

**MINUTES
BOROUGH OF NEW MILFORD
MAYOR AND COUNCIL
JANUARY 5, 2009
7:00 PM**

Mayor DeBari called the meeting to order, asked for a moment of silent prayer, and led the salute to the flag. Mayor DeBari points out the fire exits in the Council Chambers.

Mayor DeBari read the Open Public Meeting and Mission Statements.

Roll Call of 2008 Council

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

Mayor DeBari welcomed the audience to the New Year.

OLD BUSINESS:

RESOLUTIONS:

2008:269 Approve budget transfers for Municipal Budget 2008

Councilman Zeilner made a motion to approve resolution 2008:269. Council President DeLucia seconded the motion. The motion passed on a roll call vote; all present in favor, none opposed.

Councilwoman Subrizi made a motion to close the meeting. Councilman Putrino seconded the motion. The motion passed on a roll call vote; all present in favor.
SINE DIE.

NEW BUSINESS:

The Borough Clerk announced the receipt of the Certificates of Election for Councilwoman Ann Subrizi and Councilwoman Randi Duffie

Councilwoman Subrizi and Councilwoman Duffie were sworn in by Mayor DeBari.

Mayor DeBari convened the new 2009 Council and Roll Call was conducted.

Councilman Art Zeilner	Present
Councilman Keith Bachmann	Present
Councilwoman Randi Duffie	Present
Councilwoman Tina DeLucia	Present
Councilwoman Ann Subrizi	Present
Councilman Michael Putrino	Present
Mayor Frank DeBari	Present

Councilwoman Duffie made a motion to nominate Councilwoman DeLucia for Council President. Councilman Zeilner seconded the motion. The motion passed on a roll call vote; all present in favor, none opposed.

Mayor DeBari announced that the Council Committee Assignments would remain unchanged from the previous year.

Councilman Art Zeilner	Building and Grounds, Environmental, Police/Police Aux., Public Works
Councilman Keith Bachmann	Ambulance Corps, Drug Alliance, Recreation
Councilwoman Randi Duffie	Senior Advisory, Health & Human Services, Rent Leveling/Tenants Association
Council President Tina DeLucia	Chamber of Commerce, Library, Planning Board
Councilwoman Ann Subrizi	Board of Education, Historic New Bridge Landing, Public Events
Councilman Michael Putrino	Fire Department, Historic Preservation, Shade Tree, Garbage & Recycling
Mayor Frank DeBari	Community Development Joint Insurance Fund

Mayor DeBari announced the new Fire Department Officers and issued oaths to Chief John Stormer, Assistant Chief Terry Lawler, Deputy Chief Peter Torpie, Capt. Co. #1 Ralph Leonardi, Capt. Co. #2 James Tufaro, Lt. Co. #1 Tony Castella and Lt. Co. #2 Jerry Nolan.

It was noted that the Fire Department held their reorganization on January 3rd and the officers were sworn in at that time.

PRESENTATION:

The Mayor presented the following plaques:

Patrick Boselli – Outgoing Fire Chief
Scott Dzakik – 20 Years of Service
Ron Stokes – 20 Years of Service
Anthony Vinci – 20 Years of Service

Angelo DeCarlo, President – Fire Co. #2, presented outgoing President of Fire Co. #2, Bob Ryan with a plaque.

Mayor DeBari announced "All standing committees and special committees are dissolved and all individual appointments are terminated and relieved of their offices and duties, and indeterminate appointments dissolved."

Councilman Bachmann stated that he wished to abstain from the vote for the appointment of Risk Manager as well as the appointment of his dad to the Senior Advisory Board. He noted that the Recreation Director is appointed by the Recreation Commission. It was agreed that the Recreation Director position would be removed from the list of appointments. Councilman Bachmann additionally stated that he does not recognize the Twin Boro News or the Ridgewood News as official newspapers and would therefore be voting "yes" for The Record and "no" to the other two publications.

Councilwoman Subrizi noted an inconsistency with the Zoning Board term expirations stating that only one term would expire in both 2009 and 2010, while there will be three terms expiring in 2011 and two terms expiring in 2012. The Mayor suggested that the matter be brought to the attention of the Zoning Board attorney for review and a recommendation on how it should be resolved.

The Borough Attorney stated that resolution 2009:31 should be pulled from the consent agenda for a separate vote.

The Council agreed to vote on the appointments by page.

<u>POSITION</u>	<u>TERM</u>	<u>APPOINTEE</u>
BOROUGH ATTORNEY	1 Yr.	S. Gregory Moscaritolo, Esq.
LABOR ATTORNEY	1 Yr.	Mark Ruderman, Esq.
BOND COUNSEL	1 Yr.	Steve Rogut, Esq.
RENT LEVELING ATTORNEY	1 Yr.	Lisa Aljian, Esq.
BOROUGH AUDITOR	1 Yr.	Steven Wielkocz of FWC&C
TAX APPEAL ATTORNEY	1 Yr.	William J. Bailey, Esq.
PUBLIC DEFENDER	1 Yr.	Dan McNerney, Esq.
PROSECUTOR	1 Yr.	Thomas Sarlo, Esq.
GRANTS CONSULTANT	1 Yr.	Capital Alternatives
BOROUGH PLANNER	1 Yr.	Kauker & Kauker, LLC

Councilwoman Duffie made a motion to accept the appointments of Borough Attorney through Borough Planner. Councilman Putrino seconded the motion. All present in favor, none opposed.

RISK MANAGER **1 Yr.** **Nelson Patterson, Art Caughlan**

Councilman Putrino made a motion to accept the appointment of Risk Manager. Council President DeLucia seconded the motion. The motion passed on a roll call vote as follows:
For the motion: Zeilner, Duffie, DeLucia, Subrizi, Putrino
Against the motion: None
Abstain: Bachmann

HEALTH OFFICER **1 Yr.** **Sam Yanovich, Mid Bergen**

FIRE AND POLICE PHYSICIAN **1 Yr.** **Dr. Griggs**

FIRE BD. & ALARM BUREAU **1 Yr.** **Determined by Fire Officer**

BERGEN COUNTY JIF & MEL **1 Yr.** **Mayor Frank DeBari**

BLOOD BANK **1 Yr.** **Lorraine Palma, RN**

BOROUGH PHOTOGRAPHER **1 Yr.** **Kathy Carter**

**CLEAN COMMUNITIES
COORDINATOR** **1 Yr.** **Mary Ann Perrone**

**DOMESTIC VIOLENCE
RESPONSE TEAM** **1 Yr.** **Confidential – Contact NMPD
Domestic Violence Liaison Officer
Det. Brian Long**

Councilman Zeilner made a motion to accept the appointments of Health Officer through the Domestic Violence Response Team. Council President DeLucia seconded the motion. All present in favor, none opposed.

DRUG AND ALCOHOL MUN. ALLIANCE COMMITTEE - 1 Year

Jill Allison	Kristin Becker
Joseph Binetti	Theresa Carbone
Michell Cartwright	Hannah Hashash
Michelle Hayden	Margaret Hliboki
Gul Kahn	Dalila Kharmandarian
Jenny Lenge	Mary McElroy
Kevin McMahon	Dona McNaughton
Victor Naumov	Debbie O'Brien
Michelle Roth	John Thomsen
Cheryl Tormo	Karen Tyler
John Walsh	P.O. Keith Wester

ENVIRONMENTAL & ENERGY COMMISSION – 3 Years

(Unexpired)	12/31/09	Hedy Grant
	12/31/11	Tammy DeSena
	12/31/11	Tammy Kaminski
Alt. 2 – 1 Yr.	12/31/09	Elizabeth Kennedy

GARBAGE AND RECYCLING - 1 Year

12/31/09	Robert Chester
12/31/09	Norman Krause
12/31/09	Ralph Mastrangelo
12/31/09	George Senftinger
12/31/09	Mary Ann Perrone

HISTORIC PRESERVATION COMMISSION - (9 members)

1 Class A, 3 Class B, 5 Class C - all 4 year terms

2 Class C Alt. - 2 year term

	Class A	12/31/12	Marlene Casey
	Class B	12/31/12	Cynthia Forster
(Unexpired)	Class C	12/31/11	Marina Collado
	Class C	12/31/12	William Klinger
	Alt. 2C	12/31/10	Vacant

JUVENILE CONFERENCE COMMITTEE **Provided by Bergen County Court**

Councilwoman Subrizi made a motion to accept the appointments of the Drug and Alcohol Municipal Alliance through the Juvenile Conference Committee. Councilman Putrino seconded the motion. All present in favor, none opposed.

LIBRARY BOARD – 5 Years	12/31/13	Nancy Lee
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PLANNING BOARD

Class I – 1 Yr.	12/31/09	Randi Duffie
Class II – 1 Yr.	12/31/09	Art Castronova
Class III – 1 Yr.	12/31/09	Tina DeLucia
Class IV – 4 Yr.	12/31/12	Thea Sirocchi Hurley
	12/31/12	Carol Hudak
Alt. #2 – 2 Years	12/31/10	Franklin Collado

PUBLIC EVENTS (1 Year)	12/31/09	Austin Ashley
	12/31/09	Jim Drake
	12/31/09	Marie Dunbar
	12/31/09	Neil Goldsbury
	12/31/09	Terry Limaxes
	12/31/09	Darlene Minko
	12/31/09	Gina Plotino
	12/31/09	Charles Sauer
	12/31/09	Laure Schroeder

RENT LEVELING (1 Year)	12/31/09	George DePalma (L)
	12/31/09	Catherine Pat Williams (T)
	12/31/09	Diana Gouldsbury (H)
	12/31/09	Gordon Lockwood (T)
	12/31/09	Anthony Lauro (L)
	Alt.	12/31/09
Alt.	12/31/09	Jim Drake (H)
Alt.	12/31/09	Doreen Ecorleno (L)

SCHOOL CROSSING GUARDS 12/31/09 (list provided by Police Department)

SENIOR CITIZEN ADVISORY BOARD

RESIDENT MEMBERS (2 Years)	12/31/10	Mary Buczinsky
	12/31/10	Pat Coogan
	12/31/10	Betty Chester
	12/31/10	Nubar Kazarian

Councilwoman Duffie made a motion to accept the appointments of the Library Board through the Senior Citizens Advisory Board Resident Members. Council President DeLucia seconded the motion. All present in favor, none opposed.

OFFICIAL NEWSPAPERS	12/31/09	The Record
		Twin Boro News
		Ridgewood News

Councilwoman Duffie made a motion to accept the appointment of the Official Newspapers. Councilman Putrino seconded the motion. The motion passed on a roll call vote as follows:

For the motion: Zeilner, Bachmann (for only The Record), Duffie, DeLucia, Subrizi, Putrino

Against the motion: Bachman (on the recognition of the Twin Boro News and the Ridgewood News as official newspapers)

Abstain: None

SENIOR CITIZEN ADVISORY BOARD

SENIOR CLUB REPRESENTATIVES

(1 Year)	12/31/09	Jane Emanuel -St. Joseph's Leisure Club
	12/31/09	Rev. Anthony Iovine-St. Matthew's Church Group
	12/31/09	Peggy Saslow-NMJC Senior Group
	12/31/09	Joan Kane-Ascension Church Group
	12/31/09	Frank Moriarty-NM Baptist Senior's Group
	12/31/09	Gus Bachmann-Gloria Dei Church Senior Group
	12/31/09	Betty Martin - Presbyterian Senior Group

Council President DeLucia made a motion to accept the appointments of the Senior Citizen Advisory Board Senior Club Representatives. Councilwoman Subrizi seconded the motion. The motion passed on a roll call vote as follows:

For the motion: Zeilner, Bachmann (on all appointments except Gus Bachmann), Duffie, DeLucia, Subrizi, Putrino

Against the motion: None

Abstain: Bachmann (on the appointment of Gus Bachmann)

SHADE TREE COMMISSION (5 Years)

(Unexpired)	12/31/09	Austin Ashley
	12/31/13	Norman Krause
(Unexpired) Alt. 2	12/31/10	Sue Klecha

ZONING BOARD OF ADJUSTMENT

12/31/12	Karl Schaffenberger
12/31/12	Eileen DeBari

Councilman Putrino made a motion to accept the appointments of the Shade Tree Commission through the Zoning Board of Adjustment. Council President DeLucia seconded the motion. All present in favor, none opposed.

COMMENTS FROM THE PUBLIC

Councilwoman Subrizi made a motion to open the meeting to the public. Councilman Putrino seconded the motion. All present in favor, none opposed.

Mr. Bill Willard, Esq., of the law firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis, Leher, PC, representing Wireless Edge Westchester Group, LLC came forward to address the Council. Mr. Willard reviewed the points of his letters dated December 15 and December 22, 2008 regarding the allegations of deficiencies in his clients bid. He stated his opinion that the deficiencies were not material enough to reject the bid.

Mr. Willard also stated that item 5C of the bid specification states that all addenda must be signed and returned with the bid. He noted that Gaelic Communications did not sign and return the addenda with their bid.

Mr. James Berube, Esq., representing Gaelic Communications, LLC came forward to address the Council. Mr. Berube stated that Mr. Willard's remarks did not address all of the deficiencies in the bid proposal and reviewed the four deficiencies he originally noted in his letter dated December 5, 2008.

The Borough Attorney stated that he had reviewed Gaelic Communication's objections, had given Wireless Edge an opportunity to respond, conducted independent legal research, reviewed the relevant case law and gave his opinion to the Council, which was that the defects in the bid proposal from Wireless Edge were material. Based upon this opinion, he recommended that the bid be awarded to Gaelic Communications, LLC.

Councilwoman Subrizi asked if the Borough Attorney was confident that Gaelic Communications had met the requirements of the bid specification. He stated his confidence that they had and noted that although Mr. Willard mentioned a defect in his

comments to the Council tonight, none were noted in the objection that was submitted on behalf of his client, and that he himself was not aware of any defects.

The Mayor asked how long Gaelic Communications has been in business. Mr. Declan O'Scanlon came forward to address the Council. Mr. O'Scanlon stated that the Gaelic Communications has been in business for about eight years but that he himself has been in the industry since 1995. He further identified himself as the state's foremost expert when it comes to public tower and antenna sighting in New Jersey. Councilwoman Subrizi asked how much work the company has done in Bergen County. He stated that they have done between 10 and 12 sites in each county throughout the state. The Mayor asked that he provide a list to the Administrator.

Mr. John Arthur came forward to address the Council. He identified himself as a principal of Wireless Edge. He stated that the company has been in business for approximately ten years, they average 4.5 tenants per tower and that Wireless Edge is an extremely experienced company. He noted that he has a letter on file from Liberty Mutual acknowledging that the bond amount should be based on that annual rent and guaranteeing it in that amount. He offered to provide a copy of this letter. Noting the company's location, Councilwoman Subrizi asked if they have any experience in New Jersey. Mr. Arthur stated that they have placed towers in Hamilton, Lakewood, and South Toms River.

The meeting was closed to the public on a motion from Council President DeLucia, which was seconded by Councilwoman Subrizi. All present in favor, none opposed.

Councilwoman Subrizi confirmed that the Borough Attorney's recommendation remained the same as it appears in the resolution before the Council. The Borough Attorney stated that his recommendation remained unchanged.

Councilwoman Duffie made a motion to approve resolution 2009:31. Council President DeLucia seconded the motion. The motion passed on a roll call vote; all present in favor, none opposed.

Councilwoman Subrizi made a motion to reopen the meeting to the public. Council President DeLucia seconded the motion. All present in favor, none opposed.

The Mayor recognized former Administrator/Borough Clerk Kathy Sayers, former Dumont Mayor Jim Moriarty, and former Councilmen Kevin Kelly and Henry Chernin.

As there were no further comments from the public, the meeting was closed on a motion from Councilwoman Subrizi, which was seconded by Councilwoman Duffie. All present in favor, none opposed.

RESOLUTIONS:

2009:01 Approve Temporary Budget

2009:02 Appoint Borough Attorney - S. Gregory Moscaritolo, Esq.

2009:03 Appoint Labor Attorney – Mark Ruderman, Esq.

- 2009:04 Appoint Bond Counsel – Steve Rogut, Esq.
- 2009:05 Appoint Grants Consultant – Capital Alternatives: Marlene Casey
- 2009:06 Appoint Tax Appeal Attorney – William J. Bailey, Esq.
- 2009:07 Appoint Borough Prosecutor – Thomas Sarlo, Esq.
- 2009:08 Appoint Borough Public Defender – Dan McNerney, Esq.
- 2009:09 Appoint Rent Leveling Attorney – Lisa R. Aljian, Esq.
- 2009:10 Appoint Borough Auditor – Steven Wielkotz, Ferrioli, Wielkotz, Cerullo & Cuva
- 2009:11 Appoint Risk Manager – Arthur Caughlan, Nelson Patterson Agency
- 2009:12 Appoint Borough Planner – Michael Kauker, Kauker & Kauker, LLC.
- 2009:13 Appoint Special Commercial Tax Appraiser – Robert McNerney, MAI, SRA, McNerney & Associates
- 2009:14 Appoint Appraiser for Residential and Added/Omitted Assessments – Appraisal Systems
- 2009:15 Appoint Health Officer - Sam Yanovich, Health Officer - Mid Bergen
- 2009:16 Appoint Fire Marshall – Alan Silverman
- 2009:17 Designate Public Agency Compliance Officer – Christine Demiris
- 2009:18 Appoint Health Department Child Health Conference Doctor – Terry Smith
- 2009:19 Appoint Alternate Prosecutor – Ronald Dario, Esq.
- 2009:20 Adopt By-Laws and Code of Ethics
- 2009:21 Fix rate of interest charged for non-payment of taxes
- 2009:22 Approve designated banks as official depositories of Municipal Funds and approve signatories
- 2009:23 Approve signatories for Medical, Prescription & Vision Reimbursement Account
- 2009:24 Approve Twin-Borough Cover-up and Assistance Program with Haworth
- 2009:25 Approve Twin-Borough Cover-up and Assistance Program with Dumont
- 2009:26 Approve Tri-Borough Cover-up and Assistance Program with River Edge and Oradell
- 2009:27 Approve Twin-Borough Cover-up and Assistance Program with Bergenfield
- 2009:28 Authorize participation in the Volunteer Tuition Assistance Program
- 2009:29 Adopt Official Notice of Claim Form
- 2009:30 Approve additional handicap parking spaces for 2009
- 2009:31 Award Cell Tower Bid to Gaelic Communications, LLC
- 2009:32 Approve Raffle License #2009:01 for New Milford/Teaneck Lodge BPOE #2290 for an Off-Premise 50/50 Raffle
- 2009:33 Approve Two-Year Renewal with Delta Dental
- 2009:34 Adopt the Bergen County Natural Hazard Mitigation Plan

VOTE ON RESOLUTIONS

Council President DeLucia made a motion to approve resolution 2009:11. Councilman Putrino seconded the motion. The motion passed on a roll call vote as follows:

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

Against the motion: None

Abstain: Bachmann

Councilwoman Subrizi made a motion to approve resolutions 2009:01 through 2009:10; 2009:12 through 2009:30; and 2009:32 through 2009:34. Council President DeLucia seconded the motion. All present in favor, none opposed.

Prior to adjourning the meeting the Mayor announced that he had received the check for \$625,000 from Bergen County Open Space for reimbursement of half the amount paid by the Borough for 192 Carlton Place.

ADJOURNMENT

Council President DeLucia made a motion to adjourn. Councilwoman Duffie seconded the motion. All present in favor, none opposed. Time 8:01 PM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Christine Demiris".

Christine Demiris
Borough Clerk