

MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
OPEN SESSION immediately following
8:30 PM PUBLIC MEETING
Monday, January 25, 2010



WORK SESSION:

Councilman Arthur Zeilner	Present	
Councilman Keith Bachmann	Present	(Arrived 7:10)
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 read the Open Public Meeting and Mission Statements.

OPEN SESSION:

1. Capital Alternatives – Federal Funding Opportunities – 7:00

Marlene Casey explained with regards to Federal earmark grants, the Council should put in for things that are important and cannot be received elsewhere i.e. the addition to Fire House 1, early warning fire system instead of horns and the addition or new Police station. Ms. Casey advised the list should be in order of the Council's priority. She stated the grants for additions to the Fire House and Police Station would come from Homeland Security and the early warning system would come from FEMA. Due to demographics the chances of the Borough receiving said grants are slim, but not impossible; and the chances of receiving two from the same agency are slim to none. The applications were submitted last year; however the Borough did not make the cut for money. The Administrator can submit last year's applications this year as the estimates should still be viable.

Council President Putrino questioned if the Borough had a better chance at approval for the project that costs the least. Ms. Casey noted it would not; the Borough must make its case.

Ms. Casey stated the Borough was unable to purchase the homes in the flood areas, as it could not prove cost-to-benefit ratio because the participating homeowners did not retain the repair bills from past years.

Ms. Casey stated if the Borough did not spend last year's money, it cannot ask for more this year. Grant reimbursement only applies to construction, not the consultant, attorney or design engineer; therefore the Council must authorize bonding or have the cash available on hand. Ms. Casey noted the DOT and HUD money will probably go away

after 2011, which is what is being applied for this year. Ms. Casey stated that nothing in the Warren Street Park grant application is written in stone but the application was generated by a request from Hubert Klein.

Mayor DeBari explained that since Community Development would be funding at a reduced level from the actual application he and former Council President DeLucia told them the Borough would move forward to complete the Hardcastle Pond project with the grant money, as the development had already begun. The Kennedy Field lighting, which was also part of the application, will be held for a subsequent round of funding.

Len Carney noted the best time of year to go out to bid is January 1st through mid April; contractors want the work and will reduce prices by approximately 15-20%.

The Administrator explained the Borough's responsibility in the grant and bonding process.

Ms. Casey noted the only grant opportunities that are currently in jeopardy are DOT and Community Development. Ms. Casey explained there is confusion with the Henley Avenue Park and Ride; she explained the cul-de-sac currently not in use can be turned into lined parking spaces. This can all be done without DEP permits because it is grandfathered. As this is to be done with grant money, there can be no restrictions; it is simply a Borough parking lot.

Councilman Zeilner questioned when the parking could be restricted to only New Milford residents; Ms. Casey noted after the first year.

Ms. Casey noted this June is the next round for DOT grants; she suggested not starting a project that will need more than one phase as it is this will be the end of the DOT money. Ms. Casey explained the DOT has changed the entire application process within the last two years.

The Administrator noted the projects that await funding from the Borough include the Henley Park and Ride, Reichelt resurfacing, handicap ramps, Hardcastle Pond-phase two, Sutton Place tennis courts and Main Street-section four. The Administrator reminded the Council Open Space trust money is normally used to fund the Borough's match for the open space projects such as Hardcastle Pond and the Sutton Place tennis courts.

Ms. Casey advised the State determined since the DOT will provide 75% of grant money upfront, there is no need to bond the DOT projects. The Administrator will confirm with the Bond Counsel.

Mayor DeBari suggested the Council take a hard look at whether or not they want to commit to the Kennedy Field lighting project; considering the issues with Warren Street Park. Councilman Zeilner felt it is not necessary to put lights on the field; as they were never needed in the past.

Ms. Casey suggested the Council view the low level lights currently used in Bergenfield and Montvale before making a decision. Ms. Casey suggested the Borough coordinate

with Oradell on the Main Street project; the Administrator will discuss it further with the Oradell Administrator, Mr. Albrecht.

Councilman Zeilner made a motion to bond all the projects as discussed. Councilwoman Duffie seconded the motion. The motion passed on a roll call vote; all present in favor none opposed.

Council President Putrino made a motion to go into closed session. Councilman Bachmann seconded the motion. All present in favor none opposed.

CLOSED SESSION:

1. Zoning Board Superior Court Decision

Councilwoman Duffie made a motion to go back into open session. Council President Putrino seconded the motion. All present in favor none opposed.

Councilman Bachmann made a motion to reconvene downstairs in the Council Chambers. Councilwoman Duffie seconded the motion. All present in favor none opposed.

PUBLIC SESSION:

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

Mayor DeBari calls the meeting to order, asks for a moment of silent prayer and/or reflection, and leads the flag salute. Mayor DeBari reads the Open Public Meeting Law and Mission Statements and points out the fire exits in the Council Chambers.

Councilwoman Subrizi made a motion to approve the minutes from December 14, 2009 Work/Public Sessions, the December 30, 2009 Special Session, and the January 4, 2010 Reorganization Meeting. Councilman Bachmann seconded the motion. All present in favor, none opposed.

PRESENTATION: John Stormer – Outgoing Fire Chief
John Stormer – 20 Years of Service
Patrick Boselli – 20 Years of Service
John Kiene – 20 Years of Service

PROCLAMATIONS: RADON ACTION WEEK

COUNCIL COMMITTEE REPORTS:

Councilman Arthur Zeilner

Building and Grounds, Environmental, Police/Police Aux., Public Works

Councilman Zeilner reported there are no new capital projects for Buildings and Grounds, just general maintenance. He noted the historic pictures have been relocated near the Historic Preservation display in the Borough Hall.

Councilman Zeilner reported the Environmental Commission recently held their election for officers; Sue Klecha will remain Chair and Tammy Kaminsky will remain Vice-Chair. He further noted Art Castronova will represent the Planning Board and Steve Perrone was welcomed as a new member. The Commission's battery recycling program through the schools has been canceled; batteries are no longer considered recycling materials. The Commission will rethink the project to include rechargeable batteries. The High School Environmental Club is doing well with their recycling program. The Commission intends to hold a window painting contest for Arbor Day.

Councilman Zeilner summarized the activity for the Police Department for the previous month; and had no report for Police Auxiliary.

Councilman Zeilner reported the DPW is doing a great job clearing the snow and removing the fallen trees.

Mayor DeBari noted power is still out on Luhmann Drive; however PSE&G is working to restore the power in all areas.

Councilman Keith Bachmann

Ambulance Corps, Drug Alliance, Recreation

Councilman Bachmann was unable to attend the Ambulance Corps meeting, therefore he had nothing to report.

Councilman Bachmann noted as there was a scheduling conflict, Councilman Berner will report on the first of this months Recreation meetings and he in turn will report on the Senior Advisory Board meeting. Councilman Bachmann noted at the January 20th meeting all Recreation members took their oaths and viewed the required training video.

Councilman Bachmann attended the Senior Advisory Board on Councilman Berner's behalf and was surprised at the amount of people who use the center. He reported they are planning a trip on St. Patrick's Day as well as a bus tour possibly to Atlantic City. The fence is in need of repair at the Senior Center, he requested the Administrator make Buildings and Grounds aware.

Councilman Bachmann mentioned the newly painted Recreation Building is already showing signs of wear and tear; perhaps the Police Department could ride by more often.

Councilman Bachmann reported the Drug Alliance members took their oaths and viewed the required training video. The members thanked all those that contributed to the fund drive and if you have not to please consider doing so.

Councilwoman Randi Duffie

Library Board, Planning Board, Rent Leveling/Tenants Association

Councilwoman Duffie reported the Rent Leveling Board welcomed two new members on January 7th and they are continuing their revision of the current rent leveling ordinance. There are no cases before the Board at this time.

Councilwoman Duffie reported the Library Board met on January 21st, she summarized the 2009 report provided by the Director. She noted Sunday hours will begin this Sunday until May 2nd; hours will be 1pm-5pm.

Councilwoman Duffie reported the Planning Board will continue discussing topics for ordinances they intend to bring before the Mayor and Council for driveway widths and as-built surveys.

Councilman Howard Berner

Chamber of Commerce, Health & Human Services, Senior Advisory

Councilman Berner attended the Board of Health meeting on January 6th; he noted the H1N1 vaccine was offered in November and December of 2009 and plans are to vaccinate again in the spring. He summarized the Health Department's report from the previous year.

Councilman Berner reported the Recreation Commission held its reorganization meeting; the new officers are Ken Malone, Chair and John O'Grady, Vice Chair. He stated the ice rink opened on January 5th; and summarized the sports programs currently underway.

Councilman Berner noted the Chamber of Commerce meeting is scheduled for this upcoming Wednesday; he will attend.

Councilwoman Ann Subrizi

Board of Education, Historic New Bridge Landing, Public Events

Councilwoman Subrizi had no report for the Board of Education; she will submit the minutes to the Clerk.

Councilwoman Subrizi reported the Public Events Committee has selected Colonel Ray Palma to be the Grand Marshal of the Memorial Day Parade; he is retiring from the Army the day after Memorial Day.

Councilwoman Subrizi reported nothing is currently going on with the Historic New Bridge Landing Park Commission that directly affects New Milford. She announced the Bergen County Historical Society's website, as they work very closely with the Commission; www.bergencountyhistory.org. She announced they will have the art of paper cutting on

February 14th and celebrate George Washington's birthday on February 21st at the Steuben House.

Council President Michael Putrino

Fire Department, Garbage/Recycling, Historic Preservation, Shade Tree

Council President Putrino attended the meeting of the Historic Preservation Commission on January 12th, at which they held their reorganization meeting. The elected officers are Michael Corrado, Chair, Nancy Varitoni, Vice Chair, Al Carbone, Secretary and Bob Leonard, Treasurer. As required by the JIF he swore in the Commissioners and they viewed the training video. The Commission discussed their 2010 budget as well as upcoming projects including replacing some Peetzburg banners.

Council President Putrino attended the meeting of the Fire Department on January 18th, at which he swore in the members and watched the required training video. He summarized the activity and hours report from the previous year.

Council President Putrino reported the Shade Tree Commission had their reorganization meeting on January 21st; Steve Perrone was elected Chair and Austin Ashley was elected Vice Chair. He swore in the members and watched the required training video. He reported the Commission was recently awarded a grant in the amount of \$7,000 and is working on planting trees in 15 locations.

Council President Putrino summarized the Garbage and Recycling activity for the previous month.

Council President Putrino noted the finance committee consisting of Councilwoman Subrizi, Councilman Zeilner along with himself, met on January 23rd and will soon make their recommendations for the 2010 budget to the Mayor and Council.

Mayor Frank DeBari

Community Development

Mayor DeBari will attend the Community Development meeting on February 4th to discuss County projects and will represent the Northern Valley District as Chair.

NEW BUSINESS:

INTRODUCE ORDINANCE #2010:01

AN ORDINANCE TO AMEND CHAPTER X OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "BUILDING AND HOUSING" THEREBY ADDING SECTION 10-8 ENTITLED "REFLECTIVE STICKER REQUIREMENT"

Council President Putrino made a motion to introduce and approve this ordinance on its first reading. Councilwoman Subrizi seconded the motion. The motion passed on a roll call vote. All present in favor none opposed.

The ordinance will be published in The Record and a public hearing will be held on February 22, 2010 at 8:30 PM.

INTRODUCE ORDINANCE #2010:02

AN ORDINANCE TO AMEND CHAPTER II OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "ADMINISTRATION" THEREBY AMENDING SUBSECTION 2-40 "FREE PUBLIC LIBRARY"

Councilman Zeilner made a motion to introduce and approve this ordinance on its first reading. Councilwoman Duffie seconded the motion. The motion passed on a roll call vote. All present in favor none opposed.

Councilwoman Subrizi questioned why members are being added to the Board. Mayor DeBari noted it was at the recommendation of Chairman Dan Harmatz.

The ordinance will be published in The Record and a public hearing will be held on February 22, 2010 at 8:30 PM.

Mayor DeBari explained the change in the order of the agenda items.

RESOLUTIONS:

- 2010:40 Closed Session
- 2010:41 Payment of Bills and Vouchers
- 2010:42 Authorize participation in the County of Bergen PARIS Shared Services 2010 – 2011 Grant Cycle
- 2010:43 Oppose Expansion of Pilot Program of County Tax Assessment and Valuation for Municipalities
- 2010:44 Endorse Freeze on Unfunded State Mandates
- 2010:45 Approve Social Affairs Permit for Church of the Ascension
- 2010:46 Award Drainage Improvements to Trench Drive, Phase II to Reivax Contracting Corp. in the amount of \$102,517.00
- 2010:47 Approve Appropriation Transfers from Reserves for Budget Year 2009
- 2010:48 Authorize base amount for LOSAP for 2009 Service
- 2010:49 Approve Interlocal Service Agreements with Northwest Bergen County Utilities Authority for Sanitary Sewer TV Inspection and Cleaning
- 2010:50 Authorize Amendment to Bylaws as adopted January 24, 2005
- 2010:51 Authorize 2010 funding in the amount of \$2,500 for Special Counsel Scott Sproviero on Omnipoint V. Zoning Board of Adjustment of the Borough of New Milford
- 2010:52 Authorize 2010 funding in the amount of \$3,000 for Special Counsel Arthur Neiss on Dorchester Manor LLC v. Zoning Board of Adjustment of the Borough of New Milford
- 2010:53 Approve Raffle License 2010:02 for Church of the Ascension - Off-Premise 50/50
- 2010:54 Approve Person to Person Transfer of Liquor License #0238-33-005-006 from Blue Ridge Restaurant Inc. to Nafpaktos, LLC

COMMENTS FROM THE PUBLIC

Councilwoman Duffie made a motion to open the meeting to the public. The motion was seconded by Councilman Berner. All present in favor, none opposed.

Joseph LoPorto, 209 Center Street came forward to address the Council. Mr. LoPorto referenced the newspaper article regarding Omnipoint's success in their lawsuit for the cell tower on Center Street. He asked for an update on how the town intends to proceed.

Mayor DeBari summarized the closed session discussion with the Zoning Board Attorney; noting the Borough's has two options. They could appeal costing between \$25,000 - \$50,000 or let it sit.

Mr. LoPorto noted he and his neighbors are facing a significant financial impact, and he is asking the town to consider an appeal.

Mayor DeBari advised the Borough has 45 days to appeal once the judge has made his ruling; the Council has another work session to discuss the matter and it will be discussed at great length. Mayor DeBari advised the residents the next work session is February 8th and all are welcome to attend said discussion.

Mr. LoPorto reiterated he and his neighbors are deeply troubled over the financial impact this issue is causing; Mayor DeBari noted he and the Council are concerned as well.

Mr. LoPorto noted if the Borough continues its fight, it will only strengthen the individual suits being pursued.

Diane Hellreigel, 229 Grand Street came forward to address the Council. Ms. Hellreigel noted she was present at all hearings regarding Omnipoint; stating she cross-examined several expert witnesses. However she has concerns over the defense provided New Milford by Mr. Sproviero in addition to the judge's ruling as it contained inaccuracies. It is her understanding, it is unusual for a Superior Court Judge to write an opinion.

Mr. Sproviero explained when a judge issues a written decision, it is considered a reserves opinion when it is not issued from the bench. It was clear the court had not made up its mind at the time the case was heard; it took a few weeks to make a decision.

Ms. Hellriegel commented in her opinion the decision was made rather quickly, considering the case was argued in December and the decision given in January. Mr. Sproviero felt, quite the opposite. Ms. Hellriegel and Mr. Sproviero discussed the Borough's defense of the case at length. Mr. Sproviero was critical of the judge's decision to lump the reliefs together; they should have been independently proven. This would be the area of appeal, as all items, use, bulk variance, and site plan, should have been determined individually.

Ms. Hellriegel proposed the town appeal the judge's decision. She remembers the reason for the Zoning Board denial was partly due to the Master Plan, not only aesthetics. She believes all arguments should have been made, especially with regards to the Master Plan. Unfortunately, certain aspects could not be argued, i.e. safety and "not in my backyard." She questioned why it is New Milford's responsibility to build the business of T-Mobile, the only carrier who lapsed

and if it is required by law. She questioned if there was a comparison between the town's recording and what the court stenographer had transcribed. Ms. Hellriegel read the conclusion of the attorney she consulted into the record. It was his opinion, the Judge suspected an appeal would be taken and Mr. Sproviero believes the Judge did not consider all arguments presented before the Zoning Board. Ms. Hellriegel noted a representative from T-Mobile stood before the Zoning Board and said they will come back to add at least five additional cell towers in New Milford; if the town does not appeal, they are opening the door to many more.

Mr. Sproviero believed he presented an argument that had the best opportunity for success; he disagreed with the conclusion provided by Ms. Hellriegel's attorney.

Mayor DeBari mentioned, even if the Borough appeals the decision, Omnipoint still has a right to receive a permit and begin construction.

Joe Binetti, 621 Concord Street came forward to address the Council. Mr. Binetti questioned why the Council cannot go after St. Matthew's; couldn't St. Matthews renege on their decision. Mr. Moscaritolo noted the taxation aspect has been discussed; with the building of this structure the church will no longer be fully exempt from taxation, it is possible the church is unaware of this fact.

Councilwoman Subrizi asked if the Borough owes T-Mobile the right to have coverage, if the other companies have enough. Mr. Sproviero noted the law provides each carrier be afforded the opportunity to have adequate coverage.

Councilwoman Subrizi noted the tower is to be constructed in the Peetzburg area, the most historic area of town.

Mayor DeBari stated T-Mobile could easily go east or west by half a mile or hook up with the cell tower behind the DPW yard. Mr. Sproviero stated nothing precludes co-usage, however both experts testified there is a gap in coverage in the proposed area.

Councilwoman Subrizi question if other companies could join the T-Mobile tower. Mr. Sproviero stated the application approved by the court allows for co-locators. He noted the approval does not allow for cabinetry outside, according to the site plan as presented.

Ms. Hellriegel stated according to her conversation with the Borough Tax Assessor, the taxes from the cell tower would be paid by T-Mobile, not the church.

Mr. LoPorto stated the FCC recently issued a ruling on November 18th providing a reasonable time frame for expansion plan review.

Nick D'Amelio, 349 Trench Drive came forward to address the Council. Mr. D'Amelio stated the tower will be 30 feet deep within the ground; he questioned if the terrain would be able to support the structure. There is aquifer underneath from the river, could it withstand a hurricane. He asked how all the different frequencies will affect other communications; what if the nearby Fire Department gets dropouts. He questioned if core drilling has been done; Mayor DeBari stated to the best of his knowledge all that has been done is the application. Mr. D'Amelio believes the court looked at this as an individual item and not as a whole. He is concerned about

the amount of radiation emitted from the tower. Mr. D'Amelio suggested the Borough appeal; however he understands the Council's financial restraints against a large corporation. He also acknowledged serious concerns regarding the children as the FCC has recognized the possible dangers of exposure.

Paul Rodriguez, 117 Monroe Avenue, River Edge came forward to address the Council. Mr. Rodriguez's children attend St. Joseph School. He stated the town must plan ahead and consider where broadband will be in the next five to ten years with regards to risk management. He voiced his concerns with the amount of children and schools in the demographic area. Mr. Rodriguez asked the Council to look beyond the \$50,000 cost to appeal, but the possible class action suits in the future.

Richard Oates, 372 Leonard Drive came forward to address the Council. Mr. Oates noted concerns regarding overnight parking, particularly where Trench Drive meets Leonard Drive. He noted it impacts only a few homes; however it is an eyesore with the amount of commercial vehicles parked. Councilman Zeilner will contact Chief Papapietro regarding this matter. Mr. Oates stated overnight parking is allowed on Leonard Drive; however he would like it eliminated.

Sandy Kehak, 1117 Warren Street came forward to address the Council. Ms. Kehak stated the website for Recreation is constantly under construction, she questioned when T-Ball starts and ends. Councilman Bachmann advised her the season begins mid-April and ends the first week of June. Ms. Kehak questioned if any thought had been given to her suggestion of clearing the woods to make room for the port-o-john. The Administrator advised her she visited the site with the DPW Assistant Superintendent, and he felt it was unsafe to place it as suggested due to the unlevelled ground. Ms. Kehak noted her suggestion was to put the port-o-john in the woods between second and third base; not where the Administrator had implied. She further noted the suggestion of clearing the weeds and trees was only to reclaim some of the park. Councilman Zeilner stated trucks will need access to the port-o-john for cleaning purposes. Ms. Kehak noted the bleachers are five rows high, and asked if they can be knocked down to three. Mayor DeBari said the Borough wishes to finish the park to receive its grant money; then will look into moving and/or lowering the bleachers. Ms. Kehak commented on her understanding of the parking situation being wait and see, but she is concerned about emergency vehicle access. Mayor DeBari stated the Council will discuss that at the next work session, February 8th. Councilman Bachmann referenced the curb cut on Warren Street and railroad ties on Sheridan Street; asking if putting two small parking lots there would benefit the parking situation. Ms. Kehak and her neighbors are not in favor of the parking lots, as it would take away more green space. She questioned why a parking assessment was not performed. Mayor DeBari will confirm with the Engineer whether or not it is the norm. Ms. Kehak asked if there were any further discussion with regards to the swings; Mayor DeBari noted it will be discussed at the February work session. Councilwoman Duffie suggested studying the traffic/parking patterns now versus when the park opens for the season, as a comparison. Ms. Kehak wanted confirmation that the park would be used solely for New Milford residents; Councilwoman Duffie suggested she attend a Recreation meeting as they are responsible for scheduling. Councilman Berner stated both Recreation (girls) and Little League (boys) will use the field for T-Ball. Councilman Bachmann noted the reason for the field is because there were not enough fields to allow all the children to play; it would be counterproductive to allow others to use. Anything other than a pick-up game would need permission for use. Ms. Kehak asked if any signage will go up regarding the park

closing at 10 pm. The Administrator will ask the DPW to make sure the hours are properly posted.

Nancy Mitchell, 226 Center Street came forward to address the Council. Ms. Mitchell's front door faces that of the church. She wishes to speak from the heart; she has lived here 23 years and loves living across from the church. She is proud of what her neighborhood has become, and noted homeowners show pride of ownership. Ms. Mitchell is concerned the local government will not stand by the residents in there appeal; she appealed to the Council to appeal with the residents.

Mayor DeBari noted the Council has not made their decision as of yet; they will discuss it with the Borough Attorney at the next work session. He stressed the fact he was pleased with the decision of the Zoning Board; and was appalled when he read their decision was overturned in court.

Ms. Mitchell stressed the historic value of the neighborhood; in which a cell tower does not belong.

John Foley, 254 Stevens Court came forward to address the Council. Mr. Foley requested follow-up information regarding Hirschfeld Brook. The Administrator advised no new information has been presented since the meeting with our engineers Mr. Rossi and Ms. Batistic.

Joanne Prisendorf, 317 River Road came forward to address the Council. Ms. Prisendorf requested any new information or developments with regards to the water company property. Mayor DeBari spoke with Mr. Polizzi of the Board of Education and was advised he will make a plea to the water company. Ms. Prisendorf was advised to speak with Mr. Polizzi for further information regarding the discussion.

Mr. LoPorto noted with regards to the cell tower, the neighbors have a very good cause of action for tax appeal.

John Bigger, 325 William Street came forward to address the Council. Mr. Bigger is the former Recreation Director for the Borough, holding the position for two years, ten months. He advised the Council many of the Borough employees are the best in the County. Mr. Bigger questioned Borough policy; and why a paid employee would not be notified that they are not going to be rehired. He further stated not being rehired is not the real problem; it is the fact the Recreation Commission was aware at least three months prior however he was not given the opportunity to seek other employment. Mr. Bigger received phone calls from two Commissioners apologizing for that fact. If this is Borough policy, shame on the Council; if it is not the Council should look at how the Boards and Commissions are run and how it affects the treatment of paid employees.

Mr. Moscaritolo advised that the Recreation Commissioner is an independent board under state statute; as such they are within their authority to hire and discharge the Director. This Council has had many issues with the Recreation Commission's independence. The Borough does not have a policy not to inform its employees of the intent not to rehire. Mr. Moscaritolo advised Mr. Bigger, this Council was completely unaware other than being informed by the Recreation Commission as to his status.

Mr. Bigger questioned who is ultimately responsible; alternatively it will fall back on the Borough. He urged someone to take control because next time it may happen to the wrong individual and the Borough will be responsible.

Councilman Zeilner thanked Mr. Bigger for his performance as Recreation Director and for taking the time to acknowledge and thank the Borough employees.

As there were no further comments from the public, the meeting was closed on a motion from Councilman Zeilner. Council President Putrino seconded the motion. All present in favor none opposed.

VOTE ON RESOLUTIONS

Mayor DeBari announced resolutions #2010:43 and #2010:47 will be pulled from the consent agenda for a separate vote.

Councilman Bachmann made a motion to approve resolutions #2010:40 through #2010:42, #2010:44 through #2010:46 and #2010:48 through #2010:54. Councilwoman Subrizi seconded the motion. All present in favor, none opposed.

Councilwoman Subrizi made motion to approve resolution #2010:43. Councilman Bachmann seconded the motion. The motion passed on a roll call vote as follows:

For the motion: Zeilner, Bachmann, Duffie, Berner, Subrizi
Against the motion: none
Abstain: Putrino

Councilman Zeilner made motion to approve resolution #2010:47. Councilman Bachmann seconded the motion. The motion passed on a roll call vote as follows:

For the motion: Zeilner, Bachmann, Duffie, Subrizi, Putrino
Against the motion: none
Abstain: Berner

OPEN SESSION:

2. LOSAP Ordinance

The Administrator explained she and Council President Putrino met with George Saigh, who administers the program for the Fire Department. Mr. Saigh noted a deficiency in the current ordinance as it does not address the rates paid to new members. Mr. Saigh suggested adding new members who qualify for any given service year receive the same or minimum amount offered to current members. The Administrator requested the Borough attorney review the request and offer his opinion. Mayor DeBari thought all new members automatically started at \$550; the Administrator advised that is not the case, she then explained the base amount and how it increases yearly. The Administrator noted there is nothing in the current ordinance regarding what new members will get, that is all that is trying to be fixed; she noted the base amount must be consistent for all members. The increase is measured by the consumer price index. Mr. Moscaritolo will review the information provided and offer his opinion by the next meeting. Mayor DeBari

questioned if the base amount could be frozen after ten years. Mayor DeBari referenced the maximum base amount of \$1,150; there is no incentive for a volunteer to stay on, if the base amount does not go up year to year. The Administrator will forward the information in ordinance form for the Borough Attorney to review and amend as necessary.

3. Chief's Memo – Madison Plaza

The Administrator referenced the Chief's memo regarding extending the no parking and standing ordinance to include the Madison Plaza parking lot; problem being parents picking the children up from school in the parking lot. Councilwoman Duffie suggested Councilwoman Subrizi bring the matter to the Board of Education. Councilwoman Subrizi noted a more effective approach would be for the Police Department to speak directly with the property owner, as it would be in the owner's best interest to keep her parking lot free and clear. The Police Department could then make their request to put our sign on her property. Mayor DeBari stated the Police Department cannot write a summons for a violation on private property; a call would have to come from the landlord first. Councilwoman Subrizi suggested she broker a meeting between Chief Papapietro, Mr. Polizzi as well as herself to discuss the traffic pattern matter. Council President Putrino noted a sign citing Borough ordinance cannot be placed on private property as it cannot be enforced. Mayor DeBari noted it is possible for the property owner to allow the lessee to call the Police. The Council discussed the traffic pattern at pick-up and drop-off. Mr. Moscaritolo noted there is a provision in the traffic code prohibiting the use of private property to avoid traffic control; therefore a ticket may be issued citing title 39.

ADMINISTRATOR

The Administrator explained the additional funding for Scott Sproviero, noting through the end of 2009 there are outstanding charges.

The Administrator noted the current cleaning company is exercising their 30 day termination clause effective March 1st. The Borough is in the process of obtaining quotes and intends to award the contract next meeting.

The Administrator stated the Elk's Club had a sign request for a 12 month period. It will be for the last Sunday of every month, and will be up from Friday to Sunday on the corner of the Borough property. She asked if the Council had any objections; no objections noted however they wish to request a professional sign for aesthetic reasons.

The Administrator referenced a memo regarding the proposed telephone and voicemail system. The Administrator will resend the email to the Council on the particulars of the proposal and add it for discussion at the next work session.

The Administrator stated the North Jersey Civil Defense Police Pistol League has apparently been using the Borough's tax exempt status for their expenses as well as their annual dinner, facts unknown to her. The league's representative came in and requested the Borough pay for their dinner and they will reimburse; reason being vendors now require checks for payment match the name on the tax exempt certificate. The Administrator informed him it is not legal for

the Borough to do this as they are a private club. The representative noted all members are former police auxiliary members from eight different towns, therefore they are affiliated with the Borough; other towns have done it in the past. The Administrator wanted the Council's position, before turning him down definitively; the Council agreed to deny the request.

The Administrator requested the Council persevere in their liaison positions in getting the remaining oaths from their Boards, Committees and Commissions in addition to watching the training video. Council President Putrino requested the link to the video be put on our website.

The Administrator advised as part of the Citizens Services Act, current and new volunteers wishing to serve are required to file a Citizen Leadership Form; please have members of the Boards, Committees and Commissions, except ambulance and fire department, file as soon as possible.

Councilwoman Subrizi would like to know why Mr. Bigger was not informed of his not being rehired in a timely manner; she feels he is owed an apology. She noted there is a proper hiring procedure i.e. posting the position, advertising and interviewing.

Councilman Bachmann will share the Council's concerns with the Recreation Commission.

Council President Putrino referenced the proposed legislation by Lesniak to reform COAH. He attempted contacting Mr. Lesniak twice, as the information is lengthy and confusing; he has not returned the call to date. Council President Putrino made a motion to invite Mr. Lesniak to a meeting to explain his ideas. Councilwoman Duffie seconded the motion. All present in favor none opposed.

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

CLOSED SESSION:

2. Recreation

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

ADJOURNMENT

Councilman Bachmann made a motion to adjourn. Councilwoman Subrizi seconded the motion. All present in favor, none opposed. Time 11:55 PM.

Respectfully submitted,



Colleen Naumov
Deputy Borough Clerk