

**BOROUGH OF BLOOMSBURY
COUNCIL MEETING MINUTES
FEBRUARY 22, 2011**

The regular meeting of the Mayor and Council was held on February 22, 2011 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 13, 2011 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:	Chris James	Martha Tersigni
	Vicky Papics - excused	Eric Weger
	Steven Shelton	Mark Peck, Mayor
		William Edleston, Esq.

FLAG SALUTE

APPROVAL OF MINUTES

Mr. Weger moved Council approve the regular meeting minutes of January 25, 2011; seconded by Mr. Shelton. All ayes. Motion Carried.

Mrs. Tersigni moved Council approve the executive session meeting minutes of January 25, 2011; seconded by Mr. Weger. All ayes. Motion Carried

TAX COLLECTOR'S REPORTS

Mr. James moved Council accept the Tax Collector's Annual Report of 2010; seconded by Mrs. Tersigni.

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

Mrs. Tersigni stated that she feels this is a great report. Mayor Peck stated that if it was not too late, it may be appropriate to include this report in the March Newsletter.

Council reviewed a memo from Mrs. Harm dated February 16, 2011 regarding three Borough Properties eligible for foreclosure. Discussion followed. The Clerk will reach out to Mrs. Harm to see if letters advising property owners of the same have been sent.

APPROVAL OF BILL LIST

Mr. Weger moved Council approved the Bill Lists for February 22, 2011; seconded by Mr. Shelton.

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

CODE ENFORCEMENT OFFICER'S REPORT

Council reviewed the Code Enforcement Officer's report. Mayor Peck stated that Mr. Creveling was unable to attend the meeting due to illness so questions would need to be forwarded to him at a later date. Mr. James asked for clarification about who dismissed the snow parking ticket reported to have been administratively dismissed.

STATE POLICE REPORT - PERRYVILLE

No report.

COMMITTEE REPORTS

E. Weger

Shade Tree-

- Mr. Weger stated that information regarding the continuing education credits they earned has now been sent to the State as well as the required year end report.
- Mr. Weger stated that they now have until the end of September to spend the grant money, most of which will go to planting trees.

DANGEROUS TREES

Mayor Peck asked if the Shade Tree Committee had prepared a draft letter to property owners regarding the offer to share the cost of removal by utilizing grant money. Mr. Weger stated they had not but maybe he could get together to Mr. Edleston to write the same and have a draft for Council to review next month.

C. James:

Newsletter-

- Mr. James stated that he has had difficulty getting information from all groups for the newsletter and it likely will not be out for March 1st. He explained that he is waiting for information from Recreation and the Environmental Commission.

S. Shelton:

Recreation-

- Mr. Shelton stated that Mr. Smith will be forwarding information to Mr. James for the newsletter regarding the egg hunt and upcoming 5k race.

M. Tersigni:

Planning Board -

- Mrs. Tersigni stated that the February planning board meeting was cancelled due to lack of pending business and therefore the proposed Chicken Ordinance was not reviewed. She further explained however, that the Clerk emailed all board members the same for their review in a very timely manner and no comments were received.

Finance-

- Mrs. Tersigni stated that the Service Electric franchise fees were received in the amount of \$2,400 and that last year we received \$2,387 and its the first time in a few years that amount has not gone down.

Mr. Francisco explained that the Governor said today, in his budget statement that towns will get the same amount of State Aid for 2011 as they did for 2010. He said the next big item will be next week, when we receive the garbage bids.

- Mrs. Tersigni stated that we will need an agreement ready to go for approval right away when we receive the bids on March 2nd and questioned if a special meeting would be needed to accept and execute the same. Discussion followed.

MANDATORY DIESEL RETROFIT PROGRAM

Council discussed the new State mandate requiring all diesel vehicle owners to install Best Available Retrofit Technology that meets new requirements. Mayor Peck stated that he has spoken to Mr. Roseberry regarding this memo and that he is working on this issue for Bloomsbury and several other towns. He further explained that there is supposed to be a reimbursement program which would cover the costs. Discussion followed.

CLERK/ADMINISTRATOR'S REPORT

SPEED SENTRY

The Clerk stated that the Speed Sentry Report has been received and is available for Council and the public to review.

CODIFICATION

The Clerk reported that three copies of the Manuscript and Editorial Analysis have been received. She explained that Council is to review and make changes and submit our response no later than July 22, 2011.

M.Peck:

FIRE DISTRICT

- Mayor Peck stated that he would like to authorize Mr. Edleston to investigate what it takes to set up a fire district. What the mechanism would be and could it go beyond our municipal borders. He explained the reason is that we are forced to look at all of our budgetary difficulties and the Fire Department is a significant piece of our budget. He further explained

that the fire district allows the fire department to levy a tax as opposed to having to raise funds and get donations. They would set their budget, go to the voters and they would vote on the matter. Mayor Peck stated that he is not saying it is what we should do or what we will do, just that we should know what it would take so we have that option. He said that if it became necessary to have a fire district in order to continue to have garbage services, then it may be considered. Mr. James asked if it would also include the rescue squad. Mr. Edleston will investigate the same and report back at the March Council meeting.

HUNTERDON COUNTY DIVISION OF SENIOR, DISABILITIES & VETERANS SERVICES

Mayor Peck stated that after putting out a notice requesting a volunteer to be the Borough Liaison to the HC Division of Senior, Disabilities and Veterans, no one in the Borough responded and when it was printed in the local newspaper, a woman from Annandale stated she was interested in the position. Discussion followed. Mayor Peck will reach out to Ann Kolakowski and appoint her as the Borough Liaison.

OLD BUSINESS-

SECOND READING ORDINANCE # 102-11 - AN ORDINANCE ESTABLISHING A GENERAL PENALTY FOR THE VIOLATION OF BOROUGH ORDINANCES WHERE NO SPECIFIC PENALTY IS PROVIDED

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:

For any violation of a Borough Ordinance for which no specific penalty is provided there is hereby established a fine for the violation thereof not to exceed two hundred dollars (\$200.00) per occurrence.

Repealer:

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

No Council Discussion.

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

Sonja Kattner asked if Mayor Peck could explain the purposed of the Ordinance. Mayor Peck summarized the ordinance and its intent.

Mr. James moved the Public Hearing be closed; seconded by Mr. Weger. All ayes. Motion carried.

Mr. Weger moved Council adopt Ordinance # 102-11; seconded by Mr. James. All ayes. Motion carried.

CLOTHING COLLECTION BIN

The Clerk stated that per Council's request from the February meeting, she had obtained additional information from Millenium. Council reviewed the same, discussion followed.

Mr. Weger moved Council reject the Collection Bin offer at this time; seconded by Mr. Shelton. All ayes. Motion carried.

GARBAGE BID

Mr. Edleston stated that he had received two calls regarding the bid. The first, that Waste Management will not be submitting a bid as the Borough is outside their central collection area.

Mr. Edleston stated that the second is a question he needs Council to clarify. He explained that a representative asked if the bid proposals include disposal costs. He stated that after previous discussion, he had sent a letter out stating that they did; however now he understands that under our present arrangement, the bid price does not include disposal cost, that we are billed separately for that. The question is do we want continue our present arrangement or as he had stated in his recent letter, do we want the disposal costs included?

Mr. Francisco explained that currently we are billed per ton for both collection and the tipping fees and that these amounts are separate on the bill, but we do pay both.

Lengthy discussion followed.

Mr. Edleston will write a draft letter to all bidders stating that we want the tipping fees to be a pass through, not included in the bid. He will forward it to Mayor and Council for final review before sending it out.

NEW BUSINESS

5K RUN

Megan Atkins stated that she is a teacher at Bloomsbury Elementary School and started a running club with seventh grade student at BES. She explained that the kids want to raise money for Miles for Melanoma as a service learning project.

Mrs. Atkins stated they are hoping to hold it on a Saturday in May, perhaps the 14th. She presented Council with a proposed route and explained that she had spoken to Chris Smith and that they planned to have Bloomsbury Recreation Commission and BES work together to make this a successful event. Discussion followed. Council voiced concerns over the route and the ability to close so many streets for an extended period of time.

Mrs. Atkins will reach out to the Fire Department and Rescue Squad to ask for their assistance and also contact the Hunterdon County Freeholders to ask for permission to close Route 579.

Discussion followed. Council endorsed the idea and will further consider the matter at a future meeting when more details are available.

FIRST READING - ORDINANCE # 103-11 - AN ORDINANCE REGULATING THE KEEPING OF CHICKENS ON RESIDENTIAL PROPERTIES

Mr. Shelton moved Council Introduce Ordinance # 103-11 by title; seconded by Mr. James. All ayes. Motion carried.

ORDINANCE # 104-11 - CALENDAR YEAR 2011 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 2.0% 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 2011 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 \$8,733.12 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 2011 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 \$8,733.12, and that the CY 2011 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. James moved Council Adopt the Ordinance # 104-11; seconded by Mrs. Tersigni.
ROLL CALL VOTE: James-aye; Shelton-aye; Tersigni-aye; Weger-aye. Motion carried.
Motion carried.

RESOLUTION #20-11 - A RESOLUTION SETTING THE SALARIES & WAGES FOR EMPLOYEES OF THE BOROUGH OF BLOOMSBURY, COUNTY OF HUNTERDON, STATE OF NEW JERSEY FOR THE YEAR 2011

Resolution # 20-11 will be tabled until the March Meeting.

RESOLUTION # 21-11 - APPOINTMENT OF ON - CALL EMPLOYEES FOR THE BOROUGH OF BLOOMSBURY DEPARTMENT OF PUBLIC WORKS

WHEREAS, from time to time it is necessary for the Department of Public Works Supervisor to hire additional, part-time help in order to provide services to the Borough, and

WHEREAS, these services are occasional or seasonal in nature including but not limited to road repairs, snowplowing, leaf pickup and brush pickup:

NOW THEREFORE, BE IT RESOLVED, the following shall be appointed as On-Call Employees for the Borough of Bloomsbury for Calendar Year 2011 and shall be required to endorse the required On-Call Employment Agreement. (Annexed hereto as "Exhibit A")

Steve Douglas	David Hintenach
Dave Heinrich	Ed Pacenti
Kevin Heinrich	Joseph Vanya

BE IT FURTHER RESOLVED, all On-call employees will be paid the hourly laborer rate in accordance with the Salary Ordinance.

BE IT FURTHER RESOLVED, that the aforementioned On-call employees will not be eligible for additional benefits such as paid time off from work, medical coverage or unemployment benefits.

Mr. Weger moved Council adopt Resolution # 22-11; seconded by Mr. James. All ayes. Motion carried.

Mayor Peck stated that the Resolution should be amended to state that the On-Call agreement is "annexed hereto as Exhibit A"

Mr. James moved Council adopt Resolution # 21-11 as amended; seconded by Mr. Weger. All ayes. Motion carried.

RESOLUTION # 22-11 - LIEN REDEMPTION

WHEREAS, the Tax Collector of the Borough of Bloomsbury has advised the Council that the following properties have been redeemed and the money due thereon paid to the Borough of Bloomsbury Tax Collector;

NOW THEREFORE BE IT RESOLVED, by the Common Council of the Borough of Bloomsbury this 22nd day of February 2011 that refunds are made to the certificate holder as noted:

CERTIFICATE HOLDER	BLOCK/LOT	CERT #	AMOUNT
US Bank Cust for CCTS Capital	9.01/11	20010-003	\$138.94

2 Liberty Place
50 S. 16th St. Suite 1950
Philadelphia, PA. 19102

Mr. Weger moved Council adopt Resolution # 22-11; seconded by Mr. Shelton.
ROLL CALL VOTE: James-aye; Shelton-aye; Tersigni-aye; Weger-aye. Motion carried.

**RESOLUTION # 23-11 - 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 20, 2011 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.

Mr. Weger moved Council adopt Resolution # 23-11; seconded by Mr. Shelton. All ayes.
Motion carried.

**RESOLUTION # 24-11 - 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 8, 2011; 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:

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

Mr. Weger moved Council adopt Resolution # 24-11; seconded by Mr. Shelton. All ayes.
Motion carried.

CORRESPONDENCE

ROUTE 579 BRIDGE REPLACEMENT

Council reviewed a letter from the Office of the Hunterdon County Engineer dated January 13, 2011 regarding the proposed replacement of the Route 579 bridge in the Borough. Mayor Peck stated that the proposed plans appear to realign the road and would involve taking both Borough and private property in the process.

Sean Merckle, 69 Church Street voiced concerns about the street closure which would be required. Discussion followed.

Mayor Peck explained that he and the Clerk will be meeting with John Glynn and Rick Roseberry on Friday to discuss the matter further. A public hearing will be held in the future so that the public has the opportunity to comment as well.

NJDOT - MUNICIPAL AID AWARD

Council reviewed a letter from NJDOT dated January 26, 2011 awarding the Borough \$160,000 for the 2011 Municipal Aid Program for Main Street - Phase I. Mayor Peck stated that Mr. Roseberry is working on the project and they hope to have the bid package ready for the March meeting, with work beginning before the end of the school year. Mayor peck explained that the funds will be used for Main Street roadway, curbs and drainage.

FAWN RUN/DEER PATH ROAD DAMAGE

Mayor Peck reported that on Deer Path there are 20 long cracks, running from curb to curb. He further explained that there are additional similar cracks on Fawn Run and Woodland Terrace. Mr. Roseberry examined the same and said it is due to their age and the cracks will need to be filled and sealed.

Mayor Peck stated that quotes will be solicited for repairing the cracks to prevent additional damage and deterioration.

JOHN ALBRIGHT- SIREN COMPLAINT

Council reviewed a letter from John Albright dated February 16, 2011 regarding his opposition to the Church Street Siren being repaired.

Mayor Peck stated that he had invited Mr. Albright to attend the Council meeting for further discussion, but he was not present.

PUBLIC COMMENT

None

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 Borough Property; action may be taken when the Council returns to regular session.

Mr. James moved Council enter into executive session at 8:25; seconded by Mr. Shelton. All ayes.

Mr. Shelton moved Council re-enter regular session at 8:27; seconded by Mr. James. All ayes. Motion carried.

ADJOURNMENT

There being no further business, a motion to adjourn was made by Mr. James; seconded by Mr. Shelton. All ayes, motion carried. Meeting adjourned at 8:27 PM.

Respectfully Submitted,

Lisa A. Burd, RMC
Borough Clerk/Administrator