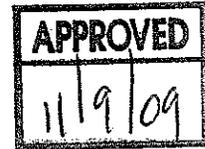


MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
Wednesday, October 14, 2009



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	Absent

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

Council President DeLucia reads the Open Public Meeting and Mission Statements.

CLOSED SESSION:

1. Review of Closed Session Minutes

OPEN SESSION:

1. LOSAP Proposed Plan Change – Valic Representative, Peter Rivoir

The Administrator referenced her e-mail of October 8th to the Council, explaining the types of withdrawals and vesting information. She noted the Borough is the plan administrator and would be responsible for reviewing the requests. Mr. Rivoir added VALIC could be the administrator, however it would come at an additional cost. Councilwoman Subrizi and Councilman Bachmann believe it should stay within the Borough. Councilman Bachmann questioned if early withdrawal would cost the Borough anything; Mr. Rivoir noted it would not. Councilman Bachmann asked if the member must be fully vested before he or she could make an in-service withdrawal. Councilman Bachmann questioned in the case of a hardship, must the individual be fully vested; Mr. Rivoir answered yes to both. Councilman Bachmann commented the purpose of LOSAP was to assist the volunteers with money for retirement, allowing them to withdraw funds at any time defeats the purpose. Councilwoman Subrizi questioned if the money could be repaid; Mr. Rivoir noted it could not, that would be considered a loan and that is not what is being offered. Councilwoman Subrizi confirmed that members could not buy back service. Council President DeLucia questioned if withdrawing the funds requires an interview or simply filling out paperwork; Mr. Rivoir stated paperwork is filled out by the member, signed by the plan administrator and forwarded to VALIC. The Council unanimously agreed to allow early withdrawal only in the case of hardship; the Administrator will prepare a resolution approving the amendment to the LOSAP plan for the next meeting. Councilman Bachmann will discuss the amendment with the Ambulance Corps; Councilman Putrino will discuss with the Fire Department.

2. LOSAP Ordinance Revision – Final Draft

Mr. Moscaritolo explained the proposed revision he emailed the Administrator. He noted the existing number two under paragraph C shall be removed to add his revisions. The Administrator noted the term “service” credits should be used throughout for consistency. Council President noted the apostrophe should be moved in the word “years” to the end to show plurality. The Administrator will place the ordinance on the October 26th agenda for introduction.

3. Resident E-Mail dated 10/4/09

Councilman Putrino found the email in the spam folder of the Borough website, and asked that it be put on the agenda for discussion. The Administrator discussed the topic with Chief Papapietro and read his response for the Council; noting he does not feel it is an emergent need. The Administrator will send a response letter to the resident.

The Administrator also noted the Borough received a letter from the DOT granting their 2010 application for \$200,000 to pave Main Street. Council President DeLucia stated the letter noted power poles and cable in need of attention; the Administrator will refer to Michael Calamari. Councilwoman Subrizi will bring the issue of littering to the attention of the Board of Education.

4. Bid Award Objection – Warren Park T-Ball

Discussion moved to Closed Session due to potential litigation and award of contract.

5. NJSLOM – COAH Opposition Pledge Form

Councilman Putrino questioned if the Borough was serious about opposing COAH obligations and contributing to the fund. Councilman Bachmann questioned how much can be budgeted for next year. Councilwoman Subrizi noted the Borough has previously been asked to be co-owners in a general lawsuit; she noted at that time the Council believed it was a down-payment to move forward. Councilwoman Subrizi reiterated she is not comfortable with the idea. Council President DeLucia agrees; she would like to see what the legislature does prior to committing taxpayer money. Councilwoman Duffie also noted she is uncomfortable donating to a lawsuit; noting the Council can advocate and work within their parameters as elected officials.

Council President DeLucia referred to the League of Municipalities notice on Inherently Beneficial Uses. She stated the League opposes this legislation including wind and solar powered facilities which would presumptively satisfy the criteria for a use variance. Council President DeLucia requested the Planning and Zoning Boards be copied on the notice prior to the Council approving a resolution. The Administrator will re-list the topic for discussion at the November work session.

6. Fire Training Site

Councilman Putrino noted the current training site is unsafe and must be replaced. He stated new options available include containers that could be moved and stacked to simulate homes. The Fire Department already has one container that has been donated; the cost is approximately \$1,200-\$1,600 per container. Councilman Putrino noted the Fire Department will demolish the current structure; the only cost to the Borough will be to dispose of the debris. Councilman Putrino noted the money to fund the project, \$20,000, was allocated in the 2009 Capital Budget under Buildings and Grounds.

Councilman Bachmann asked if the purchase of these containers would replace the list of necessary equipment the Fire Department requested. Councilman Putrino explained the list of necessary equipment is a Fire Department line item, whereas the containers are considered Buildings and Grounds. Councilman Bachmann noted the Borough already deals with the shooting range, at which he personally viewed other police department vehicles "rip" through the parking lot. Councilman Bachmann would like to see this training site used only for the NMFD. Councilman Putrino noted the site is considered tri-boro; however it has not been used by the other boroughs due to its poor condition.

Councilwoman Subrizi believes if it is used by other municipalities, they should assist in the financing.

Councilwoman Duffie questioned if the other police departments reimburse the Borough for the use of the shooting range. Councilman Zeilner will confirm whether or not the Borough is reimbursed with Chief Papapietro. Councilwoman Duffie noted there is much discussion about regionalization and cost sharing; the Borough needs to remain open to the idea. Councilman Putrino will confirm previous tri-boro agreements with the Fire Department i.e.: payments received, training times per month, etc.

Councilman Bachmann noted the shooting range is extremely loud and is intrusive during the many recreation and sports events.

Councilman Putrino will get additional information and report back to the Council at the next meeting. On a related note, he reported Fire Awareness Day had 175 in attendance; a 23% increase over last year.

7. Budget Committee Recommendations

Council President DeLucia suggested postponing this discussion until Mayor DeBari is present. Councilwoman Subrizi appreciated the Council postponing certain budget items until she was present and agreed Mayor DeBari should be present for the discussion. The Administrator will relist it for discussion at the next work session.

ADMINISTRATOR

The Administrator reported the DPW requested to purchase radios and a base station with capital money. Michael Calamari requested that amount in his operating budget, however did not receive it, therefore wishes to use capital money to purchase them. The Administrator noted there is approximately \$4,000 remaining in the 2009 capital line after purchase of the sewer jet; the cost of the radios are \$2,200 would the Council authorize that money to purchase? Councilman Bachmann noted a similar conversation regarding police radios and the Council decided to wait until 2010; are these similar radios. Councilman Zeilner noted they are different. The Council authorized spending 2009 capital for the radios.

The Administrator referenced Chief Papapietro's memo regarding World Trade Center Steel, asking if the Council is interested. She noted the Fire Department is proceeding with a similar proposal with the same organization. Councilman Putrino noted Craig Maiocchi will coordinate with Chief Papapietro on the matter. The Administrator asked if the Council had a preference on location. Councilwoman Duffie believes it should be placed near the current Borough Hall monuments; for reasons of cohesiveness. The Council feels it to be equally appropriate to be placed at Borough Hall. Councilman Putrino will coordinate with Craig Maiocchi and Chief Papapietro.

The Administrator reported on a Flu Awareness Seminar hosted by Oradell and presented by Holy Name Hospital she had attended the previous day. She noted the Borough needs to prepare in case of a workforce shortage; the Borough should encourage employees to avoid the workplace when sick. The Administrator stated the CDC recommends if you are ill, stay home and do not go to the doctor, especially medical facilities. She referenced the Borough attendance policy and asked how can she prevent abuse. The Administrator asked if the Labor Attorney could get involved because a supervisor should be allowed to tell an employee to go home if they are ill, however if the employee cannot go to the doctor they cannot provide the required note to return to work. She further questioned if the employee has used their current year sick time, how that should be handled. Councilman Bachmann noted in his opinion the Administrator should be able to make the decision whether or not an employee should be sent home. The Council discussed the matter and decided the Labor Attorney should be consulted.

The Administrator noted the senior car is in need of a new transmission; the cost is estimated at \$3,500. Brian Dever, DPW Mechanic noted the car is in bad shape and does not recommend fixing it; however this leaves the service shorthanded. Councilman Zeilner noted new police vehicles are coming; the Administrator agreed however noted the used vehicles will not be available for use by the Senior Van services until February or March of 2010. The Council agreed, the car will not be repaired and will await the used police vehicles; in the meantime the drivers will coordinate to use the OEM and Property Maintenance vehicles.

The Administrator stated in the past, the Clerk's Office has remained open until 9:00 pm on the last day to register to vote prior to any election. Although it is not mandatory, it is highly recommended by the County. The Administrator stated there is very little if any activity; with the

exception of the Presidential Primary having 5-10 people. The Borough pays five hours overtime to keep the office open on these days; not including the overtime paid for Election Day itself. The Administrator feels the office should remain open for the deadline for the Presidential Primary. Council President DeLucia noted if it is a suggestion of the County, the County should remain open and the Borough will publicize that. The Council decided to remain open on the deadlines for the General Election and the Presidential Primary.

The Administrator was approached by the Englewood Area Community Foundation, a group of city managers that meet periodically to discuss possible shared services. They have been discussing sharing services with Boards of Education and the new Superintendent Michael Polizzi suggested they contact her. The Administrator will attend their next meeting to see if it is anything worthwhile for the Borough.

COUNCIL

Councilwoman Duffie reported the Recording Secretary to the Rent Leveling Board has resigned. The Administrator advised her as Council Liaison she should ask the Finance Committee for guidance as they believe Boards should go within and have members take the minutes. Councilwoman Duffie stated many topics dealt with at the Rent Leveling meetings are legal issues and it would be a conflict of interest to have a Board member take the minutes; and needs an independent secretary. The Rent Leveling Board will not meet this Thursday because there is no secretary. Councilwoman Duffie noted the Board is still dealing with the tax credit to New Milford Village.

Mr. Moscaritolo agreed a voting member of the Board should not take the minutes.

The Council discussed the matter and authorized the replacement of the recording secretary, considering they cannot proceed without one.

Councilman Zeilner questioned how the money from the public auction is deposited; the Administrator noted it is considered Miscellaneous Revenue Not Anticipated (MRNA).

Councilman Zeilner noted it is suggested the leaves are not to be left curbside until November 1st, however there is no ordinance to that fact and residents have begun placing them there. He questioned whether the Borough could save money by eliminating the last two grass collections, since the grass could be put out with the leaves. The Administrator stated her belief that no savings would be achieved, however she will discuss the matter with the DPW.

Councilman Bachmann had nothing to report.

Councilwoman Subrizi had nothing to report.

Councilman Putrino reported the Shade Tree Commission received a letter from the DEP regarding the Business Stimulus Fund. He noted if the Commission meets the requirements, the Borough can submit an application to possibly receive \$3,000-\$5,000 to purchase trees.

Councilwoman Duffie advised the Veteran's Day remembrance will be November 11th at 11 am in front of the Borough Hall.

Council President DeLucia had nothing to report.

RESOLUTIONS:

2009:214 Closed Session

2009:215 Payment of Bills and Vouchers

2009:216 Authorize Disposal/Destruction of Obsolete Office Equipment

COMMENTS FROM THE PUBLIC

Councilman Zeilner made a motion to open the meeting to the public. Councilman Bachmann seconded the motion. All present in favor, none opposed.

Hedy Grant, Boulevard, came forward to address the Council. Ms. Grant noted the dredging had begun on the east side of Boulevard; she questioned whether the dirt being removed and placed at 192 Carlton Place will remain there. She expressed concern it would end up washing back into the brook. The Administrator will discuss with the DPW.

Ira Grotsky, Trotta Drive came forward to address the Council. Mr. Grotsky expressed his concerns about the noise at the firing range. He also noted concerns about the lead in the land, negatively impacting the environment. Councilman Zeilner will request a report from Chief Papapietro and provide said information at the next meeting.

Councilman Putrino advised environmental inspections are performed periodically, covering all Borough properties.

Councilwoman Subrizi and Councilman Zeilner agreed having the range, saves the Borough a good amount of money.

Gus Bachmann, Stevens Court came forward to address the Council. Mr. Bachmann noted one of the exit lights still seems too dim. The Administrator will revisit the matter with the Buildings and Grounds Supervisor.

Councilwoman Subrizi asked the Boys Scouts in attendance if they have any questions or thoughts on the meeting. As there were no questions, she thanked the Scouts and Leaders for coming.

Sharon Zimmerman came forward to address the Council. Ms. Zimmerman noted there is a lot of misconception about the seasonal flu shot, stating it is not a live vaccine. She encourages everyone, at the very least, to get the seasonal flu shot.

Imaron Khan came forward to address the Council. Mr. Khan asked if the schools will be administering the H1N1 vaccine. The Administrator noted the local Health Department will be administering the vaccine.

Ryan Sabnani came forward to address the Council. Mr. Sabnani stated a notice of the schools intent to administer the H1N1 vaccine was sent home last week. The Administrator noted he was correct; however the decision has been made to not administer it in school. Councilwoman Duffie noted many parents wish to be present as the shot is administered, therefore it should not be done during school hours.

Councilman Bachmann explained to those present the reason why names are needed for the record.

Brandon McPartland, came forward to address the Council. Mr. McPartland asked when Main Street would be paved. The Administrator explained the grant process to those present; noting the money would not be received until next year and hopefully Main Street would be paved by this time next year.

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

CLOSED SESSION

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

1. Review of Closed Session Minutes

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

OPEN SESSION

Councilman Bachmann made a motion to approve the minutes of the June 9, 2009 closed session. Councilman Putrino seconded the motion. All present in favor none opposed.

Councilman Bachmann made a motion to approve the minutes of the June 22, 2009 closed session. Councilman Putrino seconded the motion. The motion passed as follows:

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

Against the motion: none

Abstain: Subrizi

Mr. Moscaritolo noted based upon the discussion held in closed session, the Governing Body wishes to reject the protest filed by JC Landscaping and proceed with the pre-construction meeting with the lowest bidder, Country View Inc. The Borough Attorney will continue to investigate the bid specs, verifications of bidder and will contact the Borough Sub-Code Official on whether a licensed plumber may not be necessary.

Council President DeLucia stated the Planning Board requested the Mayor and Council notify the Board Secretary of any pertinent land use issues that come to the attention of the Council.

The Planning Board Chair expressed to her, his concern regarding COAH fees and how they apply to residential construction in addition to commercial; he will bring it before the Fire Safety Board as a concern that residents will not notify the Borough of construction in fear of incurring more fees.

Mr. Moscaritolo questioned if the Zoning Officer made the Council aware of COAH's visit to the Borough regarding the water company property. He noted COAH expressed, to him, their displeasure with the Borough's current plan.

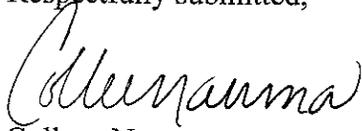
VOTE ON RESOLUTIONS

Councilwoman Duffie made a motion to approve resolutions 2009:214 through 2009:216. Councilwoman Subrizi seconded the motion. All present in favor, none opposed.

ADJOURNMENT

Councilwoman Subrizi made a motion to adjourn. Councilman Bachmann seconded the motion. All present in favor, none opposed. Time 9:25 PM.

Respectfully submitted,



Colleen Naumov
Deputy Borough Clerk