

MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
OPEN SESSION immediately following
8:30 PM PUBLIC MEETING
Monday, November 24, 2008

Councilman Arthur Zeilner	Absent
Councilman Keith Bachmann	Present (arrived 7:24)
Councilwoman Randi Duffie	Absent
Council President Tina DeLucia	Present
Councilwoman Ann Subrizi	Present
Councilman Michael Putrino	Present
Mayor Frank DeBari	Present

Also present: Borough Attorney, S. Gregory Moscaritolo

Mayor DeBari read the Open Public Meeting and Mission Statements.

Councilwoman Subrizi voiced her concerns about discussing the HRA in closed session, unless it deals specifically with the Collective Bargaining Agreement. The Administrator explained the details as to why she listed said items under closed session. Mr. Moscaritolo disagreed with Councilwoman Subrizi's concerns, stating the HRA should remain under closed until the negotiation of the HRA contract is completed. Mr. Moscaritolo continued by saying once the Council decides to accept then it may be discussed in open prior to the vote. Mr. Moscaritolo stood by his initial recommendation, it is a contract negotiation and therefore it should be discussed in closed session.

Councilman Putrino made a motion to go into closed session. Council President DeLucia seconded the motion.

For the motion: Putrino, DeLucia

Against the motion: Subrizi

Closed Session:

1. Personnel – Chief's Contract
2. Collective Bargaining Agreement - HRA

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

Open Session:

1. Proposed Revision – Recycling Ordinance

The Administrator read the letter received from the BCUA regarding the recycling ordinance into the record. The Administrator referenced the recycling ordinances from Paramus and Bergenfield along with their requirements. The Administrator stated the State's requirements must be added to the Borough Recycling Ordinance; however it is the Borough's discretion on

how it is enforced. The Administrator questioned whether or not the Council would consider mandating contractors to post a bond along with the building permit, to ensure the proper recycling of their construction debris. Mr. Moscaritolo requested additional time to review the statute provided in the BCUA letter. The Administrator stated she will add the proposed revision to the Recycling Ordinance to the January work session agenda for further discussion.

ADMINISTRATOR

The Administrator stated the Elected Officials Training is scheduled for the February work session meeting on February 9, 2009; she opened the meeting up to River Edge and Oradell as well.

The Administrator referenced Mr. Moscaritolo's correspondence regarding the Mansoldo property. Mr. Moscaritolo stated he is seeking approval to proceed with the survey.

Councilwoman Subrizi stated she does not mind spending the money for the survey in order to receive the grant; however she is concerned the County will continue to want more.

Mr. Moscaritolo reiterated the County has only requested the survey.

Mayor DeBari will speak with Mr. Abbatomarco regarding the cost and see if the County will be willing to pay half. Mayor DeBari will advise Mr. Moscaritolo of his findings.

The Council discussed the Carlton Place property; the Administrator will send a letter to the County requesting the monies owed the Borough.

Mayor and Council

8:30 PM Public Session

(Actual Start 8:42 PM)

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

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.

PRESENTATION: ELM STREET BRIDGE CLOSURE

Mayor DeBari stated the Elm Street Bridge will be closed for at least 3 years. Mayor DeBari further stated the County presented information to New Milford as well as Oradell. Oradell would like the bridge to be repaired and reopened however that is not possible due to the current weight restrictions as well as the historic component. Mayor DeBari stated the presentation is to inform the residents of New Milford's plan to alleviate its traffic concerns.

Police Chief Papapietro spoke of the current traffic problems and possible solutions. Chief Papapietro stated Center Street cannot be converted to one-way because part of it is in Oradell; however it may be possible to post "Do Not Enter" on Fulton Street for certain hours during the day. Chief Papapietro stated New Milford is trying to make this as painless as possible for all those involved.

Mayor DeBari stated these changes will affect New Milford residents and New Milford residents are expected to obey any changes made. However if residents do not believe there are traffic concerns and do not wish anything to be done, then the Council and Chief Papapietro will not pursue the matter any further.

Emily Rostkowski, 103 Fulton Street, came forward to address the Council. Ms. Rostkowski noted there are 7 children living in her immediate area. Ms. Rostkowski stated cars drive up Fulton Street to Golden Gate Avenue never addressing people traveling in the opposite direction. Ms. Rostkowski requested at the very least, the Borough put a "Children at Play" sign on her corner. Ms. Rostkowski stated the "Do Not Enter" sign to be placed at Fulton Street, will make Golden Gate Avenue U-Turn central. Ms. Rostkowski further stated the limitation of 7am to 6pm Monday-Friday is not sufficient, it must be for the full week. Ms. Rostkowski proposed a "No Thru" traffic sign on the corner of Center Street and Golden Gate Avenue.

Kerri Capasso, 138 California Avenue, came forward to address the Council. Ms. Capasso requested a stop sign be placed at the corner of Pine Street and further stated the yield sign currently at the corner of Pine Street is covered by a tree.

Chief Papapietro noted the possibility of putting stop signs on the corners of Pine Avenue, California Avenue, Golden Gate Avenue and Fulton Street forcing a stop at every corner.

Chris Schimel, 174 Washington Avenue and 141 Center Street, came forward to address the Council. Ms. Schimel read a prepared statement, noting the proposed plan creates more problems. Ms. Schimel further stated speeding is more prevalent in the morning due to people rushing to drop children off at school and getting to work. Ms. Schimel suggested speed limit signs, speed bumps, as well as barricades detouring to River Road, to help alleviate the speeding. Ms. Schimel stated these roads were not designed for such heavy traffic, and are in poor condition to begin with. Ms. Schimel also stated the proposed time restrictions are not effective.

Patty Laux, 175 Lenox Avenue, came forward to address the Council. Ms. Laux stated there is no stop sign on Cleveland Avenue; therefore, cars speed down Cleveland Avenue to get to Main Street. Ms. Laux requested the Borough do something about the landscaping business on Main Street; the employees are rude and park the large trucks on Main Street all day and their personal vehicles on Lenox Avenue. Ms. Laux stated she has made numerous calls to the Police Department regarding the parking situation. The Council determined it is Town and Country's trucks Ms. Laux is referring to.

Margaret Drew, 112 Pine Avenue, came forward to address the Council. Ms. Drew agrees with the speeding concerns on Fulton Street. Ms. Drew noted it would be an inconvenience to be unable to turn on Pine Avenue.

Maria Sauer, 121 Washington Avenue, came forward to address the Council. Ms. Sauer suggested "No Thru" signs on Washington Avenue and Lenox Avenue from Main Street and traffic should be detoured to River Road and Boulevard.

Gary Heiser, 192 Washington Avenue, came forward to address the Council. Mr. Heiser suggested "No Left Turn" signs posted at Lenox Avenue and Washington Street from Main Street.

Mayor DeBari noted to those present that the problem seems to be the increase in traffic traveling north.

Chief Papapietro noted California Avenue can come off the "No Right Turn" sign list. Mayor DeBari reiterated there is no need for any "No Right Turn" signs as long as "No Left Turn" signs are situated on Main Street for Lenox Avenue and Washington Street.

Councilman Bachmann stated it is the consensus of the residents that there is a traffic concern and something needs to be done. However, it will never be perfect; when one thing is altered, something else is inadvertently changed.

Councilwoman Subrizi questioned if a barricade similar to that on Elm Street, could be situated near Main Street to avoid traffic traveling on the side roads.

Chief Papapietro stated he would prefer using signs to detour the traffic to River Road rather than a barricade.

Councilwoman Subrizi stated the benefit is nothing is permanent, if it is not working the Borough can rescind.

Chief Papapietro questioned Ms. Rostkowski on where she suggested the "Children at Play" signs be placed.

Ms. Rostkowski responded at the grade of Pine Avenue and Fulton Street as well as at the corner of Golden Gate Avenue and Fulton Street.

Mayor DeBari announced the new plan will be mailed to affected residents by December 1, 2008 and will be on the December 15, 2008 agenda for further discussion.

COUNCIL COMMITTEE REPORTS:

The Council decided to forego their committee reports for this evening; however Councilman Putrino wished to announce that the Mayor and Council was presented a plaque from the Fire Department at their annual dinner on November 22, 2008.

NEW BUSINESS:

INTRODUCE ORDINANCE 2008:17

AN ORDINANCE TO CREATE CHAPTER XXXII, AFFORDABLE HOUSING, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD, ADDING SECTION 32-1, TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING THE AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT

Council President DeLucia made a motion to introduce and approve this ordinance, on its first reading. Councilman Putrino seconded the motion.

For the motion: DeLucia, Putrino, DeBari

Against the motion: Bachmann, Subrizi

In casting her vote Councilwoman Subrizi stated according to the information provided by the Council of Unfunded Mandates, the Borough does not have to do it.

Council President DeLucia disagreed with Councilwoman Subrizi; noting the ordinance is a State requirement. She further stated the Borough can fight it, but would incur expense of a lawsuit.

Councilman Bachmann explained his negative vote. He stated this requirement is out of the new COAH regulations currently under appeal through the New Jersey League of Municipalities. Councilman Bachmann further questioned why the Borough would need to appoint someone to keep track of something the Borough does not have.

Mayor DeBari stated the ordinance is to merely create the position of Municipal Housing Liaison, not to appoint someone.

The ordinance will be published in the Ridgewood News and a public hearing will be held on December 15, 2008 at 8:30 PM.

INTRODUCE ORDINANCE 2008:18

AN ORDINANCE AMENDING CHAPTER II OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ESTABLISHING PROCEDURES FOR THE PLACEMENT OF PORTABLE STORAGE CONTAINERS, AND SIMILAR STRUCTURES IN RESIDENTIAL ZONES.

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

The ordinance will be published in the Ridgewood News and a public hearing will be held on December 15, 2008 at 8:30 PM.

INTRODUCE ORDINANCE 2008:19

AN ORDINANCE AMENDING CHAPTER XXXII, AFFORDABLE HOUSING, IN THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD, ADDING SECTION 32-2, DEVELOPMENT FEES

Council President DeLucia made a motion to introduce and approve this ordinance, on its first reading. Councilman Putrino seconded the motion.

For the motion: DeLucia, Putrino, DeBari

Against the motion: Bachmann, Subrizi

In casting her vote, Council President DeLucia stated without this ordinance, the Borough could not collect fees if COAH imposed such a requirement, and therefore would have to spend taxpayer money.

Mr. Moscaritolo corrected Council President DeLucia's statement, noting whether or not the Borough has the ordinance in place, it must still collect fees on behalf of the State.

Councilwoman Subrizi noted the ordinance states "pending the approval of third round COAH obligations," and if it is overturned in appeal, it would all be a waste of time.

Council President DeLucia stated although the ordinance is under appeal, it is still enforced.

Mayor DeBari stated the ordinance currently before Council does not contain the Borough's COAH obligation.

Mr. Moscaritolo explained to Council that this ordinance will only create a new chapter in the code book; however when all is said and done with affordable housing, the chapter will be extensive. Mr. Moscaritolo reiterated that the development fees collected will go to Trenton.

Councilman Putrino stated the Borough Planner, Michael Kauker, understands and recommends this ordinance, which is why Councilman Putrino voted in the affirmative.

Mayor DeBari stated the development fee ordinance is State mandated.

Councilwoman Subrizi noted she would rather seek the help of Borough Professionals and oppose the requirement and protest as unfunded mandates.

The ordinance will be published in the Ridgewood News and a public hearing will be held on December 15, 2008 at 8:30 PM.

RESOLUTIONS:

2008:237 Closed Session

2008:238 Payment of Bills and Vouchers

2008:239 Authorize Requests for Qualifications for Professional Services for the Borough of New Milford

- 2008:240 Authorize State of New Jersey DEP Green Acres Enabling Resolution for \$450,000 grant for Open Space Preservation Initiative
- 2008:241 Approve Professional Services Agreement with the County of Bergen as Bloodborne Pathogen Coordinator for 2009
- 2008:242 Appoint County of Bergen as Animal Control Officer for 2009
- 2008:243 Approve amendment to Safe Schools Resource Officer Partnership Agreement with the Board of Education
- 2008:244 Approve 2008 Appropriation Budget Transfers
- 2008:245 Approve Raffle License for HSA Transfiguration Academy Off-Premise Merchandise Raffle to be held January 30, 2009
- 2008:246 Approve Raffle License for Elks Instant Raffle-Annual License
- 2008:247 Approve 2009 Mayor and Council Meeting Dates
- 2008:248 Approve 2009 Holidays
- 2008:249 Reappoint Police Officer Kevin Morris and Police Officer John Moroney as Alcoholic Beverage Control enforcement officers
- 2008:250 Approve Employment Agreement between the Borough of New Milford and Police Chief, Frank Papapietro
- 2008:251 Approve recommendation of Choice Care Card as Third Party Administrator for Health Reimbursement Arrangement

Mayor DeBari asked Council if there were any questions or comments on the resolutions.

Councilwoman Subrizi stated she has concerns with the budget transfer for medical insurance. Councilwoman Subrizi stated in the beginning of the year, she expressed her reservations on the under budgeting for that line item and would like an explanation as to why \$108,000 is being transferred at this point.

The Administrator stated earlier in the year there was discussion of the Library reimbursing in full for their medical insurance, totaling approximately \$160,000.

Councilwoman Subrizi stated the yearly cost for medical insurance was approximately \$2.1 million, and only \$1.86 million was budgeted for. She further stated if the Borough was to receive the reimbursement from the Library; it still would not be a sufficient amount. Councilwoman Subrizi stated the CFO should have included an explanation as to the necessity of the budget transfer.

Council President DeLucia requested, if Councilmembers have questions of this magnitude, that it be brought to the attention of the Administrator or CFO before the meeting at which it will be voted on.

Councilwoman Subrizi noted that earlier in the year, on several occasions during the budget process, she stated the medical insurance line was severely under budgeted; because no one listened it made her feel invisible.

Councilman Bachmann requested resolution 2008:246 be pulled for a separate vote, he is a member of the Elk's Club and felt it a conflict.

Mayor DeBari stated the CFO must include an explanation with the budget transfers as to why it is necessary.

VOTE ON RESOLUTIONS

Council President DeLucia made a motion to approve consent agenda on all resolutions except 2008:237 and 2008:246. Councilman Putrino seconded the motion. All present in favor, none opposed.

Councilwoman Subrizi made a motion to approve resolution 2008:246. Council President DeLucia seconded the motion.

For the motion: DeLucia, Subrizi, Putrino

Against the motion: None

Abstain: Bachmann

COMMENTS FROM THE PUBLIC

The meeting was opened to the public on a motion from Councilman Bachmann, which was seconded by Councilman Putrino. All present in favor, none opposed.

Mr. Moscaritolo asked Mr. Bachmann if he was familiar with the Fire Department accident in 1943 involving two members.

Mr. Bachmann stated a hardware store was hit at the corner of River Road and Main Street.

Mr. Moscaritolo stated the reason for his question was to determine why, of the two members who died, Mr. Bliss received the dedication of a street name and Mr. Kehr did not. The Fire Department has requested a street be named for Mr. Kehr.

Chief Papapietro requested the permission of the Mayor and Council to place a memorial next to the Fire Department memorial for the PBA. Mayor DeBari asked Chief Papapietro to put his request in writing for their consideration.

Mr. Moscaritolo asked if Chief Papapietro received a response for the turkey shoot fundraiser question that was brought up at an earlier meeting.

Chief Papapietro stated the reason for other towns' ability to hold fundraisers for their Police Auxiliary, is because they are incorporated, have a tax exempt number and do not receive funds from the borough. The New Milford Auxiliary Police are not a separate entity and therefore cannot hold a fundraiser.

Councilman Putrino stated it was his understanding that the upstairs hallway of the Borough Hall was to be dedicated to William Entwhistle, because that is where he died. Councilman Putrino will inform the Fire Department to put their request in writing for the Mayor and Council's consideration.

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

ADMINISTRATOR

The Administrator referenced Mr. Bachmann's concerns of mold at the Senior Center at an earlier meeting. She stated Jill Scarpa, Health Inspector, provided her with a report of the incident. The Administrator noted the report states the matter was addressed as far as the Health Department is concerned.

Mr. Bachmann questioned if any tests were performed.

The Administrator stated she was informed that testing is not a requirement; it was remediated through building permits and a roof replacement.

The Administrator stated the Boulevard paving is complete, striping will be completed next week.

The Administrator stated the first phase of the Trench Drive Drainage Project job was stopped due to another water pipe problem; she is awaiting Boswell's input.

The Administrator stated the space used by Mid-Bergen Regional Health Commission is 124 sq. ft., approximately 1/10 of the basement. The Administrator will contact Alan Negreann to find out what the Commission was charged for rent in River Edge.

The Administrator stated the Ice Rink is being installed on the old, dirt swim club parking lot.

The Administrator referenced an e-mail from Department of Transportation, stating the Borough will receive \$150,000 to finish the Boulevard.

The Administrator stated the Borough has had discussions with River Edge regarding a joint bid for garbage. The Administrator stated the Borough decided that unless River Edge was willing to change their schedule, it does not pay. The Borough of River Edge has requested another meeting to attempt to negotiate further; the meeting is set for early December.

The Administrator stated she was informed late today that Luis Rivas' father passed away.

The Administrator stated the shade tree at 328 Grove Street will be fixed for free by Suburban. Councilman Putrino stated in doing so, the Borough will open itself up for problems and the Borough should not fund the slab's replacement.

The Administrator stated Suburban is doing this at no charge to the Borough or the homeowner.

Mayor DeBari stated if Suburban is willing to do it for free; the Borough should allow them to do so.

Councilman Putrino confirmed Mr. Moscaritolo's attendance at the January meeting of the Shade Tree Commission.

Councilwoman Subrizi stated she received an anonymous e-mail from a concerned resident regarding a current issue at 535 Windsor Avenue. Councilwoman Subrizi stated the home is currently vacant, the neighbors help in keeping up the lawn and the homeowner comes once per day to feed the dog. Councilwoman Subrizi stated her concern is for the dog. Mayor DeBari suggested the Borough have Jill Scarpa contact Animal Control.

Councilman Putrino stated a meeting is set for the week of December 11 with Bill Schwartz for recycling; Mary Ann Perrone and Councilman Putrino will attend.

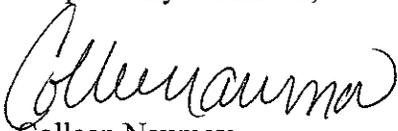
The Administrator will ask Chief Papapietro to look into the Town and Country parking situation.

Councilman Putrino questioned if the Council was in agreement that Mr. Kehr be recognized by the Borough, preferably with the naming of a street. All present in favor, none opposed.

ADJOURNMENT

Council President DeLucia made a motion to adjourn. Councilman Putrino seconded the motion. All present in favor, none opposed. Time 10:28 PM.

Respectfully submitted,



Colleen Naumov
Deputy Borough Clerk