

**BOROUGH OF BLOOMSBURY
COUNCIL MEETING MINUTES
JANUARY 27, 2009**

The regular meeting of the Mayor and Council was held on January 27, 2009 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 Lola Burd.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on January 8, 2009 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
Marc Scheffel

Steven Shelton
Martha Tersigni
Eric Weger
William Edleston, Esq.

FLAG SALUTE

APPROVAL OF MINUTES

Mr. Weger moved Council adopt the Regular Meeting Minutes of November 25, 2008; seconded by Mr. Scheffel. All ayes. Mrs. Tersigni-abstain. Motion carried.

Mrs. Papics moved Council adopt the Executive Session Meeting Minutes of November 25, 2008; seconded by Mr. Scheffel. All ayes. Mrs. Tersigni-abstain. Motion carried.

Mr. Weger moved Council adopt the Regular Meeting Minutes of December 23, 2008; seconded by Mrs. Tersigni. All ayes. Motion carried.

Mr. Scheffel moved Council adopt the Executive Session Meeting Minutes of December 23, 2008; seconded by Mrs. Papics. All ayes. Motion carried.

Mrs. Papics moved Council adopt the Re-Organization Meeting Minutes of January 1, 2009; seconded by Mr. Weger. All ayes. Motion carried.

TAX COLLECTOR'S REPORT

Mrs. Papics moved Council accept the Tax Collector's reports of January 7, 2009; seconded by Mr. Scheffel.

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

APPROVAL OF BILL LIST

Council discussed the bill list. RBZ Enterprises bills will be held until the February meeting - Mayor Peck will discuss the same with Kim Francisco.

Mr. Weger moved Council approve the Treasurer's Report of January 27, 2009; seconded by Mrs. Papics.

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

STATE POLICE - PERRYVILLE

Sergeant Sofhauser explained there was diminished interest in the neighborhood watch program, but service will be provided if renewed interest is shown.

Sergeant Burke is the new Station Commander at Perryville.

BLOOMSBURY RESCUE SQUAD

Chief Anderson presented Council with the 2008 year end report. Discussion followed.

Mr. Anderson stated that they are working on the Budget for 2009 and expect a short fall explaining they will have approximately \$52,000 but will need \$64,000. He further explained that the Rescue Squad is considering soft billing.

Mr. Anderson stated that he feels that use of the emergency alert siren is necessary. Discussion followed.

COMMITTEE REPORTS

C. Flink:

OEM -

- Council is invited to a service of Recognition including presentation of a donation for Fire Company and Rescue Squad on Feb. 8th at 9:30 am at the United Methodist Church.
- Mrs. Flink will attend an IS-139 emergency exercise and complete an on-line course.
- Mrs. Flink will attend an OEM meeting on Monday night.
- Mrs. Flink will continue to work on updating the emergency contact list and duty roster.

S. Shelton:

Recreation -

- Mr. Shelton reported attending the Recreation Commission Meeting this month. Mr. Shelton explained that Recreation will be requesting that \$2,200 be paid to Greenwich Recreation and that the annual agreement is being redrafted. Mr. Shelton reported that the luminary sale resulted in a \$400.00 profit.

M. Tersigni:

Finance -

- Mrs. Tersigni stated that employees must identify any purchasing needs as soon as possible so that money can be set aside in the new Budget.
- Service Electric Cable check has been received.

Planning Board -

- Council discussed COAH. Mr. Banisch will be contacted about the same and grant money may be available.

M. Scheffel:**Environmental Commission -**

- Mr. Scheffel stated that information about new septic system regulations indicates that the Borough may be responsible to record the pumping of septic systems in the future.

Mr. Weger:**Streets and Roads-**

- Mr. Weger reported that the DPW is ready for snow removal and plowing.
- A truck needs to have the gas tank replaced and recommends that this work be done a shop and not in house.
- Christmas trees have been packed into the dumpster and removed. A second dumpster may be needed.
- There was a report of a possible water line break on Brunswick Avenue. Mrs. Papics and Mr. Weger will check after the meeting and report back.

V.Papics:**Board of Education -**

- Mrs. Papics reported that she was unable to attend the Board of Education meeting.

Newsletter -

- Mrs. Papics stated that she still not received anything for the March 1, 2009 newsletter and that she will be sending out a final email reminder to everyone about the February 16th deadline for submissions.

M. Peck:**Clothing Donation Bins -**

- Mayor Peck reported that that the State requires that donation bins have permits. Mr. Edleston will prepare a resolution so the Borough can implement this requirement and begins collecting the appropriate fees.

Water Department -

- Mayor Peck reported there are still significant leaks in the water system and finding them has been very difficult. The pump house electric bill is high due to the pumps running excessively. Mayor stated he would like to have a contract available so the public can review one week before the next meeting.

- Warren-Morris shared services group will be meeting at Bethlehem Township Municipal Building on Thursday at 7:30 pm. Mayor Peck reported he is unable to attend, but any Council members interested and available can.

Tax Appeal -

- Mayor Peck reported that the Schuler Tax Appeal has been dismissed.

NEW BUSINESS

CODE ENFORCEMENT

Larry Creveling stated that although there is to be no parking within 50' of a stop sign, the Borough does not have the curb painted yellow that far. Discussion followed.

Mr. Creveling offered ideas on how to alleviate the parking issue during snow events. Mr. Creveling said that there are 21 spaces available at PNC Bank which may be able to be used, and distributed photos of areas wide enough for people to park and move their vehicles to Council members. Discussion followed.

BROWN & BROWN

Sharon Cooper appeared to present Council with a 2009 Insurance Proposal. Discussion followed.

RESOLUTION # 15-09 - 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.

RESOLUTION # 16-09 - 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, 2009 and ending on January 1, 2012 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 agrees that as a member of the Public Alliance Insurance Coverage Fund the Public Entity must purchase all types of coverages offered by the Fund which are applicable to the Public Entity.
3. 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. Tersigni moved Council adopt Resolutions #15-09 and #16-09; seconded by Mrs. Papics.

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

RESOLUTION # 13-09 - IN SUPPORT OF A-3570 INTRODUCED BY ASSEMBLYMAN PETER BIONDI AND RICHARD A. MERKT TO ABOLISH THE COUNCIL OF AFFORDABLE HOUSING.(COAH)

WHEREAS, the Council on Affordable Housing (COAH) bureaucracy has indisputably run amuck, imposing arbitrary, unreasonable and outrageous demands for “affordable housing” on hundreds of municipalities throughout New Jersey; and

WHEREAS, COAH’s actions have seriously disrupted the efforts of local elected officials to govern their communities on a rational basis; and

WHEREAS, the Borough of Bloomsbury believes that the fundamental premise behind COAH, that the State has the wisdom to dictate housing decisions to municipalities, is irreparably flawed; and

WHEREAS, the only proper response to the current crisis is to “retire” COAH and start anew on crafting a State housing policy, this time with significant input from the people who actually have the knowledge needed to oversee intelligent housing decisions, namely local elected officials.

NOW THEREFORE BE IT RESOLVED that the Mayor and Township Committee of the Township of Raritan support Assembly Bill #A3570 introduced by Assemblyman Peter Biondi and Assemblyman Richard A. Merkt to Abolish the Council on Affordable Housing and its disruptive State mandates now and get on with the important business of creating a rational and workable housing policy to meet the needs of all New Jersey residents.

Mr. Weger moved Council adopt Resolution # 13-09; seconded by Mrs. Papics. All ayes. Motion carried.

RESOLUTION # 14-09 - TAX COLLECTOR'S RESOLUTION TO CANCEL PROPERTY TAXES

Resolution #14-09 was tabled after discussion as it will need to be amended and additional information added.

OLD BUSINESS

CORRESPONDENCE

Council reviewed correspondence.

ENVIRONMENTAL COMMISSION

Council discussed new recycling regulations and informative leaflets that are being finalized and will be distributed.

Ilse Goshen asked if anyone contacted Kasper about having an additional pick-up. Mrs. Tersigni stated that doing this will re-open negotiations to the contract. Discussion followed.

PUBLIC COMMENT

John Kolba, 29 Willow Avenue requested Council consider moving a fire hydrant which is located in an alleyway, on his property on Church Street as he needs to use the alley to get equipment to the rear of his lot. Discussion followed.

SHADE TREE COMMITTEE

The Shade Tree Committee reported that they can get free trees. Discussion followed. They will apply for about 50 trees and develop a plan for planting them on public property.

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 pending litigation and contract negotiations.

Mr. Scheffel made a motion to go into closed session at 9:13 pm; seconded by Mrs. Papics. All ayes, motion carried.

Discussion followed.

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

Council returned from executive session at approximately 9:35 PM. No action was taken.

ADJOURNMENT

There being no further business, a motion to adjourn was made by Mr. Scheffel; seconded by Mrs. Papics. All ayes, motion carried. Meeting adjourned at 9:36.

Respectfully Submitted,

Lisa A. Burd, RMC
Borough Clerk/Administrator

**BOROUGH OF BLOOMSBURY
COUNCIL MEETING MINUTES
FEBRUARY 24, 2009**

The regular meeting of the Mayor and Council was held on February 24, 2009 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 January 8, 2009 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 Papis
Mark Peck, Mayor
Marc Scheffel

Steven Shelton
Martha Tersigni
Eric Weger
William Edleston, Esq.

FLAG SALUTE

STATE POLICE - PERRYVILLE

Mayor Peck reported seeing continued police presence in the Borough and wanted to thank the NJSP for the same.

Sergeant Sofhauser reported that Trooper John McGordy will initiate a Youth Leadership Program with 5th grade students at Bloomsbury Elementary School. The NJSP will also provide an internet safety presentation to all BES students.

Mrs. Flink will contact Sergeant Sofhasuer next week to provide him with details about the upcoming Medicine Distribution Simulation.

APPROVAL OF MINUTES

Mr. Weger moved Council adopt the Regular Meeting Minutes of January 27, 2009 as amended; seconded by Mrs. Papis. All ayes. Motion carried.

Mrs. Tersigni moved Council adopt the Executive Session Meeting Minutes of January 27, 2009; seconded by Mr. Weger. All ayes. Motion carried.

TAX COLLECTOR'S REPORT

Mr. Weger moved Council accept the Tax Collector's reports of February 4, 2009; seconded by Mr. Scheffel.

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

APPROVAL OF BILL LIST

Mr. Weger moved Council approve the Treasurer's Report of February 24, 2009; seconded by Mrs. Papics.

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

COMMITTEE REPORTS

V. Papics:

Newsletter -

- Mrs. Papics stated that the all submissions for the newsletter have been submitted and it should be ready for mailing on March 1, 2009.

Board of Education -

- Mrs. Papics reported that the School Board discussed repairing the retaining wall on School Street.
- Mrs. Papics stated that the CSA stated that there should be a benefit for each pupil for the new high school tuition computation. Additional information should be forth coming.
- Mrs. Papics reported that despite the bad weather, the PTO still raised approximately \$9,000 from the 2008 Fine Arts and Crafts Festival.

Mr. Weger:

Streets and Roads-

- Mr. Weger reported that Rick Roseberry contacted the County and Bloomsbury is on the list for the 2009 chip and seal program.
- Mr. Weger reported that Bob Heinrich is prepared to move forward with a spring brush clean up.

Mrs. Papics moved Council approve a spring brush pick up for the week of April 6, 2009; seconded by Mr. Weger. All ayes. Motion carried.

M. Scheffel:

Environmental Commission -

- Mr. Scheffel stated that at the last Environmental Commission meeting, discussions continued about new septic system regulations and the possibility of installing cages on the storm drains to keep debris out.
- Mr. Scheffel reported that he and Mr. Weger met briefly with Mr. Roseberry to discuss possible traffic calming measures that Council may consider. Mr. Scheffel will gather additional information and email the same to Council members.

BCC -

- Annual Town for Sale:
Mrs. Papics moved Council approve the Annual Town for Sale to be held on June 13, 2009; seconded by Mr. Scheffel. All ayes. Motion carried.

C. Flink:**OEM -**

- Bloomsbury Hose Company - Three Fires; 112 man hours; 75 vehicle miles.
- Mrs. Flink completed the Emergency Management - IS-139 on-line course.
- The next LEPC meeting will be held on March 3, 2009 at 7:00 PM to discuss how an Elizabeth Town Gas Company gas line explosion catastrophe would be handled if one occurred and to discuss the simulated medicine distribution exercise which will be held in a few weeks. Discussion followed. Deputy OEM Coordinator, Mark Peck will contact Council with a date and time for the simulation.

S. Shelton:**Recreation -**

- Mr. Shelton reported that the lower field will likely need to be completely re-done before the baseball/softball season starts. This may require hiring an outside contractor to complete the work. Mr. Shelton will contact Scott Parker and request that the Recreation Commission obtain three quotes which can then be presented to Council at the March meeting for their consideration.

M. Tersigni:**Planning Board -**

- C. Richard Roseberry was appointed Planning Board Engineer for a one year contract.

Finance -

- Mrs. Tersigni stated that the field work for the audit has been completed and there will be no recommendations again this year.
- Mrs. Tersigni stated that she feels that delinquent accounts should now be referred to the Collection agency now that the contract is in place.

Mrs. Tersigni moved Council approve that all accounts that are 90 days delinquent or more be forwarded to the Credit Tech; seconded by Mr. Scheffel.

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

- The Borough received a check for \$2,310.09 for the damages to the park and snack shack.

M. Peck:**Water Department -**

- Mayor Peck explained that Mr. Walsh reported that the system seems to be losing water between what is pumped in the treatment plant and what is leaving the building, that between Friday and Saturday, the difference was 1,800 gallons, Saturday to Sunday, the difference was 2,400 gallons, and between Sunday and Monday, the difference was 2,400 gallons. Discussion followed. The Clerk stated that she believes that one of those meters had been re-calibrated in 2005.
- Mayor Peck reported that although Tom Walsh, Dick Seibert and Clinton Water Department have been working diligently, no leaks have been located.

OLD BUSINESS

SECOND READING - ORDINANCE 101-09 - AN ORDINANCE CREATING OFFICE OF BOROUGH ENGINEER

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. Position established.

Pursuant to the provisions of N.J.S.A. 40A: 9-140, there is hereby established in and for the Borough of Bloomsbury the position of Municipal Engineer.

Section 2. Duties.

The Municipal Engineer shall perform such duties as are prescribed by ordinance and general law and in addition:

- A. Prepare or cause to be prepared, specifically as directed by the Mayor and Council, plans, designs and specifications for public works and improvements undertaken by the Borough, either by account or by public contract.
- B. Provide and maintain surveys, maps, plans, specifications, tax maps and control records with respect to public works and facilities owned or operated by the Borough.
- C. Provide technical and engineering advice and assistance to other Borough officers as needed.
- D. Attend, when requested, all regular meetings of the Mayor and Council.

E. Perform such other duties as are now or hereafter imposed by statute, regulation or by municipal ordinance or regulation.

Section 3. Term.

The term of office of Municipal Engineer shall be for a period of one (1) year to commence on January 1 of the year in which the appointment is made.

Section 4. Compensation.

The Municipal Engineer shall receive such compensation on a fee basis as authorized by the Mayor and Council. All invoices for engineering services shall be subject to Mayor and Council approval.

Section 5. Hiring of additional engineering services.

Nothing in this article shall inhibit the powers of the Mayor and Council to appoint or contract for any engineering services or consultants in performance of any of the duties of the Borough Engineer as set forth in Section 2.

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.

Mrs. Tersigni moved Council open the Public Hearing; seconded by Mrs. Papics. All ayes. Motion carried. No comment.

Mrs. Tersigni moved Council close the public hearing; seconded by Mrs. Flink. all ayes. Motion carried.
Mr. Weger moved Council adopt Ordinance # 101-09; seconded by Mrs. Tersigni.

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

RESOLUTION # 14-09 - TAX COLLECTOR'S RESOLUTION - CANCEL TAXES

Mr. Edleston reported that he has been unable to reach Mrs. Hagaman and therefore could not complete the needed changes to this resolution and it will be carried till the March meeting.

CODE ENFORCEMENT

Larry Creveling stated that he just came from the Bloomsbury/ Bethlehem Court where a resident appeared to protest a ticket he received fro parking on Center Street during a snow storm. Mr. Creveling stated that there is no off-street parking for the apartment building on Center Street and he asked Council to further consider his suggestion of some alternate side of the street parking. Brief discussion followed.

NEW BUSINESS

FIRST READING - ORDINANCE # 102-09

**CALENDAR YEAR 2009
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A.. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 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 2009 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 \$5,579.75 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 2009 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 \$18,227.65, and that the CY 2009 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.

Mrs. Papics moved Ordinance # 102-09 be adopted on first reading and published in the Hunterdon County Democrat; seconded by Mr. Scheffel.

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

RESOLUTION # 17-09 - APPOINTMENT OF EMERGENCY MANAGEMENT COORDINATOR

WHEREAS, the Borough of Bloomsbury is currently in need of and Emergency Management Coordinator; and

WHEREAS, Carol Flink is qualified for this position;

NOW, THEREFORE BE IT RESOLVED by the Common Council of the Borough of Bloomsbury does hereby appoint Carol Flink to the position of Emergency Management Coordinator for a term of three years, beginning January 1, 2009 and ending December 31, 2011.

Mr. Weger moved Council adopt Resolution # 17-09; seconded by Mr. Scheffel. All ayes. Motion carried.

RESOLUTION # 18-09 - 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 Off-Premise 50/50 Raffle on May 15, 2008 to be held at the Bloomsbury Hose Company, 91 Brunswick Avenue, from 6:30 - 10:00 PM.

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

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

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

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

Mrs. Papics moved adopt Resolution #18-09; seconded by Mr. Weger. All ayes. Motion carried.

RESOLUTION # 19-09 - CHURCH OF THE ANNUNCIATION OFF-PREMISE 50/50 RAFFLE

WHEREAS, the Church of the Annunciation is the licensee on the application to conduct an Off-Premise 50/50 Raffle to be held at the Church of the Annunciation at 80 Main Street, Bloomsbury, NJ on the last Sunday of each month as follows:

March 29, 2009 at 12:30 PM
April 26, 2009 at 12:30 PM
May 31, 2009 at 12:30 PM
June 28, 2009 at 12:30 PM
July 26, 2009 at 12:30 PM

August 30, 2009 at 12:30 PM
September 27, 2009 at 12:30 PM
October 25, 2009 at 12:30 PM
November 29, 2009 at 12:30 PM
December 27, 2009 at 12:30 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:

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

Mrs. Papics moved Council adopt Resolution # 19-09; seconded by Mr. Weger. All ayes. Motion carried.

RESOLUTION # 20-09 - BLOOMSBURY ELEMENTARY SCHOOL PTO 50/50 RAFFLE

WHEREAS, the Bloomsbury Elementary School PTO is the licensee on the application to conduct an On-Premise 50/50 Raffle and Draw Raffle to be held at the Bloomsbury Elementary School, 20 Main Street, Bloomsbury, NJ from 6-10 pm on April 3, 2009; 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 and draw raffle,

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

3. The on-premise 50/50 raffle and draw raffle application is approved contingent to the Legalized Games of Chance Control Commission approving said application.

Mrs. Papics moved Council adopt Resolution # 20-09; seconded by Mr. Weger. all ayes. Motion carried.

2009 ENGINEER AND ATTORNEY CONTRACTS

Mrs. Tersigni moved Council authorize the execution of the 2009 contracts for Maser Consulting and William Edleston; seconded by Mr. Weger.

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

TAX COLLECTOR'S COMPUTER PURCHASE

Mr. Francisco stated that Jane Heater requested the purchase of a computer for her desk. Council reviewed a quote from Municipal Software for a refurbished system for \$874.00.

Mrs. Flink stated that the Emergency Operations Center is getting rid of brand new computers and she will call to see if one is available for the Borough. Discussion followed. Mrs. Tersigni stated that she spoke to someone at Municipal Software today and that they have equipment that has been shipped out and returned which has never been used and that he was able to provide a quote to someone today for about \$400.00, so we may be able to get a better price if we call. Mrs. Tersigni further explained that this new system could be online so that mortgage companies could go online to determine if taxes are current eliminating a lot of the calls that come in to the office when Jane is not here. Discussion followed.

Mr. Weger moved Council authorize the purchase of a computer for the Tax Collector; seconded by Mrs. Papics.

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

Mrs. Flink will also look into getting a free computer from the emergency operations center.

RAIN BARRELS

Ilse Goshen stated that the Environmental Commission would like to host a rainbarrel workshop to encourage residents to collect rain water to water gardens. She explained that they have an opportunity to purchase 15 wine barrels from a local winery for \$25.00 each which would then be sold at cost to residents.

Mrs. Tersigni stated that she spoke to someone at the County who said they would be happy to help the BEC with any educational information they can to ensure that the barrels are capped and sealed appropriate to prevent a public health nuisance problem from mosquitoes. Mrs. Tersigni will give contact information to Mrs. Goshen.

Mr. Weger moved Council approve the purchase of the rainbarrels provided they have sufficient training in mosquito prevention; seconded Mr. Scheffel.

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

CELL TOWER LIGHT

Mayor Peck explained that the Medevac uses the Borough Park as a landing zone during emergencies and that the pilot recently complained that there is no light on the top of the cell tower. It was explained that a light would be required if the tower were over 200' tall or within a certain distance of an airport, but currently the tower does not meet this criteria. Mr. Roseberry suggested the installation of a light which can be turned on by the Fire Department when they receive notification that the Medevac will be landing so it will minimize the impact the light will have on nearby residences. Discussion followed. Mr. Roseberry will work with Crown Castle to have a light installed.

Mrs. Flink will let the Fire Department know that this is being considered and ask they let Council know if they have any concerns.

PUBLIC COMMENT

Chuck Meyers, 52 Main Street stated that he received a ticket for parking on the street during a snow storm and explained that he moved into the Borough in August and did not know about the no parking rule. Mayor Peck explained that at the present time, the only off street parking the Borough can offer is at the Borough Park. Discussion followed. Mr. Meyers explained that his landlord did not explain the rule and does not forward information from the Borough Newsletters to the tenants. The Clerk advised that he can get a copy at the post office, or stop by Borough Hall.

Kathleen Jordan, 56 North Street stated that the PTO will be holding seminars about cyber bullying and social networking including a presentation by Tina Meyer which will be held in either the spring or fall.

Ilse Goshen asked Council to authorize the Shade Tree Advisory Committee to purchase Microsoft Access. If no member of the committee has the program, then Ilse will purchase it for approximately \$150.00.

Mrs. Papics moved Council close public comment; seconded by Mr. Weger. All ayes.

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 pending litigation and contract negotiations.

Mrs. Papics made a motion to go into closed session at 8:11 pm; seconded by Mr. Weger. All ayes, motion carried.

Discussion followed.

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

Council returned from executive session at approximately 9:04 PM. No action was taken.

WATER DEPARTMENT

Mayor Peck stated that Ordinance # 103-09 would grant a franchise agreement to Aqua and Resolution #21-09 would authorize execution of the Assets Purchase Agreement. Mayor Peck explained that the Agreement was made available to the public for review last week but that agreement will be amended to include the following:

Amend Section 1.1 - item G with the following underlined addition:

- (g) Seller shall grant all required and/or necessary surface and subsurface easements relating to water or well water rights in order to give effect to the transfer of assets comprising this agreement.

Addition of Section 1.7 as follows:

1.7 Notification

Prior to closing the Borough shall notify Aqua New Jersey, Inc. of all fire hydrants it wishes to have removed and/or relocated. Aqua agrees to abide by such request subject to compliance with the requirements of all applicable fire safety codes or regulations.

OPEN DISCUSSION TO PUBLIC

Mr. Scheffel moved discussion be opened to the Public; seconded by Mrs. Tersigni. All ayes. motion carried.

Ilse Goshen, 69 Main Street stated that she noticed that all land was now being retained by the Borough and not sold to Aqua.

Mrs. Goshen asked if this agreement would be effective for a lifetime. Mayor Peck stated that it would be forever.

Mrs. Goshen asked if this would be up for further consideration at the March meeting. Mayor Peck explained that the Franchise agreement would have a second reading at the March meeting, but that if the Resolution was adopted by Council tonight, that the Assets Purchase Agreement would then be executed.

Mrs. Goshen asked if Council considered re-bidding the sale. Mayor Peck stated that although it was considered, Council did not see the point in doing so as the only other water company in the area had higher rates. Discussion followed.

RESOLUTION # 21-09 - RESOLUTION AUTHORIZING THE SALE OF THE ASSETS (INFRASTRUCTURE AND PERSONAL PROPERTY) COMPRISING THE WATER DEPARTMENT OF THE BOROUGH OF BLOOMSBURY, HUNTERDON COUNTY, NEW JERSEY

WHEREAS, The Mayor and Council of the Borough of Bloomsbury have heretofore authorized a public question to ascertain the sentiment of legal voters of the Borough as to whether the Borough Water Department (the assets comprising its infrastructure and personal property) should be sold to another public water purveyor; and

WHEREAS, a referendum to that effect was placed on the 2008 Ballot of the General Election pursuant to N.J.S.A. 19:37-1; and

WHEREAS, a majority of the voters in the Borough voted to authorize the sale of the infrastructure and personal property comprising the Water Department and to enter into a contract providing for the sale thereof; and

WHEREAS, following the public advertisement for bids, Aqua New Jersey, Inc. was determined to be the highest responsible bidder and the Borough has determined to enter into an Asset Purchase Agreement pursuant to said bid; and

WHEREAS, N.J.S.A. 40A:12-13.1 of the Local Lands and Buildings law authorizes the Borough to adopt this Resolution to the forgoing effect; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bloomsbury that the sale of the assets (infrastructure and personal property) comprising the Water Department of the Borough be and is hereby confirmed to Aqua New Jersey, Inc.; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and empowered to affix their signatures to an Asset Purchase Agreement for same.

Mr. Scheffel moved Council adopt Resolution 21-09; seconded by Mrs. Papiers.

ROLL CALL VOTE: Flink-aye; Papiers-aye; Scheffel-aye; Shelton-aye; Tersigni-aye; Weger-aye.
Motion carried.

FIRST READING - ORDINANCE #103-09AN ORDINANCE GRANTING MUNICIPAL CONSENT TO AQUA NEW JERSEY, INC. TO CONSTRUCT, MAINTAIN AND OPERATE A WATER WORKS IN THE BOROUGH OF BLOOMSBURY

AN ORDINANCE OF THE BOROUGH OF BLOOMSBURY, OF THE COUNTY OF HUNTERDON AND THE STATE OF NEW JERSEY, GRANTING PERMISSION AND MUNICIPAL CONSENT TO AQUA NEW JERSEY, INC. TO CONSTRUCT, MAINTAIN AND OPERATE A WATER WORKS IN THE BOROUGH OF BLOOMSBURY, HUNTERDON COUNTY, AND FOR THE PURPOSE OF SUPPLYING WATER IN SAID AREA FOR THE BENEFIT OF RESIDENTIAL, COMMERCIAL AND INDUSTRIAL CUSTOMERS, AND FOR THE CONSENT TO LAYING SUPPLY MAINS, PIPES, LATERALS, SERVICE CONNECTIONS, TREATMENT FACILITIES AND OTHER APPARATUS OR EQUIPMENT IN AND BELOW THE SURFACE OF ANY STREETS, ROADS, HIGHWAYS OR OTHER PUBLIC PLACES NOW EXISTING OR HEREAFTER ACCEPTED BY THE BOROUGH OF BLOOMSBURY AND LOCATED IN THE SAID PORTION OF THE BOROUGH OF BLOOMSBURY AS MAY BE THOUGHT NECESSARY TO FURNISH AND SUPPLY WATER SERVICES.

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:

WHEREAS, Aqua New Jersey, Inc. currently provides water service pursuant to rates and tariffs issued by the New Jersey Board of Public Utilities; and

WHEREAS, the Borough of Bloomsbury presently obtains water service from its municipal utilities authority; and

WHEREAS, Aqua New Jersey, Inc. has agreed to buy the water system serving the Borough of Bloomsbury; and

WHEREAS, the Mayor and Council of the Borough of Bloomsbury have determined that the provision of such water service would best be accomplished by a method which does not involve public funds and minimizes municipal responsibility and liability; and

WHEREAS, Aqua New Jersey, Inc. has significant experience as the operator of water utilities which have been approved by the New Jersey Board of Public Utilities, and

WHEREAS, the Mayor and Council of the Borough of Bloomsbury have determined that the best way to provide centralized water service to residents is by authorizing Aqua New Jersey, Inc. to serve same; and

WHEREAS, the Mayor and Council of the Borough of Bloomsbury (hereinafter "Borough") have determined that it has the authority to consent to the grant of the utility franchise herein requested to privately owned companies as part of the Borough's responsibility to provide for the general health, safety and welfare of the community.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Bloomsbury, as follows:

ARTICLE ONE: GRANT OF MUNICIPAL CONSENT ORDER

Pursuant to N.J.S.A. 48:3-11 et seq. the Borough of Bloomsbury, County of Hunterdon and State of New Jersey, herein referred to as Grantor, hereby grants to Aqua New Jersey, Inc., a public utility corporation of the State of New Jersey, herein referred to as Grantee, a Municipal Consent of the scope and description as follows:

Grantee shall have the right and authority, during the term of the Municipal Consent granted by this Ordinance, to operate, construct, maintain and manage a water works, treatment and distribution system within the limits of the Borough of Bloomsbury to service the area more particularly described on the attached map (the "Franchise Area") incorporated herein by reference and on file with the Borough Clerk (subject to

Grantee obtaining the necessary permits and approvals of the New Jersey Department of Environmental of Protection ("NJDEP") and the New Jersey Board of Public Utilities ("BPU"). For such purpose, Grantee has the right to purchase, erect or construct, equip and maintain such facilities as are reasonably necessary for furnishing potable water. The Municipal Consent granted in this Ordinance includes the right to collect charges for services in accordance with State laws and regulations, and in compliance with tariffs as approved by the BPU, from time to time, and to make such excavations and openings in public streets as are reasonably necessary for the above purposes, in accordance with such local ordinances and State statutes and regulations made and provided.

ARTICLE TWO: TERM

The Municipal Consent granted by this Ordinance shall be perpetual subject only to such limitations as are now or may hereafter be provided by law.

ARTICLE THREE: SPECIFIC CONDITIONS

SECTION I: SERVICE

Grantee shall at all times during the term of this Municipal Consent furnish potable water and related services to all persons and organizations, public and private, without discrimination and at rates approved by the BPU, located within the Franchise Area. Grantee shall make every reasonable effort, under the rules and regulations of the NJDEP and BPU, to furnish an ample, uninterrupted supply of potable water to all customers throughout the Franchise Area and all enlargements and extensions thereof.

SECTION II: CONSTRUCTION AND MAINTENANCE OF FACILITIES

Subject to the provisions hereof, the Grantee shall have the privilege to construct, operate and manage the water works and distribution system including the laying of connecting pipes and mains beneath such streets, avenues, parks, parkways, highways and other public places now, or hereafter

constructed, within the Franchise Area as it may deem necessary for its corporate purposes, free from all charge to be made by any person or body politic whatsoever for such privilege, provided that the mains (pipes) shall not unnecessarily obstruct or interfere with the public travel, and provided such private and public lands or facilities shall be restored to their preexisting condition or better.

Grantee in the construction, installation, maintenance and operation of the water system shall comply with all applicable federal, state, and local statutes, rules, regulations and ordinances and shall obtain all necessary approvals, permits and licenses from all federal, state and local agencies having jurisdiction over the water system.

SECTION III: INDEMNITY

The Grantee shall indemnify and hold harmless the Borough of Bloomsbury from and against any and all claims arising out of or in connection with the operation, maintenance or construction of the water system and distribution system by the Grantee.

ARTICLE FOUR: GENERAL CONDITIONS

SECTION I: REGULATION

Grantor reserves the right to enforce regulations concerning the construction of new facilities or the maintenance and operation of existing facilities whenever necessary to preserve the public health, safety and welfare of the community and its inhabitants.

SECTION II: EXPANSION OF GRANTEE'S WATER SUPPLY SYSTEM

All water services provided by the Grantee shall be limited and restricted to the Franchise Area, and no water service shall be provided by the Grantee to any lands outside of the Franchise Area, unless the Bloomsbury Borough Committee shall have first adopted an amendatory ordinance to this Ordinance authorizing that such service may be provided.

SECTION III: LIMITATION OF THE ORDINANCE

No privilege or exemption is granted or conferred by this Ordinance except those specifically described herein.

ARTICLE FIVE: CONSIDERATION

Consideration for the privileges and provisions granted in this Ordinance shall be the public service provided to the citizens of this community by the Grantee. To the extent now or hereafter permitted by the statutes or laws of the State of New Jersey, this Ordinance shall inure to the benefit of, and be binding upon, any city, town, or other municipal corporation to which the Franchise Area of the Borough of Bloomsbury may hereafter be attached or annexed or into which it may be incorporated.

ARTICLE SIX: FORFEITURE

The provisions and privileges of this Ordinance may be forfeited, at the option of the Grantor, upon failure or refusal by Grantee to observe the terms and conditions set forth herein. Forfeiture may be exercised by written notice to Grantee of failure to observe the terms and conditions hereof, followed by Grantee's unreasonable refusal to eliminate or correct such failure or violations within ninety (90) days.

ARTICLE SEVEN: EFFECT OF INVALIDITY

If the provisions of any Section, subsection, paragraph, subdivision or clause of this Ordinance shall be adjudged invalid by a Court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any Section, subsection, paragraph, subdivision or clause of this Ordinance, or any other Ordinance which is referred to herein by reference. To this end the provisions of the Section, subsection, paragraph, subdivision or clause of this Ordinance are hereby declared to be severable. Should a Court of competent jurisdiction adjudge any clause, sentence or other part of this Ordinance invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

ARTICLE EIGHT: EFFECTIVE DATE

SECTION I:

This Ordinance shall not become operative or effective until it has been agreed to by Aqua New Jersey, Inc. by a written acceptance, executed by the proper officials of said corporation, together with its proper corporate resolution, to accept and conform to all provisions of this Ordinance or in subsequent ordinances adopted by the Mayor and Council of the Borough of Bloomsbury or subsequent regulations which may be required by the Borough of Bloomsbury regarding the management or control of said streets; and upon approval by the New Jersey Board of Public Utilities which said acceptance follows this Ordinance and is made a part hereof.

SECTION II:

This Ordinance shall take effect upon its passage and publication according to law.

SECTION III:

The Mayor and Clerk of the Borough of Bloomsbury are hereby authorized to execute on behalf of the Borough all documents required to acknowledge said consent.

SECTION IV: REPEALER

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

ACCEPTANCE

Aqua New Jersey, Inc., its successors and assigns, hereby accepts and agrees to be bound by the conditions contained in the foregoing Ordinance.

IN WITNESS THEREOF, the said Aqua New Jersey, Inc. has hereunto caused its corporate seal to be affixed and this agreement signed by its President, attested to by its Secretary, in pursuance of the resolution of its Board of Directors this 24th day of February, 2009.

AQUA NEW JERSEY, INC.

Mrs. Tersigni moved Ordinance # 103-09 be adopted on first reading and published in the Hunterdon County Democrat; seconded by Mr. Weger.

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

CORRESPONDENCE

Council reviewed correspondence.

ADJOURNMENT

There being no further business, a motion to adjourn was made by Mr. Weger; seconded by Mrs. Papics. All ayes, motion carried. Meeting adjourned at 9:30.

Respectfully Submitted,

Lisa A. Burd, RMC
Borough Clerk/Administrator

**BOROUGH OF BLOOMSBURY
COUNCIL MEETING MINUTES
MARCH 30, 2009**

The re-scheduled meeting of the Mayor and Council was held on March 30, 2009 at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey. The meeting was called to order at 7:02 PM by the reading of the Sunshine Law by Lisa Burd.

As required by the Open Public Meetings Act of 1975, adequate notice of this re-scheduled meeting was provided to the Hunterdon County Democrat on March 23, 2009 and posting of said notice in the Municipal Building on the same date.

ROLL CALL: Carol Flink
Vicky Papics
Mark Peck, Mayor
Marc Scheffel - excused

Steven Shelton
Martha Tersigni - arrived 7:40
Eric Weger
William Edleston, Esq.

FLAG SALUTE

APPROVAL OF MINUTES

Mr. Weger moved Council adopt the Regular Meeting Minutes of February 24, 2009; seconded by Mrs. Papics. All ayes. Motion carried.

Mrs. Papics moved Council adopt the Executive Session Meeting Minutes of February 24, 2009; seconded by Mr. Shelton. All ayes. Motion carried.

TAX COLLECTOR'S REPORT

Mrs. Papics moved Council accept the Tax Collector's report of March 18, 2009; seconded by Mr. Weger. ROLL CALL VOTE: Flink-aye; Papics-aye; Shelton-aye; Weger-aye. Motion carried.

Mrs. Flink moved Council approve the Tax Collector's Quarterly Report dated March 18, 2009; seconded by Mr. Weger.

ROLL CALL VOTE: Flink-aye; Papics-aye; Shelton-aye; Weger-aye. Motion carried.

APPROVAL OF BILL LIST

Mr. Weger moved Council approve the Treasurer's Report of March 30, 2009; seconded by Mr. Shelton. ROLL CALL VOTE: Flink-aye; Papics-aye; Shelton-aye; Weger-aye. Motion carried.

STATE POLICE - PERRYVILLE

No report.

COMMITTEE REPORTS

V.Papics:

No report.

Mr. Weger:

Streets and Roads-

- Mr. Weger reported that Mr. Heinrich has the dump truck ready for brush pick-up.

Shade Tree Advisory Committee-

- Ilse Goshen explained that the Shade Tree Committee would like to purchase a few trees to plant at the Borough Park for Arbor Day. Discussion followed. Mr. Francisco stated that the Committee has a \$500.00 annual budget. Mr. Weger reported that they anticipate two trees will cost about \$200.00.

Mrs. Papics moved Council approve the purchase of two trees for approximately \$200.00 to be planted at the Borough Park on April 25, 2009, subject to Bob Heinrich's approval; seconded by Mrs. Flink.

ROLL CALL VOTE: Flink-aye; Papics-aye; Shelton-aye; Weger-aye. Motion carried.

Mr. Weger reported that the Shade Tree Advisory Committee members must receive Core Training Points each year in order to qualify for the grant money. This year they will be hosting a pruning class which will be open to all Borough residents. Anyone who attends will receive one continuing education point.

S. Shelton:

Recreation -

- Mr. Parker presented Council with a memo dated March 30, 2009. Discussion followed.

Council agreed to allow Recreation to use a combination lock on one bathroom during the season and to hand out the combination to coaches for use at practices and games. Scott Parker will write a memo to be distributed stating that this is on a trial basis and that should the bathroom be left open, or any problems occur, then the padlocks will be removed and the newly installed deadbolts used again.

The Clerk will ask Mr. Walsh to turn the water on at the snack shack as it was agreed that the danger of freezing has passed.

Recreation will store the lacrosse goals on tarps in the salt barn for the season.

Mr. Parker stated that he is hesitant to ask what the \$2,200 annual fee paid to Greenwich covers because this fee has not increased since he first became involved in the program and feels that asking them to look at it may well prompt an increase. Discussion followed. Mr. Parker stated that the fee does cover insurance for each child involved at approximately \$22 - \$25/ per child.

Estimating based on last year's participation; he said that alone would be almost \$2,000. It also covers the use of the Greenwich fields and maintenance of the same. If Greenwich requests this fee be increased, then at that point, Mr. Parker will request a breakdown.

The Clerk will provide Mr. Parker with a job application so that they can distribute to those interested in the Recreation Director position.

C. Flink:

OEM -

- Mrs. Flink reported that the annual LEPC meeting was held and an Elizabethtown Gas field supervisor attended and gave a brief presentation. Discussion followed.
- Mrs. Flink stated that the simulated medicine distribution exercise was held beginning on March 5th in the Borough in cooperation with H.C. OEM and H.C. Health Dept.
- Mrs. Flink provided Council with an updated EOP Council and Employee Assignments memo dated March 13, 2009. Discussion followed.

RESCUE -

- Rescue will have to start paying for a portion of the electric bill for their building and may start billing for services to cover the same.

M. Tersigni:

Administration -

- Mrs. Tersigni reported that the Borough Engineer has reprogrammed the Church Street blinking light, is working on cleaning up the Borough Tax Maps, and has performed a fire hydrant review and is prepared to recommend which ones can be removed, identified one that should be added.
- The Clerk is working to clean up and get rid of files which can be disposed of.
- The Clerk has pulled together several quotes for a new copier and Council can vote on the purchase of the same tonight.
- The Tax Collector's Computer has been delivered and installed.
- The Clerk has once again discovered that the files were still not being backed up correctly by municipal software and is now handling the back up all municipal records in-house.
- The annual DEP pump house inspection was conducted a few weeks ago and they seem pleased with what we are currently doing and the Borough's plan for the water department at this point.

Planning Board -

- Mrs. Tersigni stated that the Board is on track with Highlands Plan conformance and currently working on Module II.
- The Growmark Application was deemed incomplete and they will appear before the Board again in April.
- Larry Creveling went to Court to represent the Borough on a sign violation and the Borough was awarded a \$5,000 fine.

M.Peck:

Water Department -

- Mayor Peck reported that new leaks have sprung up and we are trying to locate them.
- Mayor Peck stated that Tom Walsh and Ray Hughes are doing a great job.

OLD BUSINESS

SECOND READING - ORDINANCE # 102-09

**CALENDAR YEAR 2009
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A.. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 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 2009 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 \$5,579.75 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 2009 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 \$18,227.65, and that the CY 2009 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 appro-

priated 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. Weger moved Council open the public hearing; seconded by Mrs. Papics. All ayes. Motion carried. No Comment.

Mrs. Papics moved Council close the public hearing; seconded by Mr. Weger. All ayes. Motion carried.

Mr. Weger moved Council adopt Ordinance # 102-09; seconded by Mrs. Papics.

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

SECOND READING - ORDINANCE # 103-09 - AN ORDINANCE GRANTING MUNICIPAL CONSENT TO AQUA NEW JERSEY, INC. TO CONSTRUCT, MAINTAIN AND OPERATE A WATER WORKS IN THE BOROUGH OF BLOOMSBURY

AN ORDINANCE OF THE BOROUGH OF BLOOMSBURY, OF THE COUNTY OF HUNTERDON AND THE STATE OF NEW JERSEY, GRANTING PERMISSION AND MUNICIPAL CONSENT TO AQUA NEW JERSEY, INC. TO CONSTRUCT, MAINTAIN AND OPERATE A WATER WORKS IN THE BOROUGH OF BLOOMSBURY, HUNTERDON COUNTY, AND FOR THE PURPOSE OF SUPPLYING WATER IN SAID AREA FOR THE BENEFIT OF RESIDENTIAL, COMMERCIAL AND INDUSTRIAL CUSTOMERS, AND FOR THE CONSENT TO LAYING SUPPLY MAINS, PIPES, LATERALS, SERVICE CONNECTIONS, TREATMENT FACILITIES AND OTHER APPARATUS OR EQUIPMENT IN AND BELOW THE SURFACE OF ANY STREETS, ROADS, HIGHWAYS OR OTHER PUBLIC PLACES NOW EXISTING OR HEREAFTER ACCEPTED BY THE BOROUGH OF BLOOMSBURY AND LOCATED IN THE SAID PORTION OF THE BOROUGH OF BLOOMSBURY AS MAY BE THOUGHT NECESSARY TO FURNISH AND SUPPLY WATER SERVICES.

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:

WHEREAS, Aqua New Jersey, Inc. currently provides water service pursuant to rates and tariffs issued by the New Jersey Board of Public Utilities; and

WHEREAS, the Borough of Bloomsbury presently obtains water service from its municipal utilities authority; and

WHEREAS, Aqua New Jersey, Inc. has agreed to buy the water system serving the Borough of Bloomsbury; and

WHEREAS, the Mayor and Council of the Borough of Bloomsbury have determined that the provision of such water service would best be accomplished by a method which does not involve public funds and minimizes municipal responsibility and liability; and

WHEREAS, Aqua New Jersey, Inc. has significant experience as the operator of water utilities which have been approved by the New Jersey Board of Public Utilities, and

WHEREAS, the Mayor and Council of the Borough of Bloomsbury have determined that the best way to provide centralized water service to residents is by authorizing Aqua New Jersey, Inc. to serve same; and

WHEREAS, the Mayor and Council of the Borough of Bloomsbury (hereinafter “Borough”) have determined that it has the authority to consent to the grant of the utility franchise herein requested to privately owned companies as part of the Borough's responsibility to provide for the general health, safety and welfare of the community.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Bloomsbury, as follows:

ARTICLE ONE: GRANT OF MUNICIPAL CONSENT ORDER

Pursuant to N.J.S.A. 48:3-11 et seq. the Borough of Bloomsbury, County of Hunterdon and State of New Jersey, herein referred to as Grantor, hereby grants to Aqua New Jersey, Inc., a

public utility corporation of the State of New Jersey, herein referred to as Grantee, a Municipal Consent of the scope and description as follows:

Grantee shall have the right and authority, during the term of the Municipal Consent granted by this Ordinance, to operate, construct, maintain and manage a water works, treatment and distribution system within the limits of the Borough of Bloomsbury to service the area more particularly described on the attached map (the "Franchise Area") incorporated herein by reference and on file with the Borough Clerk (subject to Grantee obtaining the necessary permits and approvals of the New Jersey Department of Environmental of Protection ("NJDEP") and the New Jersey Board of Public Utilities ("BPU")). For such purpose, Grantee has the right to purchase, erect or construct, equip and maintain such facilities as are reasonably necessary for furnishing potable water. The Municipal Consent granted in this Ordinance includes the right to collect charges for services in accordance with State laws and regulations, and in compliance with tariffs as approved by the BPU, from time to time, and to make such excavations and openings in public streets as are reasonably necessary for the above purposes, in accordance with such local ordinances and State statutes and regulations made and provided.

ARTICLE TWO: TERM

The Municipal Consent granted by this Ordinance shall be perpetual subject only to such limitations as are now or may hereafter be provided by law.

ARTICLE THREE: SPECIFIC CONDITIONS

SECTION I: SERVICE

Grantee shall at all times during the term of this Municipal Consent furnish potable water and related services to all persons and organizations, public and private, without discrimination and at rates approved by the BPU, located within the Franchise Area. Grantee shall make every reasonable effort,

under the rules and regulations of the NJDEP and BPU, to furnish an ample, uninterrupted supply of potable water to all customers throughout the Franchise Area and all enlargements and extensions thereof.

SECTION II: CONSTRUCTION AND MAINTENANCE OF FACILITIES

Subject to the provisions hereof, the Grantee shall have the privilege to construct, operate and manage the water works and distribution system including the laying of connecting pipes and mains beneath such streets, avenues, parks, parkways, highways and other public places now, or hereafter constructed, within the Franchise Area as it may deem necessary for its corporate purposes, free from all charge to be made by any person or body politic whatsoever for such privilege, provided that the mains (pipes) shall not unnecessarily obstruct or interfere with the public travel, and provided such private and public lands or facilities shall be restored to their preexisting condition or better.

Grantee in the construction, installation, maintenance and operation of the water system shall comply with all applicable federal, state, and local statutes, rules, regulations and ordinances and shall obtain all necessary approvals, permits and licenses from all federal, state and local agencies having jurisdiction over the water system.

SECTION III: INDEMNITY

The Grantee shall indemnify and hold harmless the Borough of Bloomsbury from and against any and all claims arising out of or in connection with the operation, maintenance or construction of the water system and distribution system by the Grantee.

ARTICLE FOUR: GENERAL CONDITIONS

SECTION I: REGULATION

Grantor reserves the right to enforce regulations concerning the construction of new facilities or the maintenance and operation of existing facilities whenever necessary to preserve the public health, safety and welfare of the community and its inhabitants.

SECTION II: EXPANSION OF GRANTEE'S WATER SUPPLY SYSTEM

All water services provided by the Grantee shall be limited and restricted to the Franchise Area, and no water service shall be provided by the Grantee to any lands outside of the Franchise Area, unless the Bloomsbury Borough Committee shall have first adopted an amendatory ordinance to this Ordinance authorizing that such service may be provided.

SECTION III: LIMITATION OF THE ORDINANCE

No privilege or exemption is granted or conferred by this Ordinance except those specifically described herein.

ARTICLE FIVE: CONSIDERATION

Consideration for the privileges and provisions granted in this Ordinance shall be the public service provided to the citizens of this community by the Grantee. To the extent now or hereafter permitted by the statutes or laws of the State of New Jersey, this Ordinance shall inure to the benefit of, and be binding upon, any city, town, or other municipal corporation to which the Franchise Area of the Borough of Bloomsbury may hereafter be attached or annexed or into which it may be incorporated.

ARTICLE SIX: FORFEITURE

The provisions and privileges of this Ordinance may be forfeited, at the option of the Grantor, upon failure or refusal by Grantee to observe the terms and conditions set forth herein. Forfeiture may be exercised by written notice to Grantee of failure to observe the terms and conditions hereof, followed by Grantee's unreasonable refusal to eliminate or correct such failure or violations within ninety (90) days.

ARTICLE SEVEN: EFFECT OF INVALIDITY

If the provisions of any Section, subsection, paragraph, subdivision or clause of this Ordinance shall be adjudged invalid by a Court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any Section, subsection, paragraph, subdivision or clause of this Ordinance, or any other Ordinance which is referred to herein by reference. To this end the provisions of the Section, subsection, paragraph, subdivision or clause of this Ordinance are hereby declared to be severable. Should a Court of competent jurisdiction adjudge any clause, sentence or other part of this Ordinance invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

ARTICLE EIGHT: EFFECTIVE DATE

SECTION I:

This Ordinance shall not become operative or effective until it has been agreed to by Aqua New Jersey, Inc. by a written acceptance, executed by the proper officials of said corporation, together with its proper corporate resolution, to accept and conform to all provisions of this Ordinance or in subsequent ordinances adopted by the Mayor and Council of the Borough of Bloomsbury or subsequent regulations which may be required by the Borough of Bloomsbury regarding the management or control of said streets; and upon approval by the New Jersey Board of Public Utilities which said acceptance follows this Ordinance and is made a part hereof.

SECTION II:

This Ordinance shall take effect upon its passage and publication according to law.

SECTION III:

The Mayor and Clerk of the Borough of Bloomsbury are hereby authorized to execute on behalf of the Borough all documents required to acknowledge said consent.

SECTION IV: REPEALER

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

ACCEPTANCE

Aqua New Jersey, Inc., its successors and assigns, hereby accepts and agrees to be bound by the conditions contained in the foregoing Ordinance.

IN WITNESS THEREOF, the said Aqua New Jersey, Inc. has hereunto caused its corporate seal to be affixed and this agreement signed by its President, attested to by its Secretary, in pursuance of the resolution of its Board of Directors this day of February, 2009.

AQUA NEW JERSEY, INC.

Mrs. Papics moved Council open the public hearing; seconded by Mr. Weger. All ayes. Motion carried. No Comment.

Mr. Shelton moved Council close the public hearing; seconded by Mr. Weger. All ayes. Motion carried.

Mrs. Papics moved Council adopt Ordinance # 103-09; seconded by Mr. Weger.
ROLL CALL VOTE: Flink-aye; Papics-aye; Shelton-aye; Tersigni-aye; Weger-aye. Motion carried.

RESOLUTION # 22-09 - Paris Grants Program Shared Services with Hunterdon County

WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments; and

WHEREAS, a top priority of the PARIS grants program is to achieve efficiencies of cost and operation through shared services and to create a service structure for municipalities and County governments; and

WHEREAS, in the 2009-10 grant cycle, priority funding will be given to county projects to perform municipal inventories, needs assessments and strategic plans for all of their municipalities; and

WHEREAS, the Borough of Bloomsbury desires to collaborate with Hunterdon County in the Performance Records Reorganization, Inventory & Purging Continuation Project; and

WHEREAS, the Borough of Bloomsbury is acknowledging that their eligible funds, in the amount of \$40,000.00 will be leveraged with Hunterdon County; and

WHEREAS, the Borough of Bloomsbury is acknowledging that any balance of leveraged monies will be utilized by the County for the purpose of the completion of the County Records Center PARIS grant expansion project and or other PARIS/County approved initiatives; and

WHEREAS, the Borough of Bloomsbury is acknowledging that Hunterdon County would be both the lead agency and the applicant for such a proposal; and

WHEREAS, the Borough of Bloomsbury is acknowledging the State is the final determination of the 2009/2010 PARIS grant program and projects and agrees not to hold the County responsible for the application, project and funding award as determined by the State of New Jersey PARIS grant program for the Borough of Bloomsbury and the purposes set forth above; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bloomsbury, that the Borough of Bloomsbury does support and commit to cooperation and participation in the PARIS grant for the purposes set forth above, and to execute and deliver all documents required incident thereto.

Mr. Weger moved Council adopt Resolution # 22-09; seconded by Mrs. Papics. All ayes. Motion carried.

RESOLUTION # 23-09 - RESOLUTION DESIGNATING MAY AS OLDER AMERICANS MONTH

WHEREAS, the month of May is traditionally designated and observed throughout the nation as Older Americans Month; and

WHEREAS, the 2009 theme is "Live Today for a Better Tomorrow" in honor of older Americans; and

WHEREAS, this municipality recognizes the contributions older Americans have made to our families, our communities, and our nation; and

WHEREAS, older Americans remain active and productive, volunteering their time, talents and expertise, thereby enriching all our lives;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bloomsbury, that the Borough of Bloomsbury does hereby proclaim the month of May as older Americans Month and calls upon individuals and entities to honor and celebrate the outstanding contributions of this Municipality's older residents.

Mrs. Papics moved Council adopt Resolution # 23-09; seconded by Mr. Weger. All ayes. Motion carried.

RESOLUTION # 24-09 - TAX REFUND - BLOCK 25; LOT 7, 125 MAIN STREET

WHEREAS, The Council of the Borough of Bloomsbury has received a judgment from the Hunterdon County Tax Board reducing the 2008 assessment on Block 25 Lot 7 to \$175,000 and has recently been notified by the Tax Court of the State of New Jersey that the subsequent Tax Court appeal and counterclaim have been withdrawn by the respective parties which in effect reinstates the original judgment; and

WHEREAS, the 2008 property tax paid on this parcel was \$5,287.10; and

WHEREAS, the 2008 property tax on this parcel as a result of the Hunterdon County Tax Board judgment is \$3,256.75; and

WHEREAS, the Hunterdon County Tax Board judgment has caused an overpayment of \$2,030.35 in property tax plus statutory interest calculated through 3/24/09 of \$103.85;

NOW, THEREFORE, BE IT RESOLVED by a majority of the members of the Council of the Borough of Bloomsbury that the Municipal Tax Collector be hereby authorized to refund a total amount of \$2,134.20 to the property owner.

Mr. Weger moved Council adopt Resolution # 24-09; seconded by Mr. Shelton. All ayes. Motion carried.

NEW BUSINESS

FIRST READING - ORDINANCE # 104-09 - AN ORDINANCE REGULATING THE STATUTORY AUTHORITY OF UNITED TELEPHONE COMPANY OF NEW JERSEY, INC., ITS SUCCESSORS AND ASSIGNS TO USE THE VARIOUS PUBLIC ROADS, STREETS, OR HIGHWAYS IN THE BOROUGH OF BLOOMSBURY, HUNTERDON COUNTY, NEW JERSEY, FOR ITS LOCAL AND THROUGH LINES AND OTHER COMMUNICATIONS FACILITIES AND PRESCRIBING THE CONDITIONS THEREOF.

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

SECTION 1: Pursuant to the provisions of N.J.S.A. 48:17-10, N.J.S.A. 48:17-11, and N.J.S.A. 48:17-12, non-exclusive permission and consent is hereby granted to United Telephone of New Jersey, Inc., ("Company"), its successors and assigns, to erect, construct and maintain the necessary poles, wires/cables, conduits, or other fixtures in, upon, along, over or under any public street, road, or highway, and parts thereof, throughout their entire length, and to effect the necessary street openings and lateral connections to curb poles, property lines and other facilities in the Borough of Bloomsbury (the

"Borough") for said Company's local and through lines in connection with the transaction of its business. This Ordinance does not authorize placement of wireless telecommunications facilities within the Borough's rights-of-way. This Ordinance also does not authorize Company to construct switching stations in the Borough's rights-of-way without separate permission.

SECTION 2: All poles and above-ground facilities hereafter located within the rights-of-way shall be placed back of the curb lines where shown on the official map(s) of the Borough or other filed maps, surveys or approved site plans that are necessary to establish the location of road rights-of-way. Said facilities shall be located in accordance with applicable standards, including, but not limited to, Borough ordinances, Residential Site Improvement Standards, and NJDOT standards, or at the points or places now occupied by the poles or other facilities of Company, or at such other convenient points or places in, upon, along, adjacent, or across the public streets and ways as may be mutually agreed upon between Borough and Company. Facilities to service all new residential sub-divisions will be constructed underground unless the property owner obtains the Borough's permission otherwise.

SECTION 3: Company may bury its facilities within the right-of-way of the various public streets and ways and at such locations as shall be mutually agreed upon by the parties. Underground conduits and associated facilities shall be placed at least eighteen (18) inches below the surface of said public streets and ways and, with the exception of lateral branches to curb poles and property lines and other facilities, the same shall generally not be constructed more than ten (10) feet from the curb line, unless obstructions make it necessary to deviate from such course or unless the parties mutually agree to another location. Manholes shall be located at such points along the line of underground conduits as may be necessary or convenient for placing, maintaining, and operating the facilities which Company may from time to time use in connection with its underground conduit system and shall be so constructed as to conform to the cross-sectional and longitudinal grade of the surface so as not to interfere with the safety or convenience of persons or vehicles.

SECTION 4: Any such area affected by Company in constructing its facilities shall be restored to as good condition as it was before the commencement of work thereon. No public streets or ways shall be encumbered for a period longer than shall be reasonable to execute the work. Company shall comply with Borough ordinance(s) regarding road openings.

SECTION 5: Company agrees to indemnify and save harmless the Borough from and against all claims and liabilities resulting from any injury or damage to the person or property of any person, firm or corporation caused by or arising out of conditions resulting from any negligent or faulty excavation, installation or maintenance connected with its work or equipment. The provisions of this Section shall not be interpreted to relieve the Borough from liability to Company or third parties in the event of joint or concurring negligence or fault of Company and the Borough; provided, however, that the legal liability of

the Borough, if any, shall be determined under applicable law, taking into account the privileges and immunities afforded a governmental entity.

SECTION 6: Whenever a curb line shall be established on streets where one does not now exist, or where an established curb line shall be relocated in order to change the width or realign an existing street in conjunction with road construction being performed by the Borough, Company shall change the location of its above-ground and below-ground facilities covered by this Ordinance, so that the same shall be back of, and adjacent to, the new curb line so long as the Borough has acted in accordance with applicable law and with reasonable care in establishing the new curb line and providing notice thereof. Company shall bear the costs so long as the relocation is not for aesthetic purposes or governed by N.J.S.A. 40A:26A-8.

SECTION 7: Any company or corporation having legal authority to place its facilities in the public streets and ways of the Borough may jointly use Company's poles, conduits or other fixtures for all lawful purposes, provided that Company consents to such use, on terms and conditions acceptable to Company and not inconsistent with the provisions of this Ordinance, and that said company or corporation has obtained consent from the Borough.

SECTION 8: If any or all of the said streets or ways are later taken over by the County of Hunterdon or the State of New Jersey, such County or State shall have the rights and privileges and be subject to the same terms, conditions and limitations of use as apply herein to the Borough, provided, however, that such satisfactory prior arrangements as may be necessary are made with the Borough and Company for the full protection of the respective interest of each.

SECTION 9: The term "Borough" as used in this Ordinance shall be held to apply to and include any form of municipality or government into which the Borough or any part thereof may at any time hereafter be changed, annexed, or merged.

SECTION 10: The permission and consent hereby granted shall apply to facilities, existing or hereafter constructed or operated by Company, its predecessors, successors, or assigns. This Ordinance shall cancel and supersede all prior consent ordinances between the Borough and Company regarding the subject matter hereof.

SECTION 11: This Ordinance shall not affect the ability of the Borough to impose real property taxes on the facilities of Company under current law. Further, if in the future applicable law should change so as to enable the Borough to impose a franchise fee or other fee, tax, charge, or monetary obligation on Company's operations or facilities hereunder, Company agrees that the provisions of this Ordinance shall not preclude the Borough from imposing or collecting such fee, tax, charge or other monetary obligation which may be permitted by law.

SECTION 12: Company shall maintain its property within the Borough in good condition and shall comply with applicable law for the provision of safe, adequate and proper service at just and reasonable rates, and safeguard the public interest in continuous and uninterrupted service.

SECTION 13: Nothing contained in this Ordinance shall be construed to impose an obligation on the part of the Borough to open any street not heretofore dedicated or opened to public use, and nothing herein shall be construed as an acceptance by the Borough of any unaccepted street or any part thereof where any pole, wire, conduit, cable or other fixture may exist.

SECTION 14: In the event that any public street or way where any pole, conduit, cable or other fixture owned or used by Company exists is vacated by the Borough, the Borough agrees to reserve unto Company the rights granted by this Ordinance. Borough would have no further obligation or responsibility to maintain or provide access to the right-of-way.

SECTION 15: If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared to be unenforceable or invalid for any reason whatsoever, such decision or declaration shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect; and to this end the provisions of this Ordinance are hereby declared severable.

SECTION 16: Company shall pay the expenses incurred for advertising required in connection with the passage of this Ordinance, after the date of its first reading, within thirty (30) days after Company has received a bill for said advertising.

SECTION 17: Following final passage of this Ordinance, the Borough Clerk shall provide Company with written notice thereof by certified mail. As provided by applicable law, this Ordinance, and any subsequent amendments, shall not become effective until acceptance by Company and approval by the Board of Public Utilities.

SECTION 18. This Ordinance shall take effect in the time and manner prescribed by law.

Mr. Weger moved Ordinance # 104-09 be adopted on first reading and published in the Hunterdon County Democrat; seconded by Mr. Shelton.

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

RARITAN VALLEY RAIL COALITION

Mayor Peck reported that Ken Robbins has agreed to serve as the Borough Liaison to the Raritan Valley Rail Coalition. Discussion followed.

PURCHASE OF OFFICE COPIER

Council reviewed a memo provided by the Clerk with several quotes for a new copier. Discussion followed.

FIRST READING - CAPITAL IMPROVEMENT - ORDINANCE # 105-09
AN ORDINANCE AUTHORIZING CAPITAL PURCHASES AND THE APPROPRIATION OF \$5,000 FROM THE BOROUGH OF BLOOMSBURY GENERAL CAPITAL FUND

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BLOOMSBURY, COUNTY OF HUNTERDON, STATE OF NJ AS FOLLOWS:

Section 1: The capital purchases described in Section 2 of this Ordinance are hereby authorized as General Improvements to be made by the Borough of Bloomsbury. There is hereby appropriated \$5,000 from the Capital Improvement Fund account in the General Capital Fund for the said purpose stated in Section 2.

Section 2: The improvements hereby authorized and the proposed authorizations are for the following purpose:

Office Equipment	\$5,000
Purchase of a new copy machine	

The maximum amount of money to be appropriated for said purchase is \$5,000, no part of which is to be borrowed.

Section 3: The said purchase described in Section 2 of this Ordinance is not a current expense and is for the purchase as stated above.

Section 4: This appropriation is made as a result of the need to replace office equipment in the Borough Hall.

Section 5: This Ordinance shall be published, together with a notice of Introduction thereof and the Date of Final Passage in the manner provided by law. Final passage is scheduled for Tuesday, April 28, 2009 at 7:00 PM in the Borough Hall, 91 Brunswick Avenue, Bloomsbury, NJ or at such other date and time to which it may be adjourned.

Section 6: At least one (1) week prior to the date set for final passage of this Ordinance, there shall be posted on the bulletin board of the Borough of Bloomsbury, a copy of this Ordinance and a notice that copies of same will be made available upon request during the ensuing week up to and including the date set for final passage and the notice shall set forth the place at which such copies may be available, and

Section 7: The Ordinance shall take effect upon final passage as provided herein.

Mr. Weger moved Ordinance # 105-09 be adopted on first reading and published in the Hunterdon County Democrat; seconded by Mrs. Papics.

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

2009 LEASE AGREEMENT

Mrs. Papics moved Council authorize the execution of the 2009 Lease Agreement with the Bloomsbury Hose Company No. 1; seconded by Mr. Weger.

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

MAIL DROP BOX

The Clerk explained that she, the Fire Department and Tax Collector are interested in purchasing a drop box to be installed outside Borough Hall. She explained that the box would not be for U.S. Postal Service Mail delivery, but rather for the convenience of residents to drop payments or correspondence off when the offices are closed. The Clerk or other bonded Borough employee would still access and sort the mail, but the Fire Department Chief and President would also have access. Discussion followed.

Mr. Weger moved Council approve the purchase of an outdoor drop box for a cost not to exceed \$500.00 and 50% of the total cost, with the Fire Department paying the other 50%; seconded by Mr. Shelton.

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

DOCK REMOVAL

DEP Watershed Ambassador, Mary Catherine Kopec stated that she had been contacted by a Borough resident asking if she may be able to help remove an old dock in the Borough. She stated that she is seeking Council approval to examine the dock and determine what needs to be done to remove it. Discussion followed. A representative from Trout Unlimited was present and offered that his organization would donate trees to be planted at the site after the dock was removed. Discussion followed. Council agreed that one or two trees could be planted as long as they did not prevent public access.

Mr. Weger moved Council approve Ms. Kopec investigate removal of the dock; seconded by Mrs. Papics. All ayes. Mrs. Tersigni-abstain. Motion carried.

PUBLIC COMMENT

Ilse Goshen, 69 Main Street stated that the Environmental Commission will hold a rain barrel workshop on May 17, 2009.

Joanna Murphy, 79 Brunswick Avenue asked about the park woods walk through that the Mayor and Ilse Goshen had conducted last year. Discussion followed. Ms. Murphy also stated that dog waste is everywhere in the Borough and asked what can be done. Mayor Peck stated that he will ask the Code Enforcement Officer to keep an eye out for this, but acknowledged that it is very difficult to enforce.

OFFICE OF EMERGENCY MANAGEMENT

Mrs. Flink provided Council with an overview of the content of the Emergency Operations Plan. She stated that although there is no way that anyone can memorize all of the information contained in the plan, it is important that everyone have an idea of what they are responsible for. Discussion followed. Mrs. Flink explained that a chain of command must be followed. She would receive the initial notification of an emergency from the County or State and then she would alert Council and any other organization which was needed. Discussion followed. After each Council meeting in the future, Mrs. Flink will take a few individuals and review the EOP and their responsibilities with them.

CORRESPONDENCE

Council reviewed correspondence.

ADJOURNMENT

There being no further business, a motion to adjourn was made by Mr. Weger; seconded by Mrs. Papics. All ayes, motion carried. Meeting adjourned at 8:46.

Respectfully Submitted,

Lisa A. Burd, RMC
Borough Clerk/Administrator

**BOROUGH OF BLOOMSBURY
COUNCIL MEETING MINUTES
APRIL 28, 2009**

The regular meeting of the Mayor and Council was held on April 28, 2009 at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey. The meeting was called to order at 7:01 PM by the reading of the Sunshine Law by Lisa Burd.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on January 8, 2009 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
Marc Scheffel - excused
Mark Peck, Mayor

Steven Shelton
Martha Tersigni
Eric Weger
William Edleston, Esq.- arrived 7:05

FLAG SALUTE

APPROVAL OF MINUTES

Mrs. Tersigni moved Council adopt the Regular Meeting Minutes of March 30, 2009; seconded by Mr. Shelton. All ayes. Motion carried.

TAX COLLECTOR'S REPORT

Mrs. Tersigni moved Council accept the Tax Collector's report of April 8, 2009; seconded by Mrs. Papics. ROLL CALL VOTE: Papics-aye; Shelton-aye; Tersigni-aye; Weger-aye. Motion carried.

APPROVAL OF BILL LIST

Mrs. Papics moved Council approve the Treasurer's Report of April 28, 2009; seconded by Mrs. Tersigni. ROLL CALL VOTE: Papics-aye; Shelton-aye; Tersigni-aye; Weger-aye. Motion carried.

COMMITTEE REPORTS

V.Papics:

Newsletter-

- Mrs. Papics reported that May 15th is the deadline for submission to be included in the June Newsletter and that to date she has only received one item.

BES-

- The 2009 Budget passed and with 65 voters going to the polls, the open School Board seat received 62 votes and the three year term getting 43 and five write ins.

Mr. Weger:

Streets and Roads-

- Mr. Weger reported that he met with Bob Heinrich and Rick Roseberry to go over needed road improvements and the possibility of getting up to \$200,000 in grant money and the procedure for the same. Discussion followed. Mr. Weger stated that if the Borough were to receive \$150,000 in grant money we could replace about 1,000 foot of roads including curbs and sidewalks. Discussion followed. Mr. Weger stated that they were considering work to be done on Main Street, starting at Rt. 579/ Church Street and completing as much as possible - including handicapped ramps.

Mr. Weger explained that Mr. Roseberry would need to complete engineering plans in order for the Borough to be eligible to apply for the grant, at a cost of approximately \$15,000. Mr. Francisco stated that the Borough could afford to this using money from the Capital Improvement Fund and not affect the current budget. Discussion followed.

Mrs. Tersigni asked if the Council would then be changing their position and that the Borough would then be taking over responsibility for the curbs and sidewalks when property owners have always been. Mr. Weger stated that Mr. Roseberry had had the same concern and that they thought that it could be done as part of this Municipal Improvement project this one time. Mrs. Tersigni stated that if Council set this precedent, then everyone in the Borough would deserve a new sidewalk. Discussion followed.

All Council members agreed that if the project consisted on curb to curb improvements then more road way could be fixed. Mayor Peck asked Council consider this matter further and that discussion will be considered at the May meeting.

S. Shelton:

Recreation -

- Mr. Shelton stated that the fields look great.

M. Tersigni:

Planning Board -

- Mrs. Tersigni stated that the March Planning Board was cancelled due to lack of pending business.

Administration -

- Mrs. Tersigni stated that she had emailed everyone asking for information for purchases or projects that may need to be considered for inclusion in the budget be forwarded to Lisa and to date none have been received so the assumption is that nothing is needed.

M. Peck:

Water Department -

- The Contract has been executed with a few housekeeping items remaining which should be completed soon.
- The Mayor reported that TA had an oil leak when their oil separator overflowed. Mayor Peck stated that he would like the Borough Attorney to send a letter requesting that TA reimburse the

Borough for all associated expenses incurred with Borough response to the incident. The Clerk stated that she understands that the Fire Company will also be billing TA for the replacement cost of all hazmat equipment that they used.

- Mayor Peck stated that there is a swine flu outbreak and a number of cases in New York and New Jersey. He further stated that the Federal Government has authorized 12 million doses to be distributed to first responders on the local level. If they actually release those doses then Carol Flink and Mayor Peck will notify Council and all applicable OEM protocol will then be followed.

STATE POLICE - PERRYVILLE

Sergeant Sofhauser stated that the Swine Flu is prevalent everywhere and not just in Mexico or the United States and that many procedures are being activated in response. Discussion followed.

Mayor Peck stated that it has been quiet but that because the warm weather is coming we expect the kids to be back out causing the usual mischief.

BOROUGH EQUIPMENT

Mr. Weger stated that Bob has questioned what can and should be removed from the pump house to be retained by the Borough and what must stay to be included in the assets that will be purchased by AQUA. Mayor Peck stated that they should remove anything that is not nailed down and needed for the operation of the system including meters, fittings, tools, vehicles, office furniture, supply and equipment.

WATER LEAK - ROAD REPAIR

Mr. Weger asked Council consider authorizing Dick Seibert of South Branch Excavating to assist with road repairs on Main Street stating that Bob Heinrich was planning to do it by hand and Mr. Seibert could bring in a back hoe to do the work. Discussion followed. The Clerk will contact Mr. Seibert and arrange for him to assist the DPW with the repair.

OLD BUSINESS

SECOND READING - ORDINANCE # 104-09

The Clerk explained that the Public Hearing of Ordinance # 104-09 must be carried as the it was not properly noticed by the attorney representing the Phone Company.

SECOND READING - ORDINANCE # 105-09 - CAPITAL IMPROVEMENT- AN ORDINANCE AUTHORIZING CAPITAL PURCHASES AND THE APPROPRIATION OF \$5,000 FROM THE BOROUGH OF BLOOMSBURY GENERAL CAPITAL FUND

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BLOOMSBURY, COUNTY OF HUNTERDON, STATE OF NJ AS FOLLOWS:

Section 1: The capital purchases described in Section 2 of this Ordinance are hereby authorized as General Improvements to be made by the Borough of Bloomsbury. There is hereby appropriated \$5,000

from the Capital Improvement Fund account in the General Capital Fund for the said purpose stated in Section 2.

Section 2: The improvements hereby authorized and the proposed authorizations are for the following purpose:

Office Equipment	\$5,000
Purchase of a new copy machine	

The maximum amount of money to be appropriated for said purchase is \$5,000, no part of which is to be borrowed.

Section 3: The said purchase described in Section 2 of this Ordinance is not a current expense and is for the purchase as stated above.

Section 4: This appropriation is made as a result of the need to replace office equipment in the Borough Hall.

Section 5: This Ordinance shall be published, together with a notice of Introduction thereof and the Date of Final Passage in the manner provided by law. Final passage is scheduled for Tuesday, April 28, 2009 at 7:00 PM in the Borough Hall, 91 Brunswick Avenue, Bloomsbury, NJ or at such other date and time to which it may be adjourned.

Section 6: At least one (1) week prior to the date set for final passage of this Ordinance, there shall be posted on the bulletin board of the Borough of Bloomsbury, a copy of this Ordinance and a notice that copies of same will be made available upon request during the ensuing week up to and including the date set for final passage and the notice shall set forth the place at which such copies may be available, and

Section 7: The Ordinance shall take effect upon final passage as provided herein.

Mr. Weger moved the Public Hearing be opened to the public; seconded by Mrs. Papics. All ayes. Motion Carried. No Comment from the Public. Mrs. Papics moved Council close discussion to the public; seconded by Mr. Weger. All ayes. Motion carried.

Mrs. Tersigni moved Council Adopt Ordinance # 105-09; seconded by Mr. Weger.
ROLL CALL VOTE: Papics-aye; Shelton-aye; Tersigni-aye; Weger-aye. Motion carried.

RESOLUTION # 14-09 - RESOLUTION TO CANCEL MILL TAXES

Mr. Edleston reported that the Tax Assessor stated that she will make changes and forward to him, but to date this has not been received. Mayor Peck stated that he will follow up with Mrs. Hagaman later in the meeting as she is expected to attend.

COLLECTIONS

Council reviewed a letter from Creditech confirming the referral of two accounts to their collection company. Discussion followed.

MILL REDEVELOPMENT

Council discussed the status of the Mill project. Mayor Peck stated that it appears that Lukas Loew is looking to make a significant profit from the sale of the Mill as he has apparently received offers which would reimburse what he has spent on the project to date and has not accepted. Discussion followed. Mrs. Tersigni stated once again that the building is unsecured with open windows and doors on the second floor and still completely unprotected from the elements. Mayor Peck will contact Mr. Loew tomorrow and let him know that he has until May 31st and then the Borough will begin proceedings to take back ownership.

NEW BUSINESS

2009 BUDGET INTRODUCTION

Mr. Francisco stated that there is a zero tax increase this year and that most line items have remained the same with the biggest capital item being the purchase of the copier. He stated that the Borough lost about \$2,600 in State Aid for 2009.

Mrs. Tersigni moved the 2009 Budget be introduced on first reading and published in the Hunterdon County Democrat, seconded by Mrs. Papics.

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

AUDIT OF 2008

Mr. Francisco stated that there is just one generic comment in the audit which due to our size - we have every year which is the limited staff we have to provide for adequate checks and balances. Mr. Francisco stated that we do a great job with the number of people we have.

RESOLUTION # 25-09 - GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

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

WHEREAS, the Annual Report of Audit for the year 2008 has been filed by a Registered Municipal Accountant with the Borough Clerk pursuant to N.J.S.A.40a:5-6, and a copy has been received by each member of the governing body; and

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

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

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

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

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

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

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

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

Mrs. Papics moved Council adopt Resolution # 25-09; seconded by Mr. Shelton.

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

RESOLUTION # 26-09 - CHURCH OF THE ANNUNCIATION OFF-PREMISE 50/50 RAFFLE

WHEREAS, the Church of the Annunciation is the licensee on the application to conduct an Off-Premise 50/50 Raffle to be held at the Church of the Annunciation at 80 Main Street, Bloomsbury, NJ on June 13, 2009, 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 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. Shelton moved Council adopt Resolution # 26-09; seconded by Mrs. Papics. All ayes. Motion carried.

RESOLUTION # 27-09 - 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 Edward P. Steinmann to the Bloomsbury Hose Company #1 effective March 1, 2009.

Mrs. Papics moved Council adopt Resolution # 27-09; seconded by Mr. Shelton. All ayes. Motion carried.

RESOLUTION # 28-09 - PROCLAMATION DESIGNATING APRIL AS NATIONAL DONATE LIFE MONTH

Every Human Life has matchless value, and during National Donate Life Month, we reaffirm our commitment to raising awareness about organ donation and the importance of making the decision to donate. We also express our appreciation to those who have donated organs, tissue, and marrow.

Over 100,000 of Americans, over 4,500 in New Jersey, are currently on the waiting list for an organ transplant and thousands more need life enhancing tissue transplants. I urge all New Jersey residents to register with the state donor registry, say yes to organ and tissue donation on their driver's license; share their decision with family and friends. By taking these steps, New Jerseyans can help save lives. My administration is committed to strengthening organ and tissue donation programs and to increase the number of organs available for transplantation in order to save lives. The kindness and generosity of donors reflect the compassionate spirit of our state.

During National Donate Life Month, we celebrate the life -saving work of medical professionals and researchers and the many others whose actions reflect our commitment to a brighter tomorrow. Individuals can visit www.DonateLifeNJ.org to learn more about organ and tissue donation and how they can give the gift of life.

NOW THEREFORE, I, The Mayor of the Borough of Bloomsbury, by virtue of the authority vested in me by the citizens of the Borough of Bloomsbury, do hereby proclaim April 2009 as Donate Life Month. I call upon health care professionals, volunteers, educators, government agencies, faith-based and community groups, and private organizations to help raise awareness of the urgent need for organ and tissue donors throughout our state.

Mr. Weger moved Council adopt Resolution # 28-09; seconded by Mrs. Papics. All ayes. Motion carried.

ENVIRONMENTAL COMMISSION

Council reviewed a memo submitted by the Environmental Commission dated April 15, 2009 outlining recommendations for Clean Communities Programs.

Mr. Weger moved Council endorsed the proposed expenditures; seconded by Mrs. Papics. All ayes. Motion carried.

MILL RESOLUTION

Mayor Peck asked Eloise Hagaman what the status of this resolution was. She said that she will have it prepared and forward the same to Bill for the next meeting and apologized for not having ready this month.

MUNICIPAL RECYCLING COORDINATOR

Council reviewed a letter from Hunterdon County Utilities Authority dated April 16, 2009. Discussion followed. Council agreed to authorize Mayor Peck send a letter of interest in sharing this service with the County.

CORRESPONDENCE

Council reviewed correspondence.

PUBLIC COMMENT

No comment.

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 litigation.

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

Discussion followed.

Council returned from executive session at approximately 8:28 PM. No action was taken.

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

ADJOURNMENT

There being no further business, a motion to adjourn was made by Mr. Weger; seconded by Mr. Shelton. All ayes, motion carried. Meeting adjourned at 8:29.

Respectfully Submitted,

Lisa A. Burd, RMC
Borough Clerk/Administrator

**BOROUGH OF BLOOMSBURY
COUNCIL MEETING MINUTES
MAY 26, 2009**

The regular meeting of the Bloomsbury Borough Council scheduled for May 26, 2009 was cancelled due to lack of a quorum.

Lisa A. Burd, RMC
Borough Clerk/Administrator

**BOROUGH OF BLOOMSBURY
COUNCIL MEETING MINUTES
JUNE 23, 2009**

The regular meeting of the Mayor and Council was held on June 23, 2009 at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey. The meeting was called to order at 7:01 PM by the reading of the Sunshine Law by Lisa Burd.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on January 8, 2009 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	Steven Shelton
Vicky Papics	Martha Tersigni
Marc Scheffel - absent	Eric Weger - absent
Mark Peck, Mayor	William Edleston, Esq.

FLAG SALUTE

APPROVAL OF MINUTES

Mrs. Tersigni moved Council adopt the Regular Meeting Minutes of April 28, 2009; seconded by Mr. Shelton. All ayes. Motion carried.

TAX COLLECTOR'S REPORTS

Mr. Shelton moved Council accept the Tax Collector's reports of May 13, 2009 and June 10, 2009; seconded by Mrs. Papics.

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

APPROVAL OF BILL LISTS

Mrs. Tersigni stated that she wanted to point out two items, first, the electric bill for the pump house was over \$3,500 for June and that we expect that will be the last high bill and the second, the Assessor expenses. She stated that there has never been clarification for the expenses which can be submitted or not submitted so they are being paid as usual until a procedure is in place and if anyone is interested in seeing exactly what was submitted, they can get that information from Kim Francisco.

Mrs. Papics moved Council approve the Treasurer's Reports of May 31, 2009 and June 23, 2009; seconded by Mr. Shelton.

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

COMMITTEE REPORTS

V.Papics:

BES-

- The School plans to replace windows on the Main Street side of the building, and approved Recreation to hold their program in the all purpose room from July 6 - August 8, 2009.

C. Flink:

OEM-

- Mrs. Flink reported that the table top exercise standard operating procedure was held at the school. Mrs. Flink provided Council with a list of the outcome and some suggestions for improvements to the Emergency Operations Plan

- Mrs. Flink suggested that the purchase of an i-phone or blackberry to hold information to be used by an OEMC or deputy would be useful. She also requested authorization to purchase a flash drive to store OEM information on. Discussion followed. Steve Shelton said that he will donate a USB drive to the Borough for Carol to use.
- Mrs. Flink will meet with Martha, Lisa, and Marc to go over the Shelter Care and Reception Objective at the end of August. She will likely invite the Red Cross and other groups who may be involved in sheltering families in the event of an emergency.

RESCUE-

- Mrs. Flink reported that the Bloomsbury Rescue Squad is being outfitted for the H1N1 Virus.

S. Shelton:

Recreation -

- Mr. Shelton distributed correspondence for Council to review and explained that the Recreation Commission is hosting several fundraising events including a 30+ softball game and golf outing.
- Mr. Shelton reminded Council and the public that the Recreation Commission currently has three open seats
- Mr. Shelton explained that the summer recreation registrations forms were distributed but that he has been working with the Borough Attorney to develop a liability waiver form which will be required to be signed in the future.

M. Tersigni:

Administration -

- Mrs. Tersigni stated that the new copier has been received and Lisa will assign new access codes to those who need them. It will also be necessary that all employees relocate and properly dispose of records to make needed space in the meeting room.
- Lisa will get quotes for repair work to be completed on the property where a water line was recently replaced and report the same.
- Mrs. Tersigni stated that she has looked into participating in a cooperative to purchase electricity but found that there is nothing available for municipalities at this time.
- Mrs. Tersigni said that she has received no additional information regarding the tax appeals since the initial phone call received from Mr. Edleston on the date of the appeals. She questioned if at this point the 45 days have passed and we should just let them stand as is. Mr. Edleston stated that this afternoon, Eloise said that they should be. Mrs. Tersigni said that timely information was not received from an appropriate source, and therefore could not have acted anyway.

Planning Board -

- The Planning board received grant money to cover the Banisch and Associates invoices to date and they have presented the Planning Board with a completed Highlands Plan Conformance Update and it is available for review.
- Brown's Hunterdon Mack has requested forms for final site plan approval.
- The Planning Board received another deck application which was approved with waivers.

- Growmark appeared before the board last week and deemed complete with conditions and the public hearing was opened and then carried to the July meeting so that they can have all of their professionals available to testify.
- The Planning Board was presented by a Flood Damage Ordinance which is now required by the state. The Board will review and make comments and then present the same to Council for their consideration.

M.Peck:

Water Department -

- Mayor Peck reported that we have received another violation for 2008 - again exceeding our allocation, using 47 million gallons when we are allowed to use 40 million gallons despite continued leak detection efforts.
- A major leak was found and repairs made and we have seen significant improvement in water usage. Mayor Peck explained that because this went undetected for so long, that we still will likely exceed our allocation for 2009.

Mayor Peck explained that during the water line repair work, a portion of a private property lot was damaged and ground disturbed.

Lisa reported that she requested several quotes and has received two to date to repair the same as follows:

Matarrazzo - \$1,350.00
JKM - \$ 2,350.00

The Mayor and Clerk will inspect the site to be clear about what work is needed to repair damage which occurred during the repair.

RESOLUTION # 37-09 - APPROVAL FOR PROPERTY REPAIRS ASSOCIATED WITH WATER LINE REPAIRS

BE IT RESOLVED, the Common Council of the Borough of Bloomsbury does hereby authorize the Mayor and Clerk to execute a contract for the lowest responsible quote for an amount not to exceed \$1,500.00 for the repair and restoration of the Coddington Property for damages incurred in the repairs of he water line.

Mrs. Tersigni moved the Council adopt Resolution #37-09; seconded by Mrs. Papics.
ROLL CALL VOTE: Flink -aye; Papics-aye; Shelton-aye; Tersigni-aye. Motion carried.

Mayor Peck reported that the first round of interrogatories from the BPU have been responded to with great thanks to Lisa and Martha as usual and himself. It is likely that more will follow and anticipated BPU action in the Fall.

OLD BUSINESS:

The Clerk explained that Ordinance 104-09 was not published properly following its original introduction by Council and therefore will be re-introduced tonight. The Clerk will publish the same and then the Borough will be reimbursed by Embarq.

FIRST READING - ORDINANCE #104-09 - AN ORDINANCE REGULATING THE STATUTORY AUTHORITY OF UNITED TELEPHONE COMPANY OF NEW JERSEY, INC., ITS SUCCESSORS AND ASSIGNS TO USE THE VARIOUS PUBLIC ROADS, STREETS, OR HIGHWAYS IN THE BOROUGH OF BLOOMSBURY, HUNTERDON COUNTY, NEW JERSEY, FOR ITS LOCAL AND THROUGH LINES AND OTHER COMMUNICATIONS FACILITIES AND PRESCRIBING THE CONDITIONS THEREOF.

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

SECTION 1: Pursuant to the provisions of N.J.S.A. 48:17-10, N.J.S.A. 48:17-11, and N.J.S.A. 48:17-12, non-exclusive permission and consent is hereby granted to United Telephone of New Jersey, Inc., ("Company"), its successors and assigns, to erect, construct and maintain the necessary poles, wires/cables, conduits, or other fixtures in, upon, along, over or under any public street, road, or highway, and parts thereof, throughout their entire length, and to effect the necessary street openings and lateral connections to curb poles, property lines and other facilities in the Borough of Bloomsbury (the "Borough") for said Company's local and through lines in connection with the transaction of its business. This Ordinance does not authorize placement of wireless telecommunications facilities within the Borough's rights-of-way. This Ordinance also does not authorize Company to construct switching stations in the Borough's rights-of-way without separate permission.

SECTION 2: All poles and above-ground facilities hereafter located within the rights-of-way shall be placed back of the curb lines where shown on the official map(s) of the Borough or other filed maps, surveys or approved site plans that are necessary to establish the location of road rights-of-way. Said

facilities shall be located in accordance with applicable standards, including, but not limited to, Borough ordinances, Residential Site Improvement Standards, and NJDOT standards, or at the points or places now occupied by the poles or other facilities of Company, or at such other convenient points or places in, upon, along, adjacent, or across the public streets and ways as may be mutually agreed upon between Borough and Company. Facilities to service all new residential sub-divisions will be constructed underground unless the property owner obtains the Borough's permission otherwise.

SECTION 3: Company may bury its facilities within the right-of-way of the various public streets and ways and at such locations as shall be mutually agreed upon by the parties. Underground conduits and associated facilities shall be placed at least eighteen (18) inches below the surface of said public streets and ways and, with the exception of lateral branches to curb poles and property lines and other facilities, the same shall generally not be constructed more than ten (10) feet from the curb line, unless obstructions make it necessary to deviate from such course or unless the parties mutually agree to another location. Manholes shall be located at such points along the line of underground conduits as may be necessary or convenient for placing, maintaining, and operating the facilities which Company may from time to time use in connection with its underground conduit system and shall be so constructed as to conform to the cross-sectional and longitudinal grade of the surface so as not to interfere with the safety or convenience of persons or vehicles.

SECTION 4: Any such area affected by Company in constructing its facilities shall be restored to as good condition as it was before the commencement of work thereon. No public streets or ways shall be encumbered for a period longer than shall be reasonable to execute the work. Company shall comply with Borough ordinance(s) regarding road openings.

SECTION 5: Company agrees to indemnify and save harmless the Borough from and against all claims and liabilities resulting from any injury or damage to the person or property of any person, firm or corporation caused by or arising out of conditions resulting from any negligent or faulty excavation, installation or maintenance connected with its work or equipment. The provisions of this Section shall not be interpreted to relieve the Borough from liability to Company or third parties in the event of joint or concurring negligence or fault of Company and the Borough; provided, however, that the legal liability of the Borough, if any, shall be determined under applicable law, taking into account the privileges and immunities afforded a governmental entity.

SECTION 6: Whenever a curb line shall be established on streets where one does not now exist, or where an established curb line shall be relocated in order to change the width or realign an existing street in conjunction with road construction being performed by the Borough, Company shall change the location of its above-ground and below-ground facilities covered by this Ordinance, so that the same shall be back of, and adjacent to, the new curb line so long as the Borough has acted in accordance with applicable law and with reasonable care in establishing the new curb line and providing notice thereof. Company shall bear the costs so long as the relocation is not for aesthetic purposes or governed by N.J.S.A. 40A:26A-8.

SECTION 7: Any company or corporation having legal authority to place its facilities in the public streets and ways of the Borough may jointly use Company's poles, conduits or other fixtures for all lawful purposes, provided that Company consents to such use, on terms and conditions acceptable to Company and not inconsistent with the provisions of this Ordinance, and that said company or corporation has obtained consent from the Borough.

SECTION 8: If any or all of the said streets or ways are later taken over by the County of Hunterdon or the State of New Jersey, such County or State shall have the rights and privileges and be subject to the same terms, conditions and limitations of use as apply herein to the Borough, provided, however, that such satisfactory prior arrangements as may be necessary are made with the Borough and Company for the full protection of the respective interest of each.

SECTION 9: The term "Borough" as used in this Ordinance shall be held to apply to and include any form of municipality or government into which the Borough or any part thereof may at any time hereafter be changed, annexed, or merged.

SECTION 10: The permission and consent hereby granted shall apply to facilities, existing or hereafter constructed or operated by Company, its predecessors, successors, or assigns. This Ordinance shall cancel and supersede all prior consent ordinances between the Borough and Company regarding the subject matter hereof.

SECTION 11: This Ordinance shall not affect the ability of the Borough to impose real property taxes on the facilities of Company under current law. Further, if in the future applicable law should change so as to enable the Borough to impose a franchise fee or other fee, tax, charge, or monetary obligation on Company's operations or facilities hereunder, Company agrees that the provisions of this Ordinance shall not preclude the Borough from imposing or collecting such fee, tax, charge or other monetary obligation which may be permitted by law.

SECTION 12: Company shall maintain its property within the Borough in good condition and shall comply with applicable law for the provision of safe, adequate and proper service at just and reasonable rates, and safeguard the public interest in continuous and uninterrupted service.

SECTION 13: Nothing contained in this Ordinance shall be construed to impose an obligation on the part of the Borough to open any street not heretofore dedicated or opened to public use, and nothing herein shall be construed as an acceptance by the Borough of any unaccepted street or any part thereof where any pole, wire, conduit, cable or other fixture may exist.

SECTION 14: In the event that any public street or way where any pole, conduit, cable or other fixture owned or used by Company exists is vacated by the Borough, the Borough agrees to reserve unto

Company the rights granted by this Ordinance. Borough would have no further obligation or responsibility to maintain or provide access to the right-of-way.

SECTION 15: If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared to be unenforceable or invalid for any reason whatsoever, such decision or declaration shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect; and to this end the provisions of this Ordinance are hereby declared severable.

SECTION 16: Company shall pay the expenses incurred for advertising required in connection with the passage of this Ordinance, after the date of its first reading, within thirty (30) days after Company has received a bill for said advertising.

SECTION 17: Following final passage of this Ordinance, the Borough Clerk shall provide Company with written notice thereof by certified mail. As provided by applicable law, this Ordinance, and any subsequent amendments, shall not become effective until acceptance by Company and approval by the Board of Public Utilities.

SECTION 18. This Ordinance shall take effect in the time and manner prescribed by law.

Mrs. Papics moved Council Introduce Ordinance #104-09 on first reading and publish in the Hunterdon County Democrat; seconded by Mrs. Tersigni.

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

STATE POLICE - PERRYVILLE

No Report.

2009 BUDGET - PUBLIC HEARING

BOROUGH OF BLOOMSBURY COUNTY OF HUNTERDON STATE OF NEW JERSEY				
2009 Municipal Budget				
Revenue and Appropriation Summaries				
Summary of Revenues		Anticipated		
		2009	2008	
1. Surplus		172,453	166,000	
2. Total Miscellaneous Revenues		128,041	121,044	
3. Receipts from Delinquent Taxes		90,000	66,000	
4. a) Local Tax for Municipal Purposes		325,098	326,106	
b) Addition to Local District School Tax				
Total Amount to be Raised by Taxes		325,098	326,106	
Total General Revenues		715,592	679,150	
Summary of Appropriations		2009 Budget	Final 2008 Budget	
1. Operating Expenses: Salaries & Wages		158,920	145,555	
1. Operating Expenses: Other Expenses		417,420	408,910	
2. Deferred Charges & Other Appropriations		27,252	44,185	
3. Capital Improvements		9,000	500	
4. Debt Service (Include for School Purposes)				
5. Reserve for Uncollected Taxes		103,000	80,000	
Total General Appropriations		715,592	679,150	
Total Number of Employees		14	14	
Dedicated Water Utility Budget				
Summary of Revenues		Anticipated		
		2009	2008	
1. Surplus		59,000	52,000	
2. Total Miscellaneous Revenues		113,000	120,000	
3. Deficit (General Budget)				
Total General Revenues		172,000	172,000	
Summary of Appropriations		2009 Budget	Final 2008 Budget	
1. Operating Expenses: Salaries & Wages		52,400	52,400	
1. Operating Expenses: Other Expenses		114,200	114,200	
2. Capital Improvements		1,000	1,000	
3. Debt Service				
4. Deferred Charges and Other Appropriations		4,400	4,400	
5. Surplus (General Budget)				
Total General Appropriations		172,000	172,000	
Total Number of Employees		3	3	
Balance of Outstanding Debt				
	General	Water Utility	Sewer Utility	Utility-Other
Interest				
Principal				
Outstanding Balance				
Notice is hereby given that the budget and tax resolution was approved by the Governing Body of the Borough of Bloomsbury, County of Hunterdon, on April 28, 2009.				
A hearing on the budget and Tax resolution will be held at the Bloomsbury Boro Municipal Building on June 23, 2009 at 7:00 PM at which time and place objections to the Budget and Tax Resolution may be presented by taxpayers or other interested persons.				
Copies of the entire budget are available in the office of Lisa A. Burd, Borough Clerk, at the Municipal Building, 91 Brunswick Avenue, Bloomsbury, New Jersey, or by calling (908) 479-4200 during the hours of 9 AM to 3 PM.				
Tax Rate				
As of the date of introduction of this budget, the Local School and County tax rates have been determined. Therefore, the 2009 tax rate and levies are subject to revision when final certification is made by the County Board of Taxation.				
	2009 (Estimate		2008 Actual	
	Amount	Tax Rate	Amount	Tax Rate
Local Taxes	325,098	0.267	326,106	\$0.267
Local School Taxes	*	*	1,547,229	\$1.267
County Taxes	*	*	404,511	\$0.327
	*	*	2,277,846	\$1.861

* County and school taxes have not been determined at this time.

Mrs. Tersigni moved Council open the Public Hearing; seconded by Mrs. Flink. All ayes. Motion carried.

No Comment.

Mrs. Papics moved Council Close the Public Hearing; seconded by Mr. Shelton. All ayes. motion carried.

Mrs. Papics moved Council Adopt the 2009 Municipal Budget; seconded by Mrs. Flink.
ROLL CALL VOTE: Flink -aye; Papics-aye; Shelton-aye; Tersigni-aye. Motion carried.

RESOLUTION # 14-09 - TAX COLLECTOR'S RESOLUTION TO CANCEL PROPERTY TAXES ON THE BLOOMSBURY MILL

WHEREAS, the Borough of Bloomsbury entered into an agreement with Bloomsbury Black Mill LLC on July 18, 2006 with a subsequent deed transferring ownership of Block 13 Lot 6.01 to Bloomsbury Black Mill LLC on April 29, 2008; and

WHEREAS, included in the initial agreement is a provision that the "Borough of Bloomsbury shall be responsible and pay any cost or assessment for, by way of example, real estate, property or use taxes which accrue during the term of the Project and until the date a Certificate of Occupancy is released for any portion of the building."; and

WHEREAS, Block 13 Lot 6.01 is no longer tax exempt for tax assessment purposes, the assessor, in accordance with Statute, imposed an omitted assessment of \$223,200 for 8 months with a tax liability of \$2708.16; and

WHEREAS, no certificate of occupancy has been issued,

NOW, THEREFORE, LET IT BE RESOLVED, by a majority of the members of the Governing Body that the tax liability of \$2708.16 on Block 13 Lot 6.01 be cancelled in accordance with the July 18, 2006 agreement which is in effect.

Mrs. Papics moved Council adopt Resolution # 14-09; seconded by Mr. Shelton.
ROLL CALL VOTE: Flink -aye; Papics-aye; Shelton-aye; Tersigni-aye. Motion carried.

RESOLUTION # 35-09 - 2009 PROFESSIONAL SERVICES CONTRACT - BANISCH AND ASSOCIATES

BE IT RESOLVED, by the Common Council of the Borough of Bloomsbury, that the Mayor and Clerk are hereby authorized to execute a contract for Professional Services with Banisch and Associates for the Calendar year 2009.

Mrs. Tersigni moved Council adopt Resolution # 35-09; seconded by Mrs. Papics.
ROLL CALL VOTE: Flink -aye; Papics-aye; Shelton-aye; Tersigni-aye. Motion carried.

INTRODUCTION - ORDINANCE 106-09 - AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION UNDER N.J.S.A. 40A:4-53 FOR THE PURPOSE OF PREPARING A CODIFICATION OF THE ORDINANCES OF THE BOROUGH OF BLOOMSBURY

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

Section 1. Pursuant to N.J.S.A. 40A: 4-53 the sum of \$17,150.00 is hereby appropriated for the purpose of the codification of the ordinances of the Borough of Bloomsbury, and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-55.

Section 2. The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of a least 1/5 of the amount authorized pursuant to this act (N.J.S.A. 40A:4-55).

Section 3. This ordinance shall take effect upon its passage, approval, publication and filing according to law.

Mr. Shelton moved Ordinance #106-09 be introduced on First Reading and published in the Hunterdon County Democrat; seconded by Mrs. Papics.

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

NEW BUSINESS

RESOLUTION # 36-09 - SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF BETHLEHEM FOR PROVISION OF SALT

BE IT RESOLVED, by the Common Council of the Borough of Bloomsbury, that the Mayor and Clerk are hereby authorized to execute the Shared Services Agreement with the Township of Bethlehem for the provision of salt, a copy of which is attached hereto.

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

RESOLUTION # 29-09 - BLOOMSBURY HOSE COMPANY LIQUOR LICENSE 2009

WHEREAS, the Bloomsbury Hose Company is the holder of a liquor license which is to expire June 30, 2009,

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 No. 1 be and the same is hereby extended for the one-year period beginning July 1, 2009 and terminating June 30, 2010.
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.

Mrs. Papics moved Council adopt Resolution # 29-09; seconded by Mrs. Tersigni. All ayes. Motion carried.

RESOLUTION # 30-09 - TAX REDEMPTION

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 Statues 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 16

Lot Number 20

Tax Sale Certificate Number 01-07

Assessed to: Johnny J Mancheno

NOW, THEREFORE BE IT RESOLVED, on this 23rd day of June, 2009
By the Mayor and Council of the Borough of Bloomsbury that the Chief Financial Officer is hereby authorized to issue a check for \$ 25,630.20

Payable to lien holder: Crusader Lien Services
179 Washington Lane
Jenkintown, PA 19046

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. Tersigni moved Council adopt Resolution # 30-09; seconded by Mrs. Papics. All ayes. Motion carried.

RESOLUTION # 31-09 - TAX REDEMPTION

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 Statues 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 8

Lot Number 2

Tax Sale Certificate Number 01-08

Assessed to: 75 North Holdings LLC

NOW, THEREFORE BE IT RESOLVED, on this 23rd day of June, 2009
By the Mayor and Council of the Borough of Bloomsbury that the Chief Financial Officer is hereby authorized to issue a check for \$ 88,439.01

Payable to lien holder: Crusader Lien Services
179 Washington Lane
Jenkintown, PA 19046

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. Tersigni moved Council adopt Resolution # 30-09; seconded by Mrs. Papics. All ayes. Motion carried.

RESOLUTION # 32-09 - RESOLUTION IN OPPOSITION OF GOVERNOR CORZINE'S PLAN TO TRANSFER MONEY FROM THE EMT TRAINING FUND

WHEREAS, the Bloomsbury Rescue Squad is a public service association comprised of volunteer members whose purpose is to provide pre-hospital emergency care to the sick and injured in our community.

WHEREAS, the Emergency Medical Technician ("EMT") Training Fund was created by New Jersey P.L., 1992, chapter 143 (N.J.S.A. 26:2K-54 et seq.) as a dedicated, non-lapsing, revolving fund, established to reimburse any private agency, organization or entity which is certified by the Commissioner of Health and Senior Services to provide training and testing for volunteer ambulance, first aid and rescue squad personnel who are seeking EMT certification and/or recertification. The Fund has allowed thousands of Volunteer EMTs to earn and maintain their EMT certification without incurring out-of-pocket personal expense without the need for funding from their volunteer squad or municipality; and

WHEREAS, the EMT Training Fund is not supported through the use of any tax money, but rather is supported by a \$.50 surcharge on each fine, penalty and forfeiture imposed and collected by the State of New Jersey for motor vehicle or traffic violations and is currently running at approximately a \$1,000,000 deficit per year; and

WHEREAS, on April 23, 2009 the Department of Health and Senior Services Office of OEMS informed the New Jersey State First Aid Council of Governor Corzine's intention to redirect \$4,000,000 from the dedicated EMT Training Fund to the general treasury of the State of New Jersey leaving only a proposed \$400,000 balance in the Fund; and,

WHEREAS, a \$400,000 balance in the EMT Training Fund is inadequate to meet the annual training needs of the Volunteer EMTs of this State and will result in severe cut-backs of state-paid EMT training for New Jersey's EMS Volunteer Community;

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Bloomsbury formally opposes Governor Corzine's plan to transfer money from the EMT Training Fund, because of the detrimental effect this will have on the availability of EMT training for New Jersey's Volunteer EMS Community.

FURTHER RESOLVED, that the Borough of Bloomsbury opposes the intended re-appropriation of monies from the dedicated EMT Training Fund, which would shift the cost of Volunteer EMT Training to the Bloomsbury Rescue Squad, the Borough and its residents. During this time of economic hardship when squads continue to see a decrease in donations, contributions, and a short fall in fund raising it is fundamentally unfair to ask those who already volunteer their time to attend training courses and answer emergency calls to pay for their own training when they already provide so much to the community. This

will significantly impact the recruitment of new members as well as retention of existing members since many will not be able to pay for their training.

FURTHER RESOLVED, that the Governor and the Legislature of the State of New Jersey are requested not to remove any money from the EMT Training Fund and to return any money to the Fund that has already been removed for purposes other than those specified in New Jersey P.L. 1992, chapter 143.

Mrs. Papics moved Council adopt Resolution # 32-09; seconded by Mrs. Flink. All ayes. Motion carried.

RESOLUTION # 33-09 - PAIC ADOPTION OF NOTICE OF CLAIM

WHEREAS, the Public Alliance Insurance Coverage Fund is authorized by statute to provide insurance coverage for local units of government who are desirous of the same;

WHEREAS, the Borough of Bloomsbury is a member of the Public Alliance Insurance Coverage Fund;

WHEREAS, N.J.S.A. 59:8-6 authorized public entities to require information in addition to that specified in N.J.S.A. 59:8-4 for the proper investigation and or resolution of such claims; and,

WHEREAS, the Public Alliance Insurance Coverage Fund had recommended that each of the participating public entities adopt and approve a Notice of Tort Claim form in the form attached to this resolution;

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

1. The Borough of Bloomsbury hereby adopts and approves the attached Notice of Claim form pursuant to N.J.S.A. 59:8-6;
2. Nothing in this resolution shall be construed as validating any Notice of Claim form authorized by the Borough of Bloomsbury and or the Public Alliance Insurance Coverage Fund prior to the implementation of this resolution.

Mrs. Tersigni moved Council adopt Resolution # 33-09; seconded by Mr. Shelton. All ayes. Motion carried.

RESOLUTION # 34-09 - 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 2008) 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 Mark R. Peck, Acting 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.

Mrs. Papics moved Council adopt Resolution # 34-09; seconded by Mr. Shelton. All ayes. Motion carried.

RECREATION COMMISSION WAIVER AND RELEASE

Mr. Edleston presented Council with a draft waiver and release for participation in the summer recreation program. Discussion followed. Completion of the waiver and release will be required for participation in the Summer Recreation Program and will be included as part of the application packet in future years. The Recreation Commission will ensure that parents for all participants complete one prior to participation this year.

Bloomsbury Recreation Commission

SUMMER RECREATION REGISTRATION WAIVER

The undersigned parent/guardian of _____,
(name of child)

individually and on behalf of the child, hereby releases the Borough of Bloomsbury, the Bloomsbury Recreation Commission and their agents, servants, or employees from any and all claims of whatever nature for personal injury or damages arising from the child's participation in any and all activities in which the child participates as part of the Borough Recreation Commission Summer Recreation Program and further waives the right to sue for same.

Mr. Shelton moved Council adopt the above waiver and release for participation in the recreation commission summer recreation program; seconded by Mrs. Papics. All ayes. Motion carried.

DIVISION OF FIRE - CODE VIOLATION

Council reviewed a notice of violation from the Department of Community Affairs - Division of Fire Safety dated June 23, 2009. Discussion followed. The Clerk will get three quotes from contractors to get the work completed.

RESOLUTION # 37-09 - RESOLUTION AUTHORIZING ADDRESSING FIRE CODE VIOLATIONS

BE IT HEREBY RESOLVED, the Common Council of the Borough of Bloomsbury do hereby authorize the Mayor and Clerk to address all of the Fire Code Violations, with a cost not to exceed \$3,500.00 and to have them resolved by July 23, 2009.

Mrs. Tersigni moved Council adopt Resolution # 37-09; seconded by Mr. Shelton.
ROLL CALL VOTE: Flink-aye; Papics-aye; Shelton-aye; Tersigni-aye. Motion carried.

BOROUGH CURBS

Council agreed to carry the discussion of Borough curbs until the July meeting so that Mr. Weger will be available to provide updates and additional information.

CORRESPONDENCE

Council reviewed correspondence. Discussion followed.

PUBLIC COMMENT

Ilse Goshen, 69 Main Street stated that read the Mayor's article in the Borough Newsletter and asked the Council clarify what there position is on curb and sidewalk ownership in the Borough. Mrs. Tersigni stated that Mr. Weger had brought opened discussion on sidewalk and curb ownership at the last Council meeting. The Clerk explained that Mr. Weger had been looking into a grant that could be used for curbs and streets but that Council had discussed that under current policy, sidewalks and curbs are the responsibility of the homeowner. Discussion followed.

Mayor Peck stated that this is ongoing issue which will require additional discussions. Mrs. Goshen stated that she feels that the Borough should take ownership of the trees. Discussion followed.

Cathy Foulk, 82 Main Street stated that the Ordinance essentially says that "owners of lands" and she stated that she does not own the land where the Borough would make them responsible for these trees. Discussion followed. The Clerk stated that she has seen several surveys from properties in the Borough which show ownership to the middle of the road. Discussion followed. The Mayor explained that this is a longstanding policy and that discussions are as to weather the Council thinks this policy should be changed. Discussion followed. Mrs. Tersigni asked if the tree survey conducted by the shade tree committee was complete stating that she has not yet seen it. Mrs. Goshen stated that they are still reviewing that information and have not yet prioritized the trees which need to be trimmed or taking down. Discussion continued. Mayor Peck stated that he is happy to have this topic on the agenda for discussion every month.

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 matter relating to the Bloomsbury Mill, litigation in the Schuler matter and Combe Landfill settlement agreement; action may be taken when the Council returns to regular session.

Mr. Shelton moved Council enter executive session; seconded by Mrs. Tersigni. All ayes. Motion carried.

Mr. Shelton moved Council re-enter regular session at 9:07 PM; seconded by Mrs. Papis. All ayes. Motion carried.

RESOLUTION # 38-09 - COMBE LANDFILL SETTLEMENT

BE IT HEREBY RESOLVED; the Common Council of the Borough of Bloomsbury does hereby authorize the Mayor and Clerk to execute the Combe Landfill Settlement Agreement.

Mrs. Tersigni moved Council adopt Resolution # 38-09; seconded by Mr. Shelton. All ayes. Motion carried.

ADJOURNMENT

There being no further business, a motion to adjourn was made by Mr. Shelton; seconded by Mrs. Flink. All ayes, motion carried. Meeting adjourned at 9:08 PM.

Respectfully Submitted,

Lisa A. Burd, RMC
Borough Clerk/Administrator

**BOROUGH OF BLOOMSBURY
COUNCIL MEETING MINUTES
JULY 28, 2009**

The regular meeting of the Mayor and Council was held on July 28, 2009 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 January 8, 2009 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	Steven Shelton
Vicky Papics	Martha Tersigni
Marc Scheffel - excused	Eric Weger
Mark Peck, Mayor	William Edleston, Esq.

FLAG SALUTE

APPROVAL OF MINUTES

Mrs. Tersigni moved Council adopt the Regular Meeting Minutes of June 23, 2009; seconded by Mr. Shelton. Weger-abstain. All ayes. Motion carried.

Mrs. Tersigni moved Council adopt the Executive Session Meeting Minutes of June 23, 2009; seconded by Mrs. Flink. Weger-abstain. All ayes. Motion carried.

TAX COLLECTOR'S REPORTS

Mrs. Tersigni moved Council accept the Tax Collector's reports of July 8, 2009; seconded by Mrs. Papics. ROLL CALL VOTE: Flink-aye; Papics-aye; Shelton-aye; Tersigni-aye; Weger-aye. Motion carried.

The Tax Collector's Quarterly report dated July 8, 2009 was accepted by the Borough Council.

APPROVAL OF BILL LISTS

Mr. Weger moved Council approve the Treasurer's report of July 28, 2009; seconded by Mr. Shelton. ROLL CALL VOTE: Flink-aye; Papics-aye - abstaining from all line items pertaining to the water department; Shelton-aye; Tersigni-aye; Weger-aye. Motion carried.

COMMITTEE REPORTS

C. Flink:

FIRE DEPARTMENT-

- Mrs. Flink reported that the Fire Department has all of the equipment for handling the Swine Flu and have submitted their training numbers to the NIMS Cast.

Mayor Peck stated that he understands there are three new members to the Fire Department. Discussion followed.

OEM-

- Mrs. Flink has submitted all the Borough numbers and 2009 update for the NIMS Cast and Bill Powell is currently going over the information.

- Mrs. Flink stated that she received an notice from the NJLM about regional workshops for municipal and OEM Officials to learn about the process of receiving Federal Public Assistance aid in the aftermath of a disaster. Mrs. Flink plans to attend and encouraged others to consider attending as well. The Clerk will scan and email the notice to all Council members.

S. Shelton:

Recreation -

- Mr. Shelton reported that the Golf Outing planning is underway and the over thirty softball game was a great success.

M. Tersigni:

Administration -

- Mrs. Tersigni reported that the water department divestiture schedule work is in progress.
- Mrs. Tersigni stated that energy use at the pumphouse is down significantly since the leak repair was completed and that Tom and Ray are very happy with the pumping numbers.
- Mrs. Tersigni stated that there was an issue with garbage left at the park and there may be a need o tighten up current regulations.
- Mrs. Tersigni said that Clean Up Day was held last Saturday and that 7 dumpsters of garbage and more than 1 dumpster of steel were collected.

Mrs. Flink stated that there were traffic issues during Clean Up Day which may need to be addressed for next year. Discussion followed.

V.Papics:

NEWSLETTER-

- Mrs. Papics reported that August 14th is the deadline for submissions to be included in the September newsletter.

BES-

- Mrs. Papics reported that the 2009-2010 School Calendar has been released with a start date of September 2, 2009. Discussion followed.
- Mrs. Papics attended the Hart Breakfast meeting and accepted the Safe Routes to Schools Award on behalf of the Borough and Bloomsbury School.

M.Peck:

Water Department -

- Mayor Peck reported that the Water Department patched a significant leak and the sale of the Water Department to Aqua is proceeding at pace and we are still on course for the end of the year.

POLICE REPORT - PERRYVILLE

Sergeant Paul Sofhauser reported that there were two car burglaries in the Borough within the last month and that they know they are adults, not juveniles who have also been working in Lopatcong Township and Greenwich Township and the State Police now have a description of their vehicle. .

Sergeant Sofhauser reported receiving an email from the Clerk regarding some recent criminal mischief activity in the Borough. He stated that usually the curfew violation is charged in addition to whatever

other charges are filed against a juvenile. Sergeant Sofhauser stated that with this particular incident, it would seem that they were targeted because of the amount of effort involved.

Mayor Peck stated that he advised the resident that they must report all incidents to the State Police. Discussion continued.

Mayor Peck asked if the State Police would be able to provide additional coverage at the start of the Bridge repair work to assist with potential problems. Mr. Weger reported that he feels speeding down Main Street is still a problem especially during rush hour. Discussion followed.

Sergeant Sofhauser advised that Mayor Peck should send a letter requested additional patrols for these times to the Station Commander.

OLD BUSINESS:

SECOND READING - ORDINANCE #104-09 - AN ORDINANCE REGULATING THE STATUTORY AUTHORITY OF UNITED TELEPHONE COMPANY OF NEW JERSEY, INC., ITS SUCCESSORS AND ASSIGNS TO USE THE VARIOUS PUBLIC ROADS, STREETS, OR HIGHWAYS IN THE BOROUGH OF BLOOMSBURY, HUNTERDON COUNTY, NEW JERSEY, FOR ITS LOCAL AND THROUGH LINES AND OTHER COMMUNICATIONS FACILITIES AND PRESCRIBING THE CONDITIONS THEREOF.

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

SECTION 1: Pursuant to the provisions of N.J.S.A. 48:17-10, N.J.S.A. 48:17-11, and N.J.S.A. 48:17-12, non-exclusive permission and consent is hereby granted to United Telephone of New Jersey, Inc., ("Company"), its successors and assigns, to erect, construct and maintain the necessary poles, wires/cables, conduits, or other fixtures in, upon, along, over or under any public street, road, or highway, and parts thereof, throughout their entire length, and to effect the necessary street openings and lateral connections to curb poles, property lines and other facilities in the Borough of Bloomsbury (the "Borough") for said Company's local and through lines in connection with the transaction of its business. This Ordinance does not authorize placement of wireless telecommunications facilities within the Borough's rights-of-way. This Ordinance also does not authorize Company to construct switching stations in the Borough's rights-of-way without separate permission.

SECTION 2: All poles and above-ground facilities hereafter located within the rights-of-way shall be placed back of the curb lines where shown on the official map(s) of the Borough or other filed maps, surveys or approved site plans that are necessary to establish the location of road rights-of-way. Said

facilities shall be located in accordance with applicable standards, including, but not limited to, Borough ordinances, Residential Site Improvement Standards, and NJDOT standards, or at the points or places now occupied by the poles or other facilities of Company, or at such other convenient points or places in, upon, along, adjacent, or across the public streets and ways as may be mutually agreed upon between

Borough and Company. Facilities to service all new residential sub-divisions will be constructed underground unless the property owner obtains the Borough's permission otherwise.

SECTION 3: Company may bury its facilities within the right-of-way of the various public streets and ways and at such locations as shall be mutually agreed upon by the parties. Underground conduits and associated facilities shall be placed at least eighteen (18) inches below the surface of said public streets and ways and, with the exception of lateral branches to curb poles and property lines and other facilities, the same shall generally not be constructed more than ten (10) feet from the curb line, unless obstructions make it necessary to deviate from such course or unless the parties mutually agree to another location. Manholes shall be located at such points along the line of underground conduits as may be necessary or convenient for placing, maintaining, and operating the facilities which Company may from time to time use in connection with its underground conduit system and shall be so constructed as to conform to the cross-sectional and longitudinal grade of the surface so as not to interfere with the safety or convenience of persons or vehicles.

SECTION 4: Any such area affected by Company in constructing its facilities shall be restored to as good condition as it was before the commencement of work thereon. No public streets or ways shall be encumbered for a period longer than shall be reasonable to execute the work. Company shall comply with Borough ordinance(s) regarding road openings.

SECTION 5: Company agrees to indemnify and save harmless the Borough from and against all claims and liabilities resulting from any injury or damage to the person or property of any person, firm or corporation caused by or arising out of conditions resulting from any negligent or faulty excavation, installation or maintenance connected with its work or equipment. The provisions of this Section shall not be interpreted to relieve the Borough from liability to Company or third parties in the event of joint or concurring negligence or fault of Company and the Borough; provided, however, that the legal liability of the Borough, if any, shall be determined under applicable law, taking into account the privileges and immunities afforded a governmental entity.

SECTION 6: Whenever a curb line shall be established on streets where one does not now exist, or where an established curb line shall be relocated in order to change the width or realign an existing street in conjunction with road construction being performed by the Borough, Company shall change the location of its above-ground and below-ground facilities covered by this Ordinance, so that the same shall be back of, and adjacent to, the new curb line so long as the Borough has acted in accordance with applicable law and with reasonable care in establishing the new curb line and providing notice thereof. Company shall bear the costs so long as the relocation is not for aesthetic purposes or governed by N.J.S.A. 40A:26A-8.

SECTION 7: Any company or corporation having legal authority to place its facilities in the public streets and ways of the Borough may jointly use Company's poles, conduits or other fixtures for all lawful purposes, provided that Company consents to such use, on terms and conditions acceptable to Company and not inconsistent with the provisions of this Ordinance, and that said company or corporation has obtained consent from the Borough.

SECTION 8: If any or all of the said streets or ways are later taken over by the County of Hunterdon or the State of New Jersey, such County or State shall have the rights and privileges and be subject to the same terms, conditions and limitations of use as apply herein to the Borough, provided, however, that such satisfactory prior arrangements as may be necessary are made with the Borough and Company for the full protection of the respective interest of each.

SECTION 9: The term "Borough" as used in this Ordinance shall be held to apply to and include any form of municipality or government into which the Borough or any part thereof may at any time hereafter be changed, annexed, or merged.

SECTION 10: The permission and consent hereby granted shall apply to facilities, existing or hereafter constructed or operated by Company, its predecessors, successors, or assigns. This Ordinance shall cancel and supersede all prior consent ordinances between the Borough and Company regarding the subject matter hereof.

SECTION 11: This Ordinance shall not affect the ability of the Borough to impose real property taxes on the facilities of Company under current law. Further, if in the future applicable law should change so as to enable the Borough to impose a franchise fee or other fee, tax, charge, or monetary obligation on Company's operations or facilities hereunder, Company agrees that the provisions of this Ordinance shall not preclude the Borough from imposing or collecting such fee, tax, charge or other monetary obligation which may be permitted by law.

SECTION 12: Company shall maintain its property within the Borough in good condition and shall comply with applicable law for the provision of safe, adequate and proper service at just and reasonable rates, and safeguard the public interest in continuous and uninterrupted service.

SECTION 13: Nothing contained in this Ordinance shall be construed to impose an obligation on the part of the Borough to open any street not heretofore dedicated or opened to public use, and nothing herein shall be construed as an acceptance by the Borough of any unaccepted street or any part thereof where any pole, wire, conduit, cable or other fixture may exist.

SECTION 14: In the event that any public street or way where any pole, conduit, cable or other fixture owned or used by Company exists is vacated by the Borough, the Borough agrees to reserve unto

Company the rights granted by this Ordinance. Borough would have no further obligation or responsibility to maintain or provide access to the right-of-way.

SECTION 15: If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared to be unenforceable or invalid for any reason whatsoever, such decision or declaration shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect; and to this end the provisions of this Ordinance are hereby declared severable.

SECTION 16: Company shall pay the expenses incurred for advertising required in connection with the passage of this Ordinance, after the date of its first reading, within thirty (30) days after Company has received a bill for said advertising.

SECTION 17: Following final passage of this Ordinance, the Borough Clerk shall provide Company with written notice thereof by certified mail. As provided by applicable law, this Ordinance, and any subsequent amendments, shall not become effective until acceptance by Company and approval by the Board of Public Utilities.

SECTION 18. This Ordinance shall take effect in the time and manner prescribed by law.

Mr. Weger moved Council open the Public Hearing; seconded by Mrs. Papics. All ayes. Motion carried.

No Comment.

Mr. Weger moved Council Close the Public Hearing; seconded by Mrs. Papics. All ayes. motion carried.

Mr. Weger moved Council Adopt Ordinance # 104-09; seconded by Mrs. Papics.

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

MILL REDEVELOPMENT UPDATE

Mayor Peck advised that Lukas Louw signed the property deed to the Mill reverting ownership to the Borough once again.

Mr. Weger stated that he would like to see if the Borough could secure the Mill, completing basic repairs including painting the exterior and then see if with community involvement and fundraising that perhaps the Mill could be saved and used for a Borough purpose in the future. Discussion followed.

The Council discussed publicizing the availability of the Mill Redevelopment project one final time. If no one is interested in the Mill, then remaining options are to dismantle it and create a park or for the Borough to try to do something with it.

When the original signed deed is received and filed, the Borough will need to take action including lawn maintenance and needed repairs.

SECOND READING - ORDINANCE 106-09 - AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION UNDER N.J.S.A. 40A:4-53 FOR THE PURPOSE OF PREPARING A CODIFICATION OF THE ORDINANCES OF THE BOROUGH OF BLOOMSBURY

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

Section 1. Pursuant to N.J.S.A. 40A: 4-53 the sum of \$17,150.00 is hereby appropriated for the purpose of the codification of the ordinances of the Borough of Bloomsbury, and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-55.

Section 2. The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of a least 1/5 of the amount authorized pursuant to this act (N.J.S.A. 40A:4-55).

Section 3. This ordinance shall take effect upon its passage, approval, publication and filing according to law.

Mr. Weger moved Council open the Public Hearing; seconded by Mr. Shelton. All ayes. Motion carried.

No Comment.

Mr. Weger moved Council Close the Public Hearing; seconded by Mrs. Papics. All ayes. motion carried.

Mr. Weger moved Council Adopt Ordinance # 106-09; seconded by Mr. Shelton.

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

DIVISION OF FIRE - CODE VIOLATION

The Clerk explained that she had obtained only two quotes to date as follows:

Matarazzo Excavating - Installation of 14 - 4" Bollards - \$2,710

Ron Detrich - Installation of 12 - 4" Bollards - \$4,500

The Clerk spoke to the Division of Fire Inspector, Barry Stires and he authorized the Borough and extension to complete the work

BOROUGH CURBS

Mr. Weger stated that he wanted Council to authorize the Engineer to begin work on road improvement plans so that the Borough would be eligible to accept a potential grant award at the end of the year. Discussion followed.

Mayor Peck asked when the application must be submitted. Mr. Weger advised that Engineer already submitted an application on behalf of the Borough and awards will be determined at the end of the year and explained that the plans will have to be ready by then or Bloomsbury will not receive the funding.

Mrs. Tersigni stated that she feels that all streets in the Borough should be considered and a prioritized list of streets should be prepared. Mayor Peck suggested that Mr. Roseberry be asked to attend the next Council meeting to take part in further discussion. Discussion followed.

The Clerk will contact Mr. Roseberry and ask that he attend the August Council meeting and request a copy of the application he submitted on behalf of the Borough.

FLOOD DAMAGE PREVENTION

The Clerk explained that Mr. Roseberry advised that he is aware of a few problems with the mapping in the DEP draft Ordinance and has notified the DEP of the same. Mr. Roseberry stated that the Borough Council should still introduce the draft ordinance as the changes would not be substantial or require re-

publication. The Clerk further advised that no comments or recommendations were received from members of the Planning Board.

INTRODUCTION - ORDINANCE # 107-09 -THE FLOOD DAMAGE PREVENTION ORDINANCE (60.3) D

Section 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

1.1 STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Common Council of the Borough of Bloomsbury, of Hunterdon County, New Jersey does ordain as follows:

1.2 FINDINGS OF FACT

[1] The flood hazard areas of Borough of Bloomsbury are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

[2] These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- [1] To protect human life and health;
- [2] To minimize expenditure of public money for costly flood control projects;
- [3] To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- [4] To minimize prolonged business interruptions;
- [5] To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- [6] To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- [7] To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- [8] To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

[1] Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

[2] Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;

[3] Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

[4] Controlling filling, grading, dredging, and other development which may increase flood damage; and,

[5] Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

Section 2.0

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.

"Appeal" means a request for a review of the Zoning Officer's interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO, AH, or VO zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

"Development" means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

"Digital Flood Insurance Rate Map" (DFIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Elevated building" means a non-basement building (i) built in the case of a building in an Area of Special Flood Hazard to have the top of the elevated floor elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- [1] The overflow of inland or tidal waters and/or
- [2] The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Study" (FIS) means the official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

"Flood plain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is:

[a] Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

[b] Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

[c] Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or

[d] Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- (1) By an approved State program as determined by the Secretary of the Interior; or
- (2) Directly by the Secretary of the Interior in States without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

"New construction" means structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the flood plain management regulations adopted by the municipality.

"Recreational vehicle" means a vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of Construction" for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

[1] Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or

[2] Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Variance" means a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

Section 3.0

GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Bloomsbury, Hunterdon County, New Jersey.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Borough of Bloomsbury, Community No.340231, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Hunterdon County, New Jersey (All Jurisdictions)" dated September 25, 2009
- b) Flood Insurance Rate Map for Hunterdon County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34019C0087F, 34019C0088F, 34019C0089F; whose effective date is September 25, 2009

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at 91 Brunswick Avenue, Bloomsbury, New Jersey 08804-.

3.3 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,500.00 or imprisoned for not more than 30 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Borough of Bloomsbury from taking such other lawful action as is necessary to prevent or remedy any violation.

3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- [1] Considered as minimum requirements;
- [2] Liberally construed in favor of the governing body; and,
- [3] Deemed neither to limit nor repeal any other powers granted under State statutes.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Borough of Bloomsbury, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 4.0

ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. Application for a Development Permit shall be made on forms furnished by the Zoning Officer and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

- [1] Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- [2] Elevation in relation to mean sea level to which any structure has been floodproofed.
- [3] Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.2-2; and,
- [4] Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Zoning Officer is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Zoning Officer shall include, but not be limited to:

4.3-1 PERMIT REVIEW

- [1] Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- [2] Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- [3] Review all development permits to determine if the proposed development is located in the floodway, assure that the encroachment provisions of Section 5.3[1] are met.

4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Zoning Officer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 5.2-1, SPECIFIC STANDARDS, Residential Construction, and 5.2-2, SPECIFIC STANDARDS, Nonresidential Construction.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

[1] Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

[2] For all new or substantially improved floodproofed structures:

[i] verify and record the actual elevation (in relation to mean sea level); and

[ii] maintain the floodproofing certifications required in Section 4.1 (3).

[3] Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 ALTERATION OF WATERCOURSES

[1] Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

[2] Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

4.3-5 INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 4.4.

4.4 VARIANCE PROCEDURE

4.4-1 APPEAL BOARD

[1] The Planning Board as established by Borough of Bloomsbury shall hear and decide appeals and requests for variances from the requirements of this ordinance.

[2] The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Zoning Officer in the enforcement or administration of this ordinance.

[3] Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Bethlehem and Bloomsbury Joint Municipal Court as provided in (statute).

[4] In passing upon such applications, the Planning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

(i) the danger that materials may be swept onto other lands to the injury of others;

(ii) the danger to life and property due to flooding or erosion damage;

(iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(iv) the importance of the services provided by the proposed facility to the community;

(v) the necessity to the facility of a waterfront location, where applicable;

- (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (vii) the compatibility of the proposed use with existing and anticipated development;
- (viii) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
- (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (x) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- (xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

[5] Upon consideration of the factors of Section 4.4-1 [4] and the purposes of this ordinance, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

[6] The Zoning Officer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

4.4-2 CONDITIONS FOR VARIANCES

[1] Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in SECTION 4.4-1[4] have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

[2] Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

[3] Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

[4] Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

[5] Variances shall only be issued upon:

- (i) a showing of good and sufficient cause;
- (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
- (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in SECTION 4.4- 1[4], or conflict with existing local laws or ordinances.

[6] Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 5.0

PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all areas of special flood hazards the following standards are required:

5.1-1 ANCHORING

[1] All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

[2] All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

[1] All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

[2] All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 UTILITIES

[1] All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

[2] New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

[3] On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

[4] Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-4 SUBDIVISION PROPOSALS

[1] All subdivision proposals shall be consistent with the need to minimize flood damage;

[2] All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

[3] All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

[4] Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

5.1-5 ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in SECTION 4.3-2, Use of Other Base Flood Data, the following standards are required:

5.2-1 RESIDENTIAL CONSTRUCTION

[1] New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated to or above base flood elevation;

[2] within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

5.2-2 NONRESIDENTIAL CONSTRUCTION

[1] New Construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; and

[2] within any AO zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

[1] be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

[2] have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

[3] be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in SECTION 4.3-3 [2] [ii].

5.2-3 MANUFACTURED HOMES

[1] Manufactured homes shall be anchored in accordance with Section 5.1-1 [2].

[2] All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.

5.3 FLOODWAYS

Located within areas of special flood hazard established in section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

[1] Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

[2] If section 5.3[1] is satisfied, all new construction and substantial improvements must comply with section 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.

[3] In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

Mr. Weger moved Council Introduce Ordinance # 107-09 on First Reading and Publish a summary in the Hunterdon County Democrat; seconded by Mr. Shelton.

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

RESOLUTION # 39-09 - SEPTIC SYSTEM WAIVER

BE IT RESOLVED by the Mayor and Council of the Borough of Bloomsbury as follows:

WHEREAS, a new septic tank and seepage are proposed to replace a malfunctioning cesspool located on lands known as Lot 35, Block 17 (112 Brunswick Avenue) in the Borough tax list; and

WHEREAS, there have been no soil logs or permeability testing done in the area where the proposed replacement of the cesspool is to occur and, that due to the site restrictions with the existing cesspool being located under the driveway situated on the lot in question, request has been made by the engineering firm preparing the design that the soil testing be done at the time of construction; and

WHEREAS, correspondence has been received from the Environmental Health Division of the Health Department of the County of Hunterdon dated June 22, 2009 that said request must be approved by the Bloomsbury Board of Health acting through the Bloomsbury Council; and

WHEREAS, the foregoing correspondence further notes that the request will need to be approved by the Board and testing witnessed by the Borough Engineer and, that based upon the results of the soil testing, the applicant may need to go back to the Borough Board of Health for subsequent approval; and

WHEREAS, the foregoing correspondence additionally notes that the proposed location of the new septic and seepage pit will be located under the existing driveway but that its design is closer to being in conformance with the original components as per N.J.A.C. 7:9A 3.3; and

WHEREAS, the Borough has received correspondence from C. Richard Roseberry, P.E. of Maser Consulting, its Municipal Engineer advising that his office has no objection to the waiver request to allow soil log and permeability testing of the proposed new system at the time of replacement provided that the soil logs and testing are property witnessed by his office and the soil results are acceptable;

NOW, THEREFORE, based upon the foregoing, the Borough of Bloomsbury does hereby grant a waiver from the requirement of providing soil logs or permeability testing prior to the time of construction of the proposed replacement system on Lot 15, Block 35 (112 Brunswick Avenue) in the Borough of Bloomsbury as subject to the applicants compliance with the following conditions which are deemed to be of the essence to the conditional waiver approval hereby given:

Soil logs and permeability testing shall be properly witnessed through the auspices of the office of the Borough Engineer which shall confirm that said soil tests results are acceptable;

The applicant shall submit a five-hundred dollar (\$500.00) escrow payment payable to the Borough of Bloomsbury to defray the Municipal Engineers expenses incurred in connection with this request;

The applicant shall hold the Borough of Bloomsbury and the County of Hunterdon harmless in connection with any and all claims of whatever nature relating to the future functioning of the system;

BE IT FURTHER RESOLVED that based upon the results of the soil testing, the Borough reserves the right to require the applicant to apply to the Borough Board of Health for approval.

Mr. Weger moved Council adopt Resolution # 39-09; seconded by Mrs. Papics. All ayes. Motion carried.

TRACTOR REPAIR EXPENDITURE

Mr. Weger moved Council approve the Smith estimate for repairs in the amount of \$2,346.40; seconded Mrs. Papics.

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

CORRESPONDENCE

Council reviewed correspondence. Discussion followed.

PUBLIC COMMENT

Ilse Goshen, 69 Main Street, stated that the Environmental Commission was unable to meet this month because Councilman Scheffel was unavailable to attend and allow them access to the Borough Hall meeting room. Mrs. Goshen will email the Mayor and arrangements will be made for next month.

Mrs. Goshen stated that Mr. Scheffel was working on the Model Septic Service Ordinance and she questioned the status of this. Discussion followed. Mayor Peck will follow up with Mr. Scheffel prior to the next meeting.

Mrs. Goshen reported that the dock on the Musconetcong River was removed on July 18, 2009 and there were a few angry residents who came out to voice their opposition and she advised them to bring their concerns to Council at a future meeting.

Mrs. Goshen also questioned the inclusion of curb replacement in any grant application we may have if the Borough does not own the curbs. Discussion followed.

Laurie Subbe, 81 Main Street asked when the flag pole at the Point Park will be repaired. Mr. Weger explained that a contractor who had previously been working in the Borough was going to dig use his backhoe to assist our DPW with the replacement but this has not happened to date. The Clerk will reach out to the contractor who is awarded the contract to install the bollards at the Borough Garage and see if they can use their auger to drill the hole for the flag pole when they are in town.

Cathy Foulk, 83 Main Street, stated that Mr. Slattery had offered two proposed calendars for the 2009-2010 school year and it was voted on by the Board.

Mayor Peck asked if there was any additional public comment, and hearing none, Mr. Weger moved Council close public comment; seconded by Mr. Shelton

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 matter relating to the Mill Redevelopment, litigation in the Schuler matter and employment matters; action may be taken when the Council returns to regular session.

Mr. Weger moved Council enter executive session; seconded by Mr. Shelton. All ayes. Motion carried.

Mr. Shelton moved Council re-enter regular session at 9:18 PM; seconded by Mrs. Flink. All ayes. Motion carried.

Mr. Edleston stated he will draft a letter indicating the terms of future part time employment, if any of Mr. Pacenti.

ADJOURNMENT

There being no further business, a motion to adjourn was made by Mr. Shelton; seconded by Mr. Weger. All ayes, motion carried. Meeting adjourned at 9:19PM.

Respectfully Submitted,

Lisa A. Burd, RMC
Borough Clerk/Administrator

**BOROUGH OF BLOOMSBURY
COUNCIL MEETING MINUTES
AUGUST 25, 2009**

The regular meeting of the Mayor and Council was held on August 25, 2009 at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey. The meeting was called to order at 7:01 PM by the reading of the Sunshine Law by Lisa Burd.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on January 8, 2009 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
Marc Scheffel
Mark Peck, Mayor

Steven Shelton - excused
Martha Tersigni
Eric Weger
William Edleston, Esq.- arrived 7:04

FLAG SALUTE

APPROVAL OF MINUTES

Mr. Weger moved Council adopt the Regular Meeting Minutes of July 28, 2009; seconded by Mrs. Papics. Scheffel-abstain. All ayes. Motion carried.

Mrs. Tersigni moved Council adopt the Executive Session Meeting Minutes of July 25, 2009; seconded by Mrs. Papics. Scheffel-abstain. All ayes. Motion carried.

TAX COLLECTOR'S REPORTS

Mr. Scheffel moved Council accept the Tax Collector's reports of August 12, 2009; seconded by Mrs. Papics.

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

APPROVAL OF BILL LIST

Mr. Weger moved Council approve the Treasurer's report of August 25, 2009; seconded by Mrs. Tersigni.

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

COMMITTEE REPORTS

V.Papics:

Newsletter-

- Mrs. Papics reported that September newsletter is in the draft stage and she is waiting for a few corrections and additions.

Mayor Peck stated that someone from the census bureau asked if an insert about the upcoming census could be included. Mayor Peck will have them forward the information this week for inclusion.

BES-

- Mrs. Papics stated that the Board of Education meeting is tomorrow night so she has nothing new to report a this time.

E.Weger:

Streets and Roads-

- Mr. Weger reported that the flag pole was re-installed at point park this week.
- Mayor Peck, Mr. Weger and Mr. Heinrich will meet to go through the roads and prioritize what work needs to be done so that when grant opportunities arise we are ready to take advantage of them. Discussion followed.

Environmental Commission-

- Mr. Weger stated that the EC would like to flush a few more storm drains in the Borough and that they may want to consult with Mr. Roseberry prior to work as they do not want to damage drainage pipes by using the high pressure water method. Discussion followed.
- Mr. Weger stated that the EC would like the Borough Council to consider additional options for inclusion in the next garbage contract including twice monthly recycling pick up. Discussion followed.

M. Scheffel:

No report.

M. Tersigni:

Administration -

- Mrs. Tersigni reported that Dale Frankenfield is working on reducing energy costs through co-op and different options including considering the installation of solar panels. Discussion followed.

Planning Board -

- Mrs. Tersigni stated that she is working with Mr. Francisco to ensure that the necessary grant forms are collected and in order so that expenses from the ongoing planning board projects will be covered.
- Mrs. Tersigni reported that the Subbe and the Growmark applications were both approved at the August 18th meeting. Pilot also appeared looking for advice on how they can bring their illegal sign into compliance. Discussion followed.

M. Peck:

State Police -

- Mayor Peck reported that he has sent several letters to the State Police, one reminding them about the Borough Curfew Ordinance and asking them to enforce that and also one requesting additional patrols and traffic control during the Route 173 deck bridge replacement.

Septic Ordinance -

- Mayor Peck stated that the County is still working on a draft model ordinance and when it is finalized, the Council will review and consider adoption.

Water Department -

- Mayor Peck reported that the Water Department sale is moving forward and is currently in the discover phase with the BPU. Mayor Peck stated that we were notified today of a serious mold problem at the pumphouse and we are currently looking into the problem.

POLICE REPORT - PERRYVILLE

OLD BUSINESS:

MILL REDEVELOPMENT UPDATE

Mayor Peck spoke to Lukas Louw today and he will be mailing the original signed documents returning relinquishing ownership of the Mill back to the Borough. When these are received, Mayor Peck will reach out the Hunterdon County Democrat to run another story about the Mill and the Boroughs desire to have it rehabilitated and see if anyone is interested.

ORDINANCE # 107-09 - THE FLOOD DAMAGE PREVENTION ORDINANCE (60.3) D

The public hearing of Ordinance # 107-09 will be carried to the September meeting as Mr. Edleston needs to prepare a summary for publication and notification of the same.

CODIFICATION

The Clerk reported speaking to Mr. Babb at General Code and verifying that the codification of the zoning ordinance is included in the current project. Mayor Peck and the Clerk will sign the revised agreement which indicates that Ordinances up to 105-09 will be included and return as soon as possible so that work can begin.

SHARON COOPER - PAIC INSURANCE

Mrs. Cooper explained that the Borough received a return of surplus in July in the amount of \$2,658. Additionally she stated that the Borough became a Charter Member of the Public Alliance Insurance Coverage Fund in January of 1997 and she presented Council with a packet outlining premiums paid and claims which were paid out and not paid out. Council reviewed the same. Brief discussion followed.

RESOLUTION # 40-09 - STREET CLOSURE FOR BLOOMSBURY FINE ART & FINE CRAFT FESTIVAL

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

WHEREAS, the festival will be held on Borough streets on September 26th and 27th, 2009, and

WHEREAS, to ensure safety, it is necessary and proper to close Main Street from Church Street to East Street and Center Street from Brunswick Avenue to North Street to vehicular traffic beginning at 1:00 pm on September 25th and ending at 7:00pm on September 27th.

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

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

5. A copy of this Resolution shall be forwarded to the County.
6. This Resolution shall be posted in (5) conspicuous spots within the Borough.

Mrs. Papics moved Council adopt resolution # 40-09; seconded by Mrs. Tersigni. All ayes. Motion carried.

RESOLUTION # 41-09 - 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 Off-Premise 50/50 Raffle on November 20, 2009 to be held at the Bloomsbury Hose Company, 91 Brunswick Avenue, from 6:30 - 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.

Mrs. Papics moved Council adopt resolution # 41-09; seconded by Mrs. Tersigni. All ayes. Motion carried.

INTRODUCTION - ORDINANCE # 108-09 - AN ORDINANCE SETTING THE SALARIES FOR EMPLOYEES OF THE BOROUGH OF BLOOMSBURY, COUNTY OF HUNTERDON, STATE OF NEW JERSEY FOR THE YEAR 2009

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 2009.

Section 2. Salaries for the year 2009 are as follows:

- | | |
|--------------------------------|---------------------|
| a. Borough Clerk/Administrator | \$18,000 - \$38,000 |
| b. Deputy Clerk | \$9.00 per hour |
| c. Chief Financial Officer | \$9,000 - \$19,200 |
| d. Tax Assessor | \$5,000 - \$10,000 |
| e. Tax Collector | \$5,000 - \$11,500 |
| f. Public Works Superintendent | \$6,500 - \$17,500 |
| g. Public Works Laborer #1 | \$5,000 - \$15,500 |
| h. Public Works Laborer #2 | \$3,600 - \$9,000 |
| i. Public Works Laborer #3 | \$3,000 - \$7,500 |

j. Water Superintendent	\$6,000 - \$13,000
k. Filter Plant Attendant	\$3,600 - \$6,500
l. Assistant Laborer (Water)	\$3,000 - \$7,000
m. Clerk/Water Department	\$4,500 - \$9,500
n. Planning Bd. Secretary	\$1,500 - \$3,000
o. Code Enforcement Officer	\$5,000 – \$8,000
p. Assistant Code Enfor. Officer	\$13.00 per hour
q. Emergency Mgt. Coordinator	\$1,700 - \$4,000
r. Assistant EMC	\$7.80 per hour
s. School Crossing Guard	\$30.30 per day
t. Regular Laborer	\$16.00 per hour
u. Seasonal Laborer	\$10.30 per hour
v. “Call to Dig” Coordinator (Water)	\$832 per year
w. Water line mark-outs	\$26.00 each

Section 3. All salaries and hourly wages contained herein shall be retroactive as of January 1, 2009 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. Weger moved Council Introduce Ordinance # 108-09 with a 4% increase; seconded by Mr. Scheffel. ROLL CALL VOTE: Scheffel-aye; Tersigni-aye; Weger-aye; Peck-aye. Motion carried.

CORRESPONDENCE

Mayor Peck stated that the Correspondence are all relating to litigation and discussion will be held for executive session.

PUBLIC COMMENT

Pat Fitzpatrick, 55 Center Street stated that she appeared to discuss the property known as 49 Center Street. Mrs. Fitzpatrick presented Council with pictures of the property showing over grown grass and also newspaper articles about how another municipality is handling these situations. Discussion followed. Mayor Peck stated that he is aware of the deteriorating condition of the property and has reviewed Ordinance # 108-07 which imposes owner responsibility for clean up and removal of garbage, brush, weeds, and dead and dying trees. The Ordinance allows Council to review a case, then refer it to the Borough Attorney who then sends a letter to the property owner giving 10 days to remedy the situation or the Borough will contract for the work to be done and impose a property lien to cover the cost of the same. Mayor Peck stated that he felt the overgrown grass would be considered obnoxious growth which is covered by the Ordinance. Discussion followed. The Clerk will reach out to Pohatcong Township to obtain a copy of their newly amended Ordinance for Council to review and consider adoption of the same at the September meeting.

Mrs. Papis moved Council authorize Mr. Edleston to invoke Ordinance 108-07 and send a letter to Mr. and Mrs. Epstein regarding the lack of lawn maintenance on their Center Street property.

CURB CLEANING

Mayor Peck stated that he had discussed curb cleaning and weeding with Mr. Heinrich and felt it would be necessary for the DPW to put in additional hours to get the work done. Discussion followed.

Mrs. Tersigni moved Council authorized Mr. Heinrich to exceed the monthly salaried hours to take care of the weeds in the roadway; seconded by Mrs. Papics. All ayes. Motion carried.

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 litigation in the Schuler matter; action may be taken when the Council returns to regular session.

Mr. Scheffel moved Council enter executive session; seconded by Mrs. Papics. All ayes. Motion carried.

Mrs. Tersigni moved Council re-enter regular session at 8:20 PM; seconded by Mrs. Papics. All ayes. Motion carried.

ADJOURNMENT

There being no further business, a motion to adjourn was made by Mrs. Tersigni; seconded by Mr. Scheffel. All ayes, motion carried. Meeting adjourned at 8:22 PM.

Respectfully Submitted,

Lisa A. Burd, RMC
Borough Clerk/Administrator

**BOROUGH OF BLOOMSBURY
COUNCIL MEETING MINUTES
SEPTEMBER 22, 2009**

The regular meeting of the Mayor and Council was held on September 22, 2009 at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey. The meeting was called to order at 7:01 PM by the reading of the Sunshine Law by Lisa Burd.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on January 8, 2009 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	Steven Shelton
Vicky Papis - excused	Martha Tersigni - arrived 7:04
Marc Scheffel	Eric Weger
Mark Peck, Mayor	William Edleston, Esq.

FLAG SALUTE

APPROVAL OF MINUTES

Mr. Weger moved Council adopt the Regular Meeting Minutes of August 25, 2009; seconded by Mr. Scheffel. Shelton-abstain. All ayes. Motion carried.

Mr. Weger moved Council adopt the Executive Session Meeting Minutes of August 25, 2009; seconded by Mr. Scheffel. Shelton-abstain. All ayes. Motion carried.

APPROVAL OF BILL LIST

Mr. Weger moved Council approve the Treasurer's report of August 25, 2009; seconded by Mr. Shelton. ROLL CALL VOTE: Scheffel-aye; Shelton-aye; Tersigni-aye; Weger-aye. Motion carried.

TAX COLLECTOR'S REPORTS

Mr. Weger moved Council accept the Tax Collector's reports of August 12, 2009; seconded by Mr. Shelton.

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

COMMITTEE REPORTS

E. Weger:

No Report.

M. Scheffel:

No report.

S. Shelton:

Recreation -

- Mr. Shelton reported that the Recreation Commission will be hosting a golf outing on October 4, 2009 at Apple Mountain. Cost is \$100/pp which covers greens fees, beverage, snack and then full dinner afterwards.

M. Tersigni:

Planning Board -

- Mrs. Tersigni reported the September Planning Board Meeting was cancelled due to lack of pending business.

M.Peck:

Blinking Light -

Mayor Peck reported that Mr. Slattery asked if the blinking light can be programmed to cover the High School pick up in the morning. Discussion followed. The Clerk will reach out to Mr. Slattery for exact times and then contact Rick Roseberry to see when and if it can be done.

DPW -

Mayor Peck reported that the footpath between the Railroad and the Park is overgrown. The Clerk will ask Bob Heinrich to clear the path as soon as possible.

Mill -

Mayor Peck reported that he spoke to Curtis Leeds at the Hunterdon County Democrat and that a story about the Mill redevelopment opportunity should run in the next few weeks.

POLICE REPORT - PERRYVILLE

Trooper John McGordy reported that marked patrol cars have been in the area to monitor speeding and also increase police presence in lieu of car break ins. He stated that all troopers have been advised that the Borough has a year round curfew in affect. He stated that the State Police are aware of the Arts Festival that will be held this weekend and the associated Street closures.

In response to the Clerk request for the Borough to use the State Police Speed Monitoring Sign, Trooper McGordy reported that he has been advised that the State Police no longer have one. Discussion followed. Trooper McGordy also stated that the State Police continue to ticket the truck drivers who park illegally on route 173.

Jim Snyder, 89 Willow Avenue stated that he is upset about the speeding which occurs on Willow Avenue. He stated that he has never seen a ticket issued to anyone on his street. Trooper McGordy will bring his concerns back to the Station. Mr. Snyder asked if the speed monitoring sign discussed earlier can be rented by the Borough and if it could be used by the State Police to then issue tickets. Trooper McGordy explained that the signs do not work that way, just act as a deterrent to drivers. Discussion followed. The Clerk will contact Holland Township to inquire about possible use of their Speed Monitoring Sign.

Cathy Foulk, 83 Main Street asked Trooper McGordy what would be involved in reinstating the neighborhood watch. Trooper McGordy said that because he was not involved in the program, he could not speak to what happened to it. The Mayor and Clerk explained that it fell apart as community interest diminished. Discussion followed.

OLD BUSINESS:

CURBS - Policy Discussion

The Clerk will arrange for a meeting between Mayor Peck, Mr. Weger and Mr. Roseberry and they will report back to Council at the October meeting.

SECOND READING - ORDINANCE # 107-09 -THE FLOOD DAMAGE PREVENTION ORDINANCE (60.3) D

1.1 STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Borough Council of the Borough of Bloomsbury, of Hunterdon County, New Jersey does ordain as follows:

1.2 FINDINGS OF FACT

[1] The flood hazard areas of Borough of Bloomsbury are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

[2] These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- [1] To protect human life and health;
- [2] To minimize expenditure of public money for costly flood control projects;
- [3] To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- [4] To minimize prolonged business interruptions;
- [5] To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- [6] To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- [7] To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- [8] To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- [1] Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- [2] Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- [3] Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

[4] Controlling filling, grading, dredging, and other development which may increase flood damage; and,

[5] Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

Section 2.0

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.

"Appeal" means a request for a review of the Zoning Officer's interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO, AH, or VO zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

"Development" means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

"Digital Flood Insurance Rate Map" (DFIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Elevated building" means a non-basement building (i) built in the case of a building in an Area of Special Flood Hazard to have the top of the elevated floor elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- [1] The overflow of inland or tidal waters and/or
- [2] The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Study" (FIS) means the official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

"Flood plain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is:

[a] Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

[b] Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

[c] Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or

[d] Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- (1) By an approved State program as determined by the Secretary of the Interior; or
- (2) Directly by the Secretary of the Interior in States without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

"New construction" means structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the flood plain management regulations adopted by the municipality.

"Recreational vehicle" means a vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of Construction" for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

[1] Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or

[2] Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Variance" means a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

Section 3.0

GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Bloomsbury, Hunterdon County, New Jersey.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Borough of Bloomsbury, Community No.340231, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Hunterdon County, New Jersey (All Jurisdictions)" dated September 25, 2009
- b) Flood Insurance Rate Map for Hunterdon County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34019C0087F, 34019C0088F, 34019C0089F; whose effective date is September 25, 2009

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at 91 Brunswick Avenue, Bloomsbury, New Jersey 08804-.

3.3 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000.00 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Borough of Bloomsbury from taking such other lawful action as is necessary to prevent or remedy any violation.

3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- [1] Considered as minimum requirements;
- [2] Liberally construed in favor of the governing body; and,
- [3] Deemed neither to limit nor repeal any other powers granted under State statutes.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Borough of Bloomsbury, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 4.0

ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. Application for a Development Permit shall be made on forms furnished by the Zoning Officer and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

- [1] Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- [2] Elevation in relation to mean sea level to which any structure has been floodproofed.
- [3] Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.2-2; and,
- [4] Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Zoning Officer is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Zoning Officer shall include, but not be limited to:

4.3-1 PERMIT REVIEW

- [1] Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- [2] Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- [3] Review all development permits to determine if the proposed development is located in the floodway, assure that the encroachment provisions of Section 5.3[1] are met.

4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Zoning Officer shall

obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 5.2-1, SPECIFIC STANDARDS, Residential Construction, and 5.2-2, SPECIFIC STANDARDS, Nonresidential Construction.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

[1] Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

[2] For all new or substantially improved floodproofed structures:

[i] verify and record the actual elevation (in relation to mean sea level); and

[ii] maintain the floodproofing certifications required in Section 4.1 (3).

[3] Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 ALTERATION OF WATERCOURSES

[1] Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

[2] Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

4.3-5 INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 4.4.

4.4 VARIANCE PROCEDURE

4.4-1 APPEAL BOARD

[1] The Planning Board as established by Borough of Bloomsbury shall hear and decide appeals and requests for variances from the requirements of this ordinance.

[2] The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Zoning Officer in the enforcement or administration of this ordinance.

[3] Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Bethlehem and Bloomsbury Joint Municipal Court as provided by law.

[4] In passing upon such applications, the Planning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

(i) the danger that materials may be swept onto other lands to the injury of others;

(ii) the danger to life and property due to flooding or erosion damage;

(iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(iv) the importance of the services provided by the proposed facility to the community;

(v) the necessity to the facility of a waterfront location, where applicable;

(vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(vii) the compatibility of the proposed use with existing and anticipated development;

- (viii) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
- (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (x) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- (xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

[5] Upon consideration of the factors of Section 4.4-1 [4] and the purposes of this ordinance, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

[6] The Zoning Officer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

4.4-2 CONDITIONS FOR VARIANCES

[1] Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in SECTION 4.4-1[4] have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

[2] Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

[3] Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

[4] Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

[5] Variances shall only be issued upon:

- (i) a showing of good and sufficient cause;
- (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
- (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in SECTION 4.4- 1[4], or conflict with existing local laws or ordinances.

[6] Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 5.0

PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all areas of special flood hazards the following standards are required:

5.1-1 ANCHORING

[1] All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

[2] All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

[1] All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

[2] All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 UTILITIES

[1] All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

[2] New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

[3] On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

[4] Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-4 SUBDIVISION PROPOSALS

[1] All subdivision proposals shall be consistent with the need to minimize flood damage;

[2] All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

[3] All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

[4] Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

5.1-5 ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in SECTION 4.3-2, Use of Other Base Flood Data, the following standards are required:

5.2-1 RESIDENTIAL CONSTRUCTION

[1] New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated to or above base flood elevation;

[2] within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

5.2-2 NONRESIDENTIAL CONSTRUCTION

[1] New Construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; and

[2] within any AO zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

[1] be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

[2] have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

[3] be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in SECTION 4.3-3 [2] [ii].

5.2-3 MANUFACTURED HOMES

[1] Manufactured homes shall be anchored in accordance with Section 5.1-1 [2].

[2] All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.

5.3 FLOODWAYS

Located within areas of special flood hazard established in section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

[1] Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

[2] If section 5.3[1] is satisfied, all new construction and substantial improvements must comply with section 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.

[3] In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

Mr. Weger moved Council open the public hearing; seconded by Mr. Shelton. All ayes. Motion carried. Discussion followed.

Cathy Foulk, 83 main Street asked what the Ordinance said. Mayor Peck outlined the main points in the Ordinance.

Jim Snyder, 89 Willow Avenue stated that there are stormwater issues on Willow Avenue near the culvert. Discussion followed. The Clerk and Mrs. Tersigni explained that the Borough tried to install a cross pipe to direct water under the roadway and that the DEP would not allow the same and made the Borough cap the pipe. Discussion followed. The Clerk will reach out to Rick Roseberry and ask if he can look into it.

Mr. Weger moved Council close the public hearing; seconded by Mr. Scheffel. All ayes. Motion carried.

Mr. Scheffel moved Council adopt Ordinance # 107-09 and publish in the Hunterdon County Democrat; seconded by Mr. Weger.

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

SECOND READING - ORDINANCE # 108-09 - AN ORDINANCE SETTING THE SALARIES FOR EMPLOYEES OF THE BOROUGH OF BLOOMSBURY, COUNTY OF HUNTERDON, STATE OF NEW JERSEY FOR THE YEAR 2009

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 2009.

Section 2. Salaries for the year 2009 are as follows:

a. Borough Clerk/Administrator	\$18,000 - \$38,000
b. Deputy Clerk	\$9.00 per hour
c. Chief Financial Officer	\$9,000 - \$19,200
d. Tax Assessor	\$5,000 - \$10,000
e. Tax Collector	\$5,000 - \$11,500
f. Public Works Superintendent	\$6,500 - \$17,500
g. Public Works Laborer #1	\$5,000 - \$15,500
h. Public Works Laborer #2	\$3,600 - \$9,000
i. Public Works Laborer #3	\$3,000 - \$7,500
j. Water Superintendent	\$6,000 - \$13,000
k. Filter Plant Attendant	\$3,600 - \$6,500
l. Assistant Laborer (Water)	\$3,000 - \$7,000
m. Clerk/Water Department	\$4,500 - \$9,500
n. Planning Bd. Secretary	\$1,500 - \$3,000
o. Code Enforcement Officer	\$5,000 - \$8,000

p. Assistant Code Enfor. Officer	\$13.00 per hour
q. Emergency Mgt. Coordinator	\$1,700 - \$4,000
r. Assistant EMC	\$7.80 per hour
s. School Crossing Guard	\$30.30 per day
t. Regular Laborer	\$16.00 per hour
u. Seasonal Laborer	\$10.30 per hour
v. "Call to Dig" Coordinator (Water)	\$832 per year
w. Water line mark-outs	\$26.00 each

Section 3. All salaries and hourly wages contained herein shall be retroactive as of January 1, 2009 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. Shelton asked if 4% is consistent with past years. Mayor Peck advised that it is but that it is definitely up for Council discussion.

Cathy Foulk, 83 Main Street said that she followed in the newspapers that pretty consistently around the County that she found that most municipalities went with 3-3 1/2 % and that given the economic time, that she feels that 4% is high. Kim Francisco stated that a 4% increase will be increase by \$5,408 whereas 2% would be about \$2,500. Mrs. Tersigni stated that if you look at our salary structure, we are way under what other municipalities are. Mr. Weger stated that he feels that Council did consider this and discussed that we have a good group working for us and that we can do this without affecting the tax rate that this is the right thing to do. Discussion followed. Mayor Peck stated that the 4% is included in the municipal budget and will not require a tax increase, but did state that if the salary ordinance were adopted with a smaller % that that would then mean more money to be rolled over into surplus. Discussion followed.

Mr. Weger moved Council close the public hearing; seconded by Mr. Scheffel. All ayes. Motion carried. Mr. Weger moved Council Introduce Ordinance # 108-09 with a 4% increase; seconded by Mr. Scheffel. ROLL CALL VOTE: Scheffel-aye; Tersigni-aye; Weger-aye; Peck-aye. Motion carried.

TREE WEED GRASS POLICY

Mayor Peck provided Council with a draft policy for their consideration and discussion. Mayor Peck explained that he would like to have an ordinance in place by the end of the year. He further explained that it is the long standing policy of the Borough that all trees on private property - even if it is between the sidewalk and the street are the property owner's responsibility. Mayor Peck explained that without a formal policy in place there are times when ad hoc decisions have to be made when and emergency arises.

Mayor Peck outlined his draft policy:

Trees:

- Any tree located on private property, including the area between any sidewalk and street adjacent to private property (should ownership of this land be in question or doubt) shall be the responsibility of the property owner. For purposes of this Memo, it is assumed that any tree considered is such a private tree.

- Any tree that falls into any public right-of-way, including but not limited to streets and sidewalks, shall be removed by the property owner within twenty four (24) hours of notice of its falling. Notice shall be deemed to be the time when the property owner knew or should have known of said trees falling.
- If such a tree is not removed in such time, the Borough shall remove said tree and the property owner shall be billed for the removal. Costs shall only be the actual costs of the tree removal. If the property owner fails to reimburse the Borough within thirty (30) days of billing, the costs of the same shall be imposed as a lien against the property.
- If a hazardous tree, or limb thereof, is identified by the Borough, and notice is given to the property owner, the property owner shall remove such tree or limb within thirty (30) days of the delivery of such notice. The failure of the property owner to remediate such tree or limb in this time shall result in the Borough causing said tree or limb to be removed, with the actual costs of the same to be imposed as a lien against the property.
- "Notice" shall be defined as the hand delivery of notice to the address of the property containing the tree in question, or otherwise shall be via register mail, return receipt.
- If a tree or limb falls in such a way as to impede the flow of traffic or otherwise jeopardize the public safety, the same shall be removed as soon as possible by the Borough, with the costs of the same to be assessed to the property owner as described above. The Borough shall first make reasonable efforts to contact the property owner so that the property owner may make expeditious efforts for private removal and clearance. If, in the opinion of emergency management personnel on the scene of the tree/limb fall the tree/limb must be removed before property owner removal efforts can occur, then the tree/limb shall be removed and the costs shall be assessed against the property owner as described above.

Brush:

- No brush, bushes or tree limbs shall be present in the street or sidewalk right-of way so as to interfere with the right of public passage or to present a possibility of causing damage to persons or property.
- Any such brush, bushes or tree limbs shall be removed by the property owner within ten (10) days of notice by the Borough.
- Failure of the property owner to comply with a notice to abate the condition shall result in the Borough abating the condition, with penalties to be assessed as set forth above for trees.

Discussion followed.

Mayor Peck stated that we have also had several complaints about property maintenance issue on a few properties in the Borough. The Clerk provided Council with sample ordinances from other municipalities. Council will review the same and then consider adoption of a property maintenance ordinance as well.

BON FIRE PERMIT

The Clerk reported that the Fire Department would be interested in holding a Christmas Tree Bon - Fire at the park this year if the Borough would handle applying for the required permit. Discussion followed. Mr. Weger moved Council authorize the application and execution of a burn permit or the Fire Department to dispose of Borough Christmas Trees; seconded by Mr. Scheffel. Scheffel-aye; Shelton-aye; Tersigni-nay; Weger-aye. Motion carried. Mrs. Tersigni stated that she spoke to director of Hunterdon County Parks and Recreation and that gentleman is also a warden for the forest service and

stated that he has never received any permit paperwork for the Borough of Bloomsbury and that doing this increases our carbon footprint. The Clerk stated that she had spoken to the Division of Fire who seem to not know about a County application requirement. Discussion followed. Mayor Peck stated that the Borough will get all necessary permits.

LEAF AND BRUSH PICK UP

Mr. Weger stated that Mr. Heinrich feels that we can get one more year out of our leaf vacuum and that we will need to look into alternatives or the purchase of new equipment in the near future. Mayor Peck will get a quote for contracting with an outside leaf disposal contractor and report back to Council in October.

RESOLUTION # 42-09 - INSERTION IN THE 2009 BUDGET OF THE BOROUGH OF BLOOMSBURY IN THE AMOUNT OF \$15,000 FROM THE STATE OF NJ, HIGHLAND WATER PROTECTION & PLANNING COUNCIL - INITIAL ASSESSMENT GRANT

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

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

NOW, THEREFORE, BE IT RESOLVED that the Borough of Bloomsbury request the Director of the Division of Local Government Services to approve the insertion of an item of special revenue in the year 2009 budget in the sum of \$15,000 which is now available from the State of NJ, Highlands Water Protection and Planning Council, Initial Assessment Grant.

BE IT FURTHER RESOLVED that the like sum of \$15,000 is hereby appropriated under caption:

“UNDER STATE & FEDERAL PROGRAMS OFFSET BY REVENUES”

State of NJ, Highlands Council - Initial Assessment Grant

BE IT FURTHER RESOLVED that there is no required local match.

BE IT FURTHER RESOLVED that the above is the result of the receipt of an executed grant agreement from the State of NJ and that two certified copies of this Resolution be forwarded to the Division of Local Government Services.

Mr. Weger moved Council adopt Resolution # 42-09; seconded by Mr. Shelton.

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

RESOLUTION #43-09 - INSERTION IN THE 2009 BUDGET OF THE BOROUGH OF BLOOMSBURY IN THE AMOUNT OF \$50,000 FROM THE STATE OF NJ, HIGHLAND WATER PROTECTION & PLANNING COUNCIL - PLAN CONFORMANCE GRANT PROGRAM.

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when

such item shall have been available by Law and the amount thereof was not determined at the adoption of the budget, and

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

NOW, THEREFORE, BE IT RESOLVED that the Borough of Bloomsbury request the Director of the Division of Local Government Services to approve the insertion of an item of special revenue in the year 2009 budget in the sum of \$50,000 which is now available from the State of NJ, Highlands Water Protection and Planning Council, Plan Conformance Grant Program.

BE IT FURTHER RESOLVED that the like sum of \$50,000 is hereby appropriated under caption:

“UNDER STATE & FEDERAL PROGRAMS OFFSET BY REVENUES”

State of NJ, Highlands Council – Plan Conformance Grant Program

BE IT FURTHER RESOLVED that there is no required local match.

BE IT FURTHER RESOLVED that the above is the result of the receipt of an executed grant agreement from the State of NJ and that two certified copies of this Resolution be forwarded to the Division of Local Government Services.

Mr. Weger moved Council adopt Resolution # 43-09; seconded by Mr. Shelton.

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

MUNICIPAL ALLIANCE RENEWAL APPLICATION 2010

Mr. Weger moved Council authorize execution of the application for funding municipal alliances in 2010; seconded by Mr. Scheffel. All ayes. Motion carried.

HEALTH INSURANCE - SHARED SERVICE WITH COUNTY

Council discussed the possibility of joining the County Health Benefit Plan in the future. Mr. Ron Sworen is to forward additional information as it becomes available and Council will further consider this matter at the October meeting.

ANIMAL LICENSING

The Clerk provided Council with a draft copy of a new animal licensing Ordinance and information for the possible purchase of a computer licensing program and asked that they review and be prepared to discuss at the October meeting.

CORRESPONDENCE

Council reviewed a letter from Robert Luzietti complaining about cats running at large, dogs barking and people not cleaning up pet waste. He asked that a reminder be printed in the next newsletter. Mayor Peck will make sure this information is included.

Council reviewed a letter from Pat Fitzpatrick explaining that she was unable to attend tonight's meeting and expressing her thanks for Council's continued work on the Tree/Brush/Property Maintenance issues she is concerned with.

FRANKLIN TOWNSHIP - PROPOSED TRUCKING HUB & TRANSFER STATION

Mayor Peck provided Council a letter being distributed by a group called Preserve Franklin, voicing their opposition to the construction of a trucking hub and transfer station in Franklin Township. Discussion followed.

Council reviewed correspondence from Patriot Environmental Group who are installing a monitoring well on the Koh-i noor lot on Main Street. Discussion followed.

PUBLIC COMMENT

Kathleen Jordan, 56 North Street stated that through the HART program, she and the alternate crossing guard received new stop signs and vouchers to purchase rain gear at no cost to the Borough. She said that they will also be hosting a walking school bus program where kids walk to school to earn points and at the end of the month; they will be entered into a raffle and can win gift cards.

Larry Creveling, Zoning Officer stated that last month, the Borough Council authorized the DPW to remove weeds/grass from the curb line and that he is hesitant to write a violation for residents having grass clippings in the curb line when weeds are currently growing in many areas. The Clerk stated that mowing and blowing grass into the streets is prohibited as it is then carried to the storm drains when it rains and that the DPW removing growing weeds in this area is a different matter. Mr. Creveling will enforce the existing ordinance.

Greg Monker, Greenwich Township stated that he belongs to a citizens group that is addressing the proposed warehouse and trucking hub which was referenced by Mayor Peck earlier. He stated that they are called the "Preserve Franklin Group" and he will be attending other neighboring municipalities governing body meetings to get an idea if other town are aware and weather they are in favor or opposed to the project.

Mr. Monker asked if the Council is aware of the proposed project and if they have an opinion regarding the project.

Mayor Peck stated that as Mayor he sees no benefit to the Borough and does not seem like something he would welcome. He stated that he sees the potential for increased congestion, light, air and noise pollution and that the traffic congestion it could cause would be detrimental to Borough residents.

Mr. Weger stated that he agrees with the Mayor and does not support the project.

Mr. Scheffel stated that he shares the concerns voiced and has an additional concern about the proposed site being located on the Musconetcong River.

Mr. Monker asked if the Borough Council will be making an assessment of the impact of this proposed development on the Borough.

Mayor Peck stated that the Borough Council has not yet discussed what if anything should be done by the Borough as they are just receiving information now. He asked what Mr. Bunker would suggest if anything.

Mr. Monker stated that the site is in the Highlands Planning area and not preservation. He said that people need to pay attention and if opposed, to voice that opinion and be proactive and that Council may want to consider doing an assessment. Discussion followed.

Cinny McGonagle, Route 579 stated that it is her understanding that these trucks will be coming from Newark and they cannot get off at the Route 6 exit and they will therefore be using exit 7 and all the traffic will be going through the Borough of Route 173. Discussion about the weight limit on the Route 173 bridge was held. Ms. McGonagle stated that she is glad to know that Bloomsbury Borough Council is

concerned about the location on the River as there will be many stormwater concerns if the project is approved.

Mayor Peck encouraged Mr. Monker to forward any new information he may have on this matter to the Borough Clerk.

RESOLUTION # 44-09 - BLOOMSBURY CELEBRATIONS COMMITTEE HALLOWEEN PARADE STREET CLOSURE

WHEREAS the Bloomsbury Celebrations Committee will be having a Halloween Parade on Sunday, October 25, 2009 from 2:00 - 4:00 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, the following:

1. Main Street will be closed from Church 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 1:30 - 4:30 PM on Sunday, October 25, 2009.
2. A copy of this resolution shall be forwarded to the State and County Departments of Transportation, the State Police and Bloomsbury Fire Police.

Ilse Goshen stated that she would like Council to approve the Environmental Commission to work with Mr. Heinrich and Mr. Seibert to have stormdrains flushed using Clean Communities Grant funds. Discussion followed. Council authorized Mrs. Goshen to proceed with the same.

Mrs. Goshen stated that she understands that the Fire Department recently decided to allow the siren to blow 24 hours a day again. Council questioned why official notice was provided to Council. Discussion followed. Mayor Peck will follow up and report back 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 litigation and a matter pertaining to revaluation; action may be taken when the Council returns to regular session.

Mr. Weger moved Council enter executive session at 9:23; seconded by Mr. Shelton. All ayes. Motion carried.

Mr. Weger moved Council re-enter regular session at 9:52; seconded by Mr. Shelton. All ayes. Motion carried.

Mrs. Hagaman will move forward with a town wide re-valuation - only conducting outside re-inspections. She will contact the County Tax Board and advise then of the same.

ORDINANCE # 109-09 - ORDINANCE AUTHORIZING THE EXERCISE OF EMINENT DOMAIN TO ACQUIRE BLOCK 25; LOT 7, BOROUGH OF BLOOMSBURY

I.

BE IT ORDAINED by the Borough Council of the Borough of Bloomsbury, County of Hunterdon and State of New Jersey that it hereby authorizes studies and proceedings to be commenced in order to evaluate the advisability of exercising the power of eminent domain and ultimately to exercise such power, if deemed advisable, in order to acquire Block 25, Lot 7, in the Borough of Bloomsbury, for an amount initially to be determined by way of appraisal and ultimately by voluntary agreement or determination made pursuant to the Eminent Domain Act.

BE IT FURTHER ORDAINED that it is the intent of this ordinance to allow but not require the exercise of eminent domain to acquire the aforesaid properties.

BE IT FURTHER ORDAINED that the Mayor, Borough Clerk, Borough Engineer, Borough Attorney and such other municipal officials as are appropriate are hereby authorized to execute such documents and undertake such action as is necessary to carry out the purpose of this ordinance.

II.

This Ordinance shall take effect upon adoption and publication according to law.

Mr. Weger moved Council Introduce Ordinance 109-09 and publish in accordance with law; seconded by Mr. Shelton.

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

ADJOURNMENT

There being no further business, a motion to adjourn was made by Mr. Scheffel; seconded by Mr. Weger. All ayes, motion carried. Meeting adjourned at 9:53 PM.

Respectfully Submitted,

Lisa A. Burd, RMC
Borough Clerk/Administrator

**BOROUGH OF BLOOMSBURY
COUNCIL MEETING MINUTES
OCTOBER 27, 2009**

The regular meeting of the Mayor and Council was held on October 27, 2009 at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey. The meeting was called to order at 7:04 PM by the reading of the Sunshine Law by Lisa Burd.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on January 8, 2009 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
 Marc Scheffel - absent
 Mark Peck, Mayor

Steven Shelton
Martha Tersigni - excused
Eric Weger - absent
William Edleston, Esq.

FLAG SALUTE

APPROVAL OF MINUTES

Mr. Shelton moved Council adopt the Regular Meeting Minutes of September 22, 2009 as amended; seconded by Mrs. Flink. All ayes. Motion carried.

Mr. Shelton moved Council adopt the Executive Session Meeting Minutes of September 22, 2009 as amended; seconded by Mrs. Flink. All ayes. Motion carried.

TAX COLLECTOR'S REPORTS

Mrs. Papics moved Council accept the Tax Collector's reports of October 14, 2009; seconded by Mr. Shelton.

ROLL CALL VOTE: Peck-aye; Flink-aye; Papics-aye; Shelton-aye. Motion carried.

APPROVAL OF BILL LIST

Mr. Shelton moved Council approve the Treasurer's report of October 14, 2009; seconded by Mrs. Papics.

ROLL CALL VOTE: Peck-aye; Flink-aye; Papics-aye; Shelton-aye. Motion carried.

COMMITTEE REPORTS

M.Peck:

Water Company-

- Mayor Peck reported that the Water Company is running smoothly and that there will be an evidentiary hearing held in Newark this Thursday in reference to the Aqua sale.

Mill -

- Mayor Peck explained that the front page ad about the Mill availability has generated many calls and several of the interested parties seem legitimate. As people call, they are invited to walk through the Mill, view the property file and anyone interested will be invited to provide a brief presentation to Council members at the November 24, 2009 Council meeting.

V. Papics:

Newsletter-

- Mrs. Papics stated that the deadline for submission for the December Newsletter will be November 20, 2009.

Board of Education-

- Mrs. Papics reported that she was unable to stay for the entire Board of Education meeting this month due to illness but that a test score presentation was given and showed the improvements in scores over the past few years.

C. Flink:

OEM -

- Mrs. Flink reported that the Shelter Care Reception meeting was held last Thursday with a presentation given by the American Red Cross.

Siren -

- Mrs. Flink stated that the town must practice the use of the civil defense siren as a warning to evacuate. Mrs. Flink will contact Dale Frankenfield to discuss the use of the siren and determine when this should be done. Discussion followed.

Hose Company -

- 1 brush fire, three vehicle fires, 1 motor vehicle accident with a total of 123 man hours in the month of September.

S. Shelton:

Recreation -

- Mr. Shelton reported that there are a few major puddles on the lower field. Discussion about possibly spreading some infield mix in those areas followed. Mr. Shelton stated that the lower field still needs to be seeded where it overlaps the softball outfield.
- Mr. Shelton reported that the Golf Outing was a big success and that revenue from the snack shack has been higher than usual this year.

POLICE REPORT - PERRYVILLE

No report.

OLD BUSINESS:

SECOND READING - ORDINANCE # 109-09 - ORDINANCE AUTHORIZING THE EXERCISE OF EMINENT DOMAIN TO ACQUIRE BLOCK 25; LOT 7, BOROUGH OF BLOOMSBURY

I.

BE IT ORDAINED by the Borough Council of the Borough of Bloomsbury, County of Hunterdon and State of New Jersey that it hereby authorizes studies and proceedings to be commenced in order to evaluate the advisability of exercising the power of eminent domain and ultimately to exercise such power, if deemed advisable, in order to acquire Block 25, Lot 7, in the Borough of Bloomsbury, for an amount initially to be determined by way of appraisal and ultimately by voluntary agreement or determination made pursuant to the Eminent Domain Act.

BE IT FURTHER ORDAINED that it is the intent of this ordinance to allow but not require the exercise of eminent domain to acquire the aforesaid properties.

BE IT FURTHER ORDAINED that the Mayor, Borough Clerk, Borough Engineer, Borough Attorney and such other municipal officials as are appropriate are hereby authorized to execute such documents and undertake such action as is necessary to carry out the purpose of this ordinance.

II.

This Ordinance shall take effect upon adoption and publication according to law.

Mr. Shelton moved Council open the hearing to the public; seconded by Mrs. Papics. All ayes. Motion carried.

Ilse Goshen asked when this Ordinance was introduced. Mayor Peck advised it was Introduced at the September Council meeting.

Mayor Peck explained that this Ordinance does not commit Council to anything but will allow us to exercise their powers of eminent domain and allows us to undertake investigations and appraisals as are necessary. This property is located at 125 Main Street where the property owner has alleged the property is worthless, or worth about \$20,000. Mayor Peck explained that we have been in need of a municipal building for years and given that by the property owners own admission, is worthless, we would be happy to take it off her hands and that we are confident that with very little work, we will be able to secure the building against flood waters.

Mayor Peck explained that we will need to have the property appraised and then based on that appraisal we will then make an offer to purchase the property from the current owner. Mayor Peck further explained that it would be a great location for new municipal offices, with plenty of on the street parking, as a secure location, with separate rooms for individual offices.

Mrs. Papics moved Council close the public hearing; seconded by Mr. Shelton

ROLL CALL VOTE: Peck-aye; Flink-aye; Papics-aye; Shelton-aye. Motion carried.

Mrs. Papics moved Council adopt Ordinance # 109-09 and publish in accordance with law; seconded by Mrs. Flink.

ROLL CALL VOTE: Peck-aye; Flink-aye; Papics-aye; Shelton-aye. Motion carried.

PROPERTY MAINTENANCE

Mayor Peck asked all Council members to review the draft property maintenance code provided in meeting packets and be prepared to introduce an amended version at the November Council meeting. Discussion followed.

Mayor Peck asked the public if they had any comments or concerns. Bill Fitzpatrick, Center Street asked about the property on the corner of Main Street and Center Street. Mayor Peck explained that a letter advising the owner about the violations at that property was sent and to date no response has been received. Mr. Edleston will follow up tomorrow and report back at the November meeting.

Ilse Goshen stated that the Environmental Commission is doing a tree inventory and that in order to keep it up to date, that they will need to know when a tree is taken down. Discussion followed. Mayor Peck stated that he has a tree which has Dutch Elm disease which will have to be taken down. He agreed that it would be good to have information such as this on file in some manner. Mrs. Goshen will draft a form for Council to review prior to the next Council meeting.

MOLD REMOVAL - PUMPHOUSE

Council discussed proposed mold removal quotes and decided that no action will be taken at this time.

NEW BUSINESS

RESOLUTION #45-09 - BOROUGH OF BLOOMSBURY SUBMISSION OF PETITION FOR PLAN CONFORMANCE TO THE HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL FOR LAND IN THE PRESERVATION AREA

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., finds and declares that protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other significant natural resources; and

WHEREAS, the Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council (Highlands Council) to prepare and adopt a Regional Master Plan for the Highlands Region; and

WHEREAS, the Highlands Act requires that within nine to 15 months after the effective date of the Regional Master Plan, September 8, 2008, each municipality located

wholly or partially in the Preservation Area shall submit revisions to the municipal master plan, development regulations and other regulations, as applicable to the development and use of land in the Preservation Area, as may be necessary to conform them with the goals, requirements and provisions of the Regional Master Plan (Plan Conformance); and

WHEREAS, the Borough of Bloomsbury is located in the Highlands Region with lands lying within the Preservation Area, as defined by the Highlands Act; and

WHEREAS, the Highlands Council prepared and distributed to the Highlands municipalities Plan Conformance Guidelines outlining the process and procedures for petitioning the Highlands Council for Plan Conformance; and

WHEREAS, the Highlands Council's Plan Conformance Guidelines also require that a Petition for Plan Conformance be filed with the Highlands Council no later than December 8, 2009, which includes a comprehensive package of planning and implementation documents that meet the requirements of the Highlands Act, the Regional Master Plan and the Highlands Plan Conformance Guidelines.

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of Bloomsbury Borough hereby submits this Petition for Plan Conformance to the Highlands Council for that portion of our jurisdiction lying within the Preservation Area in accordance with the Highlands Act, the Regional Master Plan, and the Highlands Plan Conformance Guidelines.

Mr. Shelton moved Council adopt Resolution # 45-09; seconded by Mrs. Papias. All eyes. Motion carried.

PAIC INSURANCE - Annual Inspection Report

Council reviewed the Inspection report and discussed remediation of the recommended items. The Clerk will forward the same to Bob Heinrich and ask that he begin to address the same.

ALTERNATE PARKING - INCLEMENT WEATHER

Mayor Peck reported that he spoke to Bonnie Bowers at European Country Kitchens and they have agreed to allow residents to park in one of their lots during inclement weather when cars must be off the streets. The Borough will agree to indemnify them and also have our DPW plow the lots at no cost to them. Discussion followed.

Mrs. Papias moved Council authorize execution of an agreement with European Country Kitchen for resident parking during inclement weather; seconded by Mr. Shelton. All eyes. Motion carried.

CORRESPONDENCE

Letter received October 5, 2009 from Army Corp of Engineers discussing their preliminary plans to remove the dam in Bloomsbury. Mayor Peck explained that although the environmental benefits are clear, that aesthetically, it is nice to have the dam. Discussion followed. Mayor Peck

will ask that this notice will be included in the upcoming newsletter so that residents will be aware.

Council reviewed a Public Health notice dated October 20, 2009 in reference to H1N1 Flu. Discussion followed.

Council discussed the Solar Street Light packet of information provided to Council by resident Anne Ferrero. Ilse Goshen will bring the packet to the next Environmental Commission meeting for discussion and consideration.

ADJOURNMENT

There being no further business, a motion to adjourn was made by Mr. Shelton; seconded by Mrs. Papics. All ayes, motion carried. Meeting adjourned at 8:37 PM.

Respectfully Submitted,

Lisa A. Burd, RMC
Borough Clerk/Administrator

**BOROUGH OF BLOOMSBURY
COUNCIL MEETING MINUTES
NOVEMBER 24, 2009**

The regular meeting of the Mayor and Council was held on November 24, 2009 at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey. The meeting was called to order at 7:02 PM by the reading of the Sunshine Law by Lisa Burd.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on January 8, 2009 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	Steven Shelton
Vicky Papics	Martha Tersigni
Marc Scheffel - excused	Eric Weger
Mark Peck, Mayor	William Edleston, Esq. - excused

FLAG SALUTE

APPROVAL OF MINUTES

The Clerk explained that Council needed a new vote for approval of the regular and executive session meeting minutes of September 22, 2009 as members who voted on the same at the October meeting were not eligible to vote.

Mrs. Tersigni moved Council adopt the Regular Meeting Minutes of September 22, 2009; seconded by Mr. Weger. All ayes. Flink-abstain, Papics-abstain. Motion carried.

Mrs. Tersigni moved Council adopt the Executive Session Meeting Minutes of September 22, 2009; seconded by Mrs. Flink. All ayes. Flink-abstain; Papics-abstain. Motion carried.

Mr. Weger moved Council approve the Special Meeting Minutes of October 14, 2009; seconded by Mr. Shelton. All ayes. Flink-abstain. Motion carried.

Mr. Shelton moved Council approve the Regular Meeting Minutes of October 27, 2009; seconded by Mrs. Papics. All ayes. Tersigni-abstain; Weger-abstain. Motion carried.

TAX COLLECTOR'S REPORTS

Mrs. Papics moved Council accept the Tax Collector's report of November 18, 2009; seconded by Mrs. Tersigni.

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

Mrs. Papics moved Council accept the Tax Collector's Quarterly Report of November 18, 2009; seconded by Mr. Shelton.

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

APPROVAL OF BILL LIST

Mr. Weger moved Council approve the water department portion of the Treasurer's Report of October 27, 2009; seconded by Mr. Shelton.

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

Mr. Weger moved Council approve the Treasurer's Report of November 24, 2009; seconded by Mr. Shelton.

ROLL CALL VOTE: Flink-aye; Papics-aye, but abstaining from the water department portion; Shelton-aye; Tersigni-aye; Weger-aye. Motion carried.

POLICE REPORT - PERRYVILLE

Trooper John McGourty stated that he will be the Borough liaison moving forward as Sergeant Paul Sofhauser received a promotion to Staff Sergeant and is no longer working at Perryville.

Trooper McGourty reported that there has been some criminal mischief in the Borough recently which is under investigation, but that the car break-ins have subsided.

COMMITTEE REPORTS

V. Papics:

Newsletter-

- Mrs. Papics stated that the deadline for submission for the December Newsletter was last Friday and it would be ready for mailing by December 1, 2009.

E. Weger:

Streets and Roads-

- Mr. Weger reported that he will be reaching out to Mr. Heinrich to meet with him and discuss what maintenance should be done on the DPW vehicles before the plow season begins.
- Mr. Weger stated that Council should consider purchasing reflective tape for the existing barricades or purchase new barricades. Discussion followed.

Shade Tree Advisory Committee-

- Mr. Weger reported that the Shade Tree Advisory Committee met last night and that the tree inventory is about 90% complete. He presented Council with the draft inventory list.

Mr. Weger stated that they will be requesting Council consider adopting a resolution endorsing a grant application to the DEP. Discussion followed.

C. Flink:

Hose Company -

- Mrs. Flink reported that the Hose Company held their raffle last Friday and their annual donation mailers have gone out as well.

OEM -

- Mrs. Flink stated that the civil defense siren will be used January 16, 2010 at 12:00 noon. Notice of this alerting the public will be published in the Hunterdon County Democrat, the Borough Newsletter, on the Borough Website and also posted in town. Discussion followed. Mrs. Flink stated that Mr. Frankenfield will be getting back to her to verify it is operational and that they plan to use it twice a year.

S. Shelton:

Recreation -

- Mr. Shelton reported that Scott Parker is resigning his position as Recreation Commission effective December 31, 2009. Mr. Shelton stated that Mr. Parker has done a great job in this position over the past seven years and his dedication is appreciated. New members are currently needed, and the Commissioners seat will need to be filled.

M. Tersigni:

Planning Board -

- Mrs. Tersigni reported that a joint meeting of the Council and Planning Board was held on November 17, 2009 and Banisch and Associates presented an update to the Highlands Plan Conformance to those in attendance.

Finance-

- Mrs. Tersigni reported that Kim has received the 2007 Tonnage Report check in the amount of \$1,197.29 which is nearly triple what the Borough has received in the past. She further explained that after reviewing what was received for all Hunterdon County Municipalities, it appears the Borough is doing well when compared to municipalities of similar size. Discussion followed.
- Mrs. Tersigni will work with Kim and Lisa to pull together a draft letter to be mailed to all water customers as the closing deadline approaches.
- Mrs. Tersigni stated that we are currently working on the Budget numbers and Council members are encouraged to let Kim know of any anticipated expenditures for 2010 as soon as possible. Discussion followed.

M. Peck:

Water Company-

- Mayor Peck reported that the Water Company is running smoothly and that evidentiary hearing was held and went well, and that the next hearing will be held in early January.

Mill -

- Mayor Peck explained that several interested parties contacted the Borough about the Mill availability and all were encouraged to review the file and walk through the building. If they were still interested, they were invited to attend this evenings meeting to give a brief presentation to the Council explaining their vision for the Mill, their experience in the field, their financial resources and a timeline for completion of their proposed project. Mayor Peck stated that ideally someone would be chosen for the project by year end or early January.

Joe LoPiccolo

Joe LoPiccolo was introduced to Council. Mr. LoPiccolo stated that he has 20 years of experience in real estate development and construction of which 12 years are in historic renovation. He explained that he owns a real estate development company and also a renovations and construction company.

Mr. LoPiccolo said that if he is chosen to be the redeveloper he intends to complete a site plan application for approval of a 4 residential units over a commercial retail space which he will occupy with his developing office.

To prevent any further damage to the building, within the first year he plans to repair the foundation and slate roof. Mr. LoPiccolo said he proposes a four year timeline with a condition that tax exception is granted until the certificate of occupancy is administered after construction is completed.

Mr. LoPiccolo stated that he plans to obtain funding through traditional loans and would start immediately.

Mayor Peck asked if he would be willing to designate one or more of the residential units in the structure to be a COAH unit. Mr. LoPiccolo stated that he understands that he may have to do just that. He explained that he anticipates that the residential units would be between 700 - 1,000 sq. ft. Discussion followed.

EYES OF THE WILD

Travis Gale from Eyes of the Wild stated that he would be interested in relocating his existing business to the Mill if he is selected. He explained that he has an independent investor who would be financing the construction cost for the project. Mayor Peck asked if that investor would be willing to sign a guarantee to that affect and Mr. Gale stated that he would be.

Mr. Gale explained that they are an animal rescue and environmental center and hold education events and field trips for students.

Mr. Gale explained that if he were awarded the property, he would act as a general contractor for the project and hire contractors to do the work. He plans to use the entire Mill for his business and would keep the floor plan open. Discussion followed.

Mayor Peck asked what kind of wild animals would be kept at the Mill and Mr. Gale stated that he had skunks, porcupines, reptiles, wallabies, a pot belly pig and more. He encouraged all Council members to come to facility and see what they are all about.

Heather Stenger, 10 Deer Path appeared before Council stating that Mr. Gale did a great job at the Fine Arts and Crafts Festival and they look forward to having him back and would recommend him to Council based on their experience working with him.

Mayor Peck stated that others who are interested will be invited to attend the December Council meeting.

OLD BUSINESS:

PROPERTY MAINTENANCE

Mayor Peck stated that he does not think that Council is ready to introduce this Ordinance at this time. Mayor Peck would like the Council to continue to review the sample Ordinance that he handed out last month, focusing on sections 302 - 304. He explained that it would like to possibly introduce a final version in January in an effort to establish standards before the growing season next year. Discussion followed.

Ilse Goshen, 69 Main Street asked if this Ordinance would include street trees. Mayor Peck stated that the street trees are really a separate issue. He explained that this came about from certain property owners not maintaining their lawns and properties. Mayor Peck agreed that the tree issue will also have to be addressed. The long standing policy in the Borough has always been that the adjacent property owner is responsible for their street trees. Discussion followed.

Mr. Weger said the goal of the shade tree committee is to re-plant the trees that are lost and maintain the forest in the Borough. He said he drove around town, and that many of the homes on Brunswick are too close to the curb to plant trees in the front yard. Discussion followed.

Mr. Weger stated that he got the feeling that if we do not have a policy on the books that we would be less likely to get the grant money. He further stated that if it came down to a vote now, he would probably vote against the Borough taking over responsibility for the trees because it would seem unfair for people who do not have any trees to share in the responsibility and cost of maintaining them.

Ilse Goshen, 69 Main Street stated that she feels that it is a public safety issue, explaining that although you may not have a tree, all residents should be concerned with dangerous trees along the streets.

Beth Klinger, Main Street stated that the tree inventory is about 90% complete and they will have completed inventory for Council by the December Council meeting.

Mayor Peck explained that Council needed to consider adopting this resolution which would authorize him to execute a grant agreement with the state for \$25,000 grant. He further explained that the Borough would agree to match 25% which would be done through in-kind services. Mayor Peck asked Ilse Goshen if the Committee would be able to perform the in-kind services and she stated they would and that it was outlined in their proposal. Discussion followed.

RESOLUTION # 49-09 - GRANT AGREEMENT BETWEEN THE BOROUGH OF BLOOMSBURY AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT IDENTIFIER: PF08-127

The governing body of Borough of Bloomsbury desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately **\$25,000** to fund the following project: 2009 Community Stewardship Incentive Program Grant.

Therefore, the governing body resolves that Mark R. Peck or the successor to the office of Mayor of the Borough of Bloomsbury is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than **\$25,000** and not more than **\$25,000**, and (c) to execute any amendments thereto which do not increase the Grantee's obligations.

The Borough of Bloomsbury Council authorizes and hereby agrees to match 25% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 25% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).

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

Introduced and passed, November 24, 2009.

* The portion of this form between the asterisks should only be completed if matching funds are required under the terms of the agreement. Where in-kind services are allowed and are stipulated by the Grantee, an attachment must be provided and appended hereto, breaking out the in-kind services to be provided by the Grantee.

Mr. Weger moved Council adopt Resolution # 49-09; seconded by Mrs. Papias. All ayes. motion carried.

NEW BUSINESS

The Clerk explained that she would like Council to consider Ordinance # 110-09 which amends Dog and Cat licensing procedures in the Borough. She said changes would include increasing

licensing fees for spayed/neutered animals from \$5.00 - \$8.00 and non-spayed, non-neutered from \$8.00 - \$11.00 and that all cats and dogs would now be licensed in the month of January.

The Clerk stated that she hopes that the increase would eventually pay for pet licensing software and the annual maintenance fees associated with the same. Discussion followed.

ORDINANCE # 110-09 - AN ORDINANCE AMENDING LICENSING FEES AND REQUIREMENTS FOR DOGS AND CATS IN THE BOROUGH OF BLOOMSBURY

BE IT ORDAINED by the Mayor and Council of the Borough of Bloomsbury in the County of Hunterdon in the State of New Jersey that the following provisions be enacted in conjunction with the licensing requirements for cats and dogs:

SECTION ONE

License Required/Late Charge:

- A. Any person who shall own, keep or harbor any dog, or any cat, now, in the month of January of each year apply for and procure from the licensing official a license and official metal registration tag for each such dog or cat so owned, kept or harbored, and shall place upon each dog or cat a collar with a registration tag securely fastened thereto.
- B. The owner of any newly acquired dog or cat of licensing age of seven months old, shall make application for a license and registration tag for such dog or cat within ten (10) days after such acquisition or age attainment.
- C. Any person who violates or fails or refuses to comply with Subsection A or B shall be liable to a late charge of five dollars (\$5.00) per month for each month after January in addition to being required to obtain a license and registration tag for said dog or cat.

SECTION TWO

License Fees:

- A. The annual license fee shall be (\$8.00) for each dog or cat which is spayed or neutered and eleven dollars (\$11.00) for each dog or cat which is non-spayed or non-neutered.

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. Weger moved Council Introduce Ordinance # 110-09; seconded by Mrs. Papics.
ROLL CALL VOTE: Papics-aye; Shelton-aye; Tersigni-aye; Weger-aye. Motion carried.

RESOLUTION # 46-09 - TRANSFER IN THE 2009 BUDGET APPROPRIATIONS

WHEREAS, NJSA 40A:4-59 states that transfers can be made to budget appropriations during November and December, and

WHEREAS, by unforeseen demand there has arisen the necessity for expenditures in excess of the following budget appropriations, and

WHEREAS, there is an excess in the following budget appropriation;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Bloomsbury that the following 2009 budget transfers be made:

TO: Engineering Services	\$7,500
Utilities - Electricity	<u>\$1,500</u>
	\$9,000
FROM: Garbage – Other Expenses	\$5,000
Liability Insurance	\$2,000
Workers Comp.	<u>\$2,000</u>
	\$9,000

Mrs. Tersigni moved Council adopt Resolution # 46-09; seconded by Mrs. Papics.
ROLL CALL VOTE: Papics-aye; Shelton-aye; Tersigni-aye; Weger-aye. Motion carried.

Mr. Francisco explained that earlier in the year, before the budget was approved state aid figures were received the Council introduced a capital Ordinance to pay for the copier, but the Clerk found a great price and the funding was not needed so this resolution will cancel the same.

RESOLUTION # 47-09 - A RESOLUTION CANCELLING THE UNEXPENDED BALANCE OF \$5,000 FROM CAPITAL ORDINANCE 105-09

WHEREAS, The Council of the Borough of Bloomsbury previously adopted Capital Ordinance 105-09 for \$5,000 for the purchase of a copy machine for Borough Hall, and

WHEREAS, The copier was purchased through the current fund budget and no capital funds were needed, and

WHEREAS, it is necessary to formally cancel this unexpended balance by resolution.

NOW, THEREFORE, BE IT RESOLVED, that the unexpended balance of \$5,000 from Capital Ordinance 105-09 is hereby cancelled.

Mr. Weger moved Council adopt Resolution # 47-09; seconded by Mrs. Tersigni.

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

PUBLIC COMMENT

Cathy Foulk, 83 Main Street asked when the last day of leaf pick up is. The Clerk advised that Friday, November 27, 2009 is the last day to put any leaves out. Discussion followed. Mayor Peck stated that residents should make every effort to get their leaves out by the deadline, and no later than the end of the weekend.

Ms. Foulk asked who is responsible to take down the political signs in the Borough. Mayor Peck stated that in an ideal world, whenever put them up would then take them down, but once the election is over, anyone can remove them.

Ms. Foulk stated that in reference to the money Mrs. Tersigni reported we received for recycling, that she understands that that money needs to spent for improvement of our recycling program and asked if the information she will forward to Ilse will have information about how that money will be spent. Mrs. Tersigni explained that she is just providing Ilse with the breakdown of money given to Hunterdon County municipalities. Discussion followed. Mrs. Tersigni stated that this is not a grant, but rather a mandated report that we complete each year.

Pat Fitzpatrick, 35 Center Street asked Council to adopt a resolution closing Main Street for the Tree Lighting Celebration on December 4, 2009, with a rain date of December 5, 2009.

The Clerk reminded Council that the State Police have essentially warned the Borough that we need to follow procedures when closing streets, including State and County notifications, detour plans and use of appropriate closure and detour signage. The Mayor stated that for 2010, these procedures will have to be followed and it would require at least three months advanced notice for these events.

Mayor Peck said that for this event, we will ensure that public works and Fire Department vehicles are present to close the street. Discussion followed. Mr. Weger stated that in the past,

he was involved in the street closure for the Halloween parade and that he is not comfortable with the potential liability involved and would not assist with it again.

RESOLUTION # 50-09 - TREE LIGHTING STREET CLOSURE

WHEREAS the Bloomsbury Celebrations Committee will host a tree lighting ceremony at Point Park on Friday, December 4, 2009 at 6 PM, and a rain date of Saturday, December 5, 2009, and

WHEREAS there is a need to 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 December 4, 2009, and a rain date, December 5, 2009, provided that sufficient Fire Department and/or Municipal Vehicles are present to safely close the street.
2. A copy of this resolution shall be forwarded to the State Police, Bloomsbury Hose Company and Bloomsbury Rescue Squad.

Mr. Weger moved Council adopt Resolution #50-09; seconded by Mr. Shelton. All ayes. Motion carried.

SKYLANDS PRESERVATION ALLIANCE

Anne Ferrero, 54 Main Street appeared as a member of the Skylands Preservation Alliance. Ms. Ferrero explained that the Alliance is concerned about a proposed truck depot in Franklin Township and the effect it will have on surrounding towns.

Mayor Peck stated that he understands that this matter is on the December 2, 2009 agenda for completeness only. Ms. Ferrero said that they have not been able to get a clear answer about this or to many of their questions. Ms. Ferrero stated that they have appeared at past meetings and tried to ask questions and were told that they could not because there was no formal application on the table.

Ms. Ferrero explained that members were attending the meeting to thank the Mayor and Council for their interest in this matter, their support and for voting to retain a traffic engineer. Ms. Ferrero said they would like to bring as many people as possible to the December meeting to show the opposition to this project. Discussion followed.

The Alliance members feel that Franklin Township should look into changing their zoning for the area in question, including the definition of "Light Industrial". Discussion followed. Ms. Ferrero stated that she has spoken to the Mayor of Greenwich Township who indicated she would be willing to bring in an environmental person to work with them. Council and Alliance members agreed it would good if all affected town could contribute in some way and they will be reaching out to Bethlehem Township in the near future.

Mayor Peck stated that if this effort does not stop this application, that he would sue them as a private citizen because this will mean 350 loading bays, 3 shifts a day, if each of those shifts does one truck, that will be 1050 trucks per day. Mayor Peck said that with 1440 minutes in a day and trucks coming off exit 7, with trucks making two trips each, which would mean 2100 trips per day, or an average of one truck every 48 seconds - which is unacceptable. He added that when they are up to capacity it is not unreasonable to think they will have several trucks per shift.

Mayor Peck said that he or a representative from the Borough would attend the Land Use Board meeting in December.

CORRESPONDENCE

Council reviewed correspondence.

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 litigation and contract negotiations; action may be taken when the Council returns to regular session.

Mr. Shelton moved Council enter executive session; seconded by Mr. Weger. All ayes. Motion carried.

Mr. Weger moved Council re-enter regular session at 9:38 PM; seconded by Mr. Shelton. All ayes. Motion carried.

ADJOURNMENT

There being no further business, a motion to adjourn was made by Mr. Shelton; seconded by Mr. Weger. All ayes, motion carried. Meeting adjourned at 9:40 PM.

Respectfully Submitted,

Lisa A. Burd, RMC
Borough Clerk/Administrator

**BOROUGH OF BLOOMSBURY
COUNCIL MEETING MINUTES
DECEMBER 22, 2009**

The regular meeting of the Mayor and Council was held on December 22, 2009 at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey. The meeting was called to order at 7:02 PM by the reading of the Sunshine Law by Lisa Burd.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on January 8, 2009 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	Steven Shelton
Vicky Papics	Martha Tersigni
Marc Scheffel - excused	Eric Weger
Mark Peck, Mayor - excused	William Edleston, Esq. - excused

FLAG SALUTE

APPROVAL OF MINUTES

Mr. Weger moved Council adopt the Regular Meeting Minutes of November 24, 2009; seconded by Mr. Shelton. All ayes. Motion carried.

Mrs. Papics moved Council adopt the Executive Session Meeting Minutes of November 24, 2009; seconded by Mr. Shelton. All ayes. Motion carried.

TAX COLLECTOR'S REPORTS

Mr. Weger moved Council accept the Tax Collector's report of December 9, 2009; seconded by Mrs. Papics.

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

APPROVAL OF BILL LIST

Mr. Shelton moved Council approve the Treasurer's Report of December 22, 2009; seconded by Mr. Weger.

ROLL CALL VOTE: Flink-aye; Papics-aye, but abstaining from the water department items; Shelton-aye; Tersigni-aye; Weger-aye. Motion carried.

POLICE REPORT - PERRYVILLE

No report.

COMMITTEE REPORTS

V. Papics:

Newsletter-

- Mrs. Papics reported that the newsletter went out but was a few days behind schedule.

E. Weger:

Streets and Roads-

- Mr. Weger reported that Mr. Heinrich and the DPW workers did a good job clearing the roads after the recent storm.

S. Shelton:

Recreation -

- Mr. Shelton reported that the Recreation Commission will be undergoing some re-organization as they will need to appoint a new President.

C. Flink:

OEM -

- Mrs. Flink stated that GrowMark sent a letter to Mayor Peck asking that they be included in mitigating any incident involving their facility which may require evacuation of the town. Mr. Dickey has also requested that he be able to participate in future LEPC meetings with the Borough to be aware of what the Borough does.
- Mrs. Flink reported she made the fliers to notify residents about the upcoming test of the civil defense siren and will post the same around town.

Mrs. Tersigni read the following for Mayor Peck:

Water Company-

- Mayor Peck reported that there was an unexpected and unexplained loss of water recently but no leaks were found and the system recovered. Mayor Peck also wanted Council to be aware that the Aqua sale is moving forward and the BPU approved the sale last week. A closing date will likely be set for February or March.

M. Tersigni:

Finance-

- Mrs. Tersigni reported that she has not received any budget requests from Council members for expenditures for next year. There is a potential need for a new phone system or functional furniture in the Clerk's office. Mr. Weger will look into the need to purchase new leaf vacuum and report back to Mr. Francisco and Mrs. Tersigni. Mr. Shelton will find out what repairs are needed for the lower field and forward that information for consideration with the budget in the next week as well.

Planning Board -

- Mrs. Tersigni reported that a set of variances were approved for 39 Main Street for the addition of powder room.

OLD BUSINESS

MILL PRESENTATION

Joseph Zaleski, principal of Altec Electronic Systems appeared before Council and explained that they specialize in the installation of residential and commercial electronics systems. Mr. Zaleski stated that they are partnered with some of the finest custom home builders in the State of New Jersey and would be working with some of those contractors in order to complete this project. Mr. Zaleski provided Council with a packet of information about their company and projects they have completed. Discussion followed.

Mr. Zaleski stated that if awarded the project, they would renovate the exterior of the Mill within 60 - 90 days. He explained that their vision for the Mill would be to have 2 residential units upstairs in the Mill with a restaurant on the first floor. Mr. Zaleski said that a Structural Engineer would need to evaluate the structure and determine if it is sound enough to move forward with a renovation or not and that it could be possible that the entire structure would have to come down. Discussion followed.

Mr. Zaleski stated that the project would be completed within a year of the exterior renovation.

PROPERTY MAINTENANCE

Mrs. Tersigni reminded Council to pull together their comments and concerns regarding the Property Maintenance Ordinance which will be revisited after the New Year.

RESOLUTION #48-09 RESOLUTION AUTHORIZING OBTAINING OF FUNDS FROM THE HUNTERDON COUNTY OPEN SPACE TRUST FUND

WHEREAS, the Hunterdon County Board of Chosen Freeholders has approved an open space trust fund and established a municipal grant program to provide program funds in connection with municipal acquisition of lands for recreation, conservation and general open space purposes, farmland preservation, preparation of plan elements of a municipal master plan, and restoration of county owned or municipal owned historic properties, buildings, structures or facilities, etc.; and

WHEREAS, the Mayor and Council of the Borough of Bloomsbury desire to obtain Open Space Trust Funds in the amount of \$32,000.00 to fund the following projects:

1. Acquisition of easements and/or fee property interest in lots adjacent to the Musconetcong River;
2. Acquisition of open lot adjacent to Main /Gardner/North Streets.

NOW, THEREFORE, the governing body resolves as follows:

1. Lisa A. Burd, Municipal Clerk/Administrator, is authorized to:
 - (a) Make an application to the County of Hunterdon for Open Space Trust Funds;
 - (b) Provide an additional application information and furnish such documents as may be required for the municipal grants program; and
 - (c) To act as the principal contact person and liason of the above named municipality.
2. If the County of Hunterdon determines the application is complete and in conformance with the Hunterdon County Open Space, Farmland and Historic Preservation Trust Fund Plan and the policies and procedures manual for the municipal grant program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such adopted policies and procedures, and applicable State and local government rules, regulations and statutes thereto; and
3. Mark Peck, Mayor, is hereby authorized to sign and execute any required documents and agreements with the County of Hunterdon for the approved Open Space Trust Funds.

Mr. Weger moved Council adopt Resolution # 48-09; seconded by Mr. Shelton.

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

NEW BUSINESS

SECOND READING - ORDINANCE # 110-09 - AN ORDINANCE AMENDING LICENSING FEES AND REQUIREMENTS FOR DOGS AND CATS IN THE BOROUGH OF BLOOMSBURY

BE IT ORDAINED by the Mayor and Council of the Borough of Bloomsbury in the County of Hunterdon in the State of New Jersey that the following provisions be enacted in conjunction with the licensing requirements for cats and dogs:

SECTION ONE

License Required/Late Charge:

- A. Any person who shall own, keep or harbor any dog, or any cat, now, in the month of January of each year apply for and procure from the licensing official a license and

official metal registration tag for each such dog or cat so owned, kept or harbored, and shall place upon each dog or cat a collar with a registration tag securely fastened thereto.

- B. The owner of any newly acquired dog or cat of licensing age of seven months old, shall make application for a license and registration tag for such dog or cat within ten (10) days after such acquisition or age attainment.
- C. Any person who violates or fails or refuses to comply with Subsection A or B shall be liable to a late charge of five dollars (\$5.00) per month for each month after January in addition to being required to obtain a license and registration tag for said dog or cat.

SECTION TWO

License Fees:

- A. The annual license fee shall be (\$8.00) for each dog or cat which is spayed or neutered and eleven dollars (\$11.00) for each dog or cat which is non-spayed or non-neutered.

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. Shelton moved Council open the public hearing on Ordinance # 110-09; seconded by Mrs. Papics. All ayes. No comment.

Mr. Shelton moved Council close the public hearing on Ordinance # 110-09; seconded by Mrs. Papics. All ayes.

Mrs. Papics moved Council adopt Ordinance # 110-09 and publish in the Hunterdon County Democrat seconded by Mrs. Papics.

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

RESOLUTION # 51-09 - OVERPAYMENT OF TAXES FOR THE 4th QUARTER 2009

BE IT HEREBY RESOLVED, by the Borough Council of the Borough of Bloomsbury that the Collector of Taxes for Bloomsbury Borough hereby authorizes a refund of taxes in the amount of \$ 1,804.73 for the overpayment of the 4th quarter 2009 taxes to Jeffrey P. and Melanie E. Sinise for Block 9.01; Lot 17.

Mr. Weger moved Council adopt Resolution # 51-09; seconded by Mrs. Papics.
ROLL CALL VOTE: Flink-aye; Papics-aye; Shelton-aye; Tersigni-aye; Weger-aye. Motion carried.

RESOLUTION # 52-09 - CHURCH OF THE ANNUNCIATION OFF-PREMISE 50/50 RAFFLE

WHEREAS, the Church of the Annunciation is the licensee on the application to conduct an Off-Premise 50/50 Raffle to be held at the Church of the Annunciation at 80 Main Street, Bloomsbury, NJ on the last Sunday of each month as follows:

January 31, 2010 at 12:30 PM	July 25, 2010 at 12:30 PM
February 28, 2010 at 12:30	August 29, 2010 at 12:30 PM
March 28, 2010 at 12:30 PM	September 26, 2010 at 12:30 PM
April 25, 2010 at 12:30 PM	October 31, 2010 at 12:30 PM
May 30, 2010 at 12:30 PM	November 28, 2010 at 12:30 PM
June 27, 2010 at 12:30 PM	December 26, 2010 at 12:30 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. Weger moved Council adopt Resolution 52-09; seconded by Mrs. Papics. All ayes. Motion carried.

REORGANIZATION

Mrs. Tersigni stated that Mayor Peck requested Council set the reorganization meeting be scheduled for January 1, 2010 at 10:00 AM.

Mr. Shelton moved Council schedule the reorganization meeting for January 1, 2010 at 10:00 AM; seconded by Mr. Weger. All ayes. Motion carried.

CHRISTMAS TREE PICK UP

Council discussed options for Christmas tree pick up and disposal. Mr. Weger moved Council approve Christmas Tree Pick up to be held from January 1, 2010 through January 22, 2010 to be recycled by Tree Cycle at a rate of approximately \$390/ per dumpster; seconded by Mrs. Papics. ROLL CALL VOTE: Flink-aye; Papics-aye; Shelton-aye; Tersigni-aye; Weger-aye. Motion carried.

CORRESPONDENCE

Mrs. Tersigni presented Council with a notice she received regarding the Bridge Deck replacement of Route 173. A public meeting has been scheduled by NJDOT for January 12, 2010 from 6-8 PM at Riverview Banquet Facilities in Bloomsbury. Discussion followed.

PUBLIC COMMENT

No comment

ADJOURNMENT

There being no further business, a motion to adjourn was made by Mr. Shelton; seconded by Mr. Weger. All ayes, motion carried. Meeting adjourned at 9:40 PM.

Respectfully Submitted,

Lisa A. Burd, RMC
Borough Clerk/Administrator

**Borough of Bloomsbury
Reorganization Meeting – January 1, 2009**

The Reorganization meeting was held in the Municipal Building on January 1, 2009. Meeting was called to order by Mark Peck, Mayor at 10:00 AM. The Sunshine Law was read by the Clerk.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on December 11, 2008 by the publication of said notice in the Hunterdon County Democrat and the posting of said notice at the Municipal Building on same date.

ROLL CALL: Carol Flink	Martha Tersigni
Vicky Papics	Eric Weger
Marc Scheffel-arrived 10:03	Mark Peck, Mayor
	William Edleston, Esq.

Flag Salute

Mr. Edleston administered the Oath of Office to Steven Shelton and Eric Weger.

A motion was made by Mr. Weger, seconded by Mrs. Papics, to nominate Martha Tersigni as Council President. All ayes. Motion carried.

Mayor Peck outlined the following Council Appointments for 2009.

Carol Flink - Public Safety
Vicky Papics - Board of Education, Newsletter
Marc Sheffel - Bloomsbury Celebrations Committee, Environmental Commission
Steven Shelton - Recreation
Martha Tersigni - Administration, Finance, Planning Board
Eric Weger - Public Works, Roads

Mayor Peck made the following appointments:

Lisa A. Burd as 911 Coordinator for the Borough of Bloomsbury from January 1, 2009 to December 31, 2009.

Lisa A. Burd as Public Agency Compliance Officer (P.A.C.O.) for the Borough of Bloomsbury from January 1, 2009 to December 31, 2009.

Lisa A. Burd as the One Call Coordinator from January 1, 2009 to December 31, 2009.

Tom Walsh as the acting Water Department Superintendent beginning January 1, 2009.

Dale Frankenfield as Deputy Fire Chief for the Bloomsbury Hose Company from January 1, 2009 - December 31, 2011.

Ray Hughes - Water Department Licensed Operator - three month term to be reviewed thereafter.

Mrs. Tersigni moved Council authorize the Mayor to enter into negotiations and execute a contract for a three month term with Ray Hughes to serve as the Water Department Licensed Operator; seconded by Mr. Weger.

Mayor Peck made the following appointments:

PLANNING BOARD MEMBERS:

- Chris Smith - CLASS II - 1 Year Term - Expire 12/31/09
- Ken Robbins - CLASS IV - 4 Year Term - Expire 12/31/12
- Martha Tersigni - CLASS III - 1 Year Term - Expire 12/31/09
- Marc Scheffel - MAYOR'S DESIGNEE - 1 Year Term - Expire 12/31/09

ENVIRONMENTAL COMMISSION MEMBERS:

- Ilse Goshen - 1/1/09 - 12/31/11
- Cathy Foulk - 1/1/09 - 12/31/11

RECREATION COMMISSION MEMBERS:

- Bob Clark - 1/1/09 - 12/31/11

RESOLUTION # 1-09

2009 MEETING DATES

WHEREAS, the Senate and General Assembly of the State of New Jersey have enacted an Act concerning meeting of certain public bodies known as the Open Public Meetings act, approved, October 21, 1975, as Chapter 231, P.L. 1975, effective 90 days after enactment, to wit, on or about January 19, 1976,

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

1. The regular meetings of the Borough of Bloomsbury shall be held on the fourth Tuesday of every month during the calendar year of 2009. Meetings shall be held in the Municipal Building, 91 Brunswick Ave., Bloomsbury, NJ at 7:00 PM.
2. Notice of such annual schedule of regular meeting of the Mayor and Council or any revised schedule thereof, as well as advance written notice of any regular, special or rescheduled meeting of the Council shall be prominently posted at the Municipal

Building, published in the Hunterdon County Democrat and shall be on file with the Borough Clerk.

Mr. Scheffel moved Council adopt Resolution 1-09; seconded by Mrs. Tersigni. All ayes. Motion carried.

**RESOLUTION # 2-09
OFFICIAL DEPOSITORIES FOR BOROUGH FUNDS**

BE IT HEREBY RESOLVED by the Mayor and Council of the Borough of Bloomsbury the that Official Depositories for all Borough funds, Bond Anticipation Notes, Certificates of Deposit shall be as follows:

PNC Bank, Bloomsbury, NJ
Bank of America, Pohatcong, NJ
Team Capital Bank, Phillipsburg, NJ

Mrs. Tersigni moved Council adopt Resolution 2-09; seconded by Mrs. Papics. All ayes. Motion carried.

**RESOLUTION # 3-08
PERSONS AUTHORIZED TO SIGN BOROUGH CHECKS**

BE IT HEREBY RESOLVED by the Council that the following persons are authorized on behalf of the Borough to sign any and all checks drawn on any accounts in the name of Bloomsbury Borough and that any two of the four authorized signatures are required, the following persons are authorized for admittance to the safe deposit box, such entry shall require the signatures of not less than two of the following persons, the following persons are authorized on behalf of the Borough to deposit cash and checks in the appropriate accounts:

Mark R. Peck, Mayor
Lisa A. Burd, Borough Clerk
Kim Francisco, Chief Financial Officer
Martha Tersigni, Council President

BE IT FURTHER RESOLVED that the following additional persons are authorized on behalf of the Borough of Bloomsbury to deposit cash and checks belonging to the Borough to appropriate depositories for the municipal accounts:

Jane Heater, Tax Collector

Mrs. Papics moved Council adopt Resolution 3-09; seconded by Mr. Weger. All ayes. Motion carried.

RESOLUTION # 4-09
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT WITH CERTAIN BOROUGH PROFESSIONALS

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

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

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

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

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

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

WHEREAS, the Chief Finance Officer has certified that the contracts (recited below) with C. Richard Roseberry, P.E., P.P., C.M.E, of Maser Consulting, William Schroeder of Nisivoccia and Company, and William Edleston, Esq. may exceed \$17,500 in value, and such parties have furnished to the Borough of Bloomsbury (or will furnish to the Borough of Bloomsbury prior to the effectiveness of an award of contract with them) a Business Entity Disclosure Certification certifying that their entity has not made any reportable contributions under the New Jersey Local Pay-To-Play Law (N.J.S.A. 19:4A-20.4 et seq.) and that they will not, during the term of their contract make any political contribution so reportable; and

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

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

1. That the Mayor and Clerk of the Borough of Bloomsbury are hereby authorized and directed to execute contracts with the following all being for a period of one year, ending on January 1, 2010, contingent upon receipt from each of the following where the contract may exceed \$17,500 of a Business Entity Certification certifying that their entity has not made any reportable contributions under the New Jersey Local Pay-To-Play Law (N.J.S.A. 19:4A-20.4 et seq.) and that they will not, during the term of their contract make any political contributions so reportable:

C. Richard Roseberry, P.E., P.P., C.M.E., of Maser Consulting is appointed Borough Engineer for the calendar year 2009.

William Schroeder is appointed Borough Auditor for the calendar year of 2009.

William Edleston, Esq. is appointed Borough Attorney for the calendar year of 2009.

- B. These contracts are awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5-(1) (a) of the Local Public Contracts Law.
- C. This resolution shall be published once in the Hunterdon County Democrat.
- D. Copies of said professional agreements shall be maintained in the municipal offices of the Borough.

Mr. Weger moved Council adopt Resolution 4-09; seconded by Mrs. Papics.
 ROLL CALL VOTE: Papics-aye; Scheffel-aye; Tersigni-aye; Weger-aye; Shelton-aye. Motion carried.

**RESOLUTION # 5-09
 TEMPORARY BUDGET FOR 2009**

BE IT HEREBY RESOLVED by the Mayor and Council of the Borough of Bloomsbury that the temporary budget for the year of 2009 is hereby adopted. Said budget shall be 25% of the regular budget for the year of 2008.

Mrs. Tersigni moved Council adopt Resolution 5-09; seconded by Mr. Weger.
 ROLL CALL VOTE: Papics-aye; Scheffel-aye; Tersigni-aye; Weger-aye; Shelton-aye. Motion carried.

**RESOLUTION # 6-09
 OFFICIAL NEWSPAPERS**

BE IT HEREBY RESOLVED by the Mayor and Council of the Borough of Bloomsbury that the Hunterdon County Democrat shall be designated as the official newspaper of the Borough, wherein all legal advertising of the Borough shall be placed. The Express Times shall be designated as the first alternative and the Courier News shall be designated as the second alternative.

Mrs. Tersigni moved Council adopt Resolution 6-09; seconded by Mrs. Papics. All ayes. Motion carried.

**RESOLUTION # 7-09
 CONTRACT WITH THE HUNTERDON HUMANE ANIMAL SHELTER**

WHEREAS, the Borough of Bloomsbury requires the services of a dog warden,

NOW, THEREFORE BE IT RESOLVED, that the Borough of Bloomsbury enter into an agreement with the Hunterdon Humane Animal Shelter for said services for the year 2009.

Mr. Scheffel moved Council adopt Resolution 7-09; seconded by Mr. Weger.
ROLL CALL VOTE: Papics-aye; Scheffel-aye; Tersigni-aye; Weger-aye; Shelton-aye. Motion carried.

**RESOLUTION # 8-09
RATE OF INTEREST FOR NON-PAYMENT OF TAXES**

WHEREAS, NJSA 54:4-67 permits the governing body of each municipality to fix the rate of interest to be charged for non-payment of taxes or assessments subject to any abatement or discount for the late payment of taxes as provided by law; and

WHEREAS, NJSA 54:4-67 has been amended to permit the fixing of said rate of 8% per annum on the first \$1,500.00 and allows 18% per annum on any amount in excess of \$1,500.00 and allows additional penalty of 6% to be collected against a delinquency in excess of \$10,000.00 on properties that fail to pay the delinquency prior to the end of the calendar year;

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

1. The Tax Collector is hereby authorized and directed to charge 8% per annum of the first \$1,500.00 of taxes becoming delinquent after due date and 18% annum on any amount of taxes in excess of \$1,500.00 becoming delinquent after due date and if a delinquency is in excess of \$10,000.00 and remains in arrears beyond December 31st, an additional penalty of 6% shall be charged against the delinquency.
2. Effective January 1, 2009 there will be a ten- (10) day grace period of quarterly tax payments made by cash, check or money order.
3. Any payments not made in accordance with paragraph two of this resolution shall be charged interest from due date as set forth in paragraph one of this resolution.

Mrs. Papics moved Council adopt Resolution # 8-09; seconded by Mr. Weger. All ayes. Motion carried.

**RESOLUTION # 9-09
TAX APPEALS**

WHEREAS, The Borough Council of the Borough of Bloomsbury has been informed that from time to time errors are made in computing tax assessments, and

WHEREAS, the Municipal Tax Assessor of the Borough of Bloomsbury requested the Borough to authorize the filing of corrective appeals of such errors with the Hunterdon County Board of Taxation, and,

WHEREAS, the Municipal Tax Assessor is called upon to defend tax appeals filed with the Hunterdon County Board of Taxation and agree to stipulation of appeals, and

WHEREAS, the Municipal Tax Assessor of the Borough of Bloomsbury is authorized by the Borough Council to file rollback petitions with the Hunterdon County Board of Taxation for the Borough of Bloomsbury and,

WHEREAS, the Municipal Attorney is authorized to appear on behalf of the Borough of Bloomsbury before the Hunterdon County Board of Taxation, and execute such documents as are necessary to resolve corrective appeals of errors and stipulation of appeals as may be recommended by the Tax Assessor.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Bloomsbury that the Municipal Tax Assessor and Municipal Attorney be and hereby are authorized to file corrective appeals with the Hunterdon County Board of Taxation, to sign stipulations in matters of appeals with Hunterdon County Board of Taxation and to file rollback petitions with the Hunterdon County Board of Taxation, are proper and in the best interests of the municipality.

Mrs. Papics moved Council adopt Resolution # 9-09; seconded by Mr. Weger. All ayes. Motion carried.

**RESOLUTION # 10-09
ANNUAL SALE OF DELINQUENT TAXES**

BE IT HEREBY RESOLVED, by the Borough Council of the Borough of Bloomsbury that the Collector of Taxes for Bloomsbury Borough is hereby authorized to conduct the annual sale of delinquent taxes of the calendar year of 2008.

Mr. Scheffel moved Council adopt Resolution # 10-09; seconded by Mr. Weger. All ayes. Motion carried.

**RESOLUTION # 11-08
TAX COLLECTOR'S RESOLUTION**

WHEREAS, the Tax Collector has overpayments and underpayments of taxes for 2008 in the amount of \$5.00, and that they be cancelled; and

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

Mr. Scheffel moved Council adopt Resolution # 11-09; seconded by Mrs. Tersigni. All ayes. Motion carried.

**RESOLUTION #12-09
APPOINTMENT OF DEPUTY REGISTRAR**

BE IT RESOLVED that Lisa A. Burd, Registrar of the Borough of Bloomsbury, does hereby appoint Ella Ruta as Deputy Registrar for the calendar year 2009.

Mr. Scheffel moved Council adopt Resolution # 12-09; seconded by Mrs. Tersigni. All ayes. Motion carried.

FIRST READING - ORDINANCE # 101-09 - AN ORDINANCE CREATING THE OFFICE OF BOROUGH ENGINEER

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. Position established.

Pursuant to the provisions of N.J.S.A. 40A: 9-140, there is hereby established in and for the Borough of Bloomsbury the position of Municipal Engineer.

Section 2. Duties.

The Municipal Engineer shall perform such duties as are prescribed by ordinance and general law and in addition:

- A. Prepare or cause to be prepared, specifically as directed by the Mayor and Council, plans, designs and specifications for public works and improvements undertaken by the Borough, either by account or by public contract.
- B. Provide and maintain surveys, maps, plans, specifications, tax maps and control records with respect to public works and facilities owned or operated by the Borough.
- C. Provide technical and engineering advice and assistance to other Borough officers as needed.
- D. Attend, when requested, all regular meetings of the Mayor and Council.
- E. Perform such other duties as are now or hereafter imposed by statute, regulation or by municipal ordinance or regulation.

Section 3. Term.

The term of office of Municipal Engineer shall be for a period of one (1) year to commence on January 1 of the year in which the appointment is made.

Section 4. Compensation.

The Municipal Engineer shall receive such compensation on a fee basis as authorized by the Mayor and Council. All invoices for engineering services shall be subject to Mayor and Council approval.

Section 5. Hiring of additional engineering services.

Nothing in this article shall inhibit the powers of the Mayor and Council to appoint or contract for any engineering services or consultants in performance of any of the duties of the Borough Engineer as set forth in Section 2.

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 Mayor and Council of the Borough of Bloomsbury at its reorganization meeting held on Thursday, January 1, 2009 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, January 27, 2009, which shall commence at 7:00 p.m. at the Borough of Bloomsbury Municipal Building, 91 Brunswick Avenue, Bloomsbury, New Jersey 08804.

Mr. Weger moved Council Introduce Ordinance # 101-09 on First Reading; seconded by Mrs.Papics.

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

PAYMENT OF BILLS

Council reviewed the Bill list of January 1, 2009.

Mrs. Papics moved Council approve the bill list of January 1, 2009, seconded by Mr. Scheffel.

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

OPEN TO THE PUBLIC

No Comment

A motion to adjourn the reorganization meeting of the Bloomsbury Borough Common Council was made by Mr. Weger; seconded by Mrs. Tersigni. All ayes. Motion carried. The meeting was adjourned at 10:24 AM.

Respectfully submitted,

Lisa A. Burd, RMC
Borough Clerk/ Administrator