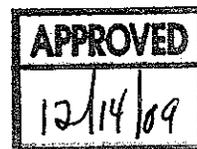


**MINUTES**  
**BOROUGH OF NEW MILFORD**  
**7:00 PM WORK SESSION**  
**OPEN SESSION immediately following**  
**8:30 PM PUBLIC MEETING**  
**Monday, October 26, 2009**



**WORK SESSION:**

Councilman Arthur Zeilner	Present	
Councilman Keith Bachmann	Present	(Arrived 7:45)
Councilwoman Randi Duffie	Present	
Council President Tina DeLucia	Absent	
Councilwoman Ann Subrizi	Present	
Councilman Michael Putrino	Absent	
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. Fire Training Site

The Administrator explained, the Fire Chief wrote the memo, regarding the Fire Training Site, in response to the Council concerns previously outlined including: who uses the site, when they use it, why they use it, and is a fee charged if another town uses it. She noted her expectation that he would be in attendance to address any additional questions.

Councilman Zeilner recapped Chief Stormer's letter, stating that it is a tri-borough facility; River Edge has paid to have the plans drawn up and Oradell is taking responsibility for the demolition of the existing building. The Mayor questioned why the total project price for plans, demolition and construction are not being split evenly between the three towns. Councilwoman Duffie read from the letter noting that the plans and demolition have been procured by the respective towns at no charge. The Mayor commented he feels New Milford's share should be less because we are footing the bill for the property. He stated he feels it should be discussed further with the Fire Chief present. The matter will be relisted for discussion at the next meeting.

2. United Water Property Appraisal

Mr. Moscaritolo suggested this topic should be discussed during the closed session.

3. Bergen County JIF & EJIF Combined Dividend

The Administrator reported we have received notice that our 2010 credit or 2009 refund is \$10,944.28. She stated that prior to last year, the Council had generally opted to have the

amount applied to the next year's balance. She noted however that in 2008 the Council chose to have it refunded to 2008 budget. Councilwoman Subrizi said in the past the dividend was almost equivalent to one quarter payment and is now much less. She questioned if it is still economical to be a part of the JIF. Both the Administrator and the Mayor responded affirmatively, noting the Borough's heavy use of the Fund's services. All present unanimously agreed to take the dividend back as 2009 revenue.

#### 4. 2010 Meeting Schedule

The Administrator distributed a draft of the 2010 meeting dates for the Council's review and approval. The Council will review and return any comments to the Administrator.

Councilwoman Subrizi asked if the Council wished to reconsider only having one meeting during the summer months. The Council agreed to leave it as is and review as necessary.

#### 5. Budget Recommendations

The Council agreed to table the matter until the next work session.

Councilwoman Subrizi commented she thought the Council was going to discuss the most recent budget summary from the CFO. The Administrator explained that there were line item changes made by the Finance Committee that were not accurately reflected in the final budget document that was sent to the state. She noted the bottom line number of the budget was not changed, but money was moved between individual lines; the CFO's budget summary contains the information from the budget sent to the state, not the final placemat from the Finance Committee. She noted however, that transfers will be made in November at which time all of the budget lines will mirror the placemat and the budget summary will be revised in kind.

Councilwoman Subrizi questioned how the Audit expenses could be \$13,000 over budget. The Administrator said she believes some of the expenses under the Audit should be allocated to Financial Administration referencing a bond sale and two Local Finance Board application hearings.

The Council discussed over-expenditures in salary lines and agreed it will be necessary to have specific information on which employees are paid out of each individual salary line. The Administrator suggested that she and the CFO attend the Finance Committee meeting at which salaries are discussed.

The Mayor questioned the insurance line and asked why we have not realized the savings that were promised. The Administrator stated the Risk Manager would be at the next work session to discuss insurance expenditures and actual savings. She added that we have yet to receive the \$32,000 reimbursement from the Library and advised that money previously encumbered to fund the HRA card is going to be returned to the line as it has not been expended. She noted the money to be unencumbered could be anywhere from \$70,000 to \$142,000.

The Council asked to have the CFO attend the 11/9 work session to discuss where we stand on budget transfers.

The Mayor recapped previous discussions for Councilman Bachmann. Regarding the meeting dates, Councilman Bachmann asked why the Reorg meeting is not held on January 1<sup>st</sup>. He was advised that the Fire Department holds their Reorg meeting on that date and that state statute permits the Mayor and Council Reorg to be held within the first week of January.

Councilman Subrizi asked if she would need to recuse herself from the LOSAP vote since her son is a member of the Fire Department. She was advised by the Borough Attorney that if she had no information in good faith that her son has present plans to take an early distribution, there would be no need to recuse herself. Councilwoman Subrizi stated that she had no idea if he has plans to take an early distribution.

### **ADMINISTRATOR**

The Administrator reported that she had, at Council President DeLucia's request, provided copies of the League notice on inherently beneficial uses to both the Planning Board and Zoning Board secretaries and asked them to list it for discussion on their next agendas. She advised that she will list the resolution for a Council vote on the next agenda.

The Administrator reported that she had provided the JIF with the work session dates for the months of January and February in an attempt to schedule the Elected Officials Training for 2010.

She reminded the Council that Art Caughlan would be attending the November work session to review the outcome of the insurance program for 2009 and to discuss options for next year. The Administrator also reminded the Council that the medical insurance premiums increased in April of 2009, after the budget had been introduced. She noted the budget was not adjusted because it was assumed that the increase would be offset by the savings realized, which it was, however the increased premium served to reduce any initially anticipated savings.

The Administrator reported the DPW giant vacuum, used for leave pick-up, is out of commission; the exhaust valves on the engine are blown. The DPW is attempting to obtain parts for a repair, but it is likely the machine will need to be replaced. The Superintendent is planning to include this in his 2010 capital budget request. In the meantime we have borrowed equipment from the Borough of Oradell which can be used with other existing equipment to continue picking up the leaves.

### **BOROUGH ATTORNEY**

Mr. Moscaritolo reported on the status of the Warren Street T-Ball field, noting the pre-construction meeting had been held and the Plumbing Subcode Official has confirmed that the court has ruled the work does not require a licensed plumber. He stated his confidence that the Council did the right thing in awarding the bid and added his belief that the bid specifications indemnify the Borough.

## **COUNCIL**

Councilwoman Subrizi asked why a hotel reservation, for the League conference, had been made by the Borough for the Planning Board attorney, Arthur Neiss. The Administrator explained the reservation was made by the Borough to afford Mr. Neiss of any benefits extended to Borough, but advised that he would be reimbursing the Borough for the cost of the room.

The Mayor reported that Community Development would be meeting next month to discuss the pending applications. The Administrator stated we have applied for a grant for the lighting at Kennedy Field and for the continuation of the Hardcastle Pond improvements. The Administrator suggested the playground at Kennedy Field be considered for the next round of applications.

The Mayor reminded the Council of the Gloria Dei Interfaith Thanksgiving celebration scheduled for November 22<sup>nd</sup>.

The Mayor asked if Councilman Bachmann had received notice of Mark Flores' resignation from the Recreation Commission. Councilman Bachmann said he had and suggested, given the lateness in the year, the replacement appointment could be held until January.

The Mayor reported that Joe Loonam has asked not to be reappointed to the Zoning Board, but instead has asked to serve on the Juvenile Conference.

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

As the record reflects no member of the public wished to speak, Councilman Zeilner made a motion to close the meeting to the public. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

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

### **CLOSED SESSION:**

#### 1. United Water Property Appraisal

At the conclusion of the closed session, Councilwoman Subrizi made a motion to open and reconvene in the Council Chambers. Councilman Zeilner seconded the motion. All present in favor, none opposed.

**PUBLIC SESSION:**

(Actual Start 8:36 PM)

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

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

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.

Mayor DeBari asked for a motion to approve the minutes from the July 27, 2009 and September 28, 2009 Work/Public Sessions. Councilman Bachmann stated there was a discussion during the July 27<sup>th</sup> meeting pertaining to the interplay between the County Planning Board and the New Milford Planning Board regarding Madison Plaza that he felt was not accurately reflected in the minutes. The Council agreed to table the minutes from the July 27<sup>th</sup> meeting pending further review and amendment.

Councilman Bachmann made a motion to approve the minutes from the September 28, 2009 Work/Public Session. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

**COUNCIL COMMITTEE REPORTS:**

**Councilman Arthur Zeilner**

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

Councilman Zeilner reported that Buildings and Grounds replaced two hot water heaters and coordinated the installation of automatic door openers at the Library and three of the elementary schools to improve handicap accessibility in addition to routine maintenance throughout the month.

Councilman Zeilner reported on the great success of Clean Community Day noting in excess of two hundred participants, food donation by Shop Rite and the dedication of the tree farm in memory of Diane Cardinali. He reported that all of the schools have signed up to participate in the battery recycling program.

Councilman Zeilner stated he had no report from the DPW or the Police Department. The Administrator said that a report from the DPW was on file and available for review in her office.

**Councilman Keith Bachmann**

Ambulance Corps, Drug Alliance, Recreation

Councilman Bachmann reported on the addition of two new members to the Ambulance Corps.

Councilman Bachmann reported on the October 15<sup>th</sup> meeting of the Drug Alliance noting an upcoming fundraising effort by mail asking for public donations. He also noted the upcoming dance on October 30<sup>th</sup> at the middle school.

Councilman Bachmann reported on the great success of the 2<sup>nd</sup> grade soccer tournament, noting the attendance of teams from several towns. He reported on a recent vacancy on the Recreation Commission and noted the appointment would be held until the New Year. He asked any interested parties to forward a resume to the Mayor.

**Councilwoman Randi Duffie**

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

Councilwoman Duffie stated that she was unable to attend the meeting of the Sr. Advisory Board but reminded the attending public to check the borough website for a calendar of upcoming events.

Councilwoman Duffie reported the Rent Leveling Board did not meet in the wake the Board Secretary's resignation. She advised the Board is accepting applications for the position and noted the next meeting is scheduled for November 5<sup>th</sup>.

Councilwoman Duffie reported the Board of Health did not meet as the Health Department is extremely busy with flu clinics. She advised that the town has not received the H1N1 vaccinations but when they arrive, clinics will be scheduled.

**Council President Tina DeLucia**

Chamber of Commerce, Planning Board, Library Board

Absent – No Report

**Councilwoman Ann Subrizi**

Board of Education, Historic New Bridge Landing, Public Events

Councilwoman Subrizi reported on the October 1<sup>st</sup> meeting of the Historic New Bridge Landing Park Commission at which time the current slate of officers were nominated to serve in the coming year. She reported that the work already completed on the junkyard remediation totals just under \$600,000, it will require an additional one million dollars to complete, which has been budgeted by the state and work will continue once testing of the soil is complete. She reported the new entrance sign to Historic New Bridge Landing has been installed. Councilwoman Subrizi announced the celebration of Mitzvah Day on November 1<sup>st</sup>, details of which can be found on [www.bergencountyhistory.org](http://www.bergencountyhistory.org).

Councilwoman Subrizi invited everyone to attend the Veteran's Day Ceremony scheduled November 11<sup>th</sup> at 11:00 a.m. at the Borough Hall.

Councilwoman Subrizi stated that she had received the minutes of the most recent Board of Education meeting and had nothing to report at this time.

**Councilman Michael Putrino**

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

Absent – No report

**Mayor Frank DeBari**

Community Development

No Report

The Mayor introduced Fire Chief John Stormer and announced the continuation of the discussion that began upstairs regarding the Fire Training site.

The Mayor acknowledged the written presentation on the site and asked if it is a tri-boro site why the costs were not being shared equally among the three towns. The Chief responded that is not called a tri-boro site, but it is used and maintained by all three towns; the building and property are owned by New Milford however. He stated that an Oradell firefighter, who is an architect, donated his time to prepare the plans and a River Edge firefighter is working with a friend to secure the demolition services at no charge.

The Mayor asked if New Milford charges for the use of the training site. Chief Stormer explained that each town pays a fee to belong to the tri-boro and the money is used to maintain the site.

Councilman Zeilner asked if Oradell and River Edge will train at the site as often as New Milford. Chief Stormer stated they would not, noting that Oradell only used the site twice in the past year and River Edge has not used it in three years. Councilman Zeilner asked if they would come more often if the site were improved. Chief Stormer expects that each town would utilize the site no more than six times per year, unlike New Milford, which uses it two times per month.

Councilman Bachmann asked if any other towns would be allowed access. Chief Stormer stated that no other towns have used the site in the last twenty years. Councilman Bachmann asked who would decide if other towns would be allowed to use the site. Chief Stormer replied the Fire Department would make the decision. Councilman Bachmann asked if the Fire Department had any intention in allowing other towns to use the site. Chief Stormer stated they did not.

Councilwoman Duffie asked if there are any other training sites like it in the area. Chief Stormer stated that Bergenfield has a live burn facility but that he is not aware of anything built like this with the containers. Councilwoman Duffie asked if he thought it would attract other fire companies. He said that he did not and he called on Craig Maiocchi for his opinion. Mr. Maiocchi stated that the decision was made a long time ago not to open it to other towns. Councilwoman Duffie suggested that perhaps opening it to other towns could defray the cost of the renovation. Chief Stormer stated that Bergenfield has had their training site for in excess of twelve years and they are still trying to pay it off.

Councilwoman Subrizi stated her opinion that the costs should be divvied up three ways. Chief Stormer recounted the number of ways they have attempted to raise the money in the past.

The Mayor asked if the proposed addition to Fire Co. #1 has taken a back burner to this and if it is something that is still going to come before the Council in years to come. Chief Stormer replied the Company #1 addition is still something they will pursue. The Mayor asked if the Chief would pick the training site over the addition. Chief Stormer replied that he would hold them both equally; he could not decide between the two.

Councilwoman Subrizi asked if the old building was still on the training site. Chief Stormer stated it was but that it was deemed unsafe after the 2007 flood and has not been used since. Prior to the flood, only the first floor was used as the use of the second and third floor were prohibited without a second means of egress.

Councilwoman Duffie asked to confirm that the other towns have been asked to contribute to this most recent plan, which as outlined, is more reasonable than the previous plans. Chief Stormer confirmed that he has spoken to each of the towns this year in an attempt to ascertain additional funding from the other towns, but it is just not available.

#### **OLD BUSINESS:**

#### **ADOPT ORDINANCE 2009:15**

AN ORDINANCE TO AMEND CHAPTER XIII OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "FIRE PREVENTION," THEREBY AMENDING SECTION 13-1.8a ENTITLED "ADDITIONAL REQUIRED INSPECTIONS AND FEES."

Councilwoman Subrizi made a motion to open to the public for comment on the adoption of this ordinance. Councilman Zeilner seconded the motion. All present in favor, none opposed.

The record reflects that no member of the public wished to comment on this ordinance.

Councilwoman Subrizi made a motion to close to the public. Councilman Bachmann seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

Councilwoman Subrizi made a motion to adopt this ordinance on its second and final reading. Councilman Bachmann seconded the motion. The motion passed on a roll call. All present in favor, none opposed.

#### **ADOPT ORDINANCE 2009:16**

AN ORDINANCE TO AMEND CHAPTER VII OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "TRAFFIC," THEREBY AMENDING SUBSECTION 7-3.4 ENTITLED "PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS."

Councilwoman Subrizi made a motion to open to the public for comment on the adoption of this ordinance. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

The record reflects that no member of the public wished to comment on this ordinance.

Councilwoman Subrizi made a motion to close to the public. Councilwoman Duffie seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

Councilman Zeilner made a motion to adopt this ordinance on its second and final reading. Councilwoman Subrizi seconded the motion. The motion passed on a roll call. All present in favor, none opposed.

#### **ADOPT ORDINANCE 2009:17**

AN ORDINANCE TO REPEAL ORDINANCE 2009:12 THEREBY AMENDING CHAPTER VII OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "TRAFFIC," THEREBY AMENDING SUBSECTION 7-3 ENTITLED "PARKING"

Councilwoman Subrizi made a motion to open to the public for comment on the adoption of this ordinance. Councilman Bachmann seconded the motion. All present in favor, none opposed.

The record reflects that no member of the public wished to comment on this ordinance.

Councilwoman Duffie made a motion to close to the public. Councilwoman Subrizi seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

Councilwoman Subrizi made a motion to adopt this ordinance on its second and final reading. Councilwoman Duffie seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

#### **NEW BUSINESS:**

#### **INTRODUCE ORDINANCE NO. 2009:18**

AN ORDINANCE TO AMEND CHAPTER II OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "ADMINISTRATION," THEREBY AMENDING SUBSECTION 2-54 ENTITLED "LENGTH OF SERVICE AWARDS PROGRAM (LOSAP)."

Councilwoman Duffie made a motion to introduce and approve this ordinance on its first reading. Councilman Bachmann seconded the motion. The motion passed on a roll call vote as follows:

For the motion:	Zeilner, Bachmann, Duffie
Against the motion:	None
Abstain:	Subrizi

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

## **INTRODUCE ORDINANCE NO. 2009:19**

AN ORDINANCE TO AMEND CHAPTER VII OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "TRAFFIC," THEREBY AMENDING SUBSECTION 7.10 ENTITLED "TURN PROHIBITIONS"

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

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

## **RESOLUTIONS:**

2009:217 Closed Session

2009:218 Payment of Bills and Vouchers

2009:219 Approve refund of 2008 property tax overpayment various Blocks and Lots due to NJ Homestead Rebate for the year 2008

2009:220 Adopt VALIC Length of Service Award Plan Document approved by the Division of Local Government Services and assigned identifier 07-LOSAP-VALIC-040209

## **COMMENTS FROM THE PUBLIC**

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

Mr. Nick D'Amelio, 349 Trench Drive, came forward to address the Council. Mr. D'Amelio asked the status of the second phase of the Trench Drive drainage project. The Administrator responded, the funding was put in place in the 2009 Capital Budget, and the engineer is in the process of completing the plans and specifications. She added, once the plans are complete the project will be put out to bid. Mr. D'Amelio asked if the work would begin this year. The Administrator responded that it is unlikely to begin in 2009 but that first phase was completed during the winter last year and there should be no reason the job could not proceed during the winter in the coming year. Mr. D'Amelio commented that what has already been done has helped a lot.

Joanne Prisendorf, 317 River Road, came forward to address the Council. Ms. Prisendorf asked if the budget was public. The Mayor responded that it is. She asked if it was online. She was advised that it is not but that it could be. The Administrator said she will arrange to have it published on the Borough website.

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

## VOTE ON RESOLUTIONS

Councilman Bachmann made a motion to approve the consent agenda consisting of resolutions #2009:217 through 2009:220. Councilman Zeilner seconded the motion. All present in favor, none opposed.

Councilman Zeilner asked to address the Council on questions previously raised on the Police Pistol Range. He advised that he had spoken with the Chief and the Chief had responded with a memo answering the questions that had been raised. Councilman Zeilner read the memo into the record noting, among other things, the lead is removed periodically from the area and that Bergenfield and Bogota are the only other towns that use the range and reimburse the town, with said reimbursement used for maintenance of the range.

Councilwoman Duffie asked if Councilman Zeilner had expressed to the Chief the concerns of the Council. He said that he had.

Councilman Bachmann asked if the \$375 fee charged by Paramus was per person or per day. Councilman Zeilner said the memo did not indicate if it was a per person or per day fee. Councilman Bachmann asked why the range is open to other towns. Councilman Zeilner said the memo did not indicate the reason why. Councilman Bachmann commented that it is more favorable for Bogota to pay New Milford \$300 per year than to pay Paramus \$375 per day. Councilman Bachmann said he is in favor of having the range for New Milford officers. Councilman Bachmann asked how much Bergenfield pays. Councilman Zeilner stated they pay \$1,500 per year.

Councilwoman Subrizi asked if the other towns are responsible to bring their own ammunition. She was advised that they are.

Councilwoman Duffie said that she would like to have a lengthier discussion regarding the use and perhaps some new guidelines. She asked to have it listed for discussion at a future work session.

Councilman Zeilner reported that he spoke to the DPW Superintendent to ask if perhaps they could increase the leaf pickup on the streets with recently enacted one-side of the street parking.

Councilwoman Subrizi apologized and noted that she wished to have a resolution from the consent agenda pulled out for a separate vote.

Councilman Bachmann made a motion to approve the consent agenda consisting of resolutions #2009:217 through 2009:219. Councilman Zeilner seconded the motion. All present in favor, none opposed.

Councilman Bachmann made a motion to approve resolution #2009:220. Councilwoman Duffie seconded the motion. The motions passed on a roll call vote as follows:

For the motion: Zeilner, Bachmann, Duffie

Against the motion: None

Abstain: Subrizi

**ADJOURNMENT**

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

Respectfully submitted,

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

Christine Demiris  
Borough Clerk