

MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
Monday, November 8, 2010



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| Councilman Arthur Zeilner | Present |
| Councilman Keith Bachmann | Present (8:07) |
| 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;
Councilman Elect Robalino

Mayor DeBari read the Open Public Meeting and Mission Statements.

OPEN SESSION:

1. United Water Company Appraisal – Appraisal Systems/Boswell Engineering

Mayor DeBari noted that Darren Raymond from Appraisal Systems and Margita Batistic from Boswell are here to discuss the appraisal. Councilman Berner stated the property appears to have no wetlands. Ms. Batistic advised a flood plain is not necessarily a wetland. Mayor DeBari asked how much of the property is in the flood plain; Ms. Batistic showed the flood plain via the map she provided. Councilwoman Subrizi stated the appraiser noted a 40% wetland and the engineer noted none; how will that be reconciled. Mr. Raymond advised different terminology was used; the land is affected by a 40% flood plain. Mayor DeBari asked what area is buildable and/or usable. Ms. Batistic described many different scenarios; however her opinion is 36 or more homes could be built. Councilwoman Subrizi expressed concern about how the additional homes could impact the sanitary sewer system. Councilman Zeilner stated there needs to be more than one access to the property; especially for emergency services. Ms. Batistic advised nine lots could be sold tomorrow, because they already have access to roads, sewer, etc. Councilman Berner believed those lots would cost less to build due to the existing infrastructure; therefore the Borough could buy the property and recoup their cost with just those lots and leave the center of the property open. Council President Putrino advised the appraisal is the value and not necessarily what it would sell for. Councilwoman Subrizi expressed concern with the disparity between the engineer's estimate of 36 buildable lots compared to the appraiser's estimate of 15. Ms. Batistic advised a developer would need to be approved by DEP, noting that standing water is topography, not an indication of a flood plain. Councilwoman Subrizi is concerned with putting the Borough in the real estate business; Mayor DeBari reiterated if the Borough purchases the property, it retains control. Councilwoman Subrizi said she wants the Borough to collaborate with the Board of Education on a joint project; Mayor DeBari

noted the Borough will have to bond the project and be reimbursed by the Board of Education.

2. 2011 Budget – Preliminary Review

The Administrator provided the Auditor with a list of the 2011 salaries based upon the current contracts. The Administrator explained the preliminary review of the proposed 2011 budget indicates the Borough would be over the levy cap by \$719,000. The Administrator suggested reopening negotiations with the bargaining units; the issue needs to be resolved by January 1st, otherwise the 2011 salaries will go into effect. Councilwoman Subrizi noted she is not ready to comment or make any decisions tonight.

3. Hirschfeld Brook Owner Consent Letter

The Administrator referenced the proposed consent letter sent to homeowners on the Hirschfeld Brook and asked if there were any changes that should be made. Councilman Bachmann suggested the sentence regarding no further development be removed; he feels it could scare homeowners into not signing. The Administrator will consult with Frank Rossi and confirm whether or not the sentence needs to be included; upon his determination she will mail the letters.

4. Planning Board – Proposed Ordinance Changes/Signs and Awnings

Councilwoman Duffie explained the Planning Board's recommendation to the realtors' request for directional signs during open houses. The Planning Board discussed the matter at four meetings, at which the Chamber of Commerce and realtors were present. The Council was provided with the Board's proposed ordinance. Councilwoman Duffie noted the brokerage would get the permit for the calendar year, said permit would be on file in the Building Department. The Council had no objection to the proposed ordinance and agreed to introduce said ordinance at the November 22nd meeting of the Mayor and Council.

5. Shade Tree vs. Sidewalk – Update

Council President Putrino advised he has no new information; Paramus is the only municipality with a real written policy. Councilman Bachmann and Council President Putrino both expressed concern that if New Milford were to institute a similar policy, homeowners will start removing shade trees whether or not they are problematic. Councilwoman Subrizi suggested having two or three companies on file that fix the sidewalk at a set price; but the cost should remain the responsibility of the homeowner. She also expressed concern over trees damaging the curbing. Council President Putrino will bring the Council's concerns to the Shade Tree Commission to get their consensus; he will report back on November 22nd.

APPOINTMENTS:

CHRISTOPHER ARMENTANO – FIRE CO. #2
JOSEPH LANGSCHULTZ – FIRE CO. #2
OSCAR BERNAL – FIRE CO. #2

Council President Putrino made a motion to appoint Christopher Armento, Joseph Langschultz and Oscar Bernal to Fire Company #2. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

ADMINISTRATOR

The Administrator asked if anyone from the Council will attend the grand opening of the new 7-11. Mayor DeBari is available between 11:00 am - 11:45 am for the ribbon cutting.

The Administrator advised the badges for the League are in the Council's meeting envelope.

The Administrator added the PSE&G resolution to the consent agenda; it was already discussed and agreed upon by the Council.

The Administrator asked if the Council had any objections to Berkley Street School holding a car wash at Borough Hall on April 30th with a rain date of May 14th; no objections noted.

The Administrator requested email addresses for the Council Elects.

The Administrator referenced Chief Papapietro's response to the Main Street Pedestrian petition; she asked the Council how he should proceed. The Council requested the account from which the items would be paid, prior to authorizing the Chief to spend. The topic was tabled to the November 22nd meeting.

The Administrator shared information on the Life Events Legal Plan and Identity Theft Protection plan with the Council; she asked if the Council had any objections in offering the plan to the employees. The Council had no objections; as it will be a payroll deduction from the employees, not the Borough.

The Administrator advised that Eastech is a company that has alarms to help prevent sewer backups; Mike Calamari is very interested and will budget accordingly for the upcoming year. The company could do an audit of large private users who may be using more than 25,000 gallons in the waste water system; the Borough has the right to bill them separately according to the BCUA. Mayor DeBari noted Bergenfield is now charging the sewer charges to non-profits i.e. group homes, churches, etc. They are billed directly; if they do not pay taxes, the municipality should not be responsible for paying their sewer charges. The Administrator will invite Eastech to the December 13th meeting to make a presentation to the Council.

The Administrator advised the overnight parking discussion will be postponed until the January work session at Chief Papapietro's request.

The Administrator was advised that PSE&G will forward a payment of \$38,950 for police overtime for the work on Faller Drive; this will offset the overages recently discussed by the Mayor and Council.

The Administrator referenced the memo from Anthony Senzamici regarding trees at the Swim Club. She spoke with Mike Calamari and was advised that he and Norman Krause will take Mr. Senzamici to the tree farm and allow him to choose the trees and the DPW will arrange to have them planted.

The Administrator referenced the November 5th Boswell letter regarding the Twin Borough Field contamination in Dumont. Mayor DeBari would prefer our engineer be present during the digging to be sure nothing comes near the brook. Councilman Bachmann stated the brook is far enough away and feels it does not have to be monitored.

The Administrator spoke with the CFO regarding the DPW's request for overtime for leaf pick-up; if there is money available, a transfer would be at the pleasure of the Council. Councilwoman Subrizi noted the leaves are not harming anyone; the Borough does not have the money to authorize overtime. Councilman Zeilner noted the concern is the leaves need to be picked up prior to the first snow; however they should be able to get the job done during the week, possibly working an extra few hours during the week to pick up the bulk. Council members Bachmann, Berner and Duffie agree with Councilman Zeilner; Councilwoman Subrizi wants to know where the money will come from prior to authorization.

The Administrator salvaged a few historic documents prior to their destruction; she notified the Historic Commission that she has two boxes.

BOROUGH ATTORNEY

Mr. Moscaritolo advised his office computer crashed while entering the billing information. He has billed the Borough through May 2010; however the computer had the billing information through October.

COUNCIL

Councilwoman Duffie will attend the League of Municipalities and will attend a Rent Leveling class because the information is exactly what the New Milford Board is currently discussing.

Councilman Berner questioned resolution #2010:241; the Administrator advised she will fix the typographical error.

Mayor DeBari reminded the Council to revisit the Warren Street Park issues regarding the bleachers and plantings.

Councilman Bachmann expressed concern about resolution #2010:238; paragraphs two and three should be removed. The resolution is written as the consensus of this Council, which it was not; someone else wrote the resolution. The Administrator advised the resolution originated from the League. The Council agreed to remove paragraphs two and three; the Administrator will amend the resolution.

The Administrator noted with regards to resolution #2010:243, the Borough is required to advertise either in the newspaper or on our website; she asked the Council's preference. The Council agreed to advertise the RFQ only on the website.

Councilman Bachmann proposed changing the Recreation Department back to a Commission this year, since it will inevitably be changed back with the new Council. He proposed introducing an ordinance in December to retract the most recent ordinance. In doing so, it would transition better for Recreation in the New Year. The Council will consider his request.

Councilwoman Subrizi advised that Joe Ricciardelli was hired as the High School Athletic Director; he replaced Gerry Perrone who became the High School Vice-Principal. Mayor DeBari asked if Mr. Ricciardelli would remain on the Recreation Commission or would it be considered a conflict. Councilman Berner was advised by Mr. Ricciardelli that he believed it would be beneficial for him to remain on the Commission. Councilman Berner requested the statute guiding the Recreation Commission; Mr. Moscaritolo will provide the statute.

Mayor DeBari advised New Milford will receive a dividend from the JIF; he asked if the Council would want the dividend in the form of a check, which would be taken in as revenue in 2010 or would prefer to put the amount towards the 2011 first installment. Councilwoman Subrizi stated to do what was done last year; the Administrator will advise what was done.

Mayor DeBari reminded the Council Veteran's Day is Thursday, November 11th.

Councilwoman Duffie reminded the Council of the Interfaith Service is November 21st at St. Matthew's.

COMMENTS FROM THE PUBLIC

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

Gus Bachmann, 258 Stevens Court came forward to address the Council. Mr. Bachmann asked if there will be contact information on the Hirschfeld Brook letter, if homeowners have questions. The Administrator advised it will be on Borough letterhead, which has her contact information. Mr. Bachmann asked if there was a time limit to respond. The Administrator will add that the Borough requests a response no later than December 1st. Mr. Bachmann noted the work being done on Main Street made it difficult for Stevens Court residents; the equipment was stored in the Court and residents could not enter or leave their street. Mrs. Bachmann advised it was poor planning; notice was not provided. The Council discussed the Main Street paving and there was confusion as to where the paving was to end; the Administrator will follow up with Boswell.

Mr. Bachmann advised there are five new aprons on Main Street from Boulevard to Milford Avenue in blacktop; it was his understanding that it must be concrete.

Jody Seifert, Bulger Avenue came forward to address the Council. Ms. Seifert questioned what will be in the building next to the Presbyterian Church. Mayor DeBari advised one half will be a Laundromat and the other half is going back to the Zoning Board for a determination. Ms. Seifert

noted it was not long ago that Boulevard was paved between New Bridge Road and Bulger Avenue; she stated there are long cracks are going down the paved area. Ms. Seifert asked for an update on the St. Matthew's cell tower; she was advised there is nothing new, the matter is still before the judge.

Mr. Bachmann noted when he was employed, they used to send letters to utilities advising them of the newly paved roads; Mayor DeBari advised the Borough does that however problems arise that warrant the utilities digging up the streets.

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

RESOLUTIONS:

- 2010:235 Closed Session
- 2010:236 Payment of Bills and Vouchers
- 2010:237 Approve 2010 Appropriation Budget Transfers
- 2010:238 Support Arbitration Reform with Award Caps
- 2010:239 Request Director of DLGS to approve insertion of revenue and like appropriation for Drunk Driving Enforcement Fund in the amount of \$3,994.54
- 2010:240 Approve Raffle License #2010:15 for New Milford-Teaneck Lodge #2290, BPOE
- 2010:241 Award Sutton Place Tennis Court Improvements to D&S Land Development for Base Bid and Alternate A in the amount of \$125,955.00
- 2010:242 Award Charles Street Drainage Improvements to M. Inganamorte & Son, Inc. in the amount of \$107,454.00
- 2010:243 Authorize Issuance of Requests for Qualifications for Professional Services
- 2010:244 Authorize Contract for PSE&G Energy Efficient Upgrade Proposal Project #9931478, in the amount of \$52,570.00

VOTE ON RESOLUTIONS

Councilman Bachmann made a motion to approve the consent agenda, resolutions #2010:235 through #2010:244. Councilman Berner seconded the motion. All present in favor, none opposed.

CLOSED SESSION:

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

1. Review of Closed Session Minutes – May 24th and June 14th

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

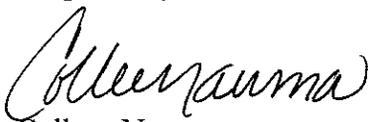
Councilman Bachmann made a motion to approve the Closed Session Minutes from the May 24, 2010 Closed Session meeting. Councilman Berner seconded the motion. All present in favor, none opposed, with the exception of Council President Putrino who abstained.

Councilman Bachmann made a motion to approve the Closed Session Minutes from the June 14, 2010 Closed Session meeting. Councilwoman Subrizi seconded the motion. All present in favor, none opposed.

ADJOURNMENT

Councilman Bachmann made a motion to adjourn. Councilman Zeilner seconded the motion. All present in favor, none opposed. Time 10:07 PM.

Respectfully submitted,



Colleen Naumov
Deputy Borough Clerk