



# New Jersey Libertarian Party

Open Government Advocacy Project

*John Paff, Chairman*

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August 28, 2007

Hon. William R. Steenstra, Mayor  
Borough of Bloomingdale  
101 Hamburg Turnpike  
Bloomingdale, NJ 07403

*(via PDF email only to [jmccarthy@bloomingdalenj.net](mailto:jmccarthy@bloomingdalenj.net))*

Dear Mayor Steenstra and Members of the Borough Council:

I write, both individually and in my capacity as Chairman of the New Jersey Libertarian Party's Open Government Advocacy Project, regarding the Borough Council's nonpublic (i.e. executive or closed) meeting procedure.

Enclosed is a draft civil complaint against the Council. I request that you consider this letter and enclosed draft complaint as "anticipated litigation . . . in which the [Council] may become a party" and discuss it, in accordance with N.J.S.A. 10:4-12(b)(7), during a closed session at your next meeting.

While I stand ready to file the complaint in the Superior Court if necessary, neither the Libertarian Party nor I wish to impose litigation costs upon Bloomingdale taxpayers. We would rather amicably resolve the concerns set forth in the enclosed complaint.

So that I know that my position is being taken seriously, I ask that you or your attorney relate the Council's position on this matter to me by fax to 908-325-0129 within three business days after the next Council meeting, which I believe to be the September 18<sup>th</sup> Workshop Meeting. If I don't hear from you, I will assume that you are not willing to attempt to amicably resolve this matter and will file the complaint without further notice.

I appreciate your time and look forward to receiving your response.

Sincerely,

John Paff

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JOHN PAFF,	:	SUPERIOR COURT OF NEW JERSEY
Plaintiff,	:	LAW DIVISION, CIVIL PART
	:	PASSAIC COUNTY
vs.	:	DOCKET NO.
	:	
BLOOMINGDALE BOROUGH	:	Civil Action
COUNCIL	:	
Defendant	:	
	:	COMPLAINT
	:	

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Plaintiff John Paff, by way of complaint against the Bloomingdale Borough Council  
(hereafter "Defendant Council) states:

**Draft**

**Common Allegations**

1. Plaintiff John Paff is an individual who resides in Franklin Township, Somerset County, New Jersey.
2. Defendant Council is a public body as that term is defined by N.J.S.A. 10:4-8(a).
3. By letter dated August 28, 2007, Plaintiff advised Defendant of his intention to file the present lawsuit. A copy of Plaintiff's letter, which accompanied a draft civil complaint, is attached as Exhibits \_\_\_\_\_. **[Reserved for Council's response, if any.]**

**FIRST COUNT**  
**(Nonpublic meeting resolutions not compliant with N.J.S.A. 10:4-13 )**

4. On January 9, 2007, January 23, 2007 and June 26, 2007, the Defendant Council passed resolutions that purport to have authorized, in accordance with N.J.S.A. 10:4-13, nonpublic (i.e. closed or executive) meetings held on those dates. These three resolutions are attached as Exhibits 1 through 3.

5. Each of these three resolutions describe the “general nature of the subject to be discussed” (N.J.S.A. 10:4-13(a)) as “negotiations,” “personnel,” “litigation” or a combination of those terms.

6. None of these three resolutions state “as precisely as possible, the time when and the circumstances under which the discussion conducted in closed session of the public body can be disclosed to the public.” (N.J.S.A. 10:4-13(b)). Instead, the resolutions contain a statement that “it is anticipated at this time that the minutes of the above-referenced subject matter will be made public when it is in order to do so.”

7. On information and belief, the resolutions attached as Exhibits 1 through 3 are typical and representative of the manner in which Defendant Council presently purports to comply with N.J.S.A. 10:4-13.

**WHEREFORE**, Plaintiff demands judgment:

A. Declaring that the said three resolutions attached as Exhibits 1 through 3 do not satisfy the requirements of N.J.S.A. 10:4-13 because they do not describe the subjects to be discussed outside of public view with enough detail and specificity to satisfy N.J.S.A. 10:4-13(a).

B. Declaring that the said three resolutions attached as Exhibits 1 through 3 do not satisfy the requirements of N.J.S.A. 10:4-13 because they do not state “as precisely as possible, the time when and the circumstances under which the discussion conducted in closed session of the public body can be disclosed to the public” as required by N.J.S.A. 10:4-13(b).

C. Declaring and setting forth the minimum amount of detail and specificity that N.J.S.A. 10:4-13(a) requires Defendant Council to include within resolutions that authorize its future nonpublic meetings.

D. Enjoining Defendant Council from excluding the public from any future meetings unless a resolution that meets the requirements set forth in ¶ C above is previously passed during a public meeting.

E. Enjoining Defendant Council from excluding the public from any future meetings unless a resolution that states “as precisely as possible, the time when and the circumstances under which the discussion conducted in closed session of the public body can be disclosed to the public” is previously passed during a public meeting.

F. Awarding Plaintiff his costs of suit.

G. Such other relief as the Court deems equitable and just.

**SECOND COUNT  
(Improper Closed Session Topics)**

8. Attached to this Complaint as Exhibit 4 are the minutes from the Defendant Council’s January 9, 2007 closed meeting.

9. During that nonpublic meeting, Defendant Council privately discussed whether an “Assistant DPW Superintendent” position should be established “to help with the operations at the DPW.”

10. Nothing in N.J.S.A. 10:4-12(b) or elsewhere in the Senator Byron M. Baer Open Public Meetings Act permits Defendant Council to discuss this matter outside of public view.

11. Attached to this Complaint as Exhibit 5 – 6 are the minutes from the Defendant Council’s January 23, 2007 closed meeting.

12. During that nonpublic meeting, Defendant Council privately heard DPW Superintendent Joseph Luke “raise some issues” regarding Water/Sewer department “which he feels needs to be looked at.”

13. During that nonpublic meeting, Defendant Council apparently held a discussion that resulted in the Borough Administrator agreeing to “look into the contract with the Passaic Valley Water Commission.”

14. Nothing in N.J.S.A. 10:4-12(b) or elsewhere in the Senator Byron M. Baer Open Public Meetings Act permits Defendant Council to discuss these matter outside of public view.

15. Attached to this Complaint as Exhibit 7 are the minutes from the Defendant Council’s March 6, 2007 closed meeting.

16. During that nonpublic meeting, Defendant Council privately discussed with its Borough Engineer the subject of “downsizing” the Main Street Streetscape Project.

17. Nothing in N.J.S.A. 10:4-12(b) or elsewhere in the Senator Byron M. Baer Open Public Meetings Act permits Defendant Council to discuss this matter outside of public view.

18. Attached to this Complaint as Exhibit 8 – 9 are the minutes from the Defendant Council’s May 1, 2007 closed meeting.

19. During that nonpublic meeting, Defendant Council privately heard a report from its attorney regarding a court ruling requiring “the borough [to] reimburse BJV approximately \$46,800 for the Thompson fee appeal.” Thereafter, Defendant Council privately discussed “where this money will be allocated from.”

20. Nothing in N.J.S.A. 10:4-12(b) or elsewhere in the Senator Byron M. Baer Open Public Meetings Act permits Defendant Council to hear this report or discuss this matter outside of public view.

21. Attached to this Complaint as Exhibit 10 –11 are the minutes from the Defendant Council’s May 22, 2007 closed meeting.

22. During that nonpublic meeting, Defendant Council privately heard a report from the Borough Administrator that “he was contacted by the Sheriff’s Department in regard to looking into regionalization of dispatching services.” A nonpublic discussion on this issue ensued.

23. Also at the May 22, 2007 meeting, Defendant Council held private discussions with members of the Library Board regarding shared library services.

24. Nothing in N.J.S.A. 10:4-12(b) or elsewhere in the Senator Byron M. Baer Open Public Meetings Act permits Defendant Council to hear this report or discuss these matters outside of public view.

**WHEREFORE**, Plaintiff demands judgment:

H. Declaring that it was a violation of the Senator Byron M. Baer Open Public Meetings Act for Defendant Council to have heard the reports and discussed the matters set forth in ¶¶ 9, 12, 13, 16, 19, 22 and 23 in nonpublic session.

I. Enjoining Defendant Council from discussing matters during its future nonpublic meetings unless those matters are within the categories of topics set forth in N.J.S.A. 10:4-12(b), as narrowly construed.

J. Awarding Plaintiff his costs of suit.

K. Such other relief as the Court deems equitable and just.

**THIRD COUNT**  
**(Minutes Too Heavily Redacted)**

25. Attached to this Complaint as Exhibits 12 – 13 are the minutes from the Defendant Council's June 26, 2007 closed meeting.

26. The minutes from the first four items Defendant Council privately discussed are completely suppressed.

27. On information and belief, at least some words, phrases or sentences within the redacted text could have been disclosed without undermining the N.J.S.A. 10:4-12(b) exceptions that purportedly authorized the closed sessions.

**WHEREFORE**, Plaintiff demands judgment:

L. Compelling Defendant Council to provide Plaintiff and the Court with a “Vaughn index,” in accordance with Vaughn v. Rosen, 484 F.2d 820 (D.C.Cir.1973), justifying and explaining the redactions applied to the June 26, 2007 nonpublic meeting minutes.

M. Compelling Defendant Council to file unredacted versions of its June 26, 2007 nonpublic meeting minutes to the Court, under seal, for an in camera review.

N. Compelling Defendant Council to provide Plaintiff with the versions of its June 26, 2007 nonpublic meeting minutes that disclose presently redacted information the information that the Court determines to be nonexempt.

O. Awarding Plaintiff his costs of suit.

P. Such other relief as the Court deems equitable and just.

#### **Certification Of No Other Actions**

Pursuant to R.4:5-1, it is hereby stated that the matter in controversy is not the subject of any other action pending in any other court or of a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my belief, no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this pleading, I know of no other parties that should be joined in the above action. In addition, I recognize the continuing obligation of each party to file and serve on all parties and the Court an amended certification if there is a change in the facts stated in this original certification.

Dated: \_\_\_\_\_, 2007

\_\_\_\_\_  
John Paff  
Plaintiff

(Councilwoman Smith noted that she will be away on business until February 12, 2007)

Adoption of Resolution #2007-1.32: Authorizing Executive Session

Noting no objection from the personnel present for discussion as to their salary adjustments and/or promotion, Councilwoman Huntley offered the following Resolution and moved for its adoption:

**RESOLUTION #2007-1.32  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

1-9-07

Authorizing the Convening of an Executive Session

*WHEREAS*, the Governing Body ("Governing Body") of the Borough of Bloomingdale ("Borough") finds and declares that Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

*WHEREAS*, the Governing Body is of the opinion that such circumstances presently exist;

*NOW, THEREFORE, BE IT RESOLVED* by the Governing Body of the Borough of Bloomingdale, County of Passaic, State of New Jersey, as follows:

1. The public shall be excluded from discussion of, and action upon, the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
  - A. Personnel: 7 matters
3. Minutes will be taken.
4. It is anticipated at this time that minutes of the above-referenced subject matter will be made public when it is in order to do so.
5. This Resolution shall take effect immediately.

Councilman Sloomaker seconded the motion, and it carried as per the following roll call: Council Members: Voorman; Huntley; Altfield; Sloomaker; Boonstra and Smith.

*(At this time, the Mayor and Council went into Late Executive Session)*

RECONVENED

Mayor Steenstra reconvened the meeting at 10:01 p.m.

**LATE EXECUTIVE SESSION**

**Adoption of Resolution #2007-1.42: Authorizing the Convening of an Executive Session**

Councilman Boonstra offered the following Resolution and moved for its adoption:

**RESOLUTION #2007-1.42  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

1/23/07

*Authorizing the Convening of an Executive Session*

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, the Governing Body is of the opinion that such circumstances presently exist;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Bloomingdale, County of Passaic, State of New Jersey, as follows:

1. The public shall be excluded from discussion of, and action upon, the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 

A. Personnel:	1 matter
B. Litigation:	1 matter
C. Negotiations	2 matters
3. Minutes will be taken.
4. It is anticipated at this time that minutes of the above-referenced subject matter will be made public when it is in order to do so.
5. This Resolution shall take effect immediately.

Councilwoman Huntley seconded the motion, and it carried on voice vote with all Council Members present voting YES. ABSENT: Councilwoman Smith (Excused)

*(At this time, 7:50 p.m., the Mayor and Council, went into Late Executive Session)*

**RECONVENED**

Mayor Steenstra reconvened the meeting at 8:58 p.m.

**Adoption of Resolution #2007-1.43: Salary Compensation for DPW Superintendent  
Joseph Luke**

**RESOLUTION #2007-6.16  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

6/26/07

*Authorizing the Convening of an Executive Session*

**WHEREAS**, the Governing Body ("Governing Body") of the Borough of Bloomingdale ("Borough") finds and declares that Section 8 of the Open Public Meetings Act, Chapter

231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, the Governing Body is of the opinion that such circumstances presently exist;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Bloomingdale, County of Passaic, State of New Jersey, as follows:

1. The public shall be excluded from discussion of, and action upon, the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
3. The general nature of the subject matter to be discussed is as follows:

A. Negotiations	4 matters
B. Litigation	3 matters
4. Minutes will be taken.
5. It is anticipated at this time that minutes of the above-referenced subject matter will be made public when it is in order to do so.
6. This Resolution shall take effect immediately.

**(At this time, the Mayor and Council went into Late Executive Session)**

**RECONVENED:**

Mayor Steenstra reconvened the meeting at 10:48 p.m. and noted that no action was taken during the Executive Session.

1st DRAFT

**EXECUTIVE SESSION  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

**January 9, 2007**

<i>In Attendance:</i>	Mayor:	William . Steenstra
	Council President:	Donald G. Boonstra
	Council Pres. <i>Pro Tem</i> :	Susan A. Smith
		Robert A. Voorman
		Linda J. Huntley
		Jennifer Altfeld
		Henry G. Sloomaker
<i>Professionals Present:</i>	Municipal Clerk:	Jane McCarthy, RMC
	Borough Administrator:	Ted Ehrenburg
	Borough Attorney:	Joseph V. MacMahon, Esq.

**DPW Promotion Tom Pepe**

Borough Administrator recommended that Tom Pepe be promoted Sanitation Driver/Laborer to Sanitation Driver at a salary of \$50,013.

Consensus that this will be voted January 23, 2007.

**Assistant DPW Superintendent Position**

Discussion followed as to this salaried position with no overtime to help with the operations at the DPW. Joe Luke the DPW Superintendent does not recommended establishing this position..

Consensus that this will be addressed by the Governmental Operations Committee.

**DPW Promotions**

Consensus that DPW will advertise to fill the open Sanitation Driver position and post for the Foreman position.

**Driver/Laborer will be approved at the January 23 meeting.**

At this time, Borough Administrator recommended that DPW Superintendent Joe Luke's salary for Public Works be increased to \$69,612 which does not include water/sewer.

**1st DRAFT**

**EXECUTIVE SESSION  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

**January 23, 2007**

<i>In Attendance:</i>	Mayor:	William Steenstra
	Council President:	Donald Boonstra
	Council Members:	Robert Voorman
		Linda J. Huntley
		Jennifer Altfeld
		Henry D. Sloomaker
<i>Absent:</i>	Councilwoman:	Susan Smith (Excused)
<i>Professionals Present:</i>	Municipal Clerk:	Jane McCarthy, R.M.C.
	Borough Administrator:	Ted M. Ehrenburg
	Borough Attorney:	Joseph V. MacMahon, Esq.

**Salary Compensation for DPW Superintendent Joseph Luke**

DPW Superintendent Joseph Luke was in attendance.

Borough Administrator recommended a salary adjustment to bring Mr. Luke's salary to \$69,612.06.

DPW Superintendent Luke noted that he no longer wants the responsibility of Water/Sewer Superintendent and raised some issues in that Department which he feels needs to be looked at.

Borough Administrator will look into the contract with the Passaic Valley Water Commission and the other issues will be discussed at a Governmental Operations Committee meeting.

Consensus that DPW Superintendent's salary will be adjusted to reflect \$69,612.00 for 2007.

**Negotiations – Property Acquisition**

**REDACTED – ON-GONG NEGOTIATIONS**

**(Councilwoman Huntley stepped off the dais at this time)**

**D.R. Horton Litigation**

Borough Attorney updated the new Council Members on this litigation.

**(Councilwoman Huntley returned to the meeting at this time)**

Jane McCarthy, RMC  
Municipal Clerk

**1st DRAFT**

**EXECUTIVE SESSION  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

**March 6, 2007**

<i>In Attendance:</i>	Mayor:	William Steenstra
	Council President:	Donald Boonstra
	Council President Pro Tem:	Susan A. Smith
	Council Members:	Linda J. Huntley Jennifer Altfield Henry D. Sloomaker
<i>Absent:</i>	Councilman:	Robert Voorman (Excused)
<i>Professionals Present:</i>	Municipal Clerk:	Jane McCarthy, R.M.C.
	Borough Administrator:	Ted M. Ehrenburg
	Borough Attorney:	Joseph V. MacMahon, Esq.
	Chief Financial Officer:	Donna Mollineaux
	Borough Auditors:	Joseph Faccone and Andy Pascale

**Library Construction project status**

Noted that this will be discussed at the next Work Session.

**Main Street Streetscape Project**

Discussion followed with the Borough Engineer as to downsizing this project; Borough Engineer discussed this with the contractor who would like to do the drainage along Union Avenue.

Further research is needed in regard to the contract which was awarded and the amendment which is requested; Borough Attorney will research along with the Borough Engineer.

Jane McCarthy, RMC  
Municipal Clerk

**1st DRAFT**

**EXECUTIVE SESSION  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

**May 1, 2007**

In Attendance:	Mayor:	William . Steenstra
	Council Members:	Robert Voorman
		Linda Huntley
		Jennifer Altfield
Absent:	Council President:	Donald G. Boonstra ( <i>Entered later</i> )
	Council President Pro Tem:	Susan A. Smith
	Councilman:	Henry G. Sloomaker
Professionals Present:	Municipal Clerk:	Jane McCarthy, RMC
	Borough Administrator:	Ted Ehrenburg
	Borough Attorney:	Joseph V. MacMahon, Esq.
	Borough Treasurer	Sherry Gallagher

**Retirement of DPW Superintendent Joseph Luke**

Borough Attorney stated that Mr. Luke has signed off on the RICE notice and waived his right to be present for the discussions.

Borough Administrator Ehrenburg discussed the proposed severance agreement for Mr. Luke and advertising for a new Assistant DPW Superintendent at a starting salary of \$65,000.

Consensus that Mr. Luke's last day will be June 30, 2007 and approval of the terms of the severance agreement as outlined by the Borough Administrator.

**Matter of Thompson Fee Appeal**

Borough Attorney stated that the court has ruled that the borough reimburse BJV approximately \$46,800 for the Thompson Fee Appeal. Discussion followed as to where

this money will be allocated from and Treasurer Sherry Gallagher will discuss it with the Borough Auditor.

Jane McCarthy, RMC  
Municipal Clerk

1st DRAFT

**EXECUTIVE SESSION  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

May 22, 2007

<i>In Attendance:</i>	Mayor:	William Steenstra
	Council President:	Donald Boonstra
	Council President Pro Tem:	Susan Smith
	Council Members:	Robert Voorman
		Linda J. Huntley
		Jennifer Altfield
		Henry D. Slootmaker

**Contract Negotiations for Dispatching Services with Sheriff's Department**

Borough Administrator noted that he was contacted by the Sheriff's Department in regard to looking into regionalization of dispatching services. The Sheriff is looking as to the interest of the Passaic County municipalities before he goes to the Board of Freeholders for funding.

Police Chief Borell and the Borough Administrator have discussed the issue as to the impact it would have on the Borough and noted that dispatchers are vital to the Borough and there is concern that the familiarity with the Borough would be lost with regionalization. Noted that our dispatchers double as matrons so that service would still be needed.

It was mentioned that the fee would be in the area of \$10,000.

Consensus that the Borough does not have the money at this time and there are some concerns about regionalization of these services. No action will be taken at this time.

**Contract Negotiations - Meeting with representatives of the Library in regard to Shared Services**

Borough Attorney and Borough Administrator discussed the legal aspects in regard to shared library services.

Borough Administrator noted that he has been looking into options and noted that he had contacted the County of Passaic to see if there was interest on their part of building a library on the Ball Tract; they stated they did not have the fund and did not think it would be considered; same answer from the Borough's of Butler and Kinnelon.

Borough Administrator stated that he contacted the Borough of Riverdale to see if they would be interested in shared services and they informed him that they would be interested in sharing library services.

Discussion followed as to the services which would be provided. Noted that the monies which were received to build a new library in the Borough would then be returned and a determination would have to be made as to our current obligations.

Mr. Lombardi and Mr. Pellegrino of the Library Board discussed the impact of shared services and closing of the library and fact that a referendum was passed in 2002 for the construction of a new library.

Borough Administrator stated that the Finance Department needs the backup data in regard to the bills submitted by the Architect for the library...

Mr. Lombardi discussed fact that the Board should have been informed of these discussions prior to this evening.

Council Members Alfield and Voorman commented on fact that shared services are the future and Borough cannot afford to build a new library and we need to take some solid concrete steps to address our financial situation.

Darlene Nowak of the Library Board discussed the proposed fee of \$120,000 to go to Riverdale and the trial period of one year.

Library Board members stated that our residents will lose services if we do this; other libraries will not honor their cards.

Consensus that this will be discussed again on June 12.

Borough Attorney noted that this discussion is confidential as we are in negotiations and this is not for public review and asked that anyone who had seen the memorandum prior to this closed session which was handed out at the break be informed of the same.

Jane McCarthy, RMC  
Municipal Clerk

**1st DRAFT**

**EXECUTIVE SESSION  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

**June 26, 2007**

*In Attendance:*

Mayor:	William Steenstra
Council President:	Susan Smith
Council President Pro Tem:	Robert Voorman
Council Members:	Linda J. Huntley
	Jennifer Altfield
	Henry D. Sloomaker
	Vacancy

**Westall v. Borough of Bloomingdale**

**REDACTED – ON GOING LITIGATION**

**Pellington v. Borough of Bloomingdale**

**REDACTED – ON GONG LITIGATION**

**Request for information from the Library Board**

**REDACTED – ON GOING POTENTIAL LITIGATION**  
**ATTORNEY/CLIENT COMMUNICION**

**Negotiations – Possible Property Acquisition**

**REDACTED – ON GOING LITIGATION.**

*(Councilwomen Huntley and Smith were recused from the next discussion due to a conflict and left the dais at this time)*

**DR Horton v Borough of Bloomingdale**

Borough Attorney discussed the mandate by the Court as to the Borough having to implement the ordinance in regard to the Meer Tract.

DR Horton made an OPRA request to the Highlands Council in regard to their application and was given a letter written by Mrs. Geraldine DeLazier on behalf of the Bloomingdale

Environmental Commission which placed the borough in a very vicarious position as to a violation of the judgment.

Mayor Steenstra stated that he will attend the next Environmental Commission meeting and discuss this issue.

Noted that the Highlands Council should be contacted and inform them that the letter was forwarded without the knowledge of the Governing Body.

Borough Attorney noted that the Governing Body in accordance with the judge's decision has introduced a zoning ordinance that they will adopt and comply with the instructions of the court; we are compelled to request the Highlands Council to move forward.

Borough Attorney will call Mr. Briigliadiro, Counsel for DR Horton, and explain the situation.

Jane McCarthy, RMC  
Municipal Clerk