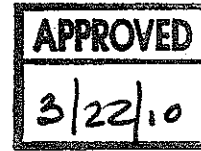


**MINUTES**  
**BOROUGH OF NEW MILFORD**  
**7:00 PM WORK SESSION**  
**Monday, January 11, 2010**



Councilman Arthur Zeilner	Present
Councilman Keith Bachmann	Present
Councilwoman Randi Duffie	Present
Councilman Howard Berner	Present
Councilwoman Ann Subrizi	Present
Council President Michael Putrino	Present
Mayor Frank DeBari	Present

Also present: S. G. Moscaritolo, Borough Attorney; Christine Demiris, Administrator/Clerk

Mayor DeBari reads the Open Public Meeting and Mission Statements.

**OPEN SESSION:**

1. JIF Elected Official Training – 7 PM (Council Chambers)

David Grubb presented the Elected Official Joint Insurance Fund Training. The Administrator and all Elected Officials were in attendance. Mr. Grubb discussed municipal liability issues and governmental immunity. Mr. Grubb noted every municipality should have an indemnification ordinance in place. New Jersey state law states punitive damages are not covered under insurance. Mr. Grubb emphasized developing a policy of police accreditation.

2. Planning Board Resolution – Driveway Ordinance; Interim Survey Ordinance

The Administrator stated the Planning Board recommends amending two ordinances; the driveway ordinance and the interim survey ordinance.

Councilman Bachmann questioned if impervious coverage is to be limited, why larger driveways would be permitted. The Administrator explained the owners of undersized lots must come before the Zoning Board to request a variance for a larger driveway, as the ordinance measures by lot percentage; the Board is seeking to make it easier on said homeowners. Councilwoman Subrizi suggested adding a maximum percentage rather than width. Councilwoman Duffie supports the proposed change in the driveway ordinance, noting it has been a long time coming. Councilwoman Subrizi noted clarification is needed to apply only to lots with 75 foot frontage. The Administrator noted the proposed ordinance does not mention whether the lot is conforming or non-conforming; that needs to be specified. Councilwoman Duffie will bring Council's suggestions back to the Planning Board for clarification; i.e. 20% for non-conforming lots, 20 feet for homes with 75 foot frontage and curb cut widths versus driveway widths. Councilman Bachmann requested the amount of driveway variances the Borough has per year. Councilman Zeilner suggested curb cuts stay at 20%.

Councilman Zeilner questioned if sump pumps should be mentioned in the survey ordinance. The Administrator noted the requirement is no run-off. The Council agreed to introduce the ordinance at the January 25, 2010 public meeting.

3. Resolution Opposing Tax Assessment Pilot Program

The Administrator explained the local role of the Tax Assessor is being taken away, and the proposed resolution opposes the extension of the pilot program. Councilman Putrino questioned if any results of the pilot program have been provided. Mayor DeBarì noted in consolidating the Borough loses control; Trenton is unaware of the value of New Milford's properties. Councilman Zeilner, Councilman Bachmann and Councilwoman Subrizi agree with Mayor DeBarì to keep the service in New Milford. The Administrator will add the resolution to the January 25<sup>th</sup> agenda.

4. Resolution to Freeze Unfunded State Mandates

The Administrator explained the resolution urges Governor Christie to freeze all new State mandated programs or ensure proper funding to municipalities. The Council unanimously agreed to add the resolution to the January 25<sup>th</sup> agenda.

5. Boswell Proposal – Tax Map Update

The Administrator explained State statute requires the tax map be updated on a yearly basis; however the Borough has not done an update since 2003. Former Tax Assessor Ms. Potash explained to the Engineer, the Borough does not have enough updates to warrant a new map yearly. The Administrator noted the tax maps are currently done by hand, however electronically would make updating easier. Ms. Batistic will provide the Administrator with the cost to modernize to electronic tax mapping. Eventually electronic mapping will be required as it will have to be submitted annually to the State. Councilman Bachmann questioned the need for updating; the Administrator advised any subdivision since 2003 has not been recorded on the current map. After much discussion the Council wishes to proceed with the paper update.

6. Henley Avenue Park & Ride – Application Status

The Administrator reviewed the application for the benefit of the Council; and advised the Borough received the approval letter for \$150,000. Councilwoman Subrizi questioned if parking is available to anyone, first come first serve; the Administrator confirmed that is the case. Councilman Bachmann noted affected neighbors should be notified of the Borough's intentions. Mayor DeBarì suggested the residents between Henley and River Edge Avenues be notified. The Administrator will send a letter inviting the affected residents on Columbia Street from Henley Avenue to River Edge Avenue to a future Public Session.

7. By-laws

The Administrator explained the By-laws are incomplete in the Council Liaison section; currently it does not include Recreation, Planning Board, Historic New Bridge Landing

Parks Commission, Historic Preservation or Shade Tree. Councilwoman Subrizi noted Planning Board does not require a liaison as it is by class and a council person is appointed to the Board. The Administrator will prepare a resolution to amend the bylaws to add said liaisons.

#### 8. Council Liaison Assignments

Councilman Bachmann was advised that Councilman Berner had a scheduling issue with regards to one of his liaison appointments; Councilman Bachmann offered to temporarily switch with him and attend the Senior Advisory Board and Councilman Berner would attend the Recreation meeting. Mayor DeBari felt it may not be possible for Councilman Berner to remain unbiased as a liaison, having recently served as Chairman of the Recreation Commission. Additionally, Councilman Bachmann's father serves on the Senior Advisory Board. Mayor DeBari noted he himself often rearranges his schedule to accommodate liaison appointments and suggested Councilman Berner may have to do so as well. Mayor DeBari stated he was not sure whether or not he wanted to make the change on a permanent basis, but he would agree temporarily if it is a problem for him to attend. The Administrator suggested the Senior Advisory Board may be willing to change its time; Councilman Berner will contact the Senior Center Director.

Councilwoman Subrizi asked if there has been any consideration of her request to become the liaison to the Historic Preservation Commission. Mayor DeBari asked for her reasoning for the request; Councilwoman Subrizi noted it matches the Historic New Bridge Landing Park Commission she is currently the liaison to. She further noted it is difficult to attend the Board of Education meetings as they are on the same night as the Council meetings; further mentioning that when something is needed they call on Mayor DeBari. She loves attending the Historic New Bridge Landing Park Commission; however it does not directly affect New Milford. Councilwoman Subrizi feels as though she is not being utilized to her fullest potential. Council President Putrino noted he currently serves on the Historic Preservation Commission and it is one of his favorites. Councilwoman Subrizi noted she feels the workload is not evenly shared. Councilwoman Duffie asked why Councilwoman Subrizi does not attend the Board of Education meetings; Councilwoman Subrizi reiterated they meet on the same night as the Council, when the meetings are on different nights she does attend. Councilwoman Duffie noted it reflects badly when there is no communication between the bodies. Mayor DeBari spoke with the new superintendent regarding the history of the meetings on the same night in the hopes they may change. The Administrator noted it is a disservice to the residents who may want to attend both meetings.

### **COUNCIL**

The Council discussed the resolution for the expansion of premise for Pancho's Burritos; asking if the outside seating will still be needed. The Administrator will discuss the issue with the Zoning Officer; and request she reminds the establishment owner of the outside seating limitations.

Councilwoman Subrizi questioned the reasoning for the budget transfer for the Rent Leveling Attorney. The Administrator stated the amount budgeted in 2009 was \$10,000;

so far \$12,088 had been spent, which is the entire rent leveling budget, not only legal fees.

Councilwoman Duffie reviewed the recent history of the Rent Leveling Board for the Council. She stated New Milford Village applied for a tax appeal and won, subsequently they have come before the Board for a tax credit and not a refund. The Borough ordinance states a refund is to be given, not a credit; therefore the Board tried to determine what was proper and is reviewing the entire ordinance. Mr. Moscaritolo explained the Board decided the tenants would not receive a refund, however the landlords will not reactivate the surcharge until they meet the level at which they were being taxed prior to the credit. Councilwoman Subrizi questioned the necessity for the Rent Leveling Attorney to attend all meetings. Mr. Moscaritolo noted the Rent Leveling Board is similar to the Planning and Zoning Boards, in that it requires the presence of an attorney. Councilwoman Subrizi noted if the attorney is needed, then it must be budgeted for. Councilman Bachmann added it is the Council's decision on whether or not they are going to spend the money to update the ordinance, but they need to know what it is going to cost so they can decide if they want to include it in the budget.

Mayor DeBari questioned if the members of finance committee wish to serve again; Councilman Zeilner, Councilwoman Subrizi and Council President Putrino agreed to remain on the committee, with no objections.

Mayor DeBari stated Scuffy Carting lost its bond for recycling; the Administrator is in the process of confirming. Mayor DeBari received a call from Dan Ferretti stating if the bond cannot be renewed, he would pick up the contract at the same rate being charged by Scuffy. Mr. Moscaritolo will review Scuffy's contract and determine if another contractor can pick up the remainder of the contract.

Councilwoman Subrizi questioned when the problematic last parking spot will be removed from Madison Plaza. The Administrator noted it will not be removed as it has always appeared on the original plan. The Administrator met with a representative of the owner and he noted the curbing is not yet complete, and that is what is causing the problem. Councilwoman Subrizi suggested the parking spot be eliminated until the official Certificate of Occupancy is obtained. The Administrator will ask to have it removed until the final C.O. is issued.

Due to the heavy agenda, the Administrator asked Chief Papapietro to postpone his appearance before the Council until the next meeting to discuss the Police Department.

## **COMMENTS FROM THE PUBLIC**

Councilman Bachmann made a motion to open the meeting to the public. Council President Putrino seconded the motion. All present in favor none opposed.

As there were no comments from the public, Councilman Zeilner made a motion to close the meeting to the public. Councilman Bachmann seconded the motion. All present in favor none opposed.

## COUNCIL

Councilman Zeilner stated the height limit on roofs is 35 feet and are normally peaked; he stated the possibility of a 35 foot flat roof has not been addressed. Council President Putrino stated Paramus has a similar ordinance, however limits a flat roof to 28 feet. Councilman Zeilner requested Councilwoman Duffie bring his concern to the Planning Board.

Council President Putrino thanked Sal Cuocci for changing the historic pictures in the hallway. He will email the Entwistle Memorial ceremony information to the Council when he receives it. Council President Putrino stated the ice rink is great; however he was advised a port-o-john should be there. Council President Putrino asked if a Recreation Director had been hired; Councilman Berner noted the Commission has not yet hired a Director.

Mayor DeBari reminded the Council the Recreation hearing is scheduled for January 14<sup>th</sup> at 7 pm.

### CLOSED SESSION:

Councilman Zeilner made a motion to go into closed session. Councilwoman Duffie seconded the motion. All present in favor none opposed.

1. Review of Closed Session Minutes
2. Zoning Board Litigation

At the conclusion of the closed session, Councilwoman Subrizi made a motion to go into open session. Councilman Bachmann seconded the motion. All present in favor none opposed.

The Administrator referenced the Bergen County Open Space Grant, does the Council wish to prioritize Kennedy Field lighting or the second phase of Hardcastle Pond Improvements. After some discussion, the Council decided to begin with Hardcastle Pond.

Councilman Bachmann made a motion to approve closed session minutes from October 26, 2009. Councilwoman Subrizi seconded the motion. The motion passed as follows:

For the motion: Zeilner, Bachmann, Duffie, Subrizi

Against the motion: None

Abstain: Putrino, Berner

Councilman Bachmann made a motion to approve closed session minutes from November 9, 2009, with corrections. Councilwoman Duffie seconded the motion.

For the motion: Zeilner, Bachmann, Duffie, Subrizi, Putrino

Against the motion: None

Abstain: Berner

## **RESOLUTIONS:**

- 2010:32 Closed Session
- 2010:33 Payment of Bills and Vouchers
- 2010:34 Approve Place-to-Place transfer for Panchos Corp.
- 2010:35 Approve amendment to Safe Schools Resource Officer Partnership Agreement with the Board of Education
- 2010:36 Approve Raffle License 2010:01 for Off-Premise Merchandise Draw for Hovnanian School
- 2010:37 Approve designated bank as official depository of Municipal Funds and approve signatories
- 2010:38 Authorize application for 2010 Municipal Alliance Grant
- 2010:39 Approve Appropriation Transfers from Reserves for Budget Year 2009

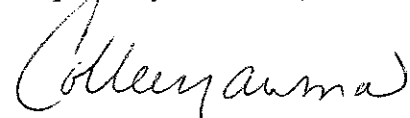
## **VOTE ON RESOLUTIONS**

Councilman Bachmann made a motion to approve resolutions 2010:32 through 2010:39. Councilman Zeilner seconded the motion. All present in favor, none opposed.

## **ADJOURNMENT**

Councilman Zeilner made a motion to adjourn. Councilman Bachmann seconded the motion. All present in favor, none opposed. Time 10:39 pm.

Respectfully submitted,



Colleen Naumov  
Deputy Borough Clerk