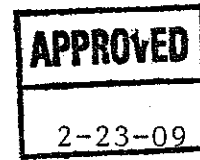


MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
OPEN SESSION immediately following
8:30 PM PUBLIC MEETING
Monday, January 26, 2009



WORK SESSION

Councilman Arthur Zeilner	Present
Councilman Keith Bachmann	Present
Councilwoman Randi Duffie	Present
Council President Tina DeLucia	Present
Councilwoman Ann Subrizi	Absent
Councilman Michael Putrino	Present
Mayor Frank DeBari	Present

Mayor DeBari read the Open Public Meeting and Mission Statements.

The Administrator announced the addition of resolution 2009:48 to the agenda and noted the reintroduction of ordinance 2008:20.

Open Session:

1. Town & Country – Donald Low 7:00 PM

Mr. Donald Low came forward to address the Council. The Mayor summarized some of the parking issues on Main Street, on the side streets, and in close proximity to the corners that have come to light with the recent closing of the Elm Street Bridge. Councilman Zeilner and Councilwoman Duffie mentioned some of the property maintenance issues, such as the condition of the property and the storage on the side of the building.

Mr. Low said that some of the parking issues should be alleviated now that his only employee with a vehicle has found a new parking place. Regarding his trucks, he said he will park one on the property and one off. He stated that the issue will resurface in the spring with the return of the landscapers, not as a result of his business. He said that he will work on making the property more presentable with plantings in the spring and asked if he could install pavers in the front similar to those that were installed in front of a business uptown. The Mayor said that he could and asked that he make the request in writing, through the Building Department. He said that he would store more in the back, but was restricted from storing anything flammable indoors, which would include all of the gas powered machinery. The Mayor said that the town would be paving the portion of Main Street in front of his property and asked for Mr. Low's cooperation in keeping the area presentable.

2. Library Funding – Terrie McColl 7:15 PM

Library Director, Terrie McColl, came forward to address the Council. Ms. McColl stated that the New Jersey League of Municipalities proposal to cut Library funding to 1/6 of a mil would, in essence, close the New Milford Public Library. She asked for the Council's

support in passing a resolution opposing the League's position. She noted that a copy of the Library Board of Trustees resolution as well as a draft of the proposed Council resolution had been forwarded prior to this meeting.

Ms. McColl explained that some of the shore towns in the south can afford the cut in funding because they have very high ratables, but the cut would hurt many northern towns. She said that the League's proposal was being opposed by the libraries of every municipality in Bergen County. She summarized the New Milford funding levels for the past three years, noting that the 1/3 mil is the minimum level allowed by law and that prior to 2006 the Council had always funded the Library at a higher rate. She stated that the formula for Library funding has been in place for more than 100 years and that it works because during good economic times the funding amount goes up and during bad economic times the funding amount goes down. She also stated that she is required to buy a certain number of books and periodicals and to open the Library for a minimum of hours each week. She said that those requirements are population based. She supplied a budget summary of 2007, 2008 and what it would look like for 2009 at the proposed 1/6 mil. She noted that it would be impossible to staff the Library if she were to meet the previously outlined requirements and pay the utilities. Noting the size of the Library, she stated that she needs a minimum of 5 – 6 people to cover the building during open hours. She said that she currently employs 15 full-time (two less than normal levels) and 9 part-time employees. She additionally noted that circulation was up in 2008.

Councilman Bachmann clarified that the Mayor and Council are not attempting to push through this legislation; that the State is trying to change the law and the League of Municipalities is lobbying for the change, but that no one on this Council has agreed that it is a good idea.

Council President DeLucia made a motion to put the Library Board of Trustees supported resolution on the next agenda for consideration by the Council. Councilwoman Duffie seconded the motion. All present in favor, none opposed. The resolution will be prepared and listed on the February 9th agenda.

3. Temporary Structures Ordinance Draft

Mr. Moscaritolo stated that he had attended a memorial for Superior Court Judge Sybil Moses and asked the Mayor to remember her as part of the moment of silent prayer during the public portion of the meeting.

He said that he had been unable to draft the temporary structures ordinance. He asked the Administrator to email the information and he will prepare the draft for discussion at the February 9th meeting with a planned introduction on February 23rd.

4. Recycling Ordinance

Mr. Moscaritolo stated that he had left a message for Richard Wierer of the Bergen County Utilities Authority and that he was awaiting a response. The matter will be relisted for discussion for February 9th.

Mr. Moscaritolo reported that he had drafted the letter to Damato Paperstock (Greenstar) notifying them of the Council's decision to enforce the current contract. A copy was distributed for the Council's review. He said that the letter would go out the next day.

Mr. Moscaritolo reported that he had mailed all of the requested documents to Lisa Stern of Green Acres to facilitate the last payment for the Perrone and Klinger farmland easement. He has followed up and is awaiting confirmation that all of the requirements have been met.

Councilwoman Duffie reported that she had attended the Newly Elected Officials Training sponsored by the League of Municipalities and that it was very informative.

Councilman Putrino reminded the Council that Fire Awareness Day would be held on a weeknight this year, specifically October 8th. He stated that he had an appointment for the Jr. Fire Department. He stated the need to schedule a meeting of both the budget committee and the website committee.

Councilwoman Duffie asked the status of the signage in the North end of town. She was advised that the ordinance was on the agenda for introduction this evening. She asked the status of the recycling bins in town. She was advised that Councilman Putrino would be meeting with the representative and reporting back to the Council. Councilwoman Duffie asked about the status of the air quality tests by the High School and Senior Center that were discussed previously by the Council. The Mayor responded that we have made no progress.

Councilman Putrino referenced his email to the Administrator regarding the fire hydrant charges. She responded that the Mayor was pursuing this initiative through Mayor's Association. The Mayor said that he had left a message for Mayor DiRienza and was waiting to hear back from him. Councilman Putrino asked to have the email forwarded to the rest of the Council.

The Administrator summarized a recent meeting with the Borough of River Edge regarding a possible joint bid for Solid Waste. She recapped the previous meeting in October and the Council's original position that unless River Edge was willing to revise their pick-up schedule a joint bid would not be feasible. River Edge has now indicated that they might be willing to change their schedule. However, they would continue to bid individually as well as jointly with New Milford. The Administrator explained that by bidding individually River Edge may get a more favorable quote individually from their current hauler, while the joint bid may be more favorable for New Milford. New Milford would then be in a position where they would have to award the bid individually at a higher rate than the joint bid, which would negate any benefit to bidding jointly. The Council agreed that it would be in the Borough's interest to bid it jointly only if River Edge was willing to go with the joint bid. It could be bid jointly, early enough to allow individual bids if it should become necessary. The Administrator will advise River Edge of the Borough's position.

The Administrator briefed the Council on the issue of sump pumps draining to the street. She acknowledged reports of dangerous conditions being caused by this practice. She stated that the DPW had compiled a list of all of the homes that have been identified as having sump pumps discharging to the street. The Borough Engineer has reviewed the list and has advised that six of the homes, on the list of approximately twenty, can connect immediately. The remaining homes are situated in such a way that connecting to the storm sewer would cost them individually

between \$2,400 and \$20,000. She further advised that if the town were to undertake the connections it would cost an estimated \$94,250 to \$131,950. The engineer also indicated that discharging to their own yard or installing a seepage pit may not solve the problem, but that draining to the back yard may alleviate the situation. The Council agreed that the homeowners should be contacted and told that they must conform to the Borough ordinance by either connecting to the storm sewer and/or catch basin or discharging to their back yard. The Administrator will ask the engineer to draft a letter, outlining the options, for the Council to review.

The Administrator updated the Council on the status of the Hirschfeld Brook Flood Mitigation, stating that the letter is being drafted and the addresses compiled for letters to be sent to the affected homeowners. She asked the Mayor to clarify the reason for the meeting he was attempting to schedule with Steven Boswell. The Mayor stated that he asked Mr. Boswell to meet with residents to take comment from everyone that has been involved with a flood dating back to pre-1999. He added that the purpose is to give Mr. Boswell the opportunity to hear the effects of flooding, something he can't get from the modeling that has been done. The Administrator advised the Mayor that Ms. Batistic is under the impression that the meeting is for the purpose of advising homeowners of the extent of the disturbance to their property as a result of the work being planned. The Mayor said that he will speak with Mr. Boswell to clarify the intent of the meeting. The Administrator will check the availability of 2/24 as a possible meeting date.

The Mayor referenced a pamphlet that he distributed to the Council from the NJ Economic Development Corporation outlining 120 million dollars in business grants that will be available through Invest NJ legislation. He explained that it is not for counties or municipalities but rather for businesses, but it would also include non-profit organizations such as the Friends of the Library and Friends of Recreation. He asked that copies be forwarded to the Library, Chamber of Commerce, Recreation and any other organizations that may benefit.

Council President DeLucia made a motion to open the meeting to the public for comment. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

Mr. Gus Bachmann addressed the Council. Mr. Bachmann referenced the earlier discussion regarding the air quality tests at the Senior Center and asked what had happened to the air filters that were supposed to be removed from the air conditioning units at the Senior Center. The Mayor responded that the filters were removed but that he was unsure of the status.

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

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

CLOSED SESSION:

1. Wireless Edge Correspondence dated 1/16/09

PUBLIC SESSION

(Actual Start 8:46 PM)

Councilman Arthur Zeilner	Present
Councilman Keith Bachmann	Present
Councilwoman Randi Duffie	Present
Council President Tina DeLucia	Present
Councilwoman Ann Subrizi	Absent
Councilman Michael Putrino	Present
Mayor Frank DeBari	Present

Mayor DeBari called the meeting to order, asked for a moment of silent prayer, and led the flag salute. Mayor DeBari read the Open Public Meeting Law and Mission Statements and pointed out the fire exits in the Council Chambers.

Councilman Zeilner made a motion to approve the minutes from the January 5, 2009 Reorganization Meeting. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

PROCLAMATIONS:

**NATIONAL WEAR RED DAY FOR WOMEN
SILVER STAR BANNER DAY**

COUNCIL COMMITTEE REPORTS:

Councilman Arthur Zeilner

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

Regarding Buildings and Grounds Councilman Zeilner stated that there are no major renovation projects taking place currently, just routine maintenance.

He reported that the Environmental Commission did not meet, but that Hedy Grant was appointed to the Commission as the liaison from the Planning Board.

Councilman Zeilner stated that he could not attend the meeting of the Police Auxiliary.

Councilman Zeilner reported that the DPW is continuing with routine maintenance in addition to snow removal. He read an email dated 12/23 complimenting the DPW on the snow removal.

Councilman Zeilner summarized the calls for the Police Department for the previous month.

Councilman Keith Bachmann

Ambulance Corps, Drug Alliance, Recreation

Councilman Bachmann stated that he had attended the 1/9 meeting of the Ambulance Corps at which the new officers were elected. He reported that the formal installation of officers will take place at their annual dinner scheduled for 2/7.

Councilman Bachmann reported that the Drug Alliance had held its first dance of the new year on 1/15 and that 211 students had attended. He reported that they will be purchasing a Smart Board for Berkley Street School.

Councilman Bachmann reported that the Recreation Commission had met on 1/7 and 1/21 and had made their liaison assignments to the programs. He reported that they are considering adding a spring soccer league, with smaller teams on a smaller field.

Councilwoman Randi Duffie

Health & Human Services, Rent Leveling/Tenants Association, Senior Advisory

Councilwoman Duffie reported that all of her committees did not meet, either due to weather conditions or a lack of quorum.

Councilwoman Duffie stated that she had attended a seminar for newly elected and experienced officials, sponsored by the New Jersey League of Municipalities, on 1/24 and that it was very informative.

Council President Tina DeLucia

Chamber of Commerce, Planning Board, Library Board

Council President DeLucia reported that the Chamber of Commerce had met the previous week and that Marlene Casey, head of the Historic Preservation Committee, had spoken. She reported that the Historic Commission is planning to put banners in the Peetsburg section of town; that they had received a grant of \$1,000 and that the Chamber has pledged \$200 and is attempting to raise the additional \$800 from amongst its members.

Council President DeLucia stated that the Planning Board had met the previous week for a work session at which time they reviewed the materials for a minor subdivision on Holly Street. She stated that the application would be heard at the meeting scheduled for 2/17.

Council President DeLucia reported that the Library Board of Trustees had passed a resolution opposing the League of Municipalities position on the proposed funding cuts. She stated that the Library Director had appeared before the Mayor and Council and that a resolution would be drafted, opposing the League's position, for the next meeting of the Mayor and Council. She also reported that an additional \$14,000 was being returned by the Library, to the Borough, to help defray the cost of medical benefits for the previous year.

Councilwoman Ann Subrizi

Board of Education, Historic New Bridge Landing, Public Events

Absent – No report.

Councilman Michael Putrino

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

Councilman Putrino stated that he had attended the 1/13 meeting of the Historic Preservation Commission at which the banners for the Peetsburg neighborhood were discussed. The banners

are in the process of being designed; they will be 2' by 3' and will contain no commercial advertisement.

Councilman Putrino reported that he had attended the 1/15 meeting of the Shade Tree Commission at which Steve Perrone was elected Chairperson and Esther Navarez was elected Vice-Chair. He reported that the Commission is continuing to work on proposed changes to the Shade Tree Ordinance.

Councilman Putrino summarized the recycling tonnage for the previous month.

Mayor Frank DeBari
Community Development

Mayor DeBari stated that he and Council President DeLucia had attended the Community Development meeting the previous week at which all the towns in the Northern Valley Community Development made their pitch for funds for the coming year. He stated that the Borough had requested \$100,000 to continue the installation of handicap ramps throughout the town. He said that once the amount of money available is determined by the federal government the committee will meet again to allocate the funds.

OLD BUSINESS:

REINTRODUCE ORDINANCE #2008:20

AN ORDINANCE TO AMEND CHAPTER VII OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "TRAFFIC", THEREBY AMENDING SUBSECTION 7-3 ENTITLED "PARKING"

The Mayor announced that the ordinance was being reintroduced to reflect a change in the time at which the parking will switch sides.

Councilman Zeilner made a motion to reintroduce and approve this ordinance on its first reading. Councilwoman Duffie seconded the motion. The motion passed on a roll call vote.

For the motion: Zeilner, Bachmann, Duffie, DeLucia

Against the motion: None

Abstain: Putrino

The ordinance will be published in the Ridgewood News and a public hearing will be held on February 23, 2009 at 8:30 PM.

NEW BUSINESS:

INTRODUCE ORDINANCE #2009:01

AN ORDINANCE TO AMEND CHAPTER IV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "GENERAL LICENSING" THEREBY ADDING SUBSECTION 4-20 "CHARITABLE CLOTHING BINS"

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

The ordinance will be published in the Ridgewood News and a public hearing will be held on February 23, 2009 at 8:30 PM.

INTRODUCE ORDINANCE #2009:02

AN ORDINANCE TO AMEND CHAPTER XXX OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "LAND USE REGULATIONS," THEREBY AMENDING SECTION 30-25 ENTITLED "BUSINESS ZONES"

Council President DeLucia 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.

The ordinance will be published in the Ridgewood News and a public hearing will be held on February 23, 2009 at 8:30 PM.

INTRODUCE ORDINANCE #2009:03

AN ORDINANCE TO AMEND CHAPTER VII OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "TRAFFIC", THEREBY AMENDING SECTION 7-6 ENTITLED "THROUGH STREETS, STOP INTERSECTIONS AND YIELD INTERSECTIONS" AND SECTION 7-10 ENTITLED "TURN PROHIBITIONS"

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.

The ordinance will be published in the Ridgewood News and a public hearing will be held on February 23, 2009 at 8:30 PM.

RESOLUTIONS:

- 2009:41 Closed Session
- 2009:42 Payment of Bills and Vouchers
- 2009:43 Approve Raffle License #2009:02 for Solomon Schechter for an Off-Premise 50/50 Raffle
- 2009:44 Approve Disciplinary Penalty – Macty, Inc. DBA Brookchester Bar and Liquors
- 2009:45 Approve Social Affairs Permit – Church of the Ascension
- 2009:46 Approve Tax Refunds – Various Blocks and Lots as a result of Reduced Assessments
- 2009:47 Award Bid for Sewer Televising Equipment to Envirosight, LLC, Randolph, NJ
- * 2009:48 Designate \$5,356,136 Bond Anticipation Note, dated January 30, 2009, payable June 30, 2009, as a Qualified Tax Exempt Obligation

COMMENTS FROM THE PUBLIC

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

Ms. Hedy Grant stood to address the Mayor and Council. Ms. Grant stated that she wanted to give "kudos" to the Mayor and Council and the Planning Board for getting the third round COAH application in on time. She stated that Englewood did not submit their application prior to the deadline and are now being sued for a builder's remedy.

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

VOTE ON RESOLUTIONS

Council President DeLucia made a motion to approve resolutions 2009:41 through 2009:48. Councilman Bachmann seconded the motion. All present in favor, none opposed.

ADJOURNMENT

As there was no further business before the Council, Councilman Zeilner made a motion to adjourn the meeting. Council President DeLucia seconded the motion. All present in favor, none opposed. Time 9:15 PM.

Respectfully submitted,



Christine Demiris
Borough Clerk