

MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
OPEN SESSION immediately following
8:30 PM PUBLIC MEETING
Monday, December 15, 2008



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	Present

Also present: Borough Attorney, S. Gregory Moscaritolo and CFO, Mark Polito.

Mayor DeBari read the Open Public Meeting and Mission Statements.

The meeting was closed to the public on a motion from Councilwoman Duffie. Council President DeLucia seconded the motion. All present in favor, none opposed.

Closed Session:

1. Personnel – CFO

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

Councilwoman Subrizi questioned Mr. Polito on the reasoning for emergency resolutions 2008:265 and 2008:266. Councilwoman Subrizi questioned if an emergency arises throughout the year, is the Borough able to use its surplus. The Administrator stated she was advised by the Borough Auditor that the Borough cannot do so; further stating the Borough cannot pay its current expenses with surplus, it is not legal.

The meeting was closed to the public on a motion from Councilwoman Subrizi. Councilman Putrino seconded the motion. All present in favor, none opposed.

Closed Session:

2. Collective Bargaining Agreement - DPW

The meeting was open to the public on a motion from Council President DeLucia. Councilman Putrino seconded the motion. All present in favor, none opposed.

Open Session:

1. Cell Tower Bid

Vincent Caporelli, Wireless Edge, came forward to address the Council. Mr. Caporelli stated he was here to observe the status of the Cell Tower Bid. Mr. Caporelli stated the attorney for Wireless Edge sent a letter requesting discussion of the Cell Tower Bid be moved to the next Council meeting.

Mayor DeBari stated the Borough Attorney has received correspondence from attorneys from both companies, and the Council will review their attorney's opinion and act at the reorganization meeting on January 5, 2009.

2. Clothing Bin Ordinance

Mr. Moscaritolo drafted an ordinance; the Administrator provided it in the meeting packets. Mr. Moscaritolo explained the state statute regarding charitable bins is very broad; including clothing bins in parking lots to the donation canisters on store counters. Mr. Moscaritolo stated the statute allows all charitable bins to be regulated by the Borough. Mr. Moscaritolo stated the Council must decide if the proposed ordinance will include everything the state allows, or will it be strictly for clothing bins. The Administrator requested the ordinance include the Property Maintenance Officer as additionally responsible for enforcement. The Council was in agreement the proposed ordinance should include only the regulation of clothing bins, not in-store canisters. Mr. Moscaritolo will provide Council with another draft for introduction at the January 12, 2009 Work Session.

3. Temporary Structure Ordinance

Mr. Moscaritolo noted the draft is not ready for Council review at this time.

The Administrator referenced the No Parking Ordinance #2008:20, stating she revised the wording to read 12:01 AM through 11:59 PM odd numbered calendar days. Mr. Moscaritolo noted the wording could be simplified to state, "all hours." The Administrator will revise the ordinance for introduction.

Councilman Bachmann requested resolution 2008:262 be removed from consent agenda for a separate vote.

Councilman Zeilner made a motion to reconvene in Council Chambers. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

Mayor and Council

8:30 PM Public Session

(Actual Start 8:57 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	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.

The minutes from the September 22nd Public Session were approved on a motion from Councilman Bachmann. The motion was seconded by Council President DeLucia. All present in favor, none opposed.

HEARING: MACTY, INC. – DBA BROOKCHESTER BAR & LIQUORS

Malcolm Blum appearing for Macty, Inc. came forward to introduce himself and address the Council. Mr. Moscaritolo read the charges into the record; noting the alleged violation of selling and delivering alcohol to a minor, occurred on October 13, 2008. Mr. Moscaritolo further noted Macty, Inc. entered a not guilty plea on November 7, 2008. Mr. Moscaritolo stated in his conversations with Mr. Blum, his client may wish to retract the plea of not guilty; Mr. Blum confirmed his statement.

Bernard Lynch, Macty, Inc. came forward to address the Council. Mr. Moscaritolo questioned if Mr. Lynch had the authority to appear on behalf of Brookchester Bar & Liquors.; Mr. Lynch answered yes. Mr. Moscaritolo questioned if Mr. Lynch was a principle of Macty, Inc.; Mr. Lynch answered yes. Mr. Moscaritolo questioned if Macty, Inc. freely and voluntarily wishes to change their plea to guilty; Mr. Lynch answered yes. Mr. Moscaritolo questioned if Macty, Inc. is satisfied with the advice and representation received from their attorney; Mr. Lynch answered yes. Mr. Moscaritolo questioned what actions, if any, has Macty, Inc. taken to be sure a similar incident does not occur. Mr. Lynch informed the Council they have purchased an ID verification machine which uses a phone line for communication. Mr. Moscaritolo questioned if the equipment has been installed and is currently being utilized; Mr. Lynch stated yes. Mr. Lynch stated forms were provided by the local police department, for people in question to fill out. Mr. Moscaritolo stated the licensee has taken proactive measures to prohibit any future occurrence. Mr. Moscaritolo recommended to the Mayor and Council to accept the guilty plea and impose a 10 day suspension of license to the establishment. Mr. Moscaritolo informed the licensee of his options; licensee can decide when to take the 10 day suspension or apply to the State ABC for a fine in lieu of suspension.

Councilman Bachmann questioned if the establishment has used the equipment; Mr. Lynch answered yes. Councilman Bachmann questioned if anyone has been caught; Mr. Lynch stated yes, when this occurs the user is prompted to ask for additional ID or they cannot make the purchase.

Councilwoman Subrizi questioned how much the verification equipment cost; Mr. Lynch stated \$800.

Councilman Zeilner made a motion to accept the Borough Attorney's advice of imposing a 10 day suspension. Council President DeLucia seconded the motion. On roll call vote, all present in favor, none opposed.

Mr. Lynch requested the 10 day suspension commence on February 9, 2009. Mr. Moscaritolo will prepare a formal resolution to include the dates and forward to Mr. Blum for his approval prior to forwarding to Mayor and Council.

Mayor DeBari complimented Mr. Lynch and the other principals for taking such quick action to rectify the problem.

PRESENTATION: ELM STREET BRIDGE CLOSURE

Mayor DeBari summarized the revisions made by the Borough.

Patty Laub, 175 Lenox Avenue, came forward to address the Council. Ms. Laub stated the proposed "No Left Turn" sign from Main Street onto Lenox Avenue and Washington Avenue is not the answer. Ms. Laub suggested "No Turn" signs as an alternative. Ms. Laub stated a "No Parking" law needs to be enforced on Main Street due to the narrowness of the street and Town and Country's vehicles.

Mayor DeBari stated Ms. Laub's suggestion would ultimately turn Lenox Avenue and Washington Avenue into dead end streets and create an emergency services nightmare.

Chief Papapietro will research the legality of putting "Do Not Enter" signs, rather than "No Turn" signs.

Gary Heiser, 192 Washington Avenue, came forward to address the Council. Mr. Heiser stated "No Turn" signs are not necessary on Center Street; a "No Right Turn" sign is sufficient.

Councilwoman Subrizi stated the Borough's plan is to assist residents in accessing the streets while discouraging others from using them as through streets. Councilwoman Subrizi questioned if the Borough can follow through with the proposed plan on a trial basis. Chief Papapietro noted the Borough must enforce the proposed plan via ordinance; however an ordinance can always be repealed.

Ms. Gallagher, 177 Washington Avenue, came forward to address the Council. Ms. Gallagher stated she did not attend the last meeting and questioned the reasoning for not making one-way streets.

Chief Papapietro stated Oradell owns approximately 200 feet of Center Street; noting any change must come with Oradell's agreement.

Chris Schimel, 174 Washington Avenue and 141 Center Street, came forward to address the Council. Ms. Schimel stated she attended the last meeting and is happy with the proposed map; further stating she would prefer to see the plan put into action and tweaked if necessary.

Mayor DeBari stated the Borough can add an additional stop sign on Washington Avenue near Fulton Street.

The Administrator stated that Chief Papapietro has already requested the curbs be painted and notice has been given to the New Milford Police Department to enforce the parking issues on Main Street.

Mayor DeBari stated the street sign ordinance will be introduced at the January 12, 2009 Work Session.

APPOINTMENTS: ROBERT TARANTINO – JR. FIRE DEPARTMENT

Councilman Putrino made a motion to approve the application for Robert Tarantino to join the Jr. Fire Department. Councilman Bachmann seconded the motion. All present in favor, none opposed.

**PROCLAMATIONS: OVER THE LIMIT – UNDER ARREST
 RADON ACTION WEEK**

COUNCIL COMMITTEE REPORTS:

Councilman Arthur Zeilner

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

Councilman Zeilner reported that the Environmental Commission decided to postpone the tree farm dedication in honor of Diane Cardinali, until Arbor Day 2009. He stated the Commission is attempting to recruit High School students to join, and are always looking for new members; if interested please forward a copy of your resume or letter to the Mayor for his consideration.

Councilman Zeilner reported on routine maintenance for Buildings and Grounds, noting that there are no major projects currently underway.

Councilman Zeilner commended the Police Auxiliary for over 2,500 hours for the 2008 year with a squad of 15 members.

Councilman Zeilner had nothing to report from the Police Department, Buildings and Grounds or DPW.

Councilman Zeilner wished everyone a Happy Holidays.

Councilman Keith Bachmann

Ambulance Corps, Drug Alliance, Recreation

Councilman Bachmann reported the Ambulance Corps is in the process of electing new officers; and is looking for new members.

Councilman Bachmann had nothing to report for Recreation.

Councilman Bachmann reported the Drug Alliance purchased a flashlight with an alcohol sensor. He stated the device is currently being used for all those entering High School dances and chaperones deny admission if any vapors are detected. He stated he believes the device will have a tremendous deterrent effect; and was purchased with grant money. He noted 9 new people have volunteered to be a member of the Drug Alliance; he looks forward to them being appointed.

Councilwoman Randi Duffie

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

Councilwoman Duffie reported there were no December meetings for the Board of Health, Rent Leveling or Senior Advisory Board.

Councilwoman Duffie noted the Rent Leveling Board is still looking for Tenant and Homeowner representatives for the Board.

Councilwoman Duffie stated the Holiday Tree Lighting ceremony was wonderful and commended all those involved.

Council President Tina DeLucia

Chamber of Commerce, Planning Board, Library Board

Council President DeLucia reported she will attend the Chamber of Commerce Holiday luncheon on December 17th at Lieto's.

Council President DeLucia reported the Planning Board will meet on December 16th, and on the agenda is the application for a subdivision by the Presbyterian Church.

Council President DeLucia reported that the Library Board will meet on December 18th for their Holiday Party.

Councilwoman Ann Subrizi

Board of Education, Historic New Bridge Landing, Public Events

Councilwoman Subrizi reported the Historic New Bridge Landing Parks Commission is preparing for the demolition of the saw shop. She stated the Office of Resource Development has contracted out to test for asbestos and abatement if necessary.

Councilwoman Subrizi reported that the Board of Education is initiating the search for the new Superintendent.

Councilwoman Subrizi thanked everyone, especially the scouts, for their hard work at the Holiday Tree Lighting ceremony. She reminded Mayor and Council that a decision must be made whether or not to continue July 4th fireworks along with River Edge.

Councilman Michael Putrino

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

Councilman Putrino reported that Historic Preservation met on December 9th, and discussed projects for 2009; the next meeting is January 13, 2009.

Councilman Putrino reported he is unable to attend the meeting of the Fire Department because it is currently held the same night as Mayor and Council. He stated the Fire Department held their annual Toys for Tots drive yesterday and thanked everyone for their contributions. He stated due to the economy, donations were down from last year, but still a good turnout. He further stated the Fire Department is currently working on integrating their website with the Borough's. The installation of Chief John Stormer and the 2009 officers will be on January 3, 2009 at Fire Co. #1. He read the names of the 2009 officers, Chief John Stormer, Assistant Chief Terry Lawler, Deputy Chief Peter Torpie, Captain Fire Co. #2 James Tufaro and Captain Fire Co. #1 Ralph Leonardi, Lieutenant Fire Co. #2 Jerry Nolan and Lieutenant Fire Co. #1 Tony Costella. Councilman Putrino summarized the November 2008 hours for the Fire Department.

Councilman Putrino reported there was no Shade Tree Commission meeting in December; the next meeting is scheduled for January 15, 2009.

Councilman Putrino had no report for garbage and recycling.

Mayor Frank DeBari
Community Development

Mayor DeBari had nothing to report.

OLD BUSINESS:

ADOPT 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

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

Hedy Grant, Boulevard, came forward to address the Council. Ms. Grant questioned if the Housing Liaison is a paid position. Mayor DeBari stated the Borough has not gotten that far; it could be an added duty to a current employee or a position may be created and added to the salary ordinance. Mayor DeBari stated at this time, the Council is merely creating a position.

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

Councilman Putrino made a motion to adopt this ordinance on its second and final reading. Councilwoman Duffie seconded the motion.

For the Motion: Zeilner, Duffie, DeLucia, Subrizi, Putrino
Against the Motion: Bachmann

In casting his vote, Councilman Bachmann explained the position should be assigned to a current employee; there is currently no low income housing in New Milford and this position will only cost the Borough more money.

After casting her vote, Councilwoman Subrizi stated if the COAH obligations become unfunded mandates, the Council should voice their objection to the overburdening restrictions and demands placed on the Borough as stated in the letter from Charlotte Vandervalk.

ADOPT 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.

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

Nick D'Amelio came forward to address the Council. Mr. D'Amelio questioned why the Borough is creating this ordinance. Mayor DeBari stated the Council is trying to standardize procedures for the placement of the units; noting storage units have been placed in the front yards for months at a time, making them a safety issue; the Police Department has requested the Council to research.

Hedy Grant questioned if the permit is still necessary if the container is in the backyard; Mayor DeBari stated yes.

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

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

ADOPT 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

Councilwoman Subrizi questioned how many units the Borough is currently responsible for. Mr. Moscaritolo stated 45 units, as written in the Borough Planner's plan; however it could be as low as 28, the number is dependent upon purchase or rental. Councilwoman Subrizi questioned what could be done to lower the number of units. Council President DeLucia stated it is her understanding, the Borough Planner believes 45 units is the lowest the Borough could go if COAH accepts the plan. Council President DeLucia noted the State wanted more units.

Councilman Putrino made a motion to open to the public for comment on the adoption of this ordinance. Council President DeLucia seconded the motion. All present in favor, none opposed.

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

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

Councilman Zeilner made a motion to adopt this ordinance on its second and final reading. Council President DeLucia seconded the motion.

For the motion: Zeilner, Duffie, DeLucia, Subrizi, Putrino

Abstain: Bachmann

NEW BUSINESS:

INTRODUCE ORDINANCE 2008:20

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

Councilman Zeilner made a motion to introduce and approve this ordinance, on its first reading.
Councilwoman Duffie seconded the motion.
For the motion: Zeilner, Bachmann, Duffie, DeLucia
Against the motion: Subrizi
Abstain: Putrino

The ordinance will be published in the Ridgewood News and a public hearing will be held on January 26, 2009 at 8:30 PM.

Mayor DeBari announced resolution 2008:62 will be pulled from the consent agenda for a separate vote.

COMMENTS FROM THE PUBLIC

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

Nicholas D'Amelio, 349 Trench Drive, came forward to address the Council. Mr. D'Amelio began by wishing the Mayor and Council a Happy Holidays. Mr. D'Amelio thanked the Council for a job well done near his home. Mr. D'Amelio stated currently New Milford has 53 homes in pre-foreclosure, 10 homes in foreclosure and 3 homes that have foreclosed. Mr. D'Amelio stated the house at 340 Webster Drive is in foreclosure; the home is empty and has been winterized i.e.: antifreeze down the traps. Mr. D'Amelio stated the Borough should advise the homebuyer to test the air quality within the home.

Hedy Grant, Boulevard, came forward to address the Council. Ms. Grant asked the Council to elaborate on resolution 2008:261. The Administrator stated the resolution is required by the County in order for the Borough to receive the grant.

Mike and Mary O'Brien, 328 Grove Street, came forward to address the Council. Mr. O'Brien stated his wife Mary, had spoken to the DPW and Shade Tree Commission regarding a tree on their property. Mr. O'Brien stated he believes the DPW was trying to help; unfortunately he was not consulted before someone was sent to his home to fix the sidewalk. Mr. O'Brien turned the offer down; he wants help in having the tree removed as a permanent solution not a temporary fix. The Administrator stated the Council had numerous discussions about the issue after receiving a letter from the O'Brien's. The Administrator further stated it is the responsibility of the homeowner to fix the sidewalk, however the Council was looking to assist the homeowner by having the contractor perform the work at no charge. Councilman Putrino stated the Shade Tree ordinance specifically states, unless a shade tree is dead or dying it is not to be removed. Mrs. O'Brien noted it is their walkway, not a sidewalk. Mrs. O'Brien further noted if someone were to slip and fall on the walkway the responsibility falls on the homeowner; however the fault is on the Borough because it is their tree causing the damage. Mr. O'Brien questioned if the walk were fixed; how long would it last? Mayor DeBari explained the Borough wanted to help the situation; however the Shade Tree Commission was created to help the Borough and the Borough's tree expert stated the tree cannot be removed. Mr. O'Brien asked if there is an appeals process. Mrs. O'Brien spoke with someone from the County Executive's office who informed her, the only way to have the tree removed is to hire a lawyer. Mrs. O'Brien stated she would prefer to handle this amicably with the Borough. Mayor DeBari requested time for the Council to review the Shade Tree ordinance to see if there is an appeals process.

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

RESOLUTIONS:

- 2008:252 Closed Session
- 2008:253 Payment of Bills and Vouchers
- 2008:254 Approve refunds of duplicate tax payments at various locations
- 2008:255 Approve cancellations of credit balances under \$10.00 at various locations
- 2008:256 Approve cancellations of uncollectible balances under \$10.00 at various locations
- 2008:257 Appoint Temporary Electrical Subcode Official – Frank Dyer
- 2008:258 Confirm endorsement of Community Development grant request proposed by the Knights of Columbus, St. Joseph Council #3814
- 2008:259 Authorize Mayor DeBari to sign Memorandum of Understanding with Holy Name Hospital Occupational Health Services
- 2008:260 Approve 2009 – 2011 Collective Bargaining Agreement with New Milford Public Works Employees Benevolent Association
- 2008:261 Authorize Mayor to sign Deed of Conservation Easement with County of Bergen for 192 Carlton Place
- 2008:262 Endorse Housing Element and Fair Share Plan as adopted by the Borough of New Milford Planning Board
- 2008:263 Authorize submission of Development Fee Ordinance for review and approval by the Council on Affordable Housing
- 2008:264 Reappoint CFO – Mark Polito
- 2008:265 Emergency Resolution – Group Insurance – Other Expenses
- 2008:266 Emergency Resolution – Police Department – Salaries and Wages
- 2008:267 Approve 2008 Appropriation Budget Transfers
- 2008:268 Approve Raffle License for BF Gibbs School PTO for Off-Premise 50/50

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

VOTE ON RESOLUTIONS

Councilman Bachmann stated his issue with transfer resolution 2008:267 was cleared up by the CFO earlier this evening; further stating the CFO spoke with the Recreation Director who informed him Recreation was not in need of the money.

Councilwoman Subrizi made a motion to approve consent agenda for resolutions 2008:252 through 2008:261 and 2008:263 through 2008:268. Council President DeLucia seconded the motion. All present in favor, none opposed.

Councilman Bachmann explained his objection to resolution 2008:262. Councilman Bachmann stated he voted against spending money on the COAH revision to comply with Round 3 obligations. Councilman Bachmann stated he did so because the League of Municipalities suggested all boroughs not to comply because COAH is going before the appellate division which may result in the change of obligations. Councilman Bachmann further stated this process changes the application approved by the Planning Board for Gramercy Park. Councilman

Bachmann noted said application listed 3 low income units for sale; under the Master Plan Housing Element and Fair Share Plan it appears rather than 3 units for sale it would include 4 rental units. Councilman Bachmann stated the proposed plan suggests the United Water property be rezoned for 200 residential units, in which 40 units would be affordable housing units. Councilman Bachmann stated the surrounding neighborhood residents are unaware of this proposal and it is the Gramercy project multiplied by 5. Councilman Bachmann noted this proposal had to be discussed, but to his knowledge no one has come before Council or the Planning Board. Councilman Bachmann noted for reasons stated is why he intends to vote no.

In casting her vote, Council President DeLucia noted the facts or suppositions by Councilman Bachmann are incorrect. Council President DeLucia stated the town has long discussed the possibility of putting senior housing at the United Water site; and it is well known that United Water wishes to sell the property and must offer to the municipality first. Council President DeLucia stated the Borough must uphold its COAH obligations. Council President DeLucia explained COAH's projections to those present, and further stated the Borough argued said projections and attempted to downsize. Council President DeLucia stated the Planning Board puts the plan together and must submit to COAH prior to December 31st. Council President DeLucia stated the League of Municipalities requested to hold off the COAH deadline however that was rejected and currently under appeal. Council President DeLucia noted the Borough cannot ignore the COAH requirements; further stating the proposed plan is the most workable under the mandates of the State.

In casting her vote, Councilwoman Subrizi questioned if the proposed plan is being submitted to COAH with 200 units, at what level of the Planning Board was the decision made for 200 units rather than 40 single family homes.

Council President DeLucia stated 40 single family homes will not help satisfy the COAH obligation; further stating by law it is the responsibility of the Planning Board to make the decision.

Mr. Moscaritolo reviewed the COAH obligations; noting the Borough is beginning the 3rd round of COAH with an obligation of 28 units and the projected number of units is 43, for a total obligation of 71.

Councilman Putrino made a motion to approve resolution 2008:262. Council President DeLucia seconded the motion.

For the motion: Zeilner, Duffie, DeLucia, Putrino

Against the motion: Bachmann, Subrizi

Councilman Bachmann stated it appears the Council is engaging in circuitous logic because they are afraid of what may happen if they do not comply. Councilman Bachmann further stated a developer could sue the Borough and get a builder's remedy to build low income housing. Councilman Bachmann stated the builder's remedy is not a reality; developers do not wish to build low income housing because there is no profit.

Mayor DeBari stated the Borough Planner is suggesting rentals because the Borough receives double credit from COAH.

The Administrator stated Chief Papapietro sent an e-mail to the NMPD regarding the parking situation at Town and Country asking them to keep an eye on the situation and enforce as

necessary; he additionally requested the DPW to paint the curbs at the corners to assist with enforcement.

Council President DeLucia referenced Town and Country's variance application of a few years back, in which they were to beautify the area. Councilman Zeilner questioned if there is anyone who can research the requirements of said application. Councilwoman Duffie stated she has done the research and was informed none of information mentioned by Council was in the resolution; noting the Property Maintenance Officer has no grounds for enforcement.

The Administrator stated in 2005, the Borough of River Edge collected \$225.00 per month from Mid-Bergen Regional Health Commission, for rent; Mayor DeBari stated the Borough of New Milford shall request \$250.00 per month.

The Administrator referenced a resident letter/petition she received; requesting an extra street light be installed on Reichelt Road; PSE&G confirmed the additional rate of \$13.64 per month with no installation charge. The Administrator requested that Mike Calamari have PSE&G proceed with installation on December 9th.

The Administrator stated she and Mike Calamari met with John Mulligan a representative of D'Amato Paper regarding the drastic drop off in the aftermarket for recyclables. D'Amato Paper has every intention of honoring our contract through October 2010 with an option to renew for two additional years. The Administrator stated Mr. Mulligan requested to meet briefly with Council in January to discuss partial deferral of payments. The Administrator stated our contract quotes floor prices, however the Borough has been paid at much higher rates when the market is strong. The Administrator stated for a 10 month period in 2008, the Borough's revenues were \$164,090.00. The Council requested the representative bring specifics about the current market price as well as the proposed payment plan.

The Administrator read a letter from a resident regarding the wonderful job JoAnn Falcone has done for her family over the years and she was happy to say she no longer needs assistance.

The Administrator noted with regard to Requests for Professional Qualifications the Borough has received only one submission for each of the following, Borough Attorney, Tax Appeal Attorney, Rent Leveling Attorney, Auditor, Risk Manager, Grants Consultant, Residential Tax Appraiser and Commercial Tax Appraiser. The Administrator will provide the Council with all others for their review.

Councilman Bachmann questioned where the Request for Qualifications was advertised. The Administrator stated the Ridgewood News and the Borough website; however advertising on the website is the only requirement.

The Administrator referenced a letter she received from the homeowner of 200 Rambler regarding the sidewalk sinking from the decaying roots of the tree removed by the Borough approximately one year ago. The Administrator also referenced Mike Calamari's response, noting the DPW can put more soil in the planting strip; however the sidewalk is the homeowner's responsibility.

The Administrator stated there had been some confusion regarding the process for sewer back-ups; referencing the letter being sent to affected homeowners requiring them to submit to homeowner's insurance first.

The Administrator stated Concrete Construction pulled out of the County Road Program with regards to curb replacement at \$33,000; it was suggested the Borough get quotes for comparable prices. The Borough received 3 quotes, all under \$33,000. The Administrator recommended not threatening a lawsuit, rather go to bid next year and have the work completed at a comparable rate. The Administrator further noted the Borough can allocate more for capital expenses and make it a larger project.

The Administrator stated wireless internet should be up and running in the upstairs meeting room as well as the courtroom by the end of January. Councilman Putrino suggested the Administrator confirm with the Borough's IT that there will be firewall protection.

Councilwoman Duffie referenced Boswell Engineering's year end report; she questioned if the Borough has a schedule for cleaning the piping and culverts. Mayor DeBari stated the DPW has a hot list.

Councilman Putrino suggested the Council develop a finance committee; composed of a few Council members to regularly meet with the CFO. It was decided Councilman Zeilner, Councilman Putrino and Councilwoman Subrizi will be the members of the finance committee.

ADJOURNMENT

Councilwoman Duffie made a motion to adjourn. Councilman Bachmann seconded the motion. All present in favor, none opposed. Time 11:25 PM.

Respectfully submitted,



Colleen Naumov
Deputy Borough Clerk