

**BOROUGH OF BLOOMSBURY
COUNCIL MEETING MINUTES
MARCH 2, 2010**

The regular meeting of the Mayor and Council scheduled for February 23, 2010 was rescheduled due to the weather and held on March 2, 2010 at Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey. The meeting was called to order at 7:01 PM by the reading of the Sunshine Law by Lisa Burd.

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 - absent	Eric Weger
	Vicky Papics	Mark Peck, Mayor
	Steven Shelton	William Edleston, Esq.
	Martha Tersigni	

FLAG SALUTE

Mayor Peck stated that he plans to expedite the meeting as much as possible due to the chemical odors in the meeting room.

APPROVAL OF MINUTES

The January Minutes will be carried till the March meeting.

TAX COLLECTOR'S REPORTS

Mrs. Papics moved Council accept the Tax Collector's report of February 24, 2010; seconded by Mr. Shelton.

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

APPROVAL OF BILL LIST

Mrs. Tersigni asked Mr. Francisco to verify that the bill for Steve Gruenberg is a Council expense. Mrs. Tersigni asked if the McNeal & Company bill is a Fire Department bill for a policy owned by the borough. Mr. Francisco stated that it is owned by the Fire Department but the Borough has been paying it for some time. Mrs. Tersigni stated that this is part of the pool of bills that will be looked at.

Mrs. Tersigni asked Council for direction regarding the reimbursement of an employee's home phone line. She said that if we are going to pay this, we should pay this for everyone. Mr. Francisco stated that this has been paid for a long time. Mrs. Tersigni then asked if it is reasonable for all employees to seek this kind of reimbursement. Mayor Peck said that if it is being used for municipal business, it would be.

Mr. Francisco stated that he has one addition to the bill list, for \$2,000 to Fiedler Realty, LLC for the appraisal report for Block 21, Lots 17, 18 & 20.

Council discussed seeking reimbursement from Aqua New Jersey for the Oil in the two tanks at the Water Department Pumphouse. The oil levels will be measured and Mr. Edleston and the Clerk will discuss the same with Aqua at the closing of the sale of the Water Department tomorrow.

Mr. Weger moved Council approve the Treasurer's Report of March 2, 2010; seconded by Mr. Shelton.

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

V. Papics:

Mrs. Papics stated that there is an open seat on the Board of Education.

Mrs. Papics stated that the Bloomsbury Environmental Commission meetings will now be held at the Bloomsbury Elementary School.

Mr. Shelton outlined the 2010 Recreation Commission Roster as follows:

President - Chris Smith
Vice President - Joe Walen
Secretary - Tom Decker
Treasurer - Nicole Walen

WATER DEPARTMENT

Mayor Peck stated that the Closing for the sale of the Water Department is tomorrow and Aqua will step right in to provide service. The Borough wide meter read was completed last week.

Mayor Peck stated that we had Mr. Roseberry do an inventory of the existing fire hydrants in the Borough and he reported that we have an excess in the Borough. The Borough will be charged a per hydrant fee when the system is owned by Aqua and we would like to reduce this cost by removing unnecessary hydrants. He added that we reached out to the Fire Department to get their opinion on removing these hydrants and have received no response. Mr. Edleston will address the issue of removing these hydrants at the closing tomorrow.

PLANNING BOARD

Mayor Peck announced his appointment of Ann Ferrero of Main Street and Jennifer Rittenhouse of Brunswick Avenue as Class IV members of the Planning Board.

POLICE REPORT - PERRYVILLE

No report.

RESOLUTION # 16-10 - DEFERRED LOCAL DISTRICT SCHOOL TAX

WHEREAS, the local district school tax for the fiscal year July 1, 2009 to June 30, 2010 was raised in the 2009 tax levy in the amount of \$1,526,773.

WHEREAS, the statutes permit the deferral of the cash liability of such school tax up to 50% of the school tax levy or \$763,386.50.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bloomsbury, that the deferred school tax for the local school district be decreased from \$773,614.50 to \$763,386.50.

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

Mr. Shelton moved Council Resolution #16-10; seconded by Mrs. Papics. All ayes. Motion Carried.

RESOLUTION # 17-10 - RESOLUTION OPPOSING THE APPLICATION OF FRANK GREEK DEVELOPMENT CO. FOR MAJOR SITE PLAN AND SUBDIVISION AND VARIANCE APPROVAL ON PREMISES LOCATED ON BLOOMSBURY ROAD IN FRANKLIN TOWNSHIP, WARREN COUNTY, NEW JERSEY, BLOCK 61, LOTS 5 & 6

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

WHEREAS, F. Greek Development Co., located at 33 Cotters Lane, East Brunswick, New Jersey, 08816, has applied to the Franklin Township Land Use Board in connection with the Proposed Development of a massive industrial development on approximately 191.765 acres located on Bloomsbury Road in Franklin Township, Warren County, New Jersey and shown on the Franklin Township Tax Maps as Block 61, Lots 5 & 6 (hereinafter the "Premises"), near the junction of Greenwich Twp. (Warren County), Bethlehem Twp. (Hunterdon County), and Bloomsbury Borough (Hunterdon County); and

WHEREAS, the Franklin Township Land Use Board has begun the formal review process for F. Greek Development's development application (hereinafter the "Proposed Development"), which would include development of warehouses and ancillary office space, and associated loading bays, automobile and tractor trailer parking, stormwater management facilities, and related site amenities on premises; and

WHEREAS, the Proposed Development will have an inimical impact on the natural resources, public safety and general welfare of the residents of the Borough of Bloomsbury and other neighboring municipalities; and

WHEREAS, the Proposed Development conflicts with Section 90-2 of the Land Use and Development Ordinance of the Township of Franklin which states that it is the intent of the Township to exercise the authority delegated under the Municipal Land Use Law (P.L. 1975, c. 291) to guide development in a manner that will promote the public health, safety, morals and general welfare and ensure that the development of the municipality does not conflict with the development and general welfare of neighboring municipalities, the County and the State as a whole; and

WHEREAS, upon information and belief, the Proposed Development and required offsite improvements will be located within the 300 feet buffer of the Musconetcong River and its tributaries and intermittent streams in direct conflict with New Jersey Department of Environmental Protection (hereinafter the “NJDEP”) regulations pursuant to the Special Water Resource Protection Act (hereinafter “SWRPA”); and

WHEREAS, the Proposed Development would significantly increase the risk of contamination of the Musconetcong River, which was recognized in 2006 as a National Wild and Scenic River at the request of eighteen (18) municipalities along the river and is one of the finest trout fishing streams in New Jersey; and

WHEREAS, contaminated runoff from the Proposed Development and roads leading to the development which are within feet of the Musconetcong River may negate federal, state and municipal efforts to restore and protect the water quality of the Musconetcong River at a cost of millions of tax payer dollars and may exacerbate NJDEP Stream Water Quality Standard violations; and

WHEREAS, upon information and belief, the Proposed Development may have an adverse impact on several threatened and endangered species present within one (1) quarter mile of the Premises and identified as such by the NJDEP Natural Heritage Database; and

WHEREAS, upon information and belief, the Proposed Development is inconsistent with the Regional Master Plan (RMP) issued pursuant to the New Jersey Highlands Act (hereinafter the “Highlands Act”), which identifies the property within the Conservation and Protection Zones of the Planning Area and establishes open space preservation and conservation of agricultural lands as the appropriate land use for this area; and

WHEREAS, the Proposed Development will require water allocation permits and may require NJPDES permits and other approvals from the NJDEP; however, N.J.A.C. 7:38-1.1(h) prohibits the NJDEP from issuing any approvals, authorizations or permits for activities which are inconsistent with the resource protection goals established by the RMP for the planning area.; and

WHEREAS, upon information and belief, the Proposed Development conflicts with the State Development and Redevelopment Plan developed pursuant to the State Planning Act N.J.S.A. 52:18A-196 to -207, which identifies the Premises as located within Planning Area 4B, Rural Environmentally Sensitive which are lands designated for open space and farmland preservation; and

WHEREAS, the Proposed Development conflicts with the Regional Transportation Plan for Northern New Jersey adopted by the North Jersey Transportation Planning Authority which recommends and encourages the location of large trucking facilities near the ports to minimize traffic and environmental impacts; and

WHEREAS, the proposed design for erosion control standards submitted for the Proposed Development fails to provide stabilization to a point downstream of the discharge points of the proposed basins and calculations for downstream stability at any other points of discharge, as per the basic soil erosion design criteria set by the Soil Conservation District requirements; and

WHEREAS, the Proposed Development would negatively impact the community by wholly obstructing views of the New Jersey Skylands along the Musconetcong Valley, substantially increasing noise pollution, light pollution, infrastructure overload, and congestion and causing a fundamental transformation of the quality of life in Franklin Township and the surrounding municipalities, most notably the Borough of Bloomsbury; and

WHEREAS, the Proposed Development will increase safety risks to motorists and pedestrians traveling on local roads, as well as traffic congestion and road maintenance issues relating to the estimated influx of more than 250,000 trucks per year, as per the developer's own estimates; and

WHEREAS, the proposed truck routes for the Premises will create circulation and turning difficulties for trucks, as trucks will be unable to reach Bloomsbury Road via the Route 173 intersection without crossing existing center lines, or requiring costly intersection improvements at that location; and

WHEREAS, the Proposed Development requires numerous variances to reduce set back distances and increase impervious coverage over what is allowed under the Land Use and Development Ordinance of the Township of Franklin and these variances will enable the construction of a much larger development than is typically allowed by ordinance to the benefit of the developer and detriment of local residents and the environment; and

WHEREAS, the Proposed Development will be a source of concentrated diesel vehicle emissions in close proximity to the Borough of Bloomsbury and according to the USEPA acute exposure to diesel exhaust can cause respiratory and neurological effects and exacerbate asthma; the environmental impact statement for the Proposed Development does not address health effects; and

WHEREAS, the Borough of Bloomsbury would be the municipality most adversely impacted by the proposed development;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Bloomsbury opposes the development application submitted by F. Greek Development Co., filed with the Franklin Township Land Use Board in connection with the Proposed Development, as the impacts of the Proposed Development are deleterious to the health, safety,

public welfare, environment, and quality of life of the citizens of the Borough of Bloomsbury so as to cause irreparable harm;

BE IT FURTHER RESOLVED, that the Borough of Bloomsbury urges the Franklin Township Land Use Board to **disapprove** the Proposed Development;

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Bloomsbury strongly urge Governor Christie and the State Legislature, NJDEP and NJ Highlands Council to take any action necessary to prevent and prohibit Franklin Township from approving the Proposed Development.

Mrs. Tersigni moved Council adopt Resolution # 17-10; seconded by Mr. Weger. All ayes. Motion carried.

RESOLUTION # 18-10 - SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF BETHLEHEM FOR PROVISION OF SALT

BE IT RESOLVED, the Common Council of the Borough of Bloomsbury do hereby endorse the automatic renewal of the Shared Services Agreement with the Township of Bethlehem for the provision of salt in accordance with the Agreement made on April 1, 2009.

Mr. Weger moved Council adopt Resolution # 18-10; seconded by Mr. Shelton. All ayes. Motion carried.

RESOLUTION 19-10 - A RESOLUTION AUTHORIZING THE WATER CLERK TO ADJUST WATER ACCOUNTS NO-055 AND NO-099

WHEREAS, In April 2008 the Bloomsbury Water Company began charging customers line fees for Water Suppression service, and

WHEREAS, Accounts NO-055 and NO-099 were charged for 6 inch Water Suppression lines, and

WHEREAS, it was uncertain if the Water Suppression lines were actually 6 inches and after months of investigation it was determined that NO-055 had only a 4-inch water suppression line.

NOW, THEREFORE, BE IT RESOLVED, that the Water Clerk is authorized to adjust the following accounts to adjust for the proper fire suppression lines and to remove interest and late charges incurred due to the lengthy investigation to determine the actual size.

Account	Adjustment	Revised Balance
NO-055	(\$3,963.51)	\$2,674.11
NO-099	(\$1,254.86)	\$6,237.84

BE IT FURTHER RESOLVED, that interest and late charges will not be charged on these revised balances.

Mr. Weger moved Council adopt resolution # 19-10; seconded by Mr. Shelton.
ROLL CAAL VOTE: Peck-aye; Papics-abstain; Shelton-aye; Tersigni-aye; Weger-aye.
Motion carried.

OEM COORDINATOR

Mayor Peck appointed Vicky Papics as OEM Coordinator.

MUNICIPAL OFFICES

Mayor Peck asked Council to authorize the creation of a subcommittee to explore options for a future municipal offices including stay here with the same terms, stay here under revised terms, purchase a building, build new offices or look into alternate rental locations. Mayor Peck asked the Clerk, Mrs. Tersigni and Mr. Shelton to be on the subcommittee. the Clerk distributed a letter outlining some of the recent issues at the municipal offices.

ORDINANCE # 104-10 - CALENDAR YEAR 2010 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 2010 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and the citizens; and

WHEREAS, the Governing Body hereby determines that a 3.5% increase in the budget for said year, amounting to \$20,646.22 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 herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Bloomsbury, County of Hunterdon, a majority of the full authorized membership of this

governing body affirmatively concurring, that, in the CY 2010 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 \$20,646.22, and that the CY 2010 municipal budget for the Borough of Bloomsbury be approved and adopted in accordance with this ordinance; and

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

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

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

Mr. Weger moved Council adopt Ordinance # 104-10; seconded by Mr. Shelton.
ROLL CALL VOTE: Papis-aye; Shelton-aye; Tersigni-aye; Weger-aye. Motion carried.

JOINT MUNICIPAL COURT

Mr. Edleston stated that he received a proposed shared service agreement with Bethlehem Township which now includes Lebanon Borough. He advised that there is no automatic renewal and the agreement states that the Borough will still shared the cost of all professionals with Bethlehem Township, and our costs appear to stay the same but he questioned weather or not we will see some savings. Mr. Francisco stated that we pay \$30,000 per year and the new agreement states that Lebanon Borough will be paying \$11,000. Discussion followed.

TAX COLLECTOR

Mayor Peck advised receiving a letter of resignation from Jane Heater explaining that she is retiring effective march 31, 2010. The position has been advertised and resumes are coming in.

PUBLIC COMMENT

No comment.

COUNCIL VACANCY

Mayor Peck stated that there is still a Council vacancy and that Chris James expressed interest in filling the seat and was in attendance at the meeting.

Chris James stated that he has lived in Bloomsbury since 1998 on North Street and although he doesn't know a lot about how the Council works but he feels that since it is a short vacancy, it would be a good time to learn.

Mayor Peck will send out one final request for any citizens interested in the position to respond.

SCHULER

Mr. Edleston stated that he received a notice from our insurance company that they are settling the Schuler lawsuit for \$2,500. Discussion followed.

NO PARKING ZONE RECOMMENDATION

Council reviewed a letter from Larry Creveling dated February 22, 2010, requesting Council consider authorizing the re-painting of curbs on certain streets in the Borough. Lengthy discussion followed. Council authorized Larry to coordinate re-painting the yellow curb for 30 feet on Willow Avenue from the stop sign at Church Street and on Brunswick for 30 feet from the stop sign on Church Street. All ayes.

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 7:49 PM.

Respectfully Submitted,

Lisa A. Burd, RMC
Borough Clerk/Administrator