

MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
OPEN SESSION immediately following
8:30 PM PUBLIC MEETING
Monday, November 23, 2009



WORK SESSION:

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 – Medical

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

Council President DeLucia read the Open Public Meeting and Mission Statements. Council President DeLucia suggested the Closed Session be held over until after the Open Session.

OPEN SESSION:

1. United Water

Mary Campbell, Jim Glozzy, Lynn DeCarlo, and Tom Herten appeared on behalf of United Water. Ms. Campbell, Corporate Attorney on behalf of United Water, distributed additional copies of the conceptual subdivision plan of the New Milford lagoons. Ms. DeCarlo stated the sludge cleanup in the orange area has been completed. She noted the green section is the last section that needs to be addressed and that they expect to begin within the next two weeks. Ms. Campbell stated the cleanup is approximately 95% complete and they will be closing out the sludge blending permit as soon as the last area is complete.

Councilman Zeilner asked if they have any results from the DEP or if they will be submitting everything together once the blending is complete. Ms. DeCarlo responded the DEP came through and documented the residuals were out of each area as they were completed so that when the termination request is submitted it will be very easy for them to grant it.

Council President DeLucia asked about the area in yellow. Ms. Campbell responded originally United Water was interested in selling the orange, green and yellow areas. They have since reconsidered moving the operations taking place in the blue area to Haworth, thus providing for the sale of the entire property sometime early next year.

Councilman Bachmann asked for clarification on the area in yellow. Ms. Campbell responded the area is close to river, suggesting it could be used as open space, such as a kayak launch. She stated the green area would be deed restricted with a conservation easement and the orange area would be for development. Councilman Bachmann asked why there is a conservation easement. Ms. Campbell replied because they are removing residuals from the river berm and the DEP requires a conservation easement. Mr. Glozzy stated the same holds true for the blue area which could only be used as open space. Council President DeLucia asked if there would be a conservation easement in the blue area as well. Ms. Campbell replied there would not be an easement but because the blue area is a low lying area it would not be considered suitable for development.

Councilman Bachmann asked if Ms. Campbell knew where the 100 year flood area is and if it was delineated on the map. She said that she knows where it is but it is not indicated on the map. Councilman Zeilner asked if it goes up to the orange area. She stated it did not.

Ms. Campbell stated there are other interested parties in the blue and yellow areas. Councilman Putrino asked, whether it is New Milford or another party, is United Water looking to sell the property as one piece. Ms. Campbell stated the water company's interest would be to work first with the town and if the town is not interested they would have to reconsider what the options are with respect to the property.

Councilwoman Subrizi asked when the town can expect to hear a final determination on the cleanliness of the property. Ms. Campbell stated there were two clean-ups on the property. She stated they are waiting on a "No Further Action" letter on the property located on the corner of Cecchino and River. There were two requirements on the property; one a small amount of oil and solid waste was found and cleaned up to the satisfaction of the DEP and they are waiting on a "No Further Action" letter – this was on the corner of Cecchino and River. The second is with respect to the residual blending, of which only the area in green remains. Once complete they will receive a close-out of the permit as a "No Further Action" letter is not required for this work.

Councilman Bachmann asked if they would share the DEP records without having a contract with the town. Ms. Campbell said they would share the records. Councilman Bachmann asked if there were any other interested parties. Ms. Campbell stated there have been a few inquiries on the property; the County is looking to develop the old plant site and they have expressed interest in the blue and yellow areas. They have advised the County that they would like to work with the town first if at all possible. She stated they have also had an inquiry from a church on the upland site for approximately five to seven acres.

Councilman Bachmann asked if they have considered a starting point on price. Ms. Campbell stated they had two appraisals done in 2003 but would need to have a new one done. Councilman Zeilner asked if they would be willing to share the new appraisal Ms. Campbell replied that they would.

Council President DeLucia asked if when the residual blending was complete they would receive a "No Further Action" letter. She was advised they would not, the permit is just

closed and the DEP would not close the permit unless they feel the work has been completed correctly. Council President asked if there would be any documentation on the status of the soil. Ms. Campbell stated there is no environmental issue with respect to the residual blending; they were allowed to store the residuals on the property and required to clean them up. They have cleaned the entire site and must remove all of the blendings and show to the satisfaction of the DEP that this is a clean site to close the permit. Ms. Campbell added, in the area where there was oil and solid waste, they had to do soil testing and water testing at that site. She stated for this they will receive a "No Further Action" letter. Ms. DeCarlo stated they are no longer called "No Further Action" letters, but rather they will receive remedial action work plan approval.

Councilwoman Duffie asked when they would expect to complete the new appraisal. Ms. Campbell stated they plan to wait until the blending is complete and the remedial action work plan approval is received. She said she is hopeful they will be able to initiate the appraisal process by the end of the year or by January. Councilwoman Duffie asked how long it will take. Ms. Campbell said approximately four weeks.

Councilman Putrino asked how many trees were ultimately removed. Ms. Campbell stated at most sixty. She noted the initial plan called for the removal of two-hundred thirty four. Councilman Putrino asked if anymore would be removed. Ms. Campbell stated a few small trees along the berm must still be removed.

Councilman Putrino asked if they had been approached by any commercial or business entities. Ms. Campbell stated that they always receive calls but at this point, the goal is to work with the town first, then the County and if neither of those options work out they would work with private parties. Mr. Glozzy added the sale of the property has not been advertised.

Council President DeLucia asked if they could provide the overlay of the one-hundred year flood map. Ms. Campbell said they would provide it.

Councilman Bachmann asked how big the file of DEP records is. Ms. Campbell responded that it documents everything that has been done at the site for the last five years. She suggested the town may wish to come in with a consultant to look through the files to determine what they would like copies of.

Councilman Zeilner confirmed that the property received DEP approval after everything was removed and prior to it being filled. He was advised that it was. Ms. Campbell stated this is probably one of the cleanest sites in Bergen County.

Council President DeLucia asked if there are still operations, other than cleanup, in the blue area. Ms. Campbell responded they still have the landscaping operation working out of that area but everything else has been moved to Haworth.

2. Proposed Ordinance – Engineered Lumber/Reflective Symbol

Councilman Putrino said there was a miscommunication about where the sticker would be placed. He said it will not be placed on the meter, but rather the meter box, which is

not owned by PSE&G. He showed a picture of where the sticker would be placed. The Administrator referenced an email response from PSE&G, which read in part "the inspection department installs stickers on this part of the meter pan when we pass or fail jobs and we also place stickers on our meter pans to notify our personnel of solar jobs and possible back feed. This could be an issue for us if we need to put our stickers on the meter pans. This is the location that we use."

Council President DeLucia asked how big the stickers are. Councilman Putrino responded the stickers are four by four.

Councilman Bachmann asked if it is the norm for the fire department to first check the meter. Councilman Putrino responded that they will first check the meter box to determine if engineered lumber has been used. Councilman Bachmann expressed concern that stickers could fade or peel and suggested something more permanent might be better. Councilwoman Duffie suggested the sticker can be inspected and updated as part of the Certificate of Occupancy inspection at the time of a sale.

Mr. Moscaritolo stated it does not say anything in the proposed ordinance about the sticker being posted on the exterior of the home and asked what would happen if the meter were in the garage. Councilman Putrino stated the protocol will be to go to wherever the meter is located. Mr. Moscaritolo stated that to make the ordinance as safe as possible you would want to have the sticker visible somewhere on the exterior of the house, suggesting the firemen could be walking on the engineered floor to get to the meter in order to find out it is an engineered floor.

Council President DeLucia suggested that both the Police Department and the Fire Department should have a list of the homes containing engineered lumber in addition to any sticker placed on the meter. Councilman Putrino stated that River Edge is going to enter the information into the CAD system so that it will be available to central dispatch. Mr. Moscaritolo asked if New Milford had a CAD system. The Council agreed it should be confirmed with the Police Department and added to the ordinance.

Councilman Putrino will discuss the issues raised with the fire department including: faded stickers, inside meter boxes, permanent monuments, PSE&G concerns, and the availability of a CAD system. The matter will be relisted for discussion in December.

Councilwoman Subrizi commented on the importance of keeping the process uniform between River Edge and Oradell. Council President DeLucia stated it should be added to the C.O. inspection checklist by ordinance.

3. NJ Environmental Infrastructure Financing Program

The Administrator reported on the status of the NJEIT Financing Program. She reported that in February the Council authorized, by way of resolution 2009:57, Boswell Engineering to prepare an application for the New Jersey Environmental Infrastructure Trust for a Sanitary Sewer Rehabilitation project in the amount of \$1,232,500. She stated that at the time it was not known if the awards would be in the form of grants or loans.

The resolution authorized \$25,000 to proceed with the proposal outlined in Boswell's letter dated 2/3/09. Approximately \$21,000 has been spent to date.

She stated that the Borough was notified in May that the project was ranked number 245 and that the first 94 were given priority for grants and numbers 95-232 were deemed contingent and would become eligible for ARRA Federal funding in ranked order only if one or more projects in the fundable range were bypassed. She stated that at the time, given the ranking of 245, the Council decided not to proceed until further notice. She stated that she had recently been informed that the project has been moved up to the point where it may get funded and NJEIT has asked for plan revisions.

If the Council decides to proceed 75% of the project would be eligible for funding as an interest free loan and the balance would be as a market rate loan payable over the next 20 years. She stated that if the Council decides not to proceed with the revision the project will be dead and we will no longer be eligible. The Council discussed the age and state of many miles of sewer in town and amount spent annually on sewer emergencies.

Councilman Bachmann asked the cost to continue. The Administrator stated that Boswell has informed her that it would require no more than a total of \$8,000 to complete the proposed revision and noted that \$4,000 remains from the initial allocation. Councilman Bachmann stated that if we do not proceed it would be like throwing the first \$21,000 away.

Councilman Zeilner stated the Borough has been trying to put together a relining program for the five years that he has been on the Council.

Councilwoman Subrizi stated she did not think the Borough could afford to pass up the opportunity.

Councilman Zeilner made a motion to continue the application process, spending up to \$8,000 to revise the application. Councilwoman Subrizi seconded the motion. All present in favor, none opposed.

Council President DeLucia asked to confirm if the loan is awarded would it be the Council's prerogative to take the full amount or less. The Administrator will confirm.

4. Police Chief – Desk Radio System

The Chief referenced the previously provided estimate to replace the radio base system, noting the current system is now twelve years old. He stated that he has been told that Motorola no longer supports the parts for the current system. He stated that all of the new communications through the County will now be digital and the Borough's is not digital. This means the portables and car radios are all outdated. B & C Communications provided a price for two models of the base console. The Chief said he was aware of Council discussions on the County communication system and he wanted to provide additional information. He spoke with the County Police Officer who is running the program and has been advised that the program is six to eight months out. The Chief stated that regardless of whether the Borough decides to go with the County system or not we will still need to purchase a base station to be compatible with the County

trunking system. The Chief has confirmed that the proposed system will be compatible with the County. The Chief also reported that if the Borough were to go with County communications it will not be free. In addition to purchasing a base station, portables and car radios the Borough can expect to pay approximately \$150,000 annually to the County for the service. The Chief stated the Borough is currently paying Northwest Bergen for 911 and Fire and EMS \$45,000 annually. The fee to the County would be in addition to this amount.

Councilwoman Subrizi asked how long the Chief would expect the equipment to last, suggesting a five to ten year life span would make it a capital expense. It was confirmed that it would be a capital expense. The Chief stated that he had a couple of capital projects he could eliminate that would fund approximately half of the new base station.

Councilman Bachmann asked if the \$150,000 would cover the services of the desk officer answering the phone. The Chief responded it would not. Councilman Bachmann stated that going to County dispatch would not save a salary. The Chief responded it would not but it would take liability off the town because if the police desk drops a call while tending to other duties the town would be liable.

Councilwoman Subrizi asked what would happen with Northwest Bergen when the County comes on line. The Chief replied that the Northwest Bergen fee does not include police dispatching.

Councilman Zeilner asked if we would still have a police officer covering the desk. The Chief responded he would, noting the significant amount of walk-in complaints.

Councilwoman Subrizi asked if the Chief was confident that if the money was spent for the new base station it would not be something that was used only for eight or nine months until the County system was available. The Chief responded that the new system would be required whether the Borough went with the County or not. Councilwoman Subrizi asked what would happen now if the current system went down and it could not be fixed. The Chief responded he would be forced to have the County provide a communication van to be parked in the parking lot and they would have to work from there.

The Chief referenced a list of departments that are currently using the Ztron system. Council President DeLucia asked if it was the Ztron the Chief is asking for. He responded he would be happy with either the Ztron or the Motorola.

Councilwoman Subrizi asked if it would have to go out to bid. She was advised that both brands are available through state contract.

Councilman Zeilner asked if the \$91,000 included the handheld radios. He was advised that it did not; it covers only the two base stations.

Council President DeLucia asked why there were two base stations and where each was located. The Chief responded they are both at the desk and they are sometimes used simultaneously and sometimes one is used if the other station goes down.

Councilman Zeilner asked if we change the base station will we need to upgrade the hand held and car radios as well. The Chief confirmed that everything would have to be replaced because of the digital technology. Councilman Zeilner asked if it would have to be done all at once or if it could be done in phases. The Chief said that he thought it could be done in phases and he will confirm.

Councilman Bachmann asked for an estimate to replace the hand held and car radios. The Chief said there are twelve car radios and thirty-one portables at an approximate cost of \$700 apiece for a total of about \$30,000.

The Chief stated that one of the things that became clear at the recently completed drill was the current portables could not be picked up. The digital equipment came through loud and clear.

Councilman Putrino asked how much capital the Chief expected to have left over in 2009. He said he could come up with about \$40,000.

Councilwoman Subrizi asked if the price would include training. She was advised that it would.

Councilwoman Duffie stated her certainty that the Mayor would have a number of questions for the Chief and suggested continuing the discussion at such time that he was present to ask them.

Councilman Bachmann asked if the Chief could have a representative come in to confirm the compatibility of the proposed with the County system.

The Chief will have both Lt. Lepinski from the County and a representative from B & C Communications attend a future meeting to address any additional questions. The matter will be relisted on the December 13th agenda.

The Chief commented he has a number of additional topics he would like to address with the Council such as personnel, manpower, cars, and the building conditions. Councilwoman Duffie said the Council would like to discuss the firing range with the Chief. The Council suggested he attend the January work session to discuss these other matters.

Councilman Putrino asked the Chief about the cars being stored as evidence at the fire training site. The Chief will look into having the cars moved.

5. Shared Services Agreement – H1N1 Staffing Shortages

The Administrator recapped her report from the October meeting, noting her discussions with the Oradell Administrator regarding a contingency plan for staff shortages. She noted the reported possibility of 60% staff outages. He, as part of the Pascack Valley Administrators group discussed passing a resolution authorizing the towns to work together to cover these possible shortages. Since he had spoken with me first, and given

the proximity of our towns he asked if New Milford would like to be included. The Council agreed it was a good idea and a resolution will be prepared for the next meeting.

6. Citizen Service Act

The Administrator reviewed the recently enacted Citizen Service Act and subsequent requirements including: oaths of office for members of local authorities, creation and maintenance of a directory of municipal entities, creation of a form to permit citizens to apply for service on municipal entities, and changes in the law regarding when absences turn into vacancies.

She asked the Borough Attorney if the act would include all volunteer organizations or if it would be limited to local authorities, boards, and commissions. He said that it would include all committees as well.

She advised that it would also require all current volunteers to complete a Citizen Leadership Form.

ADMINISTRATOR

The Administrator reported on a significant amount of neighborhood disenchantment regarding the installation of the t-ball field at Warren Street Park. She stated the primary complaints were the loss of open space, the height of the fence and the parking on the dead-end streets.

The Administrator reported that Gaelic Communications has received the DEP permit for the installation of the cell tower and they expect to begin work within two weeks.

The Administrator received the report from Richard Grubb on the Historic Bridge Alternatives Analysis for the Elm Street Bridge. She stated she had two copies on file which would be available to the Council and the public for review. She noted the report identified the preferred alternative for rehabilitating the bridge by reusing the non-load bearing trusses as aesthetic elements in a completely new bridge, widening it from 23 feet center to center to 26.5 feet.

Councilwoman Subrizi stated that she and Council President DeLucia were in attendance at a recent Rutger's sponsored charette regarding the water works building and she commented the bridge was quite the topic. Council President DeLucia stated that most who attended were in favor of closing the bridge. She noted that most of them were from Oradell.

The Administrator advised the Council that another former member of the Ambulance Corps has submitted a request to withdraw money from the LOSAP annuity. She stated the member did not qualify for five years but was a member for more than five years. She noted the Council would be voting on the adoption of the ordinance revision but it would not be effective until it is published in the newspaper. Councilman Putrino asked the attorney if anyone would be considered "grandfathered" after the adoption of the revised ordinance – having served for more than five years prior to the ordinance revision. It was agreed once a member applies to withdraw money after the adoption of the new rules the withdrawal would be subject to the new rules.

The Administrator referenced information she had forwarded on a company called Intronis, with regard to the borough server. She said she would be listing it for discussion at the December work session and asked if there were any other questions that needed to be addressed prior to that discussion. She asked if the Council would like to have the representative from Dart attend the meeting. The Council agreed he should attend.

On the topic of minutes the Administrator noted the law requires minutes reflect who spoke, the topic, and any action taken. She stated that although the Borough's minutes have traditionally been a more detailed summary of what has taken place, they are not intended to be an exact recitation of the meeting. She stated if ever a Council member feels there has been an omission it can easily be remedied and she asked that specific reference be provided on the omission. Given the uncertainty in whether or not the minutes listed on the current agenda for approval had been revised sufficiently, the Council decided to table the approval of the minutes until they could be reviewed further.

Council President DeLucia asked if there were any problems with the resolutions and if any of them needed to be pulled from the consent agenda for a separate vote. None were noted. Councilwoman Subrizi stated she was going to abstain from the vote on the LOSAP ordinance.

The Council agreed to hold the Closed Session until after the Public Session.

PUBLIC SESSION: (Actual Start 8:52 PM)

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 – Medical

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

Council President DeLucia called the meeting to order, asked for a moment of silent prayer, and led the flag salute. Council President DeLucia read the Open Public Meeting Law and Mission Statements and pointed out the fire exits in the Council Chambers.

Council President DeLucia announced the approval of the minutes would be held until the next meeting.

**PROCLAMATIONS: NATIONAL FAMILY WEEK
16 DAYS OF ACTIVISM AGAINST GENDER VIOLENCE**

COUNCIL COMMITTEE REPORTS:

Councilman Arthur Zeilner

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

Councilman Zeilner reported there are no new capital projects for Buildings and Grounds, just routine maintenance.

Councilman Zeilner reported the Environmental Commission had started a recycling program in the High School but a new law has been passed that it is no longer necessary to recycle batteries. He reported the High School Environmental Club has started a program to recycle bottles and cans and is planning to do air and water testing with the River keeper.

Councilman Zeilner reported that along with regular maintenance the DPW is focusing on the collection of leaves. He reported that a key piece of equipment was lost at the beginning of the season which has made it a longer process.

Councilman Zeilner summarized the activity for the Police Department and the Police Auxiliary for the previous month. He reported on the November 5th drill conducted by the New Milford Police Department to test the Bergen County Mutual Aid Plan and communication issues in the event of an active shooter. He thanked Chief Papapietro and commended him on a job well done in organizing the drill.

Councilman Keith Bachmann

Ambulance Corps, Drug Alliance, Recreation

Councilman Bachmann reported the Drug Alliance met on November 19th. He referenced the recent fundraising mailing and asked people to consider donating.

Councilman Bachmann reported the Recreation Commission met on November 4th and 18th and he attended the meeting on the 18th. He stated the U10 and U12 girls' soccer teams made the final soccer tournament. He reported basketball and wrestling are about to get underway. He additionally commented on the 2nd grade soccer tournament which was held on November 11th and was a great event.

Councilman Bachmann reported the Ambulance Corps met on November 16th but he was unable to attend the meeting.

Councilwoman Randi Duffie

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

Councilwoman Duffie reported that the Rent Leveling Board met during the first week of November and they are continuing their revision of the current rent leveling ordinance. She noted the need for a Tenant member and asked interested parties to apply.

Councilwoman Duffie reported on the Health Department's participation in the November 15th H1N1 clinic which was open to New Milford and River Edge children up to the age of 18. She stated that over 1,000 children were vaccinated.

Councilwoman Duffie commented on her attendance at the interfaith service held on November 22nd at Gloria Dei Church, noting the big sense of community.

Council President Tina DeLucia

Chamber of Commerce, Planning Board, Library Board

Council President DeLucia reported on the recent Chamber of Commerce meeting at which the Mayor appeared to give a report on the state of New Milford. In addition, a student and teacher from New Milford High School came in to discuss the creation of a virtual business through a program at Bergen Community College to allow them the opportunity to have real world business experience.

Council President DeLucia reported the Planning Board would be meeting on the following night. She noted in the absence of any pending applications they would be discussing procedures and future planning.

Council President DeLucia reported on the Library Board meeting which took place the week before. She reported on the November 1st concert by the All Chambers Players. She additionally reported the Director of the New Milford Public Library was elected the President of the BCCLS and was recently profiled in the Twin Boro News. Council President DeLucia reported that Mrs. Santa would be visiting the Library on December 6th and that a giving tree, for gifts for those in need, has been placed at the Library by the New Milford Social Services Department. She stated the Library is planning to submit an application for a renovation through an organization similar to those of the home makeovers. A \$5,000 contribution is required if chosen, which will be donated by the Friends of Library. She reported, if chosen they would like to reconfigure the Children's Room.

Council President DeLucia reported on her and Councilwoman Subrizi's attendance at a program sponsored by Rutgers regarding the waterworks property owned by the County.

Councilwoman Ann Subrizi

Board of Education, Historic New Bridge Landing, Public Events

Councilwoman Subrizi elaborated on the program referenced by Council President DeLucia. She noted that all of the ideas to come out of the full day program of discussions will be reported back to the groups early next year. She stated that all options will be explored and that Rutgers will be using this as part of their urban development program.

Councilwoman Subrizi stated she had nothing of significance to report from the Board of Education minutes but that she met with the new Superintendent to discuss possible future shared services. She noted the electronics recycling area added to the DPW which is open not only to the Board of Ed but to all New Milford residents.

Councilwoman Subrizi reported she was unable to attend the most recent meeting of the New Bridge Landing Parks Commission and has yet to receive the minutes.

Councilwoman Subrizi, on behalf of the Public Events Committee, invited everyone to the tree lighting ceremony scheduled for December 6th at 6:00 PM.

Councilman Michael Putrino

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

Councilman Putrino reported the Historic Preservation Commission cancelled the November 10th meeting because they did not have a quorum. The meeting was rescheduled for November 17th but he was unable to attend as he was attending the League of Municipalities. Next meeting – December 8th.

Councilman Putrino reported that in addition to his attendance at the November 16th meeting of the Fire Department, he met with the Fire Department and the Board of Ed Superintendent earlier this evening. He stated the purpose of the meeting was to open up the lines of communication between the Fire Dept. and the Board of Ed, identifying the Explorer and Jr. Program and the possibility of a Career Day presence for the Fire Department. He additionally reported on the Fire Department activity for the month. He mentioned the annual Marine Toys for Tots collection of new unwrapped gifts which will take place on December 13th. Next meeting – December 21st.

Councilman Putrino reported on the Shade Tree Commission meeting of November 19th. He reported the Commission is working on an application for the 2010 Business Stimulus grant. He stated the Commission is also working on its Tree City USA application. The Commission will not meet in December. The next meeting will be the reorganization meeting in January.

Councilman Putrino summarized the Garbage and Recycling activity for the previous month.

Councilman Putrino also acknowledged the Interfaith Ceremony and Gloria Dei as a great host. He noted as an usher for the event he counted more than 175 people in attendance.

Mayor Frank DeBari

Community Development

Absent – No Report

OLD BUSINESS:

ADOPT ORDINANCE # 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).”

Councilman Putrino 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.

Ms. Joann Prisendorf, 317 River Road, came forward to address the Council. Ms. Prisendorf stated she did not understand the ordinance. Mr. Moscaritolo explained the LOSAP program is an acronym for the Length of Service Award Program for the volunteer fireman and ambulance corps members. He explained that for every year of active service a small amount of money is deposited in an annuity for the member. He noted the member must be active for five years to be vested in the program. He explained the purpose of this ordinance is to clarify how a member becomes vested.

As there were no further comments on the ordinance from the public, Councilman Bachmann made a motion to close to the public. Councilman Zeilner seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

Councilman Putrino made a motion to adopt this ordinance on its second and final reading. Councilman Zeilner seconded the motion. The motion passed on a roll call vote as follows:
For the motion: Zeilner, Bachmann, Duffie, DeLucia, Putrino
Against the motion: None
Abstain: Subrizi

ADOPT ORDINANCE # 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"

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

Ms. Prisendorf stated she did not hear the second turn that is prohibited. Council President DeLucia repeated the prohibition.

Mr. Gus Bachmann, 258 Stevens Court, came forward to address the Council. Mr. Bachmann asked if the rule prohibiting egress onto River Road was currently in effect, noting the temporary barrier had been removed. He stated that he was under the impression the exit was to remain closed until everything else was brought into compliance. Council President DeLucia stated it will be corrected.

As there were no further comments on the ordinance from the public, Councilman Bachmann 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 questioned the creation of the ordinance when the Planning Board intends to revisit the installation of this exit at a later date. Council President DeLucia stated that you pass the ordinance to regulate what will happen once they get a CO and if it is later changed then you modify the ordinance. Councilman Bachmann added you pass the ordinance so if a police officer writes a ticket based upon the sign the ticket will be enforceable in court. He added that just because he votes in favor of this ordinance it does not mean he is in favor of the driveway opening. Council President DeLucia concurred with Councilman Bachmann.

Councilwoman Duffie 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 vote. All present in favor, none opposed.

NEW BUSINESS:

RESOLUTIONS:

- 2009:228 Closed Session
- 2009:229 Payment of Bills and Vouchers
- 2009:230 Adoption of OPRA form as recommended by the GRC
- 2009:231 Approve 2009 Appropriation Budget Transfers
- 2009:232 Approve 2010 Mayor and Council Meeting Dates
- 2009:233 Approve 2010 Holidays
- 2009:234 Approve Building Department escrow refund to Anthony & Debra Bassone, 200 Terrace Place, New Milford in the amount of \$91.00
- 2009:235 Authorize Boswell Engineering to revise plans for NJEIT Sewer Rehabilitation up to a cost of \$8,000

COMMENTS FROM THE PUBLIC

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

Ms. Joann Morgesy, 1115 Sheridan Street, came forward to address the Council. Ms. Morgesy stated her main concern with the installation of the t-ball field was for the traffic, noting it would be unsafe with cars parked on both sides of the street. Council President DeLucia explained that the Borough received a County grant to install a T-Ball field. She noted it is played by small children and does not involve league play and would be open only to New Milford residents. Councilman Bachmann asked which side of the street would be better for parking – the house side or the park side. Ms. Morgesy did not state an opinion.

Mr. Terrence McMackin, 400 Madison Avenue, came forward to address the Council. Mr. McMackin referenced the June meeting of the Mayor and Council and asked about the United Water property. Councilwoman Subrizi stated that the Borough is still waiting for clean bill of health and that there would be no investment of professional costs until a clean bill of health is received. Council President DeLucia stated that United Water is waiting for two things; a blending soil permit close-out and a “No Further Action” letter on a contaminated piece of land. Mr. McMackin referenced the Master Plan, noting a number of areas of the plan in conflict with the proposed development of the property. Councilwoman Duffie stated nothing has been decided for the property in the North end of town. Council President DeLucia noted the Master Plan is revised every five years and is due for revision in 2010. Mr. McMackin commented he wished the Council could put control on the tax rate.

Ms. Joann Prisendorf, 317 River Road, came forward to address the Council. Ms. Prisendorf asked if the Council had heard anything from the State on the COAH resolution recently passed.

She was advised that there is generally not a response from the state, but at times we do receive responses back from individual assembly people. Ms. Prisendorf stated she is against placing any housing on the water company property but is in favor of the town purchasing the property. She noted a recent article in the local section of the newspaper about a builder suing for a builder's remedy. She suggested the town should purchase the property so we don't have a similar problem. Council President DeLucia stated that if the town purchased the property and did not develop it, taxes would increase.

Ms. Sandy Kahak, 1117 Warren Street, came forward to address the Council. Ms. Kahak commented that she wished the T-Ball field had been pushed back because it has cut the park in half. She questioned the installation of the four-foot fence with black vinyl striping; why is the striping black or better yet why is the striping being installed at all. She said this would contribute to the safety issues as it would be impossible to see what is going on beyond the fence. She also expressed her concerns with regard to the parking. Councilwoman Subrizi suggested the possibility of conducting a traffic study after the field is opened. The Administrator will check with the Engineer with regard to the striping.

Ms. Pat Ernest, 1116 Sheridan Street, came forward to address the Council. Ms. Ernest commented that she is most impacted by the swing set. She stated that Recreation told her she had no rights with regard to the installation of the swing set, as it is not on the property line, she would just have to live with it. She stated she has had to deal with graffiti on her fence and catcalling directed at her grandchildren in her back yard. Councilman Putrino suggested it may be possible to plant trees along her fence to shield her yard from the park. The Administrator will discuss the possible relocation of the swings with the Department of Public Works and Recreation.

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

VOTE ON RESOLUTIONS

Council President DeLucia explained that resolution 2009:235 was added to the agenda to authorize Boswell Engineering to revise the plans for the New Jersey Environmental Infrastructure Trust Sewer Rehabilitation at a cost not to exceed \$8,000. It was suggested that the meeting should be reopened to the public to allow them to ask questions about this resolution.

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

Ms. Prisendorf asked why it was for a loan and not a grant. Council President DeLucia stated that this was the best that was available to the Borough at this time. Councilwoman Subrizi stated that 75% of the loan would be interest free.

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

Councilwoman Subrizi made a motion to approve the consent agenda, resolutions #2009:228 through 2009:235. Council President DeLucia seconded the motion. All present in favor, none opposed.

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

CLOSED SESSION:

1. Recreation Commission – Personnel

Councilwoman Duffie made a motion to return to open session. Councilman Bachmann seconded the motion. All present in favor, none opposed.

OPEN SESSION:

Councilman Putrino asked about the letter from the resident regarding the field use at Solomon Schechter and asked what is being done about it. He was advised that it was scheduled to be discussed by the Planning Board at their meeting on November 24th. The minutes and resolution are being pulled by the Planning Board Secretary for review.

Councilman Putrino reminded the Council of the Fire Department Reorganization scheduled for January 1, 2010 and asked for them to R.S.V.P.

Councilman Bachmann asked if the Warren Street infield would be dirt or grass. The Administrator will check with the Engineer. Councilman Bachmann noted an extra parking space at Madison Plaza by the dry cleaner. He stated there are 74 spaces where only 73 are required. He asked to have it checked by the Building Department and to have the extra space removed. Councilman Putrino additionally noted the fire lane is missing.

Councilman Putrino mentioned that he had contacted Senator Lezniak to request a copy of his proposed COAH legislation.

ADJOURNMENT

Councilman Zeilner made a motion to adjourn. Councilman Putrino seconded the motion. All present in favor, none opposed. Time 10:45 PM.

Respectfully submitted,



Christine Demiris, RMC
Borough Clerk