

MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
OPEN SESSION immediately following
8:30 PM PUBLIC MEETING
Monday, November 22, 2010



WORK SESSION:

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

Also present: S.G. Moscaritolo, Borough Attorney; Christine Demiris, Administrator/Clerk; Art Caughlan, Risk Manager; Steve Wielkotz, Borough Auditor; Councilman Elect Colucci, Councilman Elect Robalino

Mayor DeBari reads the Open Public Meeting and Mission Statements.

OPEN SESSION:

1. Risk Manager – Health Care Insurance Renewal/JIF Rating System

Art Caughlan is present to discuss the renewal of the Borough's health benefits, he provided the Council with an informational packet; he advised he was able to negotiate a 0% increase with Oxford for 2011, given the many issues encountered this year. Although he received some quotes slightly less than Oxford; he does not recommend changing as it would be too disruptive. Mr. Caughlan referenced MetLife's recent quote submission for dental insurance; with it, he was able to negotiate a 10% reduction in Delta Dental's rate for 2011.

Mr. Caughlan noted the VFIS, disability insurance for emergency volunteers will have a \$1,281 reduction from last year for 2011.

Mr. Caughlan advised that JIF is going toward a performance based insurance; therefore losses will count. New Milford is up 4.56 because of the experience over the past few years.

Mr. Caughlan noted JIF traditionally self insured the employment claims. However they have now gone out to market with a company called Excel, which lowers the risk percentage but is only guaranteed for two years.

2. 2011 Budget/2% Tax Levy Cap – Steve Wielkotz

Steve Wielkotz referenced the implementation of the 2% levy cap; further noting the Borough had a tough enough time getting to the 4% levy cap. He viewed the appropriations for 2011 based on contractual obligations. Unlike in previous years, there is no legislative relief at the state level via the Local Finance Board. Any monies left over from 2010 must

be canceled by resolution by December 31st or at the sine die meeting on January 5th. Mr. Wielkottz noted the Council must decide on how to raise revenue or cut expenses for 2011. There are really only two options, either meet the cap or by public referendum, asking the public to vote to allow the Borough to go over the 2%. The problem with a referendum is the statute requires the referendum in February the budget is not introduced by then; there is talk of moving the vote to April or May. Mr. Wielkottz is anticipating the same state aid as last year; if the aid is cut, there are no provisions to raise taxes to offset the loss. The Administrator will advise the CFO to get a real number of what monies are to be canceled by resolution.

Councilwoman Subrizi reminded Mr. Moscaritolo to submit his billing. Mr. Moscaritolo suggested he will do an analysis of the last few years and then negotiate with the Council to come in under the average amount.

The Administrator advised the last election cost approximately \$12,000.

3. Eastech Flow – Franklin Sinclair/John Evancho

The Administrator briefly explained the Borough's past experience with sewer backups as well as its coverage through the JIF. Mr. Sinclair explained his company provides overflow prevention monitors that send messages to the DPW. Eastech also monitors the BCUA charges; Mr. Sinclair noted last year New Milford was billed \$1,143,000 for 595,000,000 gallons by the BCUA. Mr. Sinclair stated the normal usage is 70 gallons per person; or 408,000,000 based on New Milford's population, leaving approximately 200,000,000 gallons unaccounted for. Possibly the meters are not reading the usage correctly; Eastech can validate the billing from the BCUA. The BCUA suggests the Borough bill tier two customers, i.e. nursing homes, private schools, etc.; therefore picking up revenues. Mr. Sinclair advised the Borough can propose an ordinance, similar to that of South Hackensack, allowing the Borough to bill tier two customers. Oradell has shared infrastructure with neighboring towns with wastewater flowing through their town; their Borough is reimbursed for said wastewater flow. Eastech can perform a free audit to come up with a number they believe the Borough can save. Mr. Sinclair noted the Borough would never pay more than the contracted amount; if the savings are less than the contracted amount, the Borough would only pay that amount. Mayor DeBari expressed concern that Eastech takes the money off the top; if the Borough saves \$40,000 it would then be responsible for paying Eastech that money. Mayor DeBari suggested a percentage. Mr. Sinclair advised there are wastewater grants available; however many towns do not pursue them. Mr. Sinclair and Mr. Evancho left at 8:06 PM. Councilwoman Subrizi stated the free audit would be advantageous. The Administrator will notify Mr. Sinclair of the Council's approval to proceed with the audit and speak to the Administrators in Oradell and South Hackensack to get their feedback.

4. Klinger's Farm

Mr. Moscaritolo was informed by Councilwoman Duffie that Klinger's Farm is for sale; he requested the matter be put on the agenda. The Administrator forwarded a copy of the recorded deed to the Council; said deed notes that the Borough and County jointly own developmental rights. There is a public easement and conservation easement on the property. As co-owners the Borough and County have the right of first refusal. Council

President Putrino spoke with the Grants Consultant and was advised the Borough can get an emergency open space grant; and therefore would own the property to use as open space.

5. Shade Tree vs. Sidewalks – Update

Council President Putrino stated the Shade Tree Commission believes the Borough should not be responsible for sidewalks. He noted Paramus is the only town with a policy; other towns do it on a case by case basis. It was decided the issue is closed and the policy will remain unchanged.

COUNCIL

Councilman Zeilner noted there is a large pile of dirt at 404 Monmouth Avenue; and asked if it is there to offset the height. The Administrator advised the matter went back to the Zoning Board; she will forward the Council a copy of the Board's decision.

Councilman Berner stated the busses dropping the New Milford Jewish Center students off are loading and unloading in the center of Baldwin Avenue. He asked if two parking spaces after the handicap spaces can be designated for school vehicles during the hours of 8 AM and 6 PM. Councilman Zeilner will speak to Chief Papapietro and Sgt. Jones.

Councilman Berner asked why he received a copy of the letter regarding the home on Steuben Avenue. Mayor DeBari stated the woman inherited the Van Eck house and wanted to know if the Borough is interested in purchasing the property.

Councilman Bachmann questioned the transfer resolution; the Council did not want to authorize \$24,000 for DPW overtime however it is listed on the transfer resolution. The Administrator will speak to the CFO and advise him of the changes made by the Council.

Councilman Bachmann referenced the Historic Preservation Commission and asked if members quit. Mayor DeBari explained the email he received from the Chairperson, Nancy Varettoni. Councilman Bachmann noted a Class C member cannot hold any other office or employment in the Borough. Council President Putrino advised it was not his idea and he explained the current ordinance to the Commission members. Councilman Bachmann further noted that Terrie McColl is the Library Director and also on the agenda for appointment to the Commission. The matter was tabled to the December 13th meeting.

Councilwoman Subrizi requested an additional meeting date in January; she does not want to pass the 2011 meeting date resolution without the additional date.

Council President Putrino advised he will meet with Lincoln Financial regarding LOSAP along with the Fire Department and the Administrator. He further noted the fence around the fire training site needs to be replaced and the shed removed; he requested the DPW handle it. Council President Putrino noted the current finance committee should be dissolved; Mayor DeBari noted that will occur at the sine die meeting in January.

Councilwoman Subrizi noted she would like to add January 19th to the meeting date resolution; due to the additional work needed to be done. She requested the CFO advise all department heads to have the bills complete by December 31st; and for the CFO to have the transfers complete.

ADMINISTRATOR

The Administrator referenced Chief Papapietro's response to the Main Street pedestrian petition; the traffic budget will support four signs, should he move forward? Councilwoman Subrizi would like the money to be spent prior to December 31st.

The Administrator asked if she should draft an ordinance to rescind 2010:12 for introduction in December. Councilman Bachmann drafted an ordinance and provided copies to the Council. The Administrator requested the draft ordinance via email to prepare it for introduction.

The Administrator referenced the Bergen County Department of Health Acceptance Summary and noted the available programs are combined on one sheet. She asked if there were any objections to her signing and returning it for Bloodborne Pathogens, Animal Control and EAP. Councilman Bachmann stated the Borough is to stay within a two percent budget increase; therefore the County should only increase the rates by two percent. The Administrator will sign it and send it back agreeing only to a two percent increase.

The Administrator referenced the letter from Margaret Healey regarding 1033 Steuben Avenue; the Council decided to invite her to the January Work Session for a discussion. The Administrator will get the assessed value of said property from the Tax Assessor.

The Administrator advised United Water asked to attend a Council meeting to discuss how they should proceed with the sale of the property. The Council agreed to table the discussion until the January Work Session so it will be held by the new Council.

Councilwoman Subrizi made a motion to reconvene the meeting in Council Chambers. Council President Putrino seconded the motion. All present in favor, none opposed.

PUBLIC SESSION:	(Actual Start 8:58 PM)
Councilman Arthur Zeilner	Present
Councilman Keith Bachmann	Present
Councilwoman Randi Duffie	Present
Councilman Howard Berner	Present
Councilwoman Ann Subrizi	Present
Council President Michael Putrino	Present
Mayor Frank DeBari	Present

Mayor DeBari introduced Councilman Elect Colucci, Councilman Elect Robalino and Mayor Elect Subrizi.

Mayor DeBari called the meeting to order, asked for a moment of silent prayer and/or reflection, 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.

OATH OF OFFICE: **BRIAN CARLINO – POLICE OFFICER**
 DEREK MATTESSICH – POLICE OFFICER

Chief Papapietro made some opening remarks and introduced his invited guests.

Chief Papapietro introduced Brian Carlino; Mayor DeBari swore in Officer Carlino and his father, Retired Deputy Chief Carlino pinned his badge.

Chief Papapietro introduced Derek Mattesich; Mayor DeBari swore in Officer Mattesich and Chief Papapietro pinned his badge.

Chief Papapietro thanked the Mayor and Council for allowing him to begin rebuilding the New Milford Police Department and made some closing remarks.

Mayor DeBari added that the officers will be working for one of the finest and most respected Chiefs in the State of New Jersey.

**APPOINTMENTS: MICHAEL PUTRINO – HISTORIC PRESERVATION
 TERRIE MC COLL – HISTORIC PRESERVATION – ALT. 1**

Mayor DeBari advised the two appointments will be held until the December meeting.

COUNCIL COMMITTEE REPORTS:

Councilman Arthur Zeilner

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

Councilman Zeilner reported the Building and Grounds Supervisor facilitated the painting and installation of carpet tiles in the children's room at the Library.

Councilman Zeilner reported the DPW is performing regular maintenance and some overtime has been authorized for weekdays for leaf pickup.

Councilman Zeilner read the police report summary for the previous month and advised the Auxiliary had no report.

Councilman Zeilner was unable to attend the Environmental meeting; however he was advised through the minutes that Hackensack Hospital is collecting plastic bottle caps and for every 1,000 collected a child will receive a free chemo treatment. The Commission will advise the schools and possibly collection contests could be held.

Councilman Keith Bachmann

Ambulance Corps, Drug Alliance, Recreation

Councilman Bachmann advised the Drug Alliance did not have a quorum for the November 18th meeting; he noted the Halloween fundraiser was a success. They will have a movie night on December 3rd; the movie is still to be determined.

Councilman Bachmann advised Recreation did not have a quorum for the November 3rd meeting and he was unable to attend the November 17th meeting.

Councilman Bachmann was unable to attend the Ambulance Corps meeting and therefore had nothing to report.

Councilwoman Randi Duffie

Library Board, Planning Board, Rent Leveling/Tenants Association

Councilwoman Duffie reported the Rent Leveling Board continues to review the ordinance and address tenant issues.

Councilwoman Duffie was unable to attend the Library Board meeting as she was attending the League of Municipalities convention.

Councilwoman Duffie reported the Planning Board did not meet this month.

Councilwoman Duffie attended seminars at the League regarding Rent Leveling as well as how to comply with the two percent cap.

Councilwoman Duffie attended the Interfaith Service yesterday; she noted it was nice to see the tradition continue.

Councilman Howard Berner

Chamber of Commerce, Health & Human Services, Senior Advisory

Councilman Berner noted the Chamber of Commerce did not meet in October.

Councilman Berner was unable to attend the Board of Health meeting on November 3rd; he summarized the Health Department statistics for the month of October.

Councilman Berner was unable to attend the Senior Advisory Board meeting on November 18th as he was attending the League of Municipalities convention. However he noted their holiday party will be December 14th, tickets are \$35.00. The Senior Center will have bone density screenings on November 30th and December 7th.

Councilman Berner also attended the Interfaith Service yesterday.

Councilwoman Ann Subrizi

Board of Education, Historic New Bridge Landing, Public Events

Councilwoman Subrizi was unable to attend the Board of Education meeting; she reviewed the minutes and had nothing to report. She noted the issue of the SRO needs to be resolved before January 1st.

Councilwoman Subrizi was unable to attend the November 4th meeting of the Historic New Bridge Landing; the next meeting is December 2nd, she will have a full report then.

Councilwoman Subrizi reminded everyone the Holiday Tree Lighting is Sunday, December 5th at 6 PM.

Council President Michael Putrino

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

Council President Putrino attended the Historic Preservation Commission meeting on November 9^h; they are finalizing their projects for 2010. Their priority is replacing two wooden historic markers with metal markers. The Commission is petitioning the Blauvelt Society to replace the marker at the French cemetery. Next meeting - December 14th.

Council President Putrino was unable to attend the Fire Department meeting; however he attended the annual dinner on November 13th at which they presented a plaque to the Mayor and Council. The Fire Department continues to renovate the training site. He noted the annual toy drive will be December 12th; fliers with locations will be posted in Borough Hall.

Council President Putrino attended the Shade Tree Commission meeting on November 18th; they are finalizing the details of the grant.

Council President Putrino summarized the Garbage and Recycling activity for the previous month.

Mayor Frank DeBari

Community Development

No report.

NEW BUSINESS:

Mayor DeBari summarized Ordinance 2010:15.

INTRODUCE ORDINANCE #2010:15

AN ORDINANCE TO AMEND CHAPTER XXX OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "LAND USE REGULATIONS" THEREBY AMENDING SUBSECTION 30:29 ENTITLED "SIGNS AND AWNINGS"

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

The ordinance will be published in the Record and a public hearing will be held on December 13, 2010 at 8:30 PM.

RESOLUTIONS:

- 2010:245 Closed Session
- 2010:246 Payment of Bills and Vouchers
- 2010:247 Approve 2010 Appropriation Budget Transfers
- 2010:248 Approve Mayor and Council Meeting Dates for 2011
- 2010:249 Approve Holidays for 2011

COMMENTS FROM THE PUBLIC

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

Peter Rebsch, 147 N. Terrace Place came forward to address the Council. Mr. Rebsch announced the North Jersey Jr. Soccer League U10 and U12 girls won first place. He further noted indoor soccer is coming up.

Nick D'Amelio, 349 Trench Drive came forward to address the Council. Mr. D'Amelio thanked the outgoing Council members for their service and wished all the best to the incoming Council members. Mr. D'Amelio expressed concerns regarding the demolition of homes; he explained the incident that occurred near his home. He was advised by the Building Department that there are no State or Borough regulations for the demolition of single family homes. Mr. D'Amelio suggested the Borough write an ordinance to enforce and regulate.

Gus Bachmann, 258 Stevens Court came forward to address the Council. Mr. Bachmann appreciated the recent correspondence for Hirschfeld Brook. He stated the picture provided is difficult to understand when compared to the actual property lines. He noted the lines are out of place, it should have been exact. Mr. Bachmann felt it unfair that the actual property lines are not reflected.

John Thomsen, 205 Demarest Avenue came forward to address the Council. Mr. Thomsen referenced the letter from the United Water Company regarding their property. The Administrator advised she sent a letter in response to United Water requesting more information. She explained her conversation with the attorney for United Water; and was advised she should have the information before the meeting. The Administrator advised that she did not receive the information before the close of business today.

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

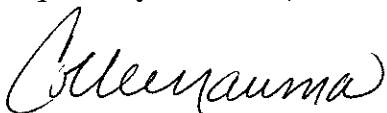
VOTE ON RESOLUTIONS

Councilman Bachmann made a motion to approve the consent agenda resolutions 2010:245 through 2010:249 including the amendments made to 2010:247 and 2010:248. 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 9:49 PM.

Respectfully submitted,



Colleen Naumov
Deputy Borough Clerk