

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

The regular meeting of the Mayor and Council was held on March 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	Eric Weger
	Steven Shelton	Mark Peck, Mayor
		William Edleston, Esq.

FLAG SALUTE

Mayor Peck stated the agenda would be changed as the Council would be going into executive session to discuss a contractual matter relating to the garbage bids which will be discussed further, later on the agenda.

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 contractual matters; action may be taken when the Council returns to regular session.

Mr. Weger moved Council enter into executive session at 7:02; seconded by Mr. Shelton. All ayes.

Mr. Weger moved Council re-enter regular session at 7:16; seconded by Mr. Shelton. All ayes. Motion carried.

APPROVAL OF MINUTES

Mr. Weger moved Council approve the regular meeting minutes of February 22, 2011; seconded by Mrs. Tersigni. All ayes. Motion Carried.

Mr. Shelton moved Council approve the executive session meeting minutes of February 22, 2011; seconded by Mr. James. All ayes. Motion Carried

TAX COLLECTOR'S REPORTS

Mr. James moved Council accept the Tax Collector's Reports dated January 31, 2011 and February 28, 2011; seconded by Mrs. Tersigni.

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

APPROVAL OF BILL LIST

Mrs. Tersigni moved Council approved the Bill List of March 22, 2011; seconded by Mr. Weger.

ROLL CALL VOTE: James-aye; Papics-aye- except for payroll; Shelton-aye; Tersigni-aye; Weger-aye.

Motion carried.

CODE ENFORCEMENT OFFICER'S REPORT

Mayor Peck asked that Mr. Creveling increase his presence at the School during drop off and pick up times. He further explained that people are parking, and in some cases, double parking and staying for an extended period of time, rather than simply letting their kids out which is causing traffic to back up and creating a dangerous situation.

Council reviewed the Code Enforcement Officer's report of March 17, 2011. Brief discussion followed.

CLERK/ADMINISTRATOR'S REPORT

2011 DOG AND CAT CENSUS

The Clerk stated that following the bi-annual cat and dog census, she has mailed out 60 notices to pet owners for failure to license their pets in 2011.

POST OFFICE

The Clerk explained she received official notification from the United States Postal Service District Manager, that the local couriers will no longer work out of the Bloomsbury Post Office effective July 2, 2011. According to the letter, service for residents should not change and the post office will still be open for the same hours for retail and P.O. Box services.

COMMITTEE REPORTS

S. Shelton:

Recreation-

- Mr. Shelton stated another softball game is being planned for April, as well as a movie night in the park and that official dates for the same will be forthcoming.

- The Park walk through will be scheduled soon, and infield mix will be needed for the softball field.

M. Tersigni:

Planning Board -

- Mrs. Tersigni stated that the March planning board meeting was cancelled due to lack of pending business but discussion about the PUD zone will likely be a topic for the April meeting.

Administration-

- Mrs. Tersigni stated that a meeting regarding the replacement of the Route 579 Bridge was well attended and Mr. Roseberry is here tonight to provide an overview of that project.
- Mrs. Tersigni stated that a Budget meeting will be held on March 30, 2011.

V.Papics

Board of Education-

- Mrs. Papics stated that the last Board of Education meeting was canceled, but she will be attending the meeting tomorrow evening at 7 pm.

E. Weger

Public Works-

- Mr. Weger stated that he will talk to Mr. Heinrich about needed pot hole repairs in the Borough to get started on this Spring.

Shade Tree-

- Mr. Weger stated that a draft letter to property owners was prepared and submitted to Council for their consideration and will be discussed later in the agenda.

C. James:

Newsletter-

- Mr. James stated that the Newsletter went out on time and he will be attending the next Environmental Commission meeting.

M.Peck:

Borough Property-

- Mayor Peck stated that he has reached out to the Hunterdon County Freeholders asking if they would be interested in acquiring the Borough's piece of property in Holland Township which used to serve as our Pine Hollow reservoir. He explained that it is adjacent to another piece of County Open Space property and they will put it on their agenda for consideration.

Environmental Commission Vacancy-

- Mayor Peck appointed Brian Boyle to the Environmental Commission to fill the vacant seat.

STATE POLICE REPORT - PERRYVILLE

No report.

ROUTE 579 BRIDGE REPLACEMENT

Mr. Roseberry stated that the County presented a plan last week for the reconstruction of the route 579 bridge. He explained that this used to be a railroad bridge but when they went out of business all of these bridges went into an orphan bridge program and because it is county road going over the bridge, they took it upon themselves to sponsor this project to upgrade the bridge.

The project was initiated back in 1984 to try to get the Federal Government to help pay for the project and Mr. Roseberry stated it is a very long and difficult process. He explained that they are currently in the Scoping Phase, which only the second step and that even if everyone is on board, this will likely take more than four years to get started.

Mr. Roseberry stated that the County needs and endorsement from the Borough and from Bethlehem Township and that about ten years ago, they did get the approval of the Borough but wanted to come back because so much time has gone by.

Mr. Roseberry outlined the proposed plans in a brief presentation to Council explaining that the impact could be significant, with the raised bridge deck height, increased elevation on the Borough side of the bridge, and relocation of the road way which will require moving about 50 feet onto Borough property at the park and relocating a residential driveway. Discussion followed.

Council voiced concerns about all of the changes will increase traffic and speed coming down the mountain into the Borough. Mr. Roseberry explained that it is highly unlikely that a permanent traffic light would be approved because the DOT does not want lights to be used as a traffic calming device. Discussion followed.

Mayor Peck stated that he is very concerned about the project, stating that everyone feels that the light is very helpful and the road way should be left alone as it is a natural traffic calming.

Mayor Peck stated that he will prepare a Resolution for Council consideration at the April meeting.

Mr. Roseberry stated that he feels it is important to endorse the replacement of the Bridge, but state we do not endorse the current plan, for the following reasons. He said the alternative would be that when the Bridge deteriorates further, they will simply close it.

MAIN STREET PHASE I

Mr. Roseberry stated that the surveying should begin next week, plans could be submitted to DOT in a few weeks and then we may be able to go out bid for the work in about two months.

The Clerk reached out to AQUA to let them know the project will be underway soon and will contact Elizabethtown Gas Company as well.

OLD BUSINESS-

5K RUN

Megan Atkins presented Council with a new route for the 5 K, beginning at the Park, cross over Church onto High Street, Left onto Lehigh and follow around Deer Path and Fawn Fawn back onto Lehigh cross over Church onto North, North to left on Wilson, Wilson to left on Main, Main to right on Center, Center to right on Brunswick, Brunswick right onto Wilson Wilson to right on North, North cross over Church and follow the loop Lehigh to Fawn, Fawn to Deer Path, Deer Path back to Lehigh, and then to High back to the park fields.

Mr. Weger moved Council endorse the route; subject to a traffic control plan from the County; seconded by Mr. Shelton. All ayes. Motion carried.

NEW BUSINESS

GARBAGE BID

Mrs. Papis moved Council reject all bids and re-bid the garbage bid package; seconded by Mr. Weger. All ayes. Motion carried.

Mayor Peck explained that three bids were received, and that after reviewing them, it was really a case of trying to compare apples to oranges. He explained that some bid were submitted with a per-household bid, while another bid on a per-ton basis. Mayor Peck stated that Council must now decide how we want to write new bid steps and go immediately back out to bid. Lengthy discussion followed.

Mr. Weger moved Council use the per-household unit including the service and tipping fees for two cans, solid waste, once monthly pick up of recycling and two cans solid waste, with every other week recycling pick up.

Mr. James stated that he felt it would be better to not include the tipping fees and to allow the bidder to choose where to dispose of the trash as a pass through.

Mayor Peck asked if anyone seconded Mr. Weger's motion on the table. Mrs. Papics seconded. ROLL CALL VOTE: James-nay; Papics-aye; Shelton-aye; Tersigni-nay; Weger-aye. Motion carried.

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

WHEREAS, the keeping of farm animals is currently prohibited within residential zone districts in the Borough of Bloomsbury; and

WHEREAS, changing societal attitudes have caused a re-evaluation of the Borough's regulations restricting the keeping of chickens in residential areas; and

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

- I.** 1. Chickens may be kept and maintained on residential lots, provided a zoning permit is first obtained from the Zoning Officer, and subject to the requirements applicable to chicken coop structures, and subject to the following additional conditions and requirements:
- a. A maximum of six (6) chickens may be kept on a residential lot of up to one (1) acre.
 - b. A maximum of ten (10) chickens may be kept on a residential lot of one (1) or more but less than three (3) acres.
 - c. A maximum of fifteen (15) chickens may be kept on a residential lot of three (3) or more but less than five (5) acres.
 - d. No person shall keep a rooster on any residential lot of less than five (5) acres in the Borough of Bloomsbury.
 - e. A sketch or survey shall be submitted with the zoning application showing the dimensions, setbacks, and construction details of the proposed chicken coop structure and the location thereof on the subject property.
 - f. The Zoning Officer shall have the right to periodically inspect the premises to ascertain compliance with the terms of this Section and other applicable standards. Any violation of these and other applicable standards shall be grounds for the revocation of the Zoning Permit permitting the keeping and

maintenance of chickens. Notwithstanding any other ordinance, chicken coops shall not be considered accessory or out buildings.

- g. Chickens shall be kept and maintained at all times in a humane manner and in accordance with good agricultural practices.
2. No poultry shelter shall be erected, used or located closer than five (5) feet to any property line.
- a. Chickens shall be kept in a roofed shelter or coop which shall provide a minimum of two (2) square feet per adult bird, and shall also include a chicken run that provides a minimum of four (4) square feet per adult bird.
 - b. Where practicable chicken coops and runs shall be located in the rear yard of the property; in no circumstance shall said coops and runs be permitted in the front yard of any property. Moreover, the entirety of any chicken coop and run shall be placed closer to the dwelling on the lot in question than to the dwelling(s) on any adjoining lot(s). In no case shall any chicken coop or run be located within twenty-five (25) feet of any dwelling on an adjoining lot.
 - c. The fence surrounding the chicken run shall be securely constructed with a wire or mesh type of material.
 - d. The fenced chicken run shall be well drained so that there is no accumulation of moisture. The floors and walls of the chicken shelter or coop shall be kept in a clean and sanitary condition, with all droppings collected at least weekly. Droppings shall be kept in a covered container until composted, applied as fertilizer or transported off-premises.

II. Severability. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

III. Repealer. All Ordinances or parts of Ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

IV. Effective Date. This Ordinance shall take effect after final passage, adoption and publication according to law.

Mr. James moved Council open the public hearing; seconded by Mr. Weger. All ayes. Motion carried.

No Comment from the public.

Mr. James moved Council close the public hearing; seconded by Mr. Weger. All ayes. motion carried.

Mrs. Papics moved Council adopt Ordinance # 103-11; seconded by Mr. Weger.

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

SHADE TREE ADVISORY COMMITTEE

Mrs. Tersigni recues herself from discussion.

Council reviewed a draft letter to property owners prepared by the shade tree committee with two possible versions. Mr. Weger voiced concern about the difficulty in approaching property owners to offer to split the cost of taking down these trees especially in cases where the property owner may not be able to afford to pay their share.

The first version would utilize grant money to take down the trees at no cost to the property owner, and the second would split the cost with property owners and the money would be used to take down more trees which were identified. Discussion followed.

Mr. Weger moved Council endorse sending the letter offering to remove the six trees with no cost to the property owner; seconded by Mr. James.

ROLL CALL VOTE: James-aye; Papics-aye; Shelton-nay; Tersigni abstain; Weger-aye. 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 April Meeting.

RESOLUTION #25-11- RESOLUTION CALLING ON THE STATE LEGISLATURE AND THE GOVERNOR TO EXEMPT THE RESERVE FOR UNCOLLECTED TAXES FROM THE 2% CAP

WHEREAS, on July 13, 2010, Governor Christie signed into law P.L. 2010, c. 44, which reduced the cap on the property tax levy from 4% to 2% and limited the number of exemptions; and

WHEREAS, when the property tax levy was reduced, the exemption for the Reserve for Uncollected Taxes was removed; and

WHEREAS, in addition to collecting property taxes for its own operations, the municipality also serves as the collection agent for the county, school districts, fire districts and other special local entities; and

WHEREAS, the municipality must provide those entities with the full amount they deem necessary for their operations, regardless of the actual collection rate; and

WHEREAS, due to myriad factors beyond local control, the actual collection rate never equals the total local levy, especially during an economic downturn, when unemployment soars and property values plummet, causing an increase in tax appeals, which the municipality must defend and which subject the municipal budget to further losses, when successful; and

WHEREAS, to account for the shortfall and potential losses, State law requires the municipality to budget an appropriation in a line item known as the Reserve for Uncollected Taxes, which is generally determined through a formula driven calculation in which the variables change year to year; and

WHEREAS, without a levy cap exemption, municipalities will be forced to further cut their own operations, in order to meet the 2% tax levy cap to provide the county, school districts, fire districts and other special local entities the full amount they deem necessary for their operations; and

WHEREAS, those other local entities, which do not have to budget for collection rate short-falls or the impact of declining property values, have been granted levy cap exceptions to address factors beyond their control; and

WHEREAS, Assemblymen McKeon and Burzichelli have introduced A-3603, which excludes increases in appropriations to the Reserve for Uncollected Taxes in excess of two percent, from calculations of the municipal adjusted tax levy;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the Borough of Bloomsbury hereby urge the swift passage and signing of A-3603;

BE IT FURTHER RESOLVED, that consideration also be given to providing a levy cap exception to account for the impact of tax appeals on local operations; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

Mrs. Tersigni moved Council adopt Resolution # 25-11; seconded by Mr. James. All ayes. Motion carried.

RESOLUTION # 26-11- LIEN REDEMPTION

WHEREAS, the Tax Collector of the Borough of Bloomsbury has advised the Committee 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 March 2011 that refunds are made to the certificate holder as noted:

CERTIFICATE HOLDER	BLOCK/LOT	CERT #	AMOUNT
Borough of Bloomsbury	8/2	2010-002	\$61,079.93

Mrs. Papics moved Council adopt Resolution # 26-11; seconded by Mr. Weger. All eyes. Motion carried.

RESOLUTION # 27-11- LIEN REDEMPTION

WHEREAS, the Tax Collector of the Borough of Bloomsbury has advised the Committee 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 March 2011 that refunds are made to the certificate holder as noted:

CERTIFICATE HOLDER	BLOCK/LOT	CERT #	AMOUNT
US Bank Cust for CCTS Capital 2 Liberty Place 50 S. 16 th St. Suite 1950 Philadelphia, PA. 19102	16/6	2010-005	\$1,135.02

Mrs. Papics moved Council adopt Resolution # 27-11; seconded by Mrs. Tersigni. All eyes. motion carried.

RESOLUTION # 28-11- LIEN REDEMPTION

WHEREAS, the Tax Collector of the Borough of Bloomsbury has advised the Committee 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 March 2011 that refunds are made to the certificate holder as noted:

CERTIFICATE HOLDER	BLOCK/LOT	CERT #	AMOUNT
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US Bank Cust for Pro Capital I, LLC 26/1 2010-012 \$354.77
2 Liberty Place
50 S. 16th St. Suite 1950
Philadelphia, PA. 19102

Mrs. Papics moved Council adopt Resolution # 28-11; seconded by Mrs. Tersigni. All ayes. motion carried.

RESOLUTION # 29-11 - BLOOMSBURY ELEMENTARY SCHOOL PTO OFF-PREMISE 50/50 RAFFLE

WHEREAS, the Bloomsbury Elementary School PTO is the licensee on the application to conduct an Off-Premise 50/50 Raffle on May 14, 2011 to be held at the Bloomsbury Elementary School from 9:00 am - 3:00 pm; 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.
- 2.

Mr. James moved Council adopt Resolution # 29-11; seconded by Mrs. Papics. All ayes. Motion carried.

BOROUGH HALL - LEASE AGREEMENT

Council reviewed the lease agreement for April 1, 2011 through March 31, 2012 between the Borough and the Bloomsbury Hose Company for the amount of \$11,588.

Mr. Weger moved Council approve the 2011 Lease Agreement; seconded by Mr. Shelton. ROLL CALL VOTE: James-nay; Papics-aye; Shelton-aye; Tersigni-aye; Weger-aye. Motion carried.

CORRESPONDENCE

Shared Services Seminar will be held on April 7, 2011. Mayor Peck encouraged everyone to attend.

PUBLIC COMMENT

None

ADJOURNMENT

There being no further business, a motion to adjourn was made by Mr. Shelton; seconded by Mr. James. All ayes, motion carried. Meeting adjourned at 8:54 PM.

Respectfully Submitted,

Lisa A. Burd, RMC
Borough Clerk/Administrator