641 Old Bethlehem Pike, Bethlehem PA., introduced himself to Council. Mr. Bosco stated that his firm specializes in the renovation of old structures, primarily old barns and asked Council to consider his firm, Timber Crossings, Inc. for the project should they decide to re-open the redevelopment process.

Lukas Louw, Route 173, Asbury, N.J., addressed Council reaffirming his interest and ability to move forward with the Mill Redevelopment project if selected by Council.

Mayor Peck stated that it would be his preference to simply move forward with the process by choosing one of the remaining parties. All in favor. Mr. Weger abstained.

Mayor Peck appointed the Clerk and Mrs. Tersigni as a subcommittee to conduct follow up interviews with the two remaining applicants and make a recommendation to Council at the May 23, 2006 meeting.

### **QC LABS CONTRACT**

Mr. Edleston reported that he contacted Mr. Zederbaum and has determined that the Borough does not have a contract with QC Labs for conducting the Borough water testing and provide Council with a draft contract he prepared. Mr. Edleston has asked Mr. Zederbaum to provide him with the annual testing requirements for inclusion in the contract.

### **ACCIDENT INSURANCE**

Council reviewed a memo from Brown & Brown Insurance outlining accident insurance for volunteers in the Borough with an annual premium of \$500.00. Council directed the Clerk to obtain the accident insurance coverage.

### **PROFESSIONAL SERVICES CONTRACT 2006 - RBZ ENTERPRISES CONTRACT**

Mrs. Papics moved Council authorize the Mayor and Clerk to execute the contract between the Borough of Bloomsbury and RBZ Enterprises for the calendar year 2006, seconded by Mrs. Tersigni.

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

### **PROFFESIONAL SERVICES CONTRACT 2006 - WILLIAM EDLESTON**

Mrs. Tersigni moved Council authorize the Mayor and Clerk to execute the contract for professional services for the calendar year 2006, seconded by Mr. Ross. All ayes. Motion carried.

### **PUBLIC HEARING - 2006 BUDGET**

Mr. Schroeder reported that the State of New Jersey has reviewed the 2006 Budget and had no questions.

Mrs. Tersigni moved Council open the public hearing, seconded by Mr. Weger. All ayes. Motion carried.

No public comment. Mrs. Papics moved Council close the public hearing, seconded by Mr. Scheffel. All ayes. Motion carried.

Mrs. Tersigni moved Council adopt the 2006 Budget, seconded by Mr. Weger

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

### **2005 AUDIT REPORT**

Mr. Schroeder stated that the Borough Financial administration is to be commended for their work.

### **LIFE CHOICES**

Joan Fascanello appeared before Council for approval of a walk-a-thon to be held on June 3, 2006.

### **FIRST READING - ORDINANCE # 107-06 - AN ORDINANCE ESTABLISHING RESPONSIBILITY UPON COMMERCIAL PROPERTY OWNERS TO ADDRESS HAZARDOUS SPILLS OCCURRING ON THEIR PROPERTY**

**Statement of Purpose:**

The intent of this ordinance is to require a resident business to bear the cost of cleanup and disposal of a hazardous material spill occurring on its property thereby alleviating the Borough from the cost and responsibility for same.

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

**Section 1: Definitions:**

“Hazardous material” shall mean a substance or material of petroleum, petroleum products, pesticides, solvents and other hazardous substances as defined in N.J.A.C. 7:1E-1.7. Sewage and sewage sludge shall not be considered as hazardous substances.

“Cleanup and removal costs” mean all costs associated with cleanup and removal activities incurred by the State, the Borough of Bloomsbury or its agents or any person with written approval of the Department of Environmental Protection.

“Cleanup and removal activities” means actions to cleanup or remove or attempt to cleanup or remove a discharge of a hazardous substance or the source thereof, or to chemically neutralize the discharge, or measures to prevent or mitigate any damages to the public health, safety or welfare, including, but not limited to, public and private property, shorelines, beaches, surface waters, water columns and bottom sediments, soils and other affected property, including wildlife and other nature resources.

“Person” shall include direct or indirect beneficial ownership by the person asserted to have a controlling interest and any of such person’s affiliates of at least fifty (50%) percent of the voting stock or other equity interest in the person.

“Containment or containment activities” means actions to limit or prevent the spread of a leak or discharge.

“Discharge” means any intentional or unintentional action or omission, unless pursuant to and in compliance with the conditions of a valid and effective federal or state permit, resulting in the releasing, spilling, pumping, pouring, emitting, emptying or dumping of a hazardous substance into the water adjacent to or onto the lands of the Borough or into waters outside the jurisdiction of the Borough when damage may result to the lands, waters or natural resources within the jurisdiction of the Borough.

“Person” means public or private corporations, companies, associations, societies, firms, partnerships, joint stock companies, as well as individuals, and when used to designate the owner of property which may be subject to the provisions of this ordinance, any agents lawfully owning or possessing property.

“Person responsible for a discharge” means each owner or operator of any facility, vehicle or vessel from which a discharge has occurred; any person who owns or controls any hazardous substance which is discharged; any person who has directly or indirectly caused a discharge; any person who has allowed a discharge to occur, or any person who brokers, generates or transports the hazardous substance discharge.

**Section 2: Responsibility:**

- A. The owner of any commercial property within the Borough upon whose lands occurs a discharge of hazardous materials or hazardous substances as defined herein whether that discharge occurs during the transportation, handling or

storage thereof shall be responsible for all costs involved in the containment, neutralization and cleanup of the site emanating from either the discharge or spillage of same.

- B. The owner shall attend to the cleanup of the site so affected which shall be under the auspices of both the Borough and State Offices of Emergency Management and the New Jersey Department of Environmental Protection.
- C. The owner's responsibility to cleanup and remediate the site shall further extend to any and all measures required and costs associated with the cleanup and remediation of any adjoining properties or adjoining waters upon which a discharge or spillage of hazardous substances occurs.
- D. The owner shall promptly respond to any directive from either the Borough or State Offices of Emergency Management or the New Jersey Department of Environmental Protection to commence containment and cleanup activities. In the event of the property owner's failure or refusal to commence containment and cleanup activities within 24 hours after formal notification to do so, the Borough may, but shall not be obligated to, contract for emergency containment and cleanup services by firms licensed and qualified to do so. The cost thereof as certified by the Mayor and Borough Council shall be charged against said lands and 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.

### **Section 3: Penalties for Violations:**

Any person convicted of a violation of any of the provisions of this chapter shall, upon conviction, be subject to a fine not exceeding \$2,000.00, or imprisonment for a period not exceeding 90 days, or both or to a period of community service not exceeding 90 days at the discretion of the municipal court judge.

The penalties imposed under this chapter shall be in addition to any other penalties which may be assessed or imposed under any federal or state law or regulation.

### **Section 4: Separate Violations except as otherwise provided:**

Every day in which a violation of any provision of this chapter exists shall constitute a separate violation.

### **Section 5: Severability and Repealer:**

If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

**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, April 25, 2006 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, May 23, 2006, which shall commence at 7:00 p.m. at the Borough of Bloomsbury Municipal Building, 91 Brunswick Avenue, Bloomsbury, New Jersey 08804.

Mr. Ross made a motion to move Ordinance # 107-06 be adopted on first reading and published in the Hunterdon County Democrat, seconded by Mr. Weger.

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

**KASPER DISPOSAL SERVICE CONTRACT 2006**

Mr. Ross moved Council authorize the Mayor and Clerk to execute the 2006 contract with Kasper Disposal, seconded by Mrs. Papics. All ayes. Motion carried.

**RESOLUTION # 26-06 - PUBLIC ALLIANCE INSURANCE COVERAGE FUND  
RESOLUTION FOR RENEWAL OF MEMBERSHIP**

WHEREAS, the Borough of Bloomsbury, hereinafter referred to as "Public Entity" is a member of the Public Alliance Insurance Coverage Fund, hereinafter referred to as the "Fund"; and

WHEREAS, said renewal membership terminates as of January 1, 2006 at 12:01 a.m. standard time, unless earlier renewed by agreement between Public Entity and the Fund; and

WHEREAS, the Public Entity is afforded the following types of insurance coverages (as indicated by an "X"):

- X     Worker's Compensation
  
- X     Package (property, boiler & machinery, crime, auto & general liability, including Police Professional)
  
- X     Public Officials Liability
  
- X     Excess Liability
  - X         Auto and General Liability
  - X         Public Officials Liability
  
- X     Environmental Impairment Liability

WHEREAS, the Public Entity desires to renew said membership.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Public Entity agrees to renew its membership in the Fund for a period of three years, beginning on January 1, 2006 and ending on January 1, 2009 at 12:01 a.m., eastern standard time, and to be subject to the coverages, operating procedures, bylaws, and other organizational and operational documents of the Fund presently existing or as from time to time amended by the Fund and/or the Department of Banking and Insurance.
2. The Public Entity hereby appoints Brown & Brown of New Jersey as the Public Entity's Fund Commissioner and is authorized to execute the renewal Indemnity and Trust Agreement thereby evidencing annexed hereto and made a part hereof and to deliver same to the Fund and Public Entity's renewal of its membership.

Mrs. Papics made a motion to adopt resolution # 26-06, seconded by Mr. Weger. All ayes. Motion carried.

### **PUBLIC ALLIANCE INSURANCE COVERAGE FUND INDEMNITY AND TRUST RENEWAL AGREEMENT**

Mrs. Tersigni moved Council execute the Public Alliance Insurance Coverage Fund Indemnity and Trust Renewal Agreement, seconded by Mr. Ross. All ayes. Motion carried.

### **RESOLUTION # 23-06 - Resolution Adopting Personnel Policies and Procedures**

**WHEREAS**, it is the policy of the Borough of Bloomsbury to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

**WHEREAS**, the Mayor and Council of the Borough of Bloomsbury has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council that the Personnel Policies and Procedures Manual attached hereto is hereby adopted.

**BE IT FURTHER RESOLVED** that these personnel policies and procedures shall apply to all Borough of Bloomsbury officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining

agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

**BE IT FURTHER RESOLVED** that this manual is intended to provide guidelines covering public service by Borough employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Mayor and Council.

**BE IT FURTHER RESOLVED** that to the maximum extent permitted by law, employment practices for the Borough of Bloomsbury shall operate under the legal doctrine known as “employment at will.”

**BE IT FURTHER RESOLVED** that the Borough Attorney is hereby appointed to advise the Borough in personnel matters.

**BE IT FURTHER RESOLVED** that the Administrator and all managerial/supervisory personnel are responsible for these employment practices. The CFO and the Attorney shall assist the Administrator in the implementation of the policies and procedures in this manual.

Mr. Weger moved Council adopt resolution # 23-06, seconded by Mr. Ross. All ayes. Motion Carried.

**RESOLUTION # 25-06 - APPOINTING WILLIAM R. EDLESTON AS CONSULTANT IN CONNECTION WITH PERSONNEL POLICIES**

**WHEREAS**, the Borough Council has adopted personnel policies setting forth procedures applicable to all Borough employees, volunteers, elected or appointed officials and independent contractors; and

**WHEREAS**, the administration of the personnel policies and procedures by the Borough Administrator and Chief Financial Officer may require consultation from time to time with an attorney’s guidance in said matters;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council on the 25<sup>th</sup> day of April, 2006 that William R. Edleston, Esq. is hereby appointed to assist the Borough Administrator and Borough Chief Financial Officer in implementation, interpretation and enforcement in all areas involving personnel matters.

Mrs. Tersigni moved Council adopt resolution # 25-06, seconded by Mrs. Papics. All ayes. Motion carried.

**RESOLUTION # 21-06 - 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 2005) 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.Scheffel moved Council adopt resolution # 21-06, seconded by Mr. Weger.

In Favor: Papiers, Scheffel, Tersigni, Weger

Opposed: Ross

Motion carried.

### **RESOLUTION # 22-06 - RISK MANAGEMENT CONSULTANT**

WHEREAS, the Borough of Bloomsbury has resolved to join the Public Alliance Insurance Coverage Fund ("PAIC") following a detailed analysis; and

**WHEREAS**, the Bylaws of PAIC require that each entity designate a Risk Management Consultant to perform various professional services as detailed in the Bylaws and Risk Management Plan; and

**WHEREAS**, the Bylaws indicate that PAIC shall pay each Risk Management Consultant a fee to be established annually by the Executive Committee;

**NOW THEREFORE, BE IT RESOLVED** that the Common Council of the Borough of Bloomsbury does hereby appoint Brown & Brown of New Jersey its Risk Management Consultant in accordance with the Fund's Bylaws.

Mr. Ross moved Council adopt resolution # 22-06, seconded by Mr. Scheffel. All ayes. Motion carried.

### **RESOLUTION # 24-06 - STREET CLOSURE FOR STREET SWEEPING**

**WHEREAS**, the Bloomsbury Environmental Commission has arranged for street sweeping to occur on Monday, May 15, 2006, on every street within the Borough with the exception of Church street, and

**WHEREAS**, the rain date for street sweeping will be Tuesday, May 16, 2006 and consecutive days thereafter, and

**WHEREAS**, No vehicles shall be parked in the street between the hours of 9:00 am and 5:00 pm on the date of said street sweeping,

**NOW, THEREFORE BE IT RESOLVED** by the Common Council of the Borough of Bloomsbury that:

1. No parking shall be allowed on any street within the Borough on Monday, May 15, 2006 and on consecutive days thereafter as necessary for the purposes of street sweeping
2. Violators will be ticketed and towed.

Mr. Weger moved Council adopt resolution # 24-06, seconded by Mr. Scheffel. All ayes. Motion carried.

### **BLOOMSBURY ENVIRONMENTAL COMMISSION - GREEN COMMUNITIES GRANT**

Ilse Goshen reported that the Environmental Commission has been awarded the Green Communities Grant and are waiting to receive the agreement. Mrs. Goshen stated that the Environmental Commission will be forming a shade tree commission , a subcommittee of the Environmental Commission. Mr. Weger and Mrs. Tersigni volunteered to assist when available.

**NJ DOT** - Memo dated April 7, 2006 - Municipal Aid for transportation projects. Council discussed correspondence and potential projects in the Borough. Mr. Weger will call the local aid district office and gather more information.

### **RESOLUTION # 27-06 - ON PREMISE DRAW RAFFLE**

**WHEREAS**, the Bloomsbury Hose Company #1 Inc. is the licensee on the application to conduct an On- Premise Draw Raffle on June 10, 2006 to be held at the Bloomsbury Hose Company, 91 Brunswick Avenue, from 9:00 AM – 2:00 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 on - premise draw raffle

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

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

Mrs. Papis moved Council adopt resolution # 27-06, seconded by Mr. Weger. All ayes. Motion carried.

### **BOROUGH LEASE AGREEMENT**

Council reviewed the Borough lease agreement for municipal offices and meeting room with the Bloomsbury Hose Co. No. 1.

Mrs. Tersigni asked if the lease agreement could include language reserving the municipal parking spaces on the East Street side of the building, and Mayor Peck added this to the agreement.

Mr. Ross moved Council approve the lease agreement as amended, seconded by Mr. Scheffel. All ayes. Motion carried.

### **BLINKING LIGHT AT BLOOMSBURY ELEMENTARY SCHOOL**

Mayor Peck reported that Mr. Zederbaum stated that the blinking light will need to be manually adjusted each year to compensate for daylight savings time.

### **OPEN TO THE PUBLIC**

Ilse Goshen asked if the Borough engineer had submitted an amended Stormwater Management Plan. Mr. Edleston reported Mr. Zederbaum had indicated that the plan had been filed with the State. Mr. Edleston was unable to confirm if changes had been made.

Lukas Louw asked when the Mill Redevelopment subcommittee may be prepared to make a recommendation to 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 personnel and tax appeals.

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

Council returned from executive session at approximately 9:42 PM. No action was taken.

Mr. Ross moved Council re-enter regular session, seconded by Mr. Weger. All ayes. Motion carried.

Mr. Ross moved Council appoint Kathleen Jordan as Code Enforcement Officer and Michael Pflugfelder as the Deputy Code Enforcement Officer, seconded by Mr. Weger.

ROLL CALL VOTE: Flink-absent; Papics-aye, Ross-aye; Scheffel-aye; Tersigni-aye; Weger-aye.

Mr. Edleston will be handle the Borough tax appeals.

## **ADJOURNMENT**

There being no further business, a motion to adjourn was made by Mr. Ross, seconded by Mr. Scheffel. All ayes, motion carried. Meeting adjourned at 9:45 PM.

Respectfully Submitted,

Lisa A. Burd,  
Acting Borough Clerk

**BOROUGH OF BLOOMSBURY**  
**SPECIAL MEETING OF THE MAYOR AND COUNCIL**  
**MINUTES**  
**MAY 30, 2006**

The special meeting of the Bloomsbury Borough Council and Planning Board was held on May 30, 2006, 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 Lisa Burd.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on May 30, 2006 by providing notice of said meeting to the Hunterdon County Democrat and Easton Express Times and the posting of said notice in the Municipal Building on the same date.

**ROLL CALL:**

Mark Peck, Mayor - excused  
Carol Flink  
Vicki Papics  
Steve Ross  
Marc Scheffel - excused  
Martha Tersigni  
Eric Weger

**FLAG SALUTE**

**BLOOMSBURY MILL REDEVELOPMENT**

Mrs. Tersigni provided a brief overview of information obtained from interviews she conducted with Lukas Louw and Schy Rhys Redevelopment, Inc. Brief discussion followed.

Mr. Ross moved Council open discussion to the public, seconded by Mr. Weger. All ayes. Motion carried.

Mr. Louw spoke briefly.

Mr. Ross moved Council close public comment, seconded by Mr. Weger. All ayes. Motion carried.

Mr. Ross moved Council grant the Bloomsbury Mill Redevelopment project to Lukas Louw, seconded by Mrs. Papics.

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

ADJOURNMENT

There being no further business, a motion to adjourn the council meeting was made by Mr. Weger, seconded by Mrs. Tersigni. All ayes, motion carried. Meeting adjourned at 7:16 PM.

Respectfully Submitted,

Lisa A. Burd,  
Acting Borough Clerk

**BOROUGH OF BLOOMSBURY  
COUNCIL MEETING MINUTES  
JUNE 27, 2006**

The regular meeting of the Bloomsbury Borough Council was held on June 27, 2006, 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 January 5, 2006 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

Marc Scheffel - excused  
Martha Tersigni  
Eric Weger  
William Edleston, Esq.

**APPROVAL OF MINUTES**

A motion was made by Mrs. Papics, seconded by Mr. Weger to approve the regular meeting minutes of May 23, 2006. All ayes. Motion carried.

A motion was made by Mrs. Papics, seconded by Mrs. Flink to approve the executive session meeting minutes of May 23, 2006. All ayes. Motion carried.

A motion was made by Mrs. Papics, seconded by Mr. Weger to approve the special meeting minutes of May 30, 2006. All ayes. Motion carried.

**TAX COLLECTOR'S REPORT**

Mrs. Tersigni moved Council approve the Tax Collector's Report of May 31, 2006 seconded by Mr. Weger. All ayes. Motion carried.

**APPROVAL OF BILL LIST**

Mr. Ross moved Council approve the bill list of June 27, 2006, seconded by Mrs. Papics.

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

**PERRYVILLE STATE POLICE:**

No Report.

## **COMMITTEE REPORTS:**

### ***C. Flink:***

- **Rescue-** 27 calls in May, 2006; 10 in Bloomsbury
- **Fire Dept-** 72 Calls to date
- **Hunterdon County Solid Waste Advisory Council Meeting-**  
Hunterdon County is the third lowest in New Jersey for recycling. Mayors will receive letters to encourage enforcement of Ordinances currently in effect.  
Hazardous Waste Clean Up day - July 8, 2006. Dry cell batteries will be taken on July 7, 2006.
- **OEM -** Currently working on list of members in the community to volunteer to temporarily house a family or farm pet in the event of a disaster.  
OEM needs updated list of Council members who have completed NIMS training.

### ***Weger:***

#### **Streets & Roads -**

- A clothing drop off bin has been placed in the old koh-i-nor parking lot. The Code Enforcement Officer will check into it.

### ***S. Ross:***

#### **Environmental Commission -**

- Environmental Resource Inventory has been completed. Ilse Goshen will be in touch with the Mayor to discuss how and when it will be presented to the public; possibly as a Power Point presentation in August.

### ***M. Tersigni:***

#### **Planning Board-**

- The Planning Board reviewed and appreciated the new detailed zoning report provided by Kathleen Jordan.
- The Board agreed to the home occupation application by a proposed buyer at 101 Church Street for use as a Psychologists Office.
- A planning board sub committee reviewed application for the planning board attorney position for the next six months. Steven Gruenberg was chosen and contract negotiations are underway.
- Pilot - Second review for preliminary and final site plan approval.

### ***L. Burd:***

#### **Department of Public Works-**

The DPW located and uncovered the Borough Park septic tank and it was pumped out. Mr. Heinrich has mapped out the tank location so that it can be easily located in the future.

#### **Office Volunteer-**

A special thank you to Victoria Tersigni for hours spent organizing the Borough Planning Board files.

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

#### **Recreation -**

- Girl's softball tournament was held last weekend.
- BCC - Movie in the park scheduled for June has been cancelled due to lack of funds.
- Mrs. Tersigni requested that Mrs. Papics look into missing ball field lining equipment.

***M. Peck:***

**Water Department-**

Mayor Peck reported that a pump burned out at the water department over Memorial Day weekend and it went unnoticed for one day. Water levels have recovered.

Water Allocation Permit-

Meeting with Robert Zederbaum last week to discuss our application. The Borough water consumption has exceeded the allowance for years. The State may require implementation of an aggressive leak detection program or require we replace water meters every 10 years in order to avoid penalties. Mayor will be attaching a plea to the application explaining that we are a small town and simply do not have the funds to comply. Council needs to be aware that the State may direct us to make some sort of substantial improvements to the Water Department.

**MILL REDEVELOPMENT AGREEMENT**

Redevelopment agreement will be finalized soon.

**DISCUSSION OF ORDINANCE # 113-05 PROOF OF TAXES PAID**

Mr. Edleston has reviewed the ordinance and suggested that \$5.00 fee be removed from ordinance and that process requiring a zoning permit for minor work such as the replacement of a water heater. Mr. Edleston will continue to review ordinance and have recommended changes for Council consideration at a future meeting.

**QC LABS CONTRACT**

Mr. Edleston reported that he has sent the draft contract to Mrs. Tersigni for her review and that Mr. Zederbaum has provided the necessary testing schedules. Council discussed amending the contract to include a \$500.00 deposit to cover lost keys and lock replacement in the event that is needed.

**SECOND READING - ORDINANCE # 107-06 - AN ORDINANCE ESTABLISHING RESPONSIBILITY UPON COMMERCIAL PROPERTY OWNERS TO ADDRESS HAZARDOUS SPILLS OCCURRING ON THEIR PROPERTY**

Mr. Weger moved discussion be opened to the public. Discussion followed. Mr. Weger moved Council close discussion the public hearing, seconded by Mrs. Flink. Council discussed the possible inclusion of residential properties in Ordinance No. 107-06. Mr. Ross moved Council adopt Ordinance # 107-06, seconded by Mrs. papics.

ROLL CALL VOTE: Flink-aye; Papics-aye; Ross-aye; Tersigni-aye; Weger-aye; Scheffel-absent. Motion Carried.

**FIRST READING - ORDINANCE # 108-06 - AN ORDINANCE IMPLEMENTING STORMWATER MANAGEMENT REGULATIONS WITHIN THE BOROUGH OF BLOOMSBURY CONCERNING PET WASTE**

## SECTION I. Purpose:

This ordinance is designed to establish requirements for the proper disposal of pet solid waste in the Borough of Bloomsbury, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply, which regulations are adopted pursuant to the Municipal Stormwater Management regulations.

## SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- a. Immediate – shall mean that the pet solid waste is removed at once, without delay.
- b. Owner/Keeper – any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.
- c. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- d. Pet – a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.
- e. Pet solid waste – waste matter expelled from the bowels of the pet; excrement.
- f. Proper disposal – placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

## SECTION III. Requirement for Disposal:

All pet owners and keepers are required to immediately and properly dispose of their pet’s solid waste deposited on any property, public or private, not owned or possessed by that person, which shall include all sidewalks within the Borough which adjoin public or private property as well as the grass median area between all sidewalks and the curb along the street. Pet waste shall not be disposed of in the municipal separate storm sewers system.

## SECTION IV. Exemptions:

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

## SECTION V. Enforcement:

The provisions of this Article shall be enforced by the Borough of Bloomsbury Code Enforcement Officer.

SECTION VI. Violations and Penalty:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$500.00, a period of community service of up to 100 hours or a combination of the foregoing at the discretion of the Court.

SECTION VII. Severability:

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.

SECTION VIII. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Mrs. Papics moved Ordinance # 108-06 be adopted on first reading and published in the Hunterdon County Democrat, as amended, seconded by Mr. Weger.

ROLL CALL VOTE: Flink-aye; Papics-aye; Ross-aye; Tersigni-aye; Weger-aye; Scheffel-absent. Motion Carried.

**RESOLUTION # 29-06 - BLOOMSBURY HOSE COMPANY 2006 LIQUOR LICENSE**

**WHEREAS**, the Bloomsbury Hose Company is the holder of a liquor license which is to expire June 30, 2006,

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

**WHEREAS**, there appear to be no reasons to deny renewal of the aforesaid liquor license,

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

1. The liquor license of the Bloomsbury Hose Company be and the same is hereby extended for the one-year period beginning July 1, 2006 and terminating June 30, 2007.
2. Nothing herein shall be construed as relieving the license holder to the obligation to fully comply with all state and municipal regulations relating to the license holder.

Mr. Ross moved Council adopt Resolution # 29-06; seconded by Mrs. Papics. All ayes. Motion carried.

**RESOLUTION # 31-06 - RESOLUTION DESIGNATING LUKAS LOUW AS THE REDEVELOPER FOR THE BLOOMSBURY MILL**

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Bloomsbury, County of Hunterdon, State of New Jersey, that Lukas Louw, of Asbury, New Jersey, is designated as the redeveloper for the old Mill located at Church Street adjacent to the Musconetcong River, 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.

Mr. Ross moved Council adopt Resolution # 31-06; seconded by Mrs. Papics. All ayes. Motion carried.

**RESOLUTION # 32-06 - 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 17, 2006 to be held at the Bloomsbury Hose Company, 91 Brunswick Avenue, from 6:30 PM – 10:30 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 moved Council adopt Resolution # 32-06; seconded by Mrs. Tersigni. All ayes. Motion carried.

**RESOLUTION # 33-06 - RESOLUTION URGING GOVERNOR JON S. CORZINE AND THE STATE LEGISLATURE TO CUT PROPERTY TAXES IN THE STATE BUDGET FOR THE FISCAL YEAR 2007**

**WHEREAS**, Governor Jon S. Corzine proposed New Jersey's FY2007 budget on March 21, 2006 which is the largest proposed budget in state history; and

**WHEREAS**, in his proposal Governor Corzine increases government spending by \$2.9 billion or 10% (spending increase) above last year's \$28 billion budget, making the current proposed budget almost \$31 billion; and

**WHEREAS**, the Governor's budget proposal raises the sales tax from six to seven percent and requires that the tax be imposed on additional goods and services which would cost the average New Jersey family an additional \$600 per year; and

**WHEREAS**, the Governor's budget proposal raises taxes on cigarettes, alcohol, small businesses, water usage, landscaping, real estate, prescription drugs, gym memberships, hospital care and more; and

**WHEREAS**, the Governor's budget proposal increases state debt; and

**WHEREAS**, local property taxes increased over 30 percent in the last five years and Governor Corzine's budget proposal does nothing to reduce property taxes; and;

**WHEREAS**, the Governor's budget proposal cuts municipal and school aid for the fourth consecutive year shifting the burden onto local governments and school boards; and

**WHEREAS**, the people of New Jersey and of this municipality can no longer afford state government due to \$8.3 billion in new spending, \$5.8 billion in new taxes and 30 percent increase in property taxes over the last four years; and

**WHEREAS**, the Democratic controlled Legislature, should bring fiscal sanity back by balancing our state's budget by cutting spending and not raising taxes; now therefore

**BE IT RESOLVED** that the Borough of Bloomsbury, Hunterdon County, State of New Jersey hereby calls upon Governor Corzine and the State Legislature to cut spending and not to raise taxes for FY State Budget 2007.

**BE IT FURTHER RESOLVED**, copies of this resolution shall be sent to: Governor Jon S. Corzine, New Jersey Senator Leonard Lance, New Jersey Senator Robert Littell, Assemblyman Guy Gregg, Assemblywoman Marcia Karrow, Assemblyman Michael Dougherty and Assemblywoman Alison Little McHose, all Hunterdon County Municipalities, and the New Jersey League of Municipalities.

Mr. Weger moved Council adopt Resolution # 33-06; seconded by Mrs. Papics. All ayes.  
Motion carried.

**RESOLUTION # 34-06 - RESOLUTION OPPOSING THE ELIMINATION OF THE STATEWIDE DEER RECOVERY PROGRAM**

**WHEREAS**, the State of New Jersey due to the budget crisis is proposing to eliminate the statewide Deer Recovery Program; and

**WHEREAS**, the State of New Jersey has full control of administering, (including the setting and collection of fees), implementing and enforcing a statewide deer management program which includes recovery; and

**WHEREAS**, the State of New Jersey is made up of many rural counties with a significant deer population; and

**WHEREAS**, deer hunters in New Jersey spend more than 100 million dollars a year for hunting; and

**WHEREAS**, the New Jersey Division of Fish and Wildlife 2004/2005 statistics indicate close to 60,000 deer harvested; and

**WHEREAS**, there were 1500 deer removed from public roadways in Hunterdon County alone in the year 2005; and

**WHEREAS**, the current contractor for this removal service has specialized training, specialized equipment and safety practices to provide an efficient, effective service; and

**WHEREAS**, the State of New Jersey provides this valuable service to all Counties and Municipalities in the most efficient and cost effective method;

**WHEREAS**, the State of New Jersey exercises control of the County's deer population through statewide hunting regulations and should bear the responsibility for financial support of a roadside deer recovery program.

**NOW, THEREFORE, BE IT RESOLVED**, as follows:

1. The Mayor and Council of the Borough of Bloomsbury hereby oppose the elimination of the Statewide Deer Recovery Program.

2. A copy of this resolution shall be forwarded to: the Board of Chosen Freeholders, all Hunterdon County Legislators, all Hunterdon County Municipalities and the New Jersey League of Municipalities.

Mrs. Papics moved Council adopt Resolution # 34-06; seconded by Mr. Weger. All ayes. Motion carried.

**RESOLUTION# 35-06 - BLOOMSBURY HOSE COMPANY NO. 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 Andrew J. Pflugfelder to the Bloomsbury Hose Company #1 effective June 27, 2006.

Mr. Ross moved Council adopt Resolution # 35-06; seconded by Mr. Weger. All ayes. Motion carried.

### **Municipal Mulch/Compost Pile**

Cathy Foulk explained that the Environmental Commission is actually looking to create a municipal compost pile as the town already has brush clean up each year and they are looking to provide a compost pile for other yard debris such as grass clippings. The Environmental Commission proposed the compost pile be installed at the Borough Park, near the woods. Mrs. Tersigni expressed concern for monitoring and controlling the site. Discussion followed. Mayor Peck asked Council if they would agree to the concept of a municipal compost pile. All ayes. The Environmental Commission will continue to discuss how the compost pile could be operated and controlled and they will report back to Council in July.

### **Neighborhood Watch/ Summer Curfew**

Mayor Peck reported that the Fire Department and another Borough building had been vandalized over the weekend. The exterior of the Fire Department sustained considerable damage from rocks being thrown at the building, and porch furniture was stolen from a nearby home.

Lengthy discussion about the possible implementation of a year round curfew which would prohibit anyone under eighteen from being out on Borough streets and on public property between the hours of 9:00pm and 6:00 am followed.

Mrs. Flink moved Council adopt by title, an ordinance which would prohibit anyone under the age of 18 from being on public lands or streets between the hours of 11:00 pm and 6:00 am. No second was made.

Council directed the Clerk to contact the State Police about the organization of a neighborhood watch. Mayor Peck will have a notice posted on the Borough Website requesting anyone interested in participating in a neighborhood watch to contact Borough Hall.

### **NORTHEAST CORNER OF BETHLEHEM AVENUE AND ROUTE 173**

Council reviewed a letter from John and Kathryn Letcher dated June 26, 2006. Mr. Letcher explained that he and his wife have maintained a lot which abuts their property since 1956, and that they are unable to continue to maintain it. Because the lot is private property, the Borough cannot have Borough employees maintain it. Council discussed the idea of foreclosing on the property and the related cost. Mr. Francisco reported that due to unpaid taxes, the lien is currently \$3,408.00.

### **CORRESPONDENCE**

Mayor Peck reported that the County Freeholders will hold a 911 five year anniversary event on September 11, 2006, at 6:00 pm.

### **WILLOW AVENUE EXTENSION**

Mayor Peck reported that Mrs. Hart questioned whether Willow Avenue Extension is still a private road or if it was ever accepted by the Borough as a Borough street.

Mr. Edleston reported that the title searches indicated that there is nothing on record at the Hunterdon County Clerks office that the right of way was ever accepted by the Borough to become part of Willow Avenue.

**OPEN 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 the Bloomsbury Mill Redevelopment Agreement.

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

Discussion followed.

Council returned from executive session at approximately 9:50 PM. No action was taken.

Mr. Ross moved Council re-enter regular session, seconded by Mrs. Papics. All ayes. Motion carried.

Mr. Ross moved Council adopt the Mill Redevelopment Agreement, as amended, seconded by Mrs. Papics. All ayes. Motion carried.

Mr. Ross moved Council appoint a subcommittee including Mrs. Tersigni, Mr. Weger, and the Clerk to serve as a subcommittee to make routine decisions about the Mill Redevelopment Project when necessary, and that Council authorize the Mayor and Clerk to execute the redevelopment agreement as soon as an amended copy is available; seconded by Mrs. Papics

**ADJOURNMENT**

There being no further business, a motion to adjourn was made by Papics, seconded by Mrs. Flink. All ayes, motion carried. Meeting adjourned at 9:53 PM.

Respectfully Submitted,

Lisa A. Burd,  
Acting Borough Clerk

**BOROUGH OF BLOOMSBURY  
COUNCIL MEETING MINUTES  
JULY 25, 2006**

The regular meeting of the Bloomsbury Borough Council scheduled for July 25, 2006 was cancelled due to lack of a quorum.

Lisa A. Burd,  
Acting Borough Clerk

**BOROUGH OF BLOOMSBURY  
COUNCIL MEETING MINUTES  
AUGUST 22, 2006**

The regular meeting of the Bloomsbury Borough Council was held on August 22, 2006, 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 January 5, 2006 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
Vicky Papics	Martha Tersigni
Mark Peck, Mayor - excused	Eric Weger
Steve Ross	William Edleston, Esq.

**APPROVAL OF MINUTES**

A motion was made by Mr. Ross, seconded by Mr. Weger to approve the regular meeting minutes of June 27, 2006.

In Favor: Flink, Papics, Ross, Weger  
Abstain: Scheffel, Tersigni  
Motion carried.

A motion was made by Mr. Ross, seconded by Mr. Weger to approve the executive session meeting minutes of June 27, 2006.

In Favor: Flink, Papics, Ross, Weger  
Abstain: Scheffel, Tersigni  
Motion carried.

**TAX COLLECTOR'S REPORT**

Mrs. Papics moved Council approve the Tax Collector's Report of June 28, 2006 seconded by Mr. Weger.

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

Mrs. Papics moved Council approve the Tax Collector's Report of August 7, 2006 seconded by Mr. Ross.

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

### **APPROVAL OF BILL LIST**

Mr. Ross moved Council approve the bill list of July 31, 2006, seconded by Mrs. Flink.

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

Mr. Ross moved Council approve the bill list of August 22, 2006, with the exception of \$500.00 payment to Jersey Turf and Shrub Care, which will be held until work is completed. Motion seconded by Mrs. Papics.

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

### **COMMITTEE REPORTS:**

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

**Recreation** - Soccer season is starting soon.

**Bloomsbury Celebrations Committee** - The BCC is planning a Community Day Celebration for September 30, 2006. The BCC is considering having a movie in the park and will be requesting Council approval to remain in the park after dark.

#### ***E. Weger:***

**Streets & Roads** -  
No Report

#### ***M. Scheffel:***

**Board of Education** - Mr. Scheffel was unable to attend the recent Board of Education meeting, but reported reviewing the meeting minutes.

#### ***S. Ross:***

**Newsletter**- Mr. Ross reported that a Borough resident, Cathy Wilchak, has volunteered to produce the Borough newsletter. All submissions will be sent to Mr. Ross at Borough Hall for approval, prior to inclusion. Submission deadline for the Fall newsletter is September 1st. Mr. Ross will contact Ms. Wilchak and verify if she will be able to work on this issue.

#### ***C. Flink:***

**Fire Dept**- 102 Calls to date.

Mr. Frankenfield reported that vandals did \$3,500 worth of damage to the exterior of the fire house on June 24th, 2006 and the Fire Department has installed surveillance cameras

at a cost of \$3,800.00. Mr. Frankenfield reported that two arrests were made on Friday night, and he is currently waiting for the paperwork to arrive from the prosecutor.

#### **OEM-**

- **NIMS Training** - Mrs. Flink reported that the Mayor, Clerk, and three Council members have completed the requires ICS 700 course she requested that all other members complete the course as soon as possible and provide completion certificate to he Clerk.
- **ROUTE 579** - Mr. Flink has been discussing the on going problem of heavy truck traffic on County Route 579 with Mr. Glynn of the Hunterdon County Road Department. Additional speed limit signs will be posted and OEM Coordinators from all neighboring municipalities will attend a meeting to discuss what further action may be necessary.

#### ***M. Tersigni:***

##### **Administration-**

- Mill Redevelopment Agreement has been signed and Mr. Louw has applied for Highlands exemption.
- Street paving took place today and will be complete by Friday.
- CFO has reported that all budget line expenditures are in line for this time of year.

##### **Planning Board-**

- Roche Property - There is still an outstanding issue in reference to the home occupation and the rental of a small cottage on the property.
- Pilot hearing has been continued to the September 19th meeting.
- Tom Reilly, Planning Board Chairman has submitted an amended version of the zoning permit to Council for review. Comments should be submitted to the Clerk/ Planning Board Secretary by September 5, 2006.

#### ***L. Burd:***

**Department of Public Works-** Robert Heinrich has requested a copy of the Recreation Commission Calendar of event to be held at the Borough Park. Mrs. Papis will discuss with Scott Parker.

**Registrar Certification** - Ms. Burd reported that she will be out of the office the last three Fridays in October and the first Friday in November to attend mandatory registrar classes.

**Administration-** Ms. Burd received a letter from Assemblywoman Marcia Karrow, dated August 12, 2006 requesting time on an upcoming Council meeting agenda so that she can present her legislative agenda with Council and the public. The Clerk will contact Mayor Peck to discuss an appropriate date.

#### **QC LABS CONTRACT**

Mr. Edleston reported that finalized contract has been sent to QC Labs. He will report back to Council at the September meeting.

#### **PERRYVILLE STATE POLICE:**

**Curfew Ordinance** - Sergeant Paul Sofhauser recommended Council and members of the public research the pros and cons of a curfew ordinance prior to adoption.

**Vandalism** - One adult and one juvenile have been arrested for the damage done to the Fire House.

**Neighborhood Watch** - Trooper Pinella has signed up for a community block watch program. Sergeant Sofhauser will forward appropriate information to the Clerk.

**SECOND READING - ORDINANCE # 108-06 - AN ORDINANCE IMPLEMENTING STORMWATER MANAGEMENT REGULATIONS WITHIN THE BOROUGH OF BLOOMSBURY CONCERNING PET WASTE**

Mrs. Tersigni called Ordinance # 108-06 up for second reading.

Mr. Ross made a motion to move a public hearing on the above ordinance, seconded by Mrs. Papics. No comments from the public.

Mr. Ross moved Council close discussion to the 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; Papics-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Weger-aye. Motion carried.

**RESOLUTION # 36-06 - 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 \$3,000.00 to fund the following project:

**COMMUNITY FORESTRY MANAGEMENT PLAN**

NOW THEREFORE, BE IT RESOLVED, the Common Council of the Borough of Bloomsbury that Mark R. Peck, Mayor or the successor to the Office of Mayor is hereby authorized to:

- a. Make application for such grant
- b. If awarded, to execute a grant agreement with the State of New Jersey for a grant in an amount not less than \$3,000.00 and not more than \$3,000.00
- c. To execute any amendments thereto which do not increase the Grantee's obligations.

The Common Council of the Borough of Bloomsbury authorizes and hereby agrees to match 33 % of the Total Project Amount, in compliance with the match requirements of the agreement.

The availability of the match for such purchases, whether cash, services, or property, is hereby certified 100 % of the match will be made up of in-kind services.

The Grantee agrees to comply with all applicable federal, state, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

Mr. Ross moved Council adopt Resolution # 36-06, seconded by Mr. Weger.

ROLL CALL VOTE: Flink-aye; Papis-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Weger-aye. Motion carried.

Mr. Ross moved Council contribute \$450.00 toward the total project cost of \$3,450.00, seconded by Mr. Weger. All ayes. Motion carried.

**RESOLUTION # 37-06 - RESOLUTION REQUESTING THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES GRANT AN EXEMPTION TO THE BOROUGH OF BLOOMSBURY FROM THE REQUIREMENT TO APPOINT A CERTIFIED PRINCIPAL PUBLIC WORKS MANAGER**

WHEREAS, N.J.S.A. 40:9-154.6 et seq. requires each municipality to appoint a certified principal public works manager, and

WHEREAS, N.J.S.A. 40:9-154.6 et seq. allows the Director of the Division of Local Government to grant an exemption from this requirement if the municipality conducts minimal public works activities, and

WHEREAS, the Borough of Bloomsbury conducts minimal public works activity and was granted exemptions in 1996 and 2001,

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Bloomsbury Council requests the Director of Local Government Services exempt the Borough of Bloomsbury from appointing a Certified Principal Public Works Manager because it provides minimal public works activities.

Mr. Weger moved Council adopt Resolution # 37-06, seconded by Mr. Scheffel. All ayes. Motion carried.

**RESOLUTION # 38-06- BLOOMSBURY HOSE COMPANY # 1 INC. OFF PREMISE 50/50 RAFFLE**

WHEREAS, the Bloomsbury Hose Company #1 Inc. is the licensee on the application to conduct an On-Premise 50/50 Raffle on September 23, and September 24, 2006 to be held at the Bloomsbury Hose Company, 91 Brunswick Avenue, from 10:00 AM - 5:00 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 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. Ross moved Council adopt Resolution # 38-06, seconded by Mrs. Papics. All ayes. Motion carried.

**RESOLUTION # 39-06 - RESOLUTION SUPPORTING THE WORK OF THE HUNTERDON COUNTY CHAMBER OF COMMERCE TO COORDINATE AND FACILITATE A SHARED SERVICES STUDY**

WHEREAS, the Hunterdon County Chamber of Commerce (the Chamber) is desirous of partnering with Hunterdon County's twenty-six (26) municipalities by promoting shared services among them, and;

WHEREAS, the Hunterdon County Chamber of Commerce has joined together with the Hunterdon County Municipal Officers Association, Mayors, and Municipal Officials representing each of Hunterdon's municipalities to form the Hunterdon County Business & Government Council (the Council), and;

WHEREAS, the Chamber and Council have met with the Somerset County Partnership on shared services, where Somerset County demonstrated over a thirteen million dollar (13,000,000.) savings in 2005 through shared services, and;

WHEREAS, the Council has held four meetings since February to discuss how Hunterdon's municipalities can benefit from shared services, and;

WHEREAS, the Chamber has put forth the idea of applying for a grant from the New Jersey Department of Community Affairs for a feasibility study of the services that can be shared among municipalities and the costs and savings that will result from shared services, and;

WHEREAS, the Hunterdon County Board of Chosen Freeholders participates and supports the work of the Chamber and Council, and;

WHEREAS, the Chamber seeks the support of each municipality in Hunterdon partake with other municipalities in exploring shared services and applying for the grant,

NOW, THEREFORE BE IT RESOLVED that the Borough of Bloomsbury, County of Hunterdon, State of New Jersey hereby supports and endorses the work of the Hunterdon County Chamber of Commerce to coordinate and facilitate a shared services study in an effort to assist municipalities with saving precious taxpayers dollars that can ultimately result in a reduction of property taxes.

BE IT FURTHER RESOLVED that copies of this Resolution shall be sent to Governor Jon S. Corzine, Assembly Speaker Joe Roberts, Senate President Richard Codey, Senator Robert Littel, Assemblywoman Allison McHose, Assemblyman Marcia Karrow, and Hunterdon County Board of Chosen Freeholders.

Mr. Ross moved Council adopt Resolution # 39-06, seconded by Mr. Scheffel. All ayes. Motion carried.

### **SIGNS AT SCHOOL**

Mrs. Tersigni reported that the Bloomsbury Elementary School has requested the installation of signs to prohibit parking on Main Street in front of the school. Council discussed the specific language needed with Mrs. Jordan, Code Enforcement Officer. Mrs. Jordan will request that the Board of Education forward a written request including the exact language they would like on the signs. The matter will be further considered at the September Council meeting.

### **COMMUNITY DAY**

Ilse Goshen reported that the Bloomsbury Celebration Committee would like to host a Community Day Celebration at the Borough Park on September 30, 2006. Events will include games and activities at the park followed by a movie at night. The BCC has approached the Bloomsbury Hose Company about the possibility of the Hose Company applying for an off-premise- special events permit to sell beer at the event. Mr. Frankenfield explained that the Hose Company would have to approve this at their next meeting in mid September.

Mr. Scheffel moved that September 30, 2006 be set aside as Bloomsbury Community Day and that permission is granted to allow the event be continued in the park after normal operating hours, seconded by Mr. Weger. All ayes. Motion Carried.

### **RESOLUTION 40-06 - RESOLUTION ENDORSING APPLICATION FOR SALE OF BEER AT COMMUNITY DAY**

WHEREAS, Bloomsbury Community Day will occur on September 30, 2006; and

WHEREAS, the Bloomsbury Celebrations Committee ("BCC") has requested the Mayor and Council to endorse an application by the Bloomsbury Fire Department to the Director of the Division of Alcoholic Beverage Control for the issuance of a special permit authorizing the sale of beer at Community Day; and

WHEREAS, the Mayor and Council deem the request by the BCC to be reasonable;

NOW, THEREFORE, BE IT RESOLVED on the 22<sup>th</sup> day of August, 2006 that the Mayor and Council do hereby support the application of the Bloomsbury Fire Department for the issuance of a special permit allowing the sale of beer at Bloomsbury Community Day on September 30, 2006, said application to be made pursuant to the provisions of N.J.A.C. 13:2-5.4 consistent with the requirements contained therein.

BE IT FURTHER RESOLVED, application for this special permit allowing the sale of beer at Bloomsbury Community Day shall be subject to Fire Department approval.

Mrs. Papics moved Council adopt Resolution # 40-06, seconded by Mr. Weger.

In Favor: Flink, Papics, Sceffel, Tersigni, Weger

Opposed: Ross

Motion carried.

### **RECOMMENDATION FOR CLEAN COMMUNITIES PROGRAMS**

Council reviewed the Recommendations submitted by the Bloomsbury Environmental Commission as follows:

1. Permanent Trash/ Recycling lids - \$299.00
2. Town wide Street Sweeping - \$800.00
3. Community Compost Bin - \$1,000.00
4. Storm Drain Examination - \$1,500.00
5. Phase II - Park Clean up - \$400.00

Discussion followed.

Several questions about the construction and operation of the proposed compost bin came up.

Ilse Goshen will contact the DEP to inquire about monitoring regulations which may apply and she will report back to Council at the September Meeting.

The Clerk will contact Robert Zederbaum to see if blue prints of the stormdrains are available.

Mr. Weger moved Council endorse items 1, 2, 4 & 5 as recommended by The Bloomsbury Environmental Commission, deferring item # 3, the construction of a municipal compost pile to the September meeting, seconded by Mrs. Papics. All ayes. Motion carried.

### **K&S FITNESS RUN**

Frank Gorman, K&S Fitness asked Council consider endorsing a 5k Race and Fitness Walk benefiting the H.C. Human Society. K&S will provide volunteers to direct traffic and will provide proper notice to the Perryville State Police. Run will begin at K&S parking lot on North Street, to Center Street, to Brunswick Avenue, to Wilson Street, and back to North Street.

Mrs. Papics moved Council endorse the K&S Fitness run to be held on Sunday, October 1st, 2006 to benefit the Hunterdon County Humane Society, seconded by Mr. Weger.

In Favor: Flink, Papics, Scheffel, Tersigni, Weger

Opposed: Ross

Motion carried.

### **FIRST READING ORDINANCE # 109-06 - AN ORDINANCE ESTABLISHING A YEAR ROUND CURFEW FOR JUVENILES**

**WHEREAS**, the New Jersey Legislature enacted N.J.S. 40:48-2.52, Chapter 132 which authorizes municipalities to adopt Ordinance regulating the presence of minors in public places between the hours of 10:00 p.m. and 6:00 a.m.; and

**WHEREAS**, the Mayor and Council of the Borough of Bloomsbury concur with the sentiments of the New Jersey Legislature that limiting a minor's access to public places during these hours is in the minor's and society's best interests; and

**WHEREAS**, the Mayor and Council of the Borough of Bloomsbury have determined that the presence of juveniles in the Borough during certain hours has created problems, including increased vandalism, loitering and increased incidents of other minor offenses;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Bloomsbury, Hunterdon County, as follows:

**SECTION A.** Curfew. A curfew is hereby established in the Borough as follows:

1. **Definitions.** The following terms shall have the following meanings:

“Juvenile” means an individual who is under the age of 18 years.

“Guardian” means a person, other than a parent, to whom legal custody of the juvenile has been given by court order or who is acting in the place of the parent or is responsible for the care and welfare of the juvenile.

“Public place” means any place to which the public has access, including but not limited to a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, recreation or shopping area, public transportation facility, vehicle used for public transportation, parking lot or any other public building, structure or area.

2. **Late Hours Curfew.** It should be unlawful for juveniles to be in any public place between the hours of 10:00 p.m. and 6:00 a.m. unless accompanied by an parent or guardian. The hours established herein may be modified by a resolution adopted by the Council from time to time as circumstances warrant.

3. It shall be unlawful for any parent or guardian to permit, suffer or allow any juvenile in his or her care to be in any public place between the hours of 10:00 p.m. and 6:00 a.m.

4. **Exceptions.** Notwithstanding anything to the contrary herein, juveniles who are 1) engaged in errands involving medical or dental emergencies or appointments; 2) attending extra curricular school activities; 3) participating in other cultural, educational or social events, sponsored by religious or community-based organizations; 4) engaged in or traveling to or from a business or occupation which the laws of the State of New Jersey authorize a juvenile to perform; or 5) in direct transit to or from such activities during curfew hours are exempt from the curfew created by this Ordinance.

Any juvenile charged under this Ordinance shall be dismissed upon the presentation to the Municipal Court of a written document from a properly authorized representative establishing the juvenile was during curfew hours 1) engaged in an errand involving medical or dental emergencies or appointments; 2) attending extra curricular school activities; or 3) participating in other cultural, educational or social events, sponsored by religious or community-based organizations.

5. Any person found guilty of having violated Section 2, Section 3 or Section 4 of this Ordinance shall perform community service and may be subject to a fine of no more than One Thousand (\$1,000.00) Dollars. If parents or guardians as well as a juvenile are found guilty of violating this Ordinance, the parents or guardians shall perform community service together with the juvenile. The period of community service will not exceed ninety (90) days.
6. **Severability.** If any Section, clause sentence or other part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the Ordinance.

**SECTION B.** Effective Date.

This ordinance shall take effect following final passage and publication in accordance with law.

**SECTION C.** Repealer.

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

Mr. Ross moved Ordinance # 109-06 be adopted on first reading and published in the Hunterdon County Democrat, seconded by Mrs. Flink.

In Favor: Flink, Papics, Ross, Scheffel, Tersigni.

Abstain: Weger

Motion Carried.

**FIRST READING ORDINANCE NO. 110-06 - AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE XIII OF THE BOROUGH OF BLOOMSBURY ZONING ORDINANCE ENTITLED "FEE SCHEDULE" BY ESTABLISHING THE FOLLOWING ZONING AND APPLICATION FEES**

Description

Article

Fee

No Change

**Zoning Permit Fees**

Art. II, 205.1

<u>Building Permit</u>		\$5.00	X
<u>Each fence or wall</u>		\$1.00	X
<u>Signs attached to buildings</u>			
-less than 8 sq. ft.		\$1.00	X
-8 but less than 20 sq. ft.		\$3.00	X
-20 but less than 40 sq. ft.		\$6.00	X
-40 but less than 100 sq. ft.		\$10.00	X
-100 or more sq. ft.		\$15.00	X
<u>Free standings signs</u>			
-less than 8 sq. ft.		\$3.00	X
-8 but less than 20 sq. ft.		\$6.00	X
-20 but less than 40 sq. ft.		\$10.00	X
-40 but less than 100 sq. ft.		\$20.00	X
-100 or more sq. ft.		\$30.00	X
<u>Special Use Permit</u>			
-less than 5 acres		\$35.00	X
-5 acres or more		\$100.00	X
<u>Each Certificate of Occupancy</u>		\$2.00	X
<u>Zoning Permit</u>		\$10.00	New Section
<b>Street Excavation-Fees</b>			
-Application fee	208.11	\$175.00	New Fee
<u>Min. street opening fee</u>	208.4		
-For each 100 sq. ft.		\$35.00	New Fee
-Performance bond for utilities/corp	208.5	Boro Approval	X
-Certificates of Insurance	208.9	to be filed	X
-Road Repair fee-escrow amount	208.11	\$500.00	X
<b>Final Site Plan Approval</b>			
	Art. III, 313		
-performance guarantee	313A	120% (10% cash)	Increased Fee
-maintenance guarantee- 2yrs	313.B	15%	Unchanged
<u>Notice of hearing-owners w/in 200ft</u>	Art. IV Sect 1, 15D	\$10 or .25 per name to tax collector	Amended to Munic Land Use Law

Subdiv Insp Fees to Boro EngrArt. IV  
Section 7.4Subdivision Inspection

1301.3

-less than \$10,000 cost plus 8% of \$1000 excess		\$200 min. fee + %	Increased Fee
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-\$10,000 to \$50,000 cost Plus 6% o\$10,000 excess		\$800 min. fee + %	Increased Fee
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-\$50,000 to \$100,000 cost Plus 6% \$50,000 excess		\$4000 min fee + %	Increased Fee
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-\$100,000 to \$200,000 cost Plus 5% \$100,000 excess		\$6,000 min. fee + %	Increased Fee
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-over \$200,000 cost Plus 5% \$200,000 excess		\$11,000 min. fee + %	Increased Fee
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Site Plan Approval

1301.2.B.4

-Minor Site Plan Approval

1301.2.B.4.a

App. Fee \$150  
Escrow \$3,000

Increased Fee

-Preliminary Major Approval	1301.2.B.4.b	\$1,000	X
-Plus lot area		\$30/1000 sq. ft.	X
-plus lot coverage		\$80/1000 sq. ft.	X

-Final Major Approval	1301.2.B.4.c	\$500.00	X
-plus lot area		\$15/1000 sq. ft.	X
-plus lot coverage		\$40/1000 sq. ft.	X

-Extension of Prelim. Approval	1301.2.B.4.d	\$250 + \$250 escrow	Increased Fee
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Conditional Use Approval (N.J.S.A. 40:55D-67)	1301.2.B.5	\$500.00	Increased Fee
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Appeal (N.J.S.A. 40:55D-70a/b)	1301.2.B.6	\$125 or \$375	Increased Fee
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Bulk Variance Relief (N.J.S.A. 40:55D-70c)	1301.2.B.7	\$375 + \$300 escrow	Increased Fee
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Use or Other Variance (N.J.S.A. 40:55D-70d)	1301.2.B.8	\$500 + \$500 escrow	Increased Fee
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App. to construct on a lot not	1301.2.B.9	\$500 + \$500 escrow	Increased Fee
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abutting a public street  
(N.J.S.A. 40:55D-36)

App. For Cert. of Pre-existing Nonconforming Use to Zoning Offr	1301.2.B.10	\$200.00	X
Appeal to Boro Council	1301.2.B.11		To be eliminated
Waiver Request to checklist Required for Completeness per item	1301.2.B.12	\$20.00	X
Prof. Services-atty., engr., etc.	1301.2.B	Actual time for Review	X
<b>Management of Surface Runoff</b>	Art. XIV		
Plan for construction per permit	1409.1-1	\$50.00	X
Refund to applicant for no inspection of plan	1409.2	(\$25.00)	X
<b>Site Plan, Subdiv &amp; Var-Filing Fees</b>	Art. XIII		
Application for Classification	1301.2.A.1	\$50.00	X
Informal Conceptual Review	1301.2.A.2	\$1000 escrow	Increased Fee
Minor subdiv approval-initial	1301.2.A.3	\$300 min + \$2500 Escrow per lot	Increased Fee
Major subdiv. Approval	1301.2.A.4		
-Prelim. Approval-initial	1301.2.A.4.a	\$700 min + \$200 Escrow per lot	X
-Final Approval-initial	1301.2.A.4.b	\$500 min + \$500 Escrow per lot	Increased Fee
Lot Line Adjustment		\$500 min + \$1000 Escrow per lot	New
Request for Rezoning		\$2500	New
Prelim meeting with Township Professionals		\$1000 escrow	New
Special meetings-app fee		\$1000	New

## **Violations and Penalties**

Permits-max and/or 30 dys Imprisonment for each day of offense	Art. II, 207	\$200 per diem	X
Street Excavations-max and/or 90 dys imprisonment for each Day of offense	Art. II, 208.10	\$500 per diem	X
Off-street parking & loading Facilities-maintenance of all signs & pavement markers- max	Art. VIII, 806.7	\$100	X
Mgmt of Surface Runoff Plan-max and/or 90 dys imprisonment for Each day of offense	Art. XIV, 1412.1	\$500 per diem	X
Collection/Disposition of Design- ated Recyclables for residence & business owners	Art. XV, 1503.4	\$250 per month	X
Program of Flood Damage Prevention Noncompliance-max and/or 180 dys imprisonment for each day of offense	Art. XVI, 1603.3	\$500	X

## **Effective Date.**

This ordinance shall take effect following final passage and publication in accordance with law.

## **Repealer.**

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

Mr. Ross moved Ordinance # 110-06 be adopted on first reading and published in the Hunterdon County Democrat, seconded by Mr. Scheffel.

ROLL CALL VOTE: Flink-aye; Papics-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Weger-aye; Motion Carried.

**CORRESPONDENCE**

Council reviewed correspondence. Brief discussion followed.

**OPEN TO THE PUBLIC**

Ilse Goshen wanted to clarify that grant agreement to fund a Community Forestry Management Plan would be used by the Shade Tree Advisory Committee including Councilman Weger, Council President, Mrs. Tersigni, and members of the Environmental Commission.

**ADJOURNMENT**

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

Respectfully Submitted,

Lisa A. Burd,  
Acting Borough Clerk

**BOROUGH OF BLOOMSBURY  
COUNCIL MEETING MINUTES  
SEPTEMBER 26, 2006**

The regular meeting of the Bloomsbury Borough Council was held on September 26, 2006 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 January 5, 2006 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

Marc Scheffel  
Martha Tersigni - arrived 7:40  
Eric Weger  
William Edleston, Esq.

FLAG SALUTE

**MOMENT OF SILENCE**

Mayor Peck requested everyone remain standing to observe a moment of silence for the late Mayor, Ed Tuxhorn who passed away this month. Mayor Peck reported that Mayor Tuxhorn served his Country as a veteran of WWII, served his community as Mayor for four terms and as a Councilman prior to taking office as Mayor and was instrumental in making Bloomsbury what it is today. A moment of silence was observed.

**APPROVAL OF MINUTES**

A motion was made by Mr. Ross, seconded by Mrs. Papics to approve the regular meeting minutes of August 22, 2006. All ayes. Motion carried.

**TAX COLLECTOR'S REPORT**

Mrs. Papics moved Council approve the Tax Collector's Report of September 13, 2006 seconded by Mr. Ross. All ayes. Motion carried.

**APPROVAL OF BILL LIST**

Mr. Ross moved Council approve the bill list of September 26, 2006, seconded by Mrs. Flink. ROLL CALL VOTE: Flink-aye; Papics-aye; Ross-aye; Scheffel-aye; Tersigni-absent; Weger-aye. Motion carried.

**COMMITTEE REPORTS:**

***V. Papics:***

**Recreation -**

- Mrs. Papics reported attending the Recreation Commission meeting of September 5, 2006. The Recreation Commission requested Mrs. Papics inquire about when their annual operating budget is due. Mr. Francisco stated that it must be submitted before the end of the year.
- The Recreation Commission asked that repairs be made to the door on the snack shack, that the foul poles be removed and the fields be seeded. Mr. Heinrich is currently working on this.

**Bloomsbury Celebrations Committee -**

- The BCC Community Day Celebration will be held on September 30, 2006. Mrs. Papics reported that there will be beer for sale, free food, kickball games, and the movie "The Little Rascals" will be shown at dark.
- Mrs. Papics reported finding a website sponsored by Hamburger Helper which awards up to \$15,000/ month to help fund town projects. Mrs. Papics has submitted a letter outlining several Borough projects in need of funding. Mrs. Papics will forward information to Council and other non-profit groups in the Borough to send letters of support for these projects.

***E. Weger:***

**Streets & Roads -**

- Mr. Weger reported that the roads are fine.
- Mrs. Jordan asked Mr. Weger if the yellow curbing could be repainted near the intersection of Church and Willow Avenue. Mr. Weger requested the Clerk speak to Mr. Heinrich about it.

***M. Scheffel:***

**Board of Education -**

- Mr. Scheffel asked Council review a letter from Mike Slattery in reference to the "No Parking" signs to be installed at the School.

**School Signs -**

- Signs will read "NO PARKING OR STANDING, SCHOOL DAYS 8AM-4PM".

***C. Flink:***

**Rescue-**

- The Rescue Squad is currently outfitting the new rescue vehicle.

**Fire Dept.-**

- Mrs. Flink reported attending a September 11th service at the County Courthouse.

- Mr. Frankenfield reported that he will be meeting with the Prosecutor and the State Police to pursue compensation for the damage to the Fire Department Building.

#### **OEM-**

- Mr. Flink attended a FEMA generated flood mitigation seminar. Each town in Hunterdon and Warren County will develop a plan for submittal at the October meeting. An EPA representative would have to attend the meeting with Mr. Flink to develop a plan for Bloomsbury. Funds will not be available for towns without a preventative plan.

#### **HUNTERDON COUNTY SOLID WASTE ADVISORY-**

- Mrs. Flink reported that each municipality will have tonnage reduction targets and new items may be required to be recycled. A municipal designee must be appointed by the governing body and local Boards of Health for enforcement. Mrs. Flink will copy Mayor Peck on the notice.

#### ***S. Ross:***

##### **Borough Newsletter-**

- Mr. Ross reported that the Borough Newsletter has been mailed out, thanking the Clerk and Cathy Wilchak. Newsletter deadline is set for November 17, 2006.

##### **Environmental Commission-**

- Newsletter has been mailed.
- Lids have been received for the recycling receptacles, and street sweeping has been scheduled for December.
- The ERI is nearing completion and the Environmental Commission would like time on an upcoming agenda to make an abbreviated presentation.

#### ***M. Peck:***

##### **Water Department-**

- Reservoir level remains high and pressure is good.
- Henry Zoller will be retiring at the end of September. Resumes have been received and will be reviewed soon to fill the position.

#### **QC LABS CONTRACT**

No response has been received to date.

#### **SECOND READING - ORDINANCE # 109-06 - AN ORDINANCE ESTABLISHING A YEAR ROUND CURFEW FOR JUVENILES**

Mayor Peck called Ordinance # 109-06 up for second reading. Council discussion followed.

Mr. Ross made a motion to move a public hearing on the above ordinance, seconded by Mr. Scheffel.

Lori King, 57 Brunswick Avenue, stated that she feels that this Ordinance will criminalize children who are not doing anything wrong.

Christine Fagan, 26 High Street, vehemently opposed to a curfew Ordinance. Mrs. Fagan questioned why this was an issue, outlining several nearby municipalities that do not have a curfew enacted.

Mrs. Tersigni explained that this Ordinance was written to allow for amendments to be made as needed.

Dale Frankenfield, 5 Deer Path stated that as President of the Fire Company, he left the fire house on June 24th at 10:00 pm and returned at 9:00 the next morning to find thousands of dollars of damage done to the building over night. Mr. Frankenfield stated that on one occasion he returned from a fire call at 3:00 am and saw approximately 20 kids of varied age roaming the streets.

Jackie D' Angelo, 121 Bethlehem Avenue voiced her support for the curfew. She stated that she has lived in the Borough for ten years and in the past two years, she has noticed an increase in undesirable behavior. Mrs. D' Angelo further stated that she has called the State Police numerous times and that recently her car was stolen.

Diane Frankenfield, 5 Deer Path voiced her support for the curfew ordinance, explaining that on one occasion, she was returning home at 12:30 at night and a group of five or six boys between the ages of 13 and 16 years old deliberately jumped out in front of her car.

Mr. Ross moved Council close discussion to the public, seconded by Mrs. Papics.

Additional Council discussion followed.

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; Papics-abstain; Ross-aye; Scheffel-aye; Tersigni-aye; Weger-nay. Motion carried.

**SECOND READING ORDINANCE NO. 110-06 - AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE XIII OF THE BOROUGH OF BLOOMSBURY ZONING ORDINANCE ENTITLED "FEE SCHEDULE" BY ESTABLISHING THE FOLLOWING ZONING AND APPLICATION FEES**

Mayor recommended that the \$5.00 building permit fee be deleted as the Borough does not issue building permits.

Additional Council discussion followed.

Mr. Ross Moved Ordinance No. 110-06 be tabled until the October 24, 2006 Council meeting, seconded by Mrs. Tersigni.

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

### **SCHOOL SIGNS**

Mr. Ross moved Council approve the creation and installation of " NO PARKING OR STANDING, SCHOOL DAYS 8AM-4PM.; seconded by Mrs. Papics. All ayes. Motion carried.

### **RESOLUTION # 41-06 - 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 Kevin R. Olsen to the Bloomsbury Hose Company #1 effective September 26, 2006.

Mr. Weger moved Council approve the Bloomsbury Hose Company Membership application of Kevin Olsen, seconded by Mrs. Papics. All ayes. Motion carried.

### **RESOLUTION # 42-06 BLOOMSBURY ENVIRONMENTAL COMMISSION**

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 Sheila DeBarra to the Bloomsbury Environmental Commission effective September 1, 2006.

Mr. Scheffel moved Council approve the Bloomsbury Environmental Commission Membership of Sheila DeBarra, seconded by Mr. Weger. All ayes. Motion carried.

### **HALLOWEEN PARADE**

Ilse Goshen reported that the Bloomsbury Celebrations committee and the Bloomsbury Company will host a Halloween Parade on October 22, 2006. Council discussed the need for partial street closures in the Borough. The BCC was unable to determine the parade route or time of the event and a special meeting will be held at 7:30 on October 16, 2006, at Borough Hall to authorize the necessary street closures.

### **CORRESPONDENCE**

Council reviewed correspondence. Brief discussion followed.

### **OPEN TO THE PUBLIC**

John and Kathryn Letcher, 954 Route 173, requested the Council consider what can be done to maintain land that abuts their property which they have been maintaining for the last fifty years. Mr. Edleston explained that Borough employees can not maintain the property as it is private property. Taxes on the property have gone unpaid for several years, and the Borough would have to pursue foreclosure proceedings in order to take the lot. Council discussed the related cost. Mr. Edleston will give this issue further consideration and report back at the October Council meeting.

#### **LUKAS LOUW - MILL REDEVELOPMENT**

- The Perc and soil logs have been completed and approved.
- Highlands waiver request has been deemed administratively complete.
- Engineer James Mantz has completed the septic design.
- Mr. Mantz will meet with Mr. Zederbaum to discuss the water connection.
- Mr. Louw will cover the openings in the Mill roof to prevent further rain damage.
- Mr. Louw will ensure that the grass is mowed.

#### **ADJOURNMENT**

There being no further business, a motion to adjourn was made by Mr. Ross, seconded by Mr. Scheffel. All ayes, motion carried. Meeting adjourned at 8:36 PM.

Respectfully Submitted,

Lisa A. Burd,  
Acting Borough Clerk

**BOROUGH OF BLOOMSBURY  
COUNCIL MEETING MINUTES  
OCTOBER 24, 2006**

The regular meeting of the Bloomsbury Borough Council was held on October 24, 2006 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 January 5, 2006 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 - excused  
Vicky Papics  
Mark Peck, Mayor  
Steve Ross

Marc Scheffel  
Martha Tersigni  
Eric Weger  
William Edleston, Esq.

**FLAG SALUTE**

**APPROVAL OF MINUTES**

A motion was made by Mrs. Tersigni, seconded by Mrs. Papics to approve the special meeting minutes of October 16, 2006. All ayes. Motion carried.

**TAX COLLECTOR'S REPORT**

Mr. Ross moved Council approve the Tax Collector's Report of October 4, 2006 seconded by Mrs. Tersigni. All ayes. Motion carried.

**APPROVAL OF BILL LIST**

Mr. Ross moved Council approve the bill list of October 24, 2006, seconded by Mrs. Papics.  
ROLL CALL VOTE: Flink-excused; Papics-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Weger-aye. Motion carried.

**COMMITTEE REPORTS:**

***V. Papics:***

**Recreation -**

- November meeting may be changed from the 7th to the 14th.

**Bloomsbury Celebrations Committee -**

- Tree Lighting is scheduled for Friday, December 1, 2006 and Main Street will need to be closed from Route 173 to Wilson Street.

***E. Weger:***

**Streets & Roads -**

- Mr. Weger asked if Mayor Peck had an opportunity to review a grant for sidewalk improvements. Mayor Peck will review the information and report back to Council at the next meeting.

***M. Scheffel:***

**Board of Education -**

- Mr. Scheffel reported he was unable to attend the recent Board meeting due to illness.

***S. Ross:***

**Borough Newsletter-**

- Mr. Ross reported that little information has been submitted for the December Newsletter and anyone with submissions should send them in before November 17th, 2006.

**Environmental Commission-**

- ERI - An abbreviated presentation will be given at the November Council meeting.

***M. Tersigni:***

### **Planning Board-**

- The Board granting Preliminary and Final site plan approval to the Omnipoint application which will allow them to hang six additional antennas on the existing cell tower.
- Board will continue enforcement of various zoning violations around the Borough.

### **Administration-**

- Continued issue with construction debris being placed in Borough dumpsters at the Park, School and Fire House. Cameras have been installed in some locations to help identify the person responsible. Violators will receive a notice of violation and be fined in accordance with our Ordinances.

### ***M. Peck:***

#### **Water Department-**

- Reservoir levels remain stable.
- DEP letter of October 20, 2006, advising the Borough that \$1,058.55 as payment in lieu of taxes for the Green Acres property.

### **STATE POLICE REPORT**

Mayor Peck reported noticing an increased Police presence in the Borough. Sergeant Sofhauser confirmed that there have been increase patrols at local schools.

Mike Gallupo, 26 Main Street asked Sergeant Sofhauser why the State Police respond to emergency calls by taking Main Street, rather than traveling on Route 173. Mr. Gallupo will write a letter to the Station Commander.

Sergeant Sofhauser reported that there is a new assistant Station Commander, Major, and Regional Captain for Perryville.

### **QC LABS CONTRACT**

Mr. Ross moved the approval and execution of the contract with QC labs, seconded by Mrs. Papics.

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

### **SECOND READING ORDINANCE NO. 110-06 - AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE XIII OF THE BOROUGH OF BLOOMSBURY ZONING ORDINANCE ENTITLED "FEE SCHEDULE" BY ESTABLISHING THE FOLLOWING ZONING AND APPLICATION FEES**

Mayor Peck called Ordinance # 110-06 up for second reading.

Mr. Ross made a motion to move a public hearing on the above ordinance, seconded by Mrs. Papics. All ayes. Motion carried.

No Public Comment.

Mrs. Papics moved Council close discussion to the public, seconded by Mr. Scheffel.

All ayes. Motion carried.

Additional Council discussion followed.

Mr. Ross moved the ordinance be tabled to the November meeting, seconded by Mrs. Papics.

All ayes. Motion carried.

### **LUKAS LOUW - MILL REDEVELOPMENT**

- Mr. Louw said he was advised that he will receive a response to his Highlands waiver request in a few weeks.
- Mr. Louw reported that he is working with Mr. Zederbaum to arrange for the water connection.
- Mr. Louw expects to have the engineer drawings, septic design and architectural plans by November 15, 2006.

Chris Prentice, Church Street asked about black garbage bags of debris left outside of the building. Mr. Louw stated that they are in the process of removing loose debris and the bags will be removed tomorrow. Mr. Louw will make sure that in the future, bags will remain inside the building until they are picked up and removed from the premises.

Ilse Goshen asked if the members of the environmental Commission would be permitted to take a tour through the Mill. Mr. Louw said they would be welcome and that they have stabilized the floor and installed railings where appropriate.

**ASSEMBLYWOMAN MARCIA KARROW**

Assemblywoman Marcia Karrow addressed Council about current legislative projects and answered questions from the public.

Ms. Karrow pledged staff support for the Bloomsbury Mill Redevelopment Project.

**Lukas Louw - Mill Redevelopment**

Mayor Peck explained that Mr. Louw has applied for the Highlands exemption and has not received a response to date. Ms. Karrow will stay in contact with Mr. Louw and provide assistance if possible.

**RESOLUTION # 45-06 - TAX COLLECTOR'S RESOLUTION FOR THE REFUND OF OVERPAYMENTS**

WHEREAS, after the review of the 2005 and 2006 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:

2005

BLOCK	LOT	OWNER OF RECORD	AMOUNT
19	2.01	Madden, Timothy & Allison	711.76

2006

2	1	Hart, William & Eve	114.05
3	4Q0003	Boop, Donald & Janice	73.23
9	1.01Q0006	Repko, Edward & Gail	13.93

Mr. Ross moved Council adopt Resolution # 45-06, seconded by Mr. Weger.

ROLL CALL VOTE: Flink-excused; Papis-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Weger-aye. Motion carried.

**RESOLUTION # 46-06 - RESOLUTION IN SUPPORT OF A3115 TO PROVIDE TAX CREDITS TO OFFSET SCHOOL TAX, COUNTY TAX AND RATABLE LOSSES WITHIN THE HIGHLANDS PRESERVATION AREA**

WHEREAS, the Borough of Bloomsbury commends the NJ State Legislature for undertaking the arduous task of Property Tax Reform and the creation of four subcommittees to study specific areas needing reform; and,

WHEREAS, one of the Subcommittees that has been created is charged with studying the issue of Public School Funding; and

WHEREAS, the Borough of Bloomsbury is situated primarily in the Highlands Preservation Area which, as legislated under the State Law known as the Highlands Act, severely limits the amount of growth, both residential and commercial, within the Preservation Area; and,

WHEREAS, the Highlands Act recognizes that, by restricting growth and removing the development rights to land, the value of land will be decreased and therefore the Act calls for and creates the Highlands Tax Stabilization Fund whereby municipalities can apply for and recover the municipal tax portion of devalued land, but not the school tax portion; and,

WHEREAS, the largest portion of a property tax bill is Public School Funding; and,

WHEREAS, as school costs increase due to contractual obligations, operating expense increases and utility and insurance costs, if development opportunities to create new ratables have been limited or eliminated, there is no way to offset such increasing costs in the Highlands Preservation Area except to raise property taxes;

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Bloomsbury that the NJ State Joint Legislative Committee on Public School Funding Reform review Assembly Bill 3115 which amends the Highlands Act to provide tax credits to municipalities within the Highlands Preservation Area for both school and county tax losses due to property values caused by the enactment of the Highlands Act, and

**BE IT FURTHER RESOLVED** that the NJ State Joint Legislative Committee on Public School Funding Reform favorably recommend that A3115 be moved and adopted into law to provide equitable tax credits to offset ratable losses within the Highlands Preservation Area, and,

**BE IT FURTHER RESOLVED** that a copy of this Resolution be sent to all members of the NJ State Joint Legislative Committee on Public School Funding Reform, Governor Jon Corzine, the members of the Legislature representing the Highlands and the Hunterdon County Board of Chosen Freeholders.

Mrs. Tersigni moved Council adopt Resolution # 46-06, seconded by Mr. Ross.

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

### **SERVICE CONTRACT EXTENSION**

Mr. Ross moved Council authorize the Clerk to enter into a two year extension of the existing service contract with Dell, seconded by Mrs. Papics. All ayes. Motion carried.

### **RESOLUTION # 47-06 - TREE LIGHTING STREET CLOSURE**

WHEREAS, the Bloomsbury Celebrations Committee will host a tree lighting ceremony at Point Park on Friday, December 1, 2006 at 7:00 PM, and

WHEREAS, there is need for close a portion of Main Street,

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

1. Main Street will be closed from Route 173 to Wilson Avenue from 6:00 - 8:00 pm on Friday, December 1, 2006.
2. A copy of this resolution shall be forwarded to the State and County Departments of Transportation, the State Police and Bloomsbury Fire Police.

Mr. Ross moved Council adopt Resolution # 47-06, seconded by Mrs. Papics. All ayes. Motion carried.

### **CORRESPONDENCE**

Council reviewed correspondence. Brief discussion followed.

### **OPEN TO THE PUBLIC**

Mrs. Allen, 26 Center Street, stated that the property at the corner of Main and Church Street is not being taken care of. Explaining that Poison Ivy and debris fill the flower beds and overflow onto the sidewalks where pedestrians travel.

Mayor Peck requested the Clerk discuss this with the Code Enforcement Officer and see that a letter requesting the issue be addressed be sent to the property owner.

### **ADJOURNMENT**

There being no further business, a motion to adjourn was made by Mrs. Papics, seconded by Mr. Weger. All ayes, motion carried. Meeting adjourned at 8:37 PM.

Respectfully Submitted,

Lisa A. Burd,  
Acting Borough Clerk

**BOROUGH OF BLOOMSBURY  
SPECIAL COUNCIL MEETING MINUTES  
OCTOBER 16, 2006**

The regular meeting of the Bloomsbury Borough Council was held on October 16, 2006 at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey. The meeting was called to order at 7:30 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 29, 2006 by the notice provided to 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 - absent

Marc Scheffel - absent  
Martha Tersigni  
Eric Weger  
William Edleston, Esq. - excused

**BOROUGH HALLOWEEN EVENTS**

Ilse Goshen reported that the Bloomsbury Celebrations Committee and are planning a Halloween parade in conjunction with the Bloomsbury Hose Company, to be held on October 22, 2006 beginning at 3:00 pm. The parade will begin at Center and Main Street, making a left down Wilson Street, left on Brunswick, ending at the Fire House.

**RESOLUTION # 43-06 - BLOOMSBURY CELEBRATIONS COMMITTEE AND  
BLOOMSBURY HOSE COMPANY HALLOWEEN PARADE STREET CLOSURE**

WHEREAS the Bloomsbury Celebrations Committee and the Bloomsbury Hose company will be having a Halloween Parade on Sunday, October 22, 2006 at 3:00 PM, and

WHEREAS the parade route will be Main Street to Wilson Avenue, to Brunswick Avenue, to the Fire House, and

WHEREAS said streets need to be closed for the duration of the parade,

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the Borough of Bloomsbury, County of Hunterdon, State of New Jersey, that Main Street will be closed from Center Street to Wilson Street, Wilson Street will be closed between Main Street and Brunswick Avenue, and Brunswick Avenue will be closed from Wilson Street to East Street between the hours of 2:30 - 4:00 PM on Sunday, October 22, 2006.

Mrs. Papics moved Council adopt Resolution # 43-06, seconded by Mrs. Flink. All ayes. Motion carried.

The Clerk will send a copy of Resolution # 43-06 to the State and County Departments of Transportation and the State Police.

Ilse Goshen and Lisa Burd will contact the Fire Police for assistance with the street closure. Ilse Goshen will contact the Bloomsbury Rescue Squad to advise them of the parade in the event that they would like to participate.

Mayor Peck and a member of Council will lead the parade.

Heather Stenger requested Council consider closing Main Street on October 31, 2006 from 2:00 - 3:00 PM for a PTO Halloween Parade. She reported that parents will be positioned approximately every 20 feet along Main Street for safety.

Main Street will be closed from Church Street to Gardner Street.

**RESOLUTION # 44-06 - BLOOMSBURY CELEBRATIONS COMMITTEE AND BLOOMSBURY HOSE COMPANY HALLOWEEN PARADE STREET CLOSURE**

WHEREAS the Bloomsbury PTO will be having a Halloween Parade on Tuesday, October 31, 2006 at 2:00 PM, and

WHEREAS the parade route will begin at the Bloomsbury Elementary School, travel down to the Church of the Annunciation and returning to the School parking lot, and

WHEREAS Main Street needs to be closed for the duration of the parade,

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the Borough of Bloomsbury, County of Hunterdon, State of New Jersey, that Main Street will be closed from Church Street to Wilson Street between the hours of 1:30 - 3:00 PM on Tuesday, October 31, 2006.

**PUBLIC COMMENT**

No comment.

**ADJOURNMENT**

There being no further business, a motion to adjourn was made by Mr. Weger, seconded by Mrs. Tersigni. All ayes, motion carried. Meeting adjourned at 7:42 PM.

Respectively Submitted,

Lisa A. Burd,  
Acting Borough Clerk

**BOROUGH OF BLOOMSBURY  
COUNCIL MEETING MINUTES  
NOVEMBER 28, 2006**

The regular meeting of the Bloomsbury Borough Council was held on November 28, 2006 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 January 5, 2006 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

Marc Scheffel  
Martha Tersigni  
Eric Weger - absent  
William Edleston, Esq. - excused

**FLAG SALUTE**

**APPROVAL OF MINUTES**

A motion was made by Mr. Scheffel, seconded by Mrs. Papics to approve the regular meeting minutes of September 26, 2006, as amended. All ayes. Motion carried.

A motion was made by Mrs. Tersigni, seconded by Mrs. Papics to approve the regular meeting minutes of October 24, 2006. All ayes. Motion carried.

**TAX COLLECTOR'S REPORT**

Mr. Ross moved Council approve the Tax Collector's Report of October 30, 2006 seconded by Mrs. Tersigni. All ayes. Motion carried.

**APPROVAL OF BILL LIST**

Mr. Ross moved Council approve the bill list of November 28, 2006, seconded by Mr. Scheffel.  
ROLL CALL VOTE: Flink-aye; Papics-aye; Ross-aye; Scheffel-aye; Tersigni-aye; Weger-absent. Motion carried.

**COMMITTEE REPORTS:**

***V. Papics:***

**Recreation -**

- Repairs are still needed at the snack shack.
- Mrs. Papics reported park vandalism occurred at the end of October. Inappropriate words and pictures were drawn on restrooms doors with chalk. Mr. Parker reported it to the State Police.

**Bloomsbury Celebrations Committee -**

- Tree Lighting is planned for this Friday.
- Repairs were made to the electrical outlet at Point Park.
- Christmas Tree Bon fire is planned for January 26th at the Borough Park.

Mr. Ross offered to provide a sound system for the BCC to use at the Tree Lighting Celebration. Mr. Ross will contact Mrs. Papis to make arrangements.

***M. Scheffel:*****Board of Education -**

- Mr. Scheffel reported he was unable to attend the recent Board meeting.

***C. Flink:*****Rescue-**

- Mrs. Flink reported attending the monthly meeting for Bloomsbury Rescue. Mrs. Flink will thank Rescue, on behalf of Borough Council, for their participation in the Bloomsbury Halloween Parade.

**OEM-**

- Peter will be attending the Flood Mitigation meeting in December.
- ICS 700 course completion - update due in December.

***S. Ross:*****Environmental Commission-**

- ERI - An abbreviated presentation will be given by Christine Hall tonight.

***M. Tersigni:*****Planning Board-**

- The November Planning Board meeting was cancelled.

**Administration-**

- The Borough has received a waiver from the Department of Community Affairs from the requirement for a Certified Public Works Manager until 2011.
- New Zoning form is being drafted.
- Lisa is working to reduce the cost of bonds for Borough employees.
- Water hardness information will be posted on the Borough Bulletin Board.

***M. Peck:*****Water Department-**

- Reservoir levels remain stable.
- Water Department Assistant retired last month.
- All job descriptions are currently under review.

- Borough is using more water than permitted by the State issued Water Allocation Permit. Mayor Peck stated that the Water Department infrastructure and issues with our billing procedures will be reviewed as well and changes to the water department will occur in the next few months. Mayor Peck and Robert Zederbaum will be meeting with DEP on December 12th to discuss these issues.

*L. Burd:*

**Presentation of 1873 map of the Borough-**

- Ms. Burd presented Council with a framed map of the Borough donated by Richard E. Seibert. The map is from actual surveys by F.W. Beers, page 27 from an 1873 atlas. Mayor and Council thanked Mr. Seibert for the gift.

**STATE POLICE REPORT**

No Report.

**MILL REDEVELOPMENT**

Mayor Peck stated that Mr. Louw is still struggling to adhere to the established time line. It is unclear if this is due to the permitting process. Mayor Peck will follow up with Mr. Louw.

**SECOND READING ORDINANCE NO. 110-06 - AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE XIII OF THE BOROUGH OF BLOOMSBURY ZONING ORDINANCE ENTITLED "FEE SCHEDULE" BY ESTABLISHING THE FOLLOWING ZONING AND APPLICATION FEES**

Council discussed possible changes to Ordinance # 110-06.

Mayor Peck called Ordinance # 110-06 up for second reading.

Mr. Scheffel made a motion to move a public hearing on the above ordinance, seconded by Mrs. Papics. All ayes. Motion carried.

No Public Comment.

Mr. Ross moved Council close discussion to the public, seconded by Mr. Scheffel.

All ayes. Motion carried.

Additional Council discussion followed.

Mr. Scheffel moved Ordinance # 110-06 be adopted on second reading, seconded by Mrs. Tersigni by a call of the roll.

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

Motion carried.

**RESOLUTION # 48-06 - STREET CLOSURE FOR STREET SWEEPING**

**WHEREAS**, the Bloomsbury Environmental Commission has arranged for street sweeping to occur on Wednesday, December 6, 2006, on every street within the Borough with the exception of Church street, and

**WHEREAS**, the rain date for street sweeping will be Thursday, December 7, 2006 and consecutive days thereafter, and

**WHEREAS**, No vehicles shall be parked in the street between the hours of 9:00 am and 5:00 pm on the date of said street sweeping,

**NOW, THEREFORE BE IT RESOLVED** by the Common Council of the Borough of Bloomsbury that:

1. No parking shall be allowed on any street within the Borough on Wednesday, December 6, 2006 and on consecutive days thereafter as necessary for the purposes of street sweeping
2. Violators will be ticketed and towed.

Mr. Ross moved Council adopt Resolution # 48-02, seconded by Mrs. Flink. All ayes. Motion carried.

**RESOLUTION # 49-06 - RESOLUTION PERMITTING A CHRISTMAS TREE BON FIRE AT THE BOROUGH PARK PER THE REQUEST OF THE BLOOMSBURY CELEBRATIONS COMMITTEE**

**WHEREAS**, the Bloomsbury Celebrations Committee "BCC" wishes to have a Christmas Tree Bon Fire at the Borough Park on January 26, 2007,

**NOW THEREFORE BE IT REOLVED**, By the Mayor and Council as follows:

1. The Bon Fire will be held from 7:00 - 9:00 PM on Friday, January 26th, 2007, with a rain date of January 27th, 2007.
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 ensure that activity is in compliance with the New Jersey Uniform Fire Code.
5. The BCC must provide proof of inspection and permit from the New Jersey Division of Fire Safety.
5. The BCC must work with the Bloomsbury Hose Company to ensure safety at the event.
6. The BCC is responsible for clean up from the event.

Mrs. Papics moved Council adopt Resolution # 49-06, seconded by Mr. Scheffel. All ayes. Motion carried.

### **2007 RE-ORGANIZATION MEETING**

The 2007 Re-Organization meeting will be held on Monday, January 1, 2007, at 10:00 AM. The December Council meeting scheduled for December 26, 2006 will be cancelled.

### **RESIDENT PETITION**

Speed humps/ stop signs

Petition signed by approximately 50 Borough residents, most residing on Main Street. They are requesting traffic and speed control measures on Main Street and other Borough Streets. Mayor Peck stated that Mr. Weger has information about a grant opportunity for safe streets and sidewalks.

Mayor Peck asked Council consider the installation of speed humps in the Borough.

Mr. Scheffel proposed the installation of stop signs on several streets within the Borough.

Mr. Scheffel will draw up a plan for stop sign installation and submit it to the Clerk in the next few weeks. The clerk will forward the information to Mr. Edleston and a resolution will be prepared for the regular meeting on January 23, 2007.

### **ENVIRONMENTAL COMMISSION - ERI PRESENTATION**

Christine Hall gave Council a brief presentation, providing an overview of the information gathered in the Environmental Resource Inventory.

### **CORRESPONDENCE**

Council reviewed correspondence. Brief discussion followed.

### **OPEN TO THE PUBLIC**

Cathy Foulk asked Council consider the installation of Rescue Squad signs on Main Street, and No Littering signs near the bridge on Church Street.

### **EXECUTIVE SESSION**

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

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

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

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

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

Discussion followed.

Council returned from executive session at approximately 8:02 PM. No action was taken.

Mr. Ross moved Council re-enter regular session, seconded by Mrs. Tersigni. All ayes. Motion carried.

Mr. Ross moved Council resolve the issue as per the discussion held in executive session, seconded by Mr. Scheffel. All ayes. Motion carried.

Mayor Peck will contact the subject of the executive session and make the offer as discussed in executive session.

**ADJOURNMENT**

There being no further business, a motion to adjourn was made by Mr. Ross, seconded by Mr. Scheffel. All ayes, motion carried. Meeting adjourned at 8:10 PM.

Respectfully Submitted,

Lisa A. Burd,  
Acting Borough Clerk

**BOROUGH OF BLOOMSBURY  
COUNCIL MEETING MINUTES  
DECEMBER 26, 2006**

The regular meeting of the Bloomsbury Borough Council scheduled for December 26, 2006 was cancelled.

Lisa A. Burd,  
Acting Borough Clerk