

**BOROUGH OF BLOOMSBURY
COUNCIL MEETING MINUTES
JANUARY 26, 2010**

The regular meeting of the Mayor and Council was held on January 26, 2010 at the Bloomsbury Elementary School, 20 Main Street, 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 7, 2010 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:	Elmer Hutchison	Eric Weger
	Vicky Papics	Mark Peck, Mayor
	Steven Shelton	William Edleston, Esq.
	Martha Tersigni	

FLAG SALUTE

APPROVAL OF MINUTES

Mr. Weger moved Council adopt the Regular Meeting Minutes of December 22, 2009; seconded by Mrs. Tersigni. All ayes. Motion carried.

Mrs. Papics moved Council adopt the Re-Organization Meeting Minutes of January 1, 2010; seconded by Mrs. Tersigni. All ayes. Motion carried.

TAX COLLECTOR'S REPORTS

Mrs. Papics moved Council accept the Tax Collector's report of January 6, 2010; seconded by Mr. Hutchison.

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

APPROVAL OF BILL LIST

Mrs. Tersigni moved Council approve the Treasurer's Report of January 26, 2010; seconded by Mr. Weger.

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

POLICE REPORT - PERRYVILLE

Trooper McGourty reported that the Route 173 Bridge closing has been delayed again, but that all troopers at Perryville are aware of the upcoming closure and Borough Ordinance regarding weight limits on local roads.

COMMITTEE REPORTS

V. Papics: **Newsletter-**

- Mrs. Papics reported that the deadline for submissions for the March newsletter is February 19, 2010.

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

- Mr. Weger reported that Shade Tree Advisory Committee received a letter that they have been awarded a \$7,000 grant. Discussion followed about how the grant may be used in 2010. Mr. Weger said that the Committee is seeking Council approval to hire a Tree expert to come in and verify their findings that certain trees need to be removed. Mrs. Tersigni asked if it is necessary for Council to first establish and adopt a tree [policy]. Discussion followed. Mr. Weger said that they do not want to set a precedent, just to remove the trees that may pose a danger. Mr. Weger said they would like to spend about \$6,000 diagnosing and removing trees and that would leave just \$1,000 for replanting. Additionally, he said that residents would be approached with the opportunity to plant a new tree and that they would be placed behind the sidewalk and there would be no question that these trees would belong to the property owner and be their responsibility.

Mrs. Tersigni asked that Council be copied on the complete list and tree evaluation findings so that they can be informed.

RESOLUTION# 16-10 - FORESTRY GRANT AGREEMENT

BE IT HEREBY RESOLVED, by the mayor and Council of the Borough of Bloomsbury, that the Mayor and Clerk are hereby authorized to execute the Forestry Grant Agreement for \$7,000 with the State of New Jersey.

Mrs. Tersigni stated that she would like the tree removal issue on the agenda at a future meeting for a more complete discussion.

Mr. Weger moved Council adopt Resolution # 16-10; seconded by Mr. Shelton. All ayes. Motion carried.

Mr. Weger stated that the Shade Tree Committee would also like to make plans for Arbor Day, explaining that John Ronca offered to remove dead trees at the park. Mr. Weger also said they plan to purchase whips which can be given out to children at the school and then plans will be made to plant a few at the park. Discussion followed.

Mrs. Papics moved Council authorize the Shade Tree Advisory Committee to spend approximately \$600.00 provided funds are available to have a tree expert examine certain trees in the Borough; seconded by Mr. Hutchison.

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

E. Hutchison:

No Comment.

Mayor Peck:

Water Company-

- Mayor Peck reported the Closing for the sale of the Water Department is scheduled for March 3, 2010 and that the Bloomsbury Water Department will be reaching out customers in the next few weeks to arrange for final meter readings.

- Mayor Peck stated that another sizable leak was located across the river and has been addressed.

M. Tersigni:

Administration-

- Mrs. Tersigni reported that Saturday evening a heating coil above the second floor bar froze and broke and water ran for hours and the resulting water damage to Borough Hall includes wet files, carpeting, odor, wet wall board. Discussion followed. Mrs. Tersigni stated that it is not clear when Borough business will be able to continue at Borough Hall and the Clerk will need time to pull things back together. Mrs. Tersigni explained that the Clerk has been working on getting governmental approval to get rid of files which can be disposed of. Mrs. Tersigni stated that a team of men just boxed things up and that most of it has not been labeled correctly and it is really a mass which will take time and effort to get it back together. Discussion followed.

Mayor Peck stated that we will be putting in a claim to the insurance company which insures the building, and although inconvenienced, we should be made whole.

- Mrs. Tersigni reported that the Clerk held the rabies clinic last weekend.

Planning Board -

- Mrs. Tersigni reported that at the Planning Board Re-Organization Meeting, Mr. Allen, Mr. Reilly, Mr. Smith and herself were re-appointed to the Planning Board with Steve Shelton agreeing to be the Mayor's Designee for 2010 and Tom Reilly acting as Chairman, and Ken Robbins as Vice-Chairman.

- Mrs. Tersigni stated that Planning Board upheld the Zoning Officers permit denial for Pilot's sign, and then they received approval for the necessary variance.

Finance-

- Mrs. Tersigni reported that an informal budget meeting was held and it appears that this will be a tough budget year. She stated that one of the largest tax payers in the Borough is not paying their taxes and the Borough now has a tax lien on that property.

Mayor Peck agreed that it will be a difficult budget year stating that we had about \$50,000 of planning work done and we have not yet received the grant money we were awarded to pay for it. Mr. Francisco reported that we do not yet know how much if any money we will get in State Aid in 2010.

Mayor Peck said that taxpayers should anticipate a 4% tax increase, but cautioned that that may not be enough to fill in the gaps.

S. Shelton:

No Report.

RESOLUTION 14-10 - 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 Tyler J. Langston to the Bloomsbury Hose Company #1 effective February 1, 2010.

Mr. Weger moved Council adopt Resolution # 14-10; seconded by Mrs. Papias. All ayes. Motion carried.

RESOLUTION # 15-10 - BLOOMSBURY ELEMENTARY SCHOOL PTO 50/50 RAFFLE AND DRAW 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 16, 2010; 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:

1. 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. Tersigni moved Council adopt Resolution # 15-10; seconded by Mr. Hutchison. All ayes. Motion carried.

2010 PROFESSIONAL SERVICE AGREEMENTS

Mr. Tersigni moved Council authorize the Mayor and Clerk to execute Professional Service Agreements with Nisivoccia & Company for auditor services and with Richard Roseberry of Maser Consulting for engineering services for 2010; seconded by Mr. Weger.

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

NOISE ORDINANCE

Mayor Peck stated that this sample noise ordinance was originally discussed a few years ago and this subject has come back up because a resident has complained that they are frequently disturbed by dumpsters being picked up very early in the morning. Discussion followed.

INTRODUCTION - ORDINANCE 102-10 - AN ORDINANCE REGULATING NOISE IN THE BOROUGH OF BLOOMSBURY

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

Section I. Prohibited Acts.

- A. Unnecessary noise. It shall be unlawful for any person to make, continue, suffer, permit, allow or cause to be made or continued, upon any premises or in any vehicle owned, occupied or controlled by him or upon any public street, thoroughfare or parking lot or in any public park, playground, gathering place or means of public transportation, any excessive, unnecessary or unusually loud noise which either annoys, injures, disturbs or endangers the comfort, health, repose, peace or safety of others within the Borough or which are so harsh, prolonged or unusual in their use, time and place as to annoy, disturb or endanger the comfort, health, repose, peace or safety of others in the Borough. Loud, disturbing, injurious, unnecessary and unlawful noises in violation of this Ordinance include but are not limited to the following enumerated acts:
1. Owning, possessing or harboring any pet animal or pet bird that frequently or for continued duration makes sounds that create a noise disturbance. For the purposes of this section, a noise disturbance from a barking dog shall be defined as that created by a dog barking continually for ten (10) minutes or intermittently for thirty (30) minutes, unless provoked.
 2. Yelling, shouting, whistling, the playing of musical instruments or singing, at any time or place, particularly between the hours of 10:00 p.m. and 7:00 a.m., which annoys or disturbs the quiet, comfort or repose of

persons in any home, office, dwelling, or any other type of residence, or of any persons in the vicinity.

3. The sounding of any horn or warning device on an automobile, motorcycle, bus or other vehicle for a period of thirty (30) seconds or more except when required by law or when necessary to give timely warning of the approach of the vehicle or as warning of impending danger to persons driving other vehicles or to persons on the street.
4. Personal or commercial vehicular music amplification or reproduction equipment shall not be operated upon the public streets of the Borough of Bloomsbury in such a manner that it is plainly audible at any residential property line between the hours of 8:00 p.m. and 8:00 a.m.
5. Personal vehicular music amplification equipment shall not be operated in such a manner as to be plainly audible at a distance of 50' in any direction from the operator between the hours of 8:00 a.m. and 8:00 p.m.
6. Self-contained, portable, handheld music or sound amplification or reproduction equipment shall not be operated on a public space or public right-of-way in such manner as to be plainly audible at a distance of 50' in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound from such equipment shall not be plainly audible by any person other than the operator.

B. No person shall cause, suffer, allow or permit the following acts:

1. Loudspeakers and public address systems. Using or operating any loudspeaker, public address system or similar device between the hours of 10:00 p.m. and 8:00 a.m. in the following day such that the sound therefrom creates a noise disturbance across a residential property line.
2. Loading and unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, liquids, garbage cans, refuse or similar objects; or the pneumatic or pumped loading or unloading of bulk materials in liquid, gaseous, powder or pellet form; or the compacting or refuse by persons engaged in the business of scavenging or garbage collection, whether private or municipal, between the hours of 10:00 p.m. and 7:00 a.m., except by permit, when the sound therefrom creates a noise disturbance across a residential real property line.
3. Standing motor vehicles. Operating or permitting the operation of any motor vehicle whose manufacturer's gross weight is in excess of ten thousand (10,000) pounds, or any auxiliary equipment attached to such

vehicle, for a period of longer than five (5) minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion or emergency work, on a public space within one hundred fifty (150) feet of a residential property line between the hours of 8:00 p.m. and 8:00 a.m. of the following day.

4. Construction and demolition. Operating or permitting the operation of any tools or equipment used in construction, drilling, earthmoving, excavating or demolition work between the hours of 6:00 p.m. and 7:00 a.m. the following day on weekdays or at any time on weekends or legal holidays, provided that such equipment is equipped with a functioning muffler, except for:
 - a. emergency work; or
 - b. by variance issued pursuant to §III below.

Section II. Exceptions.

The provisions of this Ordinance shall not apply to:

- A. The emission of sound for the purposes of alerting persons to the existence of an emergency.
- B. The emission of sound in the performance of emergency work.
- C. The emission of sound by stationary emergency signaling devices that conform with the provisions of N.J.A.C. 7:29.
- D. Noise from a burglar alarm of any building or motor vehicle provided such burglar alarm shall terminate its operation within fifteen (15) minutes after it has been activated.
- E. The emission of sound in situations within the jurisdiction of the Federal Occupational Safety and Health Act.
- F. Noise from municipally sponsored or approved celebrations or events.

Section III. Conditions for Variance.

- A. Any person who owns or operates any stationary noise source may apply to the Borough Zoning Officer for a variance from one (1) or more of the provisions of this Ordinance. Applications for a permit of variance shall supply such information, including but not limited to:

1. The nature and location of the noise source for which such application is made.
 2. The reason for which the permit of variance is requested, including the hardship that will result to the applicant, his/her client or the public if the permit of variance is not granted.
 3. The nature and intensity of noise that will occur during the period of the variance.
 4. The section or sections of this Ordinance for which the permit of variance shall apply.
 5. A description of interim noise-control measures to be taken by the applicant to minimize noise and the impacts occurring therefrom.
 6. A specific schedule of the noise-control measures which shall be taken to bring the source into compliance with this Ordinance within a reasonable time.
- B. Failure to supply the information required by this ordinance shall be cause for the rejection of the application.
- C. A copy of the permit of variance must be kept on file by the Borough Clerk for public inspection.
- D. The Zoning Officer shall charge the applicant a reasonable fee, as set forth in the Borough's Fee Ordinance, to cover expenses resulting from the processing of the permit of variance application.
- E. The Zoning Officer may, at his/her discretion, limit the duration of the permit of variance, which in no case shall be not longer than one (1) year. Any person holding a permit of variance and requesting an extension of time shall apply for a new permit of variance under the provisions of this Ordinance.
- F. No variance shall be approved unless the applicant presents adequate proof that noise levels occurring during the period of the variance will not constitute a danger to public health and that compliance with the Ordinance would impose an arbitrary or unreasonable hardship upon the applicant without equal or greater benefits to the public.
- G. The Zoning Officer may, at his/her discretion, refer applications for a permit of variance to the Borough Council for disposition. In such cases such application shall be heard at the next occurring Council meeting, provided that the application is made not less than seven (7) days prior to such meeting. The applicant shall provide public notice in the following manner:

1. The posting of notice containing the information required by §III(A) above in at least five (5) conspicuous places in the Borough.
2. Personal delivery of notice containing the information required by §III(A) above to all property owners within 200' of the proposed activity. Applicants shall obtain a list of all such property owners from the Borough Tax Assessor.
3. The failure to comply with the notice requirements set forth above shall be cause for the immediate revocation of the permit of variance and the imposition of penalties as set forth in §IV below.

Section IV. Violations.

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

Section V. Severability.

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

Section VI. Repealer.

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

Mr. Weger moved Council Introduce Ordinance # 102-10 on First Reading; seconded by Mrs. Papics.

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

PROPERTY MAINTENANCE

Mayor Peck stated that he would like Council to Introduce the property maintenance ordinance which has been in the agenda for several months. Discussion followed. Mayor Peck will forward a finalized copy of the property maintenance Ordinance to Council this week.

INTRODUCTION- BY TITLE - ORDINANCE # 101-10 - PROPERTY MAINTENANCE

Mr. Weger moved Council Introduce Ordinance # 101-10 by title seconded by Mrs. Papics.

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

INTRODUCTION - ORDINANCE # 103-10 - AN ORDINANCE TO PROHIBIT PARKING ON EAST SIDE OF ROUTE 579 (CHURCH STREET) IN THE BOROUGH OF BLOOMSBURY

BE IT HEREBY RESOLVED, parking will be prohibited on the East side of Route 579 (Church Street) in the Borough of Bloomsbury.

Mr. Shelton moved Council Introduce Ordinance # 103-10 on first Reading; seconded by Mr. Hutchison.

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

BOROUGH OFFICES

Mayor Peck stated that with the Borough Offices in the current state, the Clerk may need to find another place to work or to possibly work from home if needed. The Clerk explained that she has already taken some work home, and that she will continue to do so if need be. Discussion followed.

Mayor Peck stated that with the carpet being replaced, the Clerk would likely not be able to be in the building until that was complete. Mrs. Tersigni explained that according to the insurance company and the fire department, they plan to replace the carpet in the meeting room and not in the Clerk's Office. Mayor peck stated that we need to demand that the Office carpet also be replaced as there was significant water encroachment as well. Council discussed the need for air quality testing and replacement of all lost equipment and furniture, hours spent working on this problem, wall board if need be.

Mayor Peck stated that Mr. Edleston will need to write a letter to the Fire Department outlining all of our losses including labor so that we can be made whole so that they can forward the same to their insurance company. Mayor Peck said that it should be clear that this is including, but not limited to this list, and that if we do not have an exact replacement cost, that it should be listed as "to be determined" and that the key is to put them on notice about what we believe our losses are. Discussion followed.

EUROPEAN COUNTRY KITCHENS LOTS

Mayor Peck stated that the Council has previously discussed the lots that lie on Gardner Street between Main and North Streets are available and the owners have approached the Borough to consider acquiring them. Mayor Peck explained that the Borough needs to have an appraisal done to determine the fair market value of those lots. Discussion followed. Mr. Edleston said the appraisal could likely not be obtained for less than \$2,000.00. Discussion followed. Mr. Weger stated that he will abstain from any vote as he is within 200' of the lots. Mayor Peck explained that would like to try to use the Borough's Open Space allocation of money if possible

combined with some debt forgiveness as the property owners currently owe a substantial amount in water and tax bills. Mayor Peck stated that if the Council feels that these lots would not be useful, they should vote it down, but if they feel that the lots could be useful and of benefit to the Borough, then obtaining an appraisal is a necessary first step. Ilse Goshen, 69 Main Street voiced concern about the site being a known contaminated site. Discussion followed. Anne Ferrero, 54 Main Street stated that she believes the Borough owning these lots so that they can be used for resident parking would be of great benefit to residents without driveways.

Mr. Shelton moved Council authorize Bill Edleston to retain an appraiser to appraise the European Country Kitchens lots on Gardner Street between Main and North Streets; seconded by Mrs. Tersigni.

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

CORRESPONDENCE

Council reviewed a letter from Pat Fitzpatrick dated January 13, 2010 wherein she requests the Council consider providing the Celebrations Committee with a \$250.00 annual budget. Discussion followed. Mayor Peck explained that due to the difficult budget situation anticipated for the upcoming year, it will not be possible to increase any non-essential line items. Mr. Francisco said that we will keep their request in mind and see how the actual numbers work out and then Council can re-visit this issue. Mayor Peck said that the Celebrations Committee should be able to raise some funds through donations, and that he would be happy to send out an email solicitation for the same and that he will gladly contribute personally as well.

PUBLIC COMMENT

Anne Ferrero provided Council with an update about the pending Truck Depot application in Franklin Township and what the Skylands Preservations Alliance has been able to accomplish. Discussion followed.

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 8:55 PM.

Respectfully Submitted,

Lisa A. Burd, RMC
Borough Clerk/Administrator