

**MINUTES**  
**BOROUGH OF NEW MILFORD**  
**7:00 PM WORK SESSION**  
**Wednesday, October 13, 2010**



Mayor DeBari read the Open Public Meeting and Mission Statements.

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

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

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

**CLOSED SESSION:**

1. Police Department – Applicant Interviews
2. Police Department – Chief’s Contract
3. Review of Closed Session Minutes

Councilman Bachmann made a motion to go back into open session. Councilman Berner seconded the motion. All present in favor, none opposed.

**OPEN SESSION:**

1. Shade Tree vs. Sidewalk – Update

The Administrator reported that she received an email from Council President Putrino advising that Shade Tree meets after the Mayor and Council so he does not have an update at this time. She stated that Council President Putrino had no objection if the Council wished to proceed with the discussion in his absence or to table it to a future meeting. She said she had relisted it in light of yet another recently received resident letter.

Councilwoman Subrizi said the sidewalk is the homeowner’s responsibility to maintain but is the borough’s right-of-way and asked who would be responsible if someone trips. The Borough Attorney advised if the home is owner occupied the homeowner had immunity; if it is rented it is considered commercial and the homeowner would be responsible. He noted if the injured party can prove the Borough had notice of the raised sidewalk and did nothing, the Borough could be held responsible.

It was the consensus of the Council members in attendance to table the matter until Council President Putrino could be present and until after the Shade Tree Commission could provide more feedback.

The Mayor asked for a motion to authorize the Police Chief to send a letter of intent to Brian Carlino and Derek Mattesich. He stated the resolutions would be on the October 25<sup>th</sup> agenda, with the swearing in scheduled for the November 22<sup>nd</sup> meeting, with a start date of December 1<sup>st</sup>. Councilman Zeilner made the motion. Councilman Berner seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

Councilman Bachmann made a motion to approve the Closed Session Minutes from the April 26<sup>th</sup> and May 11<sup>th</sup> Closed Session meetings. Councilwoman Subrizi seconded the motion. All present in favor, none opposed.

**APPOINTMENTS: JOHN DI MARCHI – BOARD OF HEALTH  
HEDY GRANT – LIBRARY BOARD OF TRUSTEES  
TINA DE LUCIA – RENT LEVELING BOARD  
JOHN SICCARDI – FIRE CO. #2  
KEVIN IGLESIAS – FIRE CO. #2**

Councilman Zeilner made a motion to approve all of the appointments. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

#### **ADMINISTRATOR**

Referencing a discussion from a previous meeting, the Administrator reported there have been five sewer backups in the neighborhood of Trench Drive (including Trench, Lacey, Webster, and Jordan) in 2010. In all five cases there was no back-up in the main sewer line.

The Administrator confirmed that T-Mobile is one of the carriers on the cell tower at the DPW, which currently has four active carriers. She noted there is a lease for a fifth carrier but they have yet to come onto the tower. She stated the Borough is receiving \$2,794.75 monthly for the ground lease and an additional \$3,200 monthly, which represents 30% of the four leases.

The Administrator reported the representative from Wave Wireless has contacted her to ask if the Borough has any intent to go out to bid on the site at the Library. She asked for the Council's response. Councilman Berner stated that instead of rushing out to bid, he feels we should wait to see if a private property owner is willing to take it on. Councilman Bachmann stated he would not want to see a cell tower on a sports field. Councilwoman Subrizi said she would say no. Councilman Bachmann said we should not yet respond. Councilman Zeilner concurred. Mr. Moscaritolo suggested the response should be that the Council is still considering it and has yet to make a decision.

The Administrator reported on the status of the Borough's FEMA claim from the March storm; she advised that it may not be reimbursed before year end. She reminded the Council that storm related expenses were taken out the departments operating budgets, which in turn put some departments over budget for the year.

The Administrator reported on the status of the records reorganization, labeling, and purging project underway with the Concorde Group noting that the first two phases of reorganization and labeling have been completed. She advised that 227 cubic feet of records were scheduled to be destroyed and 323 cubic feet would be retained. Councilwoman Duffie asked if any of the records are considered historical. The Administrator will email the inventory to the Council for their review prior to destruction.

The Administrator reported that she had received a call from PSE&G to advise that they had found additional money for their Direct Install Program, reminding the Council of their approval to participate earlier in the year and the audits of borough buildings that had been completed. She explained that we were already underway with an upgrade of the Borough Hall through the State program and asked if the Council wished to move forward with PSE&G on the DPW. She explained the upgrades were valued at \$50,000 of which PSE&G would pay \$40,000. The Borough would be responsible for \$10,000, interest free, paid over a two year period. She noted the savings realized by the upgrade would completely offset the cost. The Council agreed to move forward.

The Administrator confirmed the dedication for Bill Klinger would be taking place at the December 13<sup>th</sup> meeting.

The Administrator stated a boiler for Fire Co. #2 has been ordered as per the approved Capital Budget. The Buildings and Grounds Supervisor has questioned whether or not to move forward with the installation given recent discussions on the potential renovation of the fire house. The Council agreed we should move forward as planned, noting the boiler could be reused if necessary.

## **COUNCIL**

Councilwoman Subrizi asked if the paving in the apartment area has been completed. The Administrator confirmed that it is complete. Councilwoman Subrizi stated that she had attended the Board of Education meeting but that she did not get the opportunity to review the status of the SRO payment. She asked if the Borough Attorney was still planning to write a letter to the BOE. He confirmed that he was and that the letter would go out by the end of the week.

Councilman Bachmann stated the Recreation building is in dire need of light bulbs, noting that only half are working. The Administrator will have the Buildings and Grounds Supervisor take care of it.

Councilman Berner stated that two of the three chandeliers in the Senior Center have low energy light bulbs which are too low for the seniors. He asked for someone to look into replacing them with low energy, but higher lumen bulbs. Councilman Berner reported that the Senior Director is doing well after recent surgery.

Councilman Zeilner reported the Police Auxiliary is preparing for Cabbage night.

Councilwoman Duffie commented on the Administrator's response to recent emails regarding Columbia Street. The Administrator acknowledged it is an ongoing problem that she is continuing to address with the DPW and the Borough Engineer.

### **COMMENTS FROM THE PUBLIC**

Councilman Bachmann 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 asked for the progress on the Hirschfeld Brook Flood Mitigation Project; he commented there had been no progress report since Boswell came before the Council. The Administrator stated that Boswell had been authorized to proceed by resolution with the plan they had presented to the Council. She stated she had no additional report from Boswell but will ask Boswell for a status report prior to the next meeting.

Councilwoman Subrizi made a motion to close to the public. Councilman Berner seconded the motion. All present in favor, none opposed.

### **RESOLUTIONS:**

- 2010:222 Closed Session
- 2010:223 Payment of Bills and Vouchers
- 2010:224 Approve Reappointment of Joan LePage – Registrar Vital Statistics
- 2010:225 Approve Change Order #1 & Final – 2009 CDBG Reichelt Road Resurfacing
- 2010:226 Authorize application for 2011 Municipal Alliance Grant

### **VOTE ON RESOLUTIONS**

Councilman Bachmann made a motion to approve the consent agenda consisting of resolutions #2010:222 through 2010:226. Councilman Zeilner seconded the motion. All present in favor, none opposed.

### **ADJOURNMENT**

Councilwoman Subrizi made a motion to adjourn. Councilman Berner seconded the motion. All present in favor, none opposed. Time 9:57 PM.

Respectfully submitted,



Christine Demiris  
Borough Clerk