

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



WORK SESSION:

Councilman Arthur Zeilner	Present	
Councilman Keith Bachmann	Present	(Arrived 7:10)
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

Mayor DeBari read the Open Public Meeting and Mission Statements.

OPEN SESSION:

ADMINISTRATOR

The Administrator reported she had met with Holy Name Hospital – EMS Services, at their request, to discuss the back-up ambulance service currently being provided by HNH. In reviewing the program, she explained the Borough pays an annual stipend of approximately \$9,000 to HNH. The purpose of the stipend is to offset the difference between what HNH collects from the patient's insurance and any applicable deductible. The agreement was originally drafted in this manner so New Milford residents would not be balanced billed for ambulance services in the event the NMVAC was not available for the pick-up. She explained that the EMS department has separated from HNH for billing purposes and they have asked the town to consider eliminating the stipend. If the Borough should choose to eliminate the stipend the bill would still go to the insurance company but the patient would be responsible for the deductible.

Councilman Zeilner commented that he was involved when the original agreement was drafted and he does not want to see it change. He explained the whole purpose for entering into the agreement was that we needed to provide a service and it was to be at no cost to the residents.

The Administrator stated that some towns such as Lodi, Fort Lee and Paramus have begun billing their residents for these services.

Councilman Zeilner stated we are providing a service to the residents to subsidize the service that we can't provide and the town was willing to absorb that cost. He asked if the stipend we

currently pay is going to increase. The Administrator responded it is not. He asked then why do we need to bill the residents.

The Mayor commented that they are probably looking at a lot of lost revenue they are not collecting by opting to accept the stipend rather than collecting the deductible from the resident. He asked how many calls HNH responded to during the last year. The Administrator will request the information from HNH.

Mr. Moscaritolo commented that other area hospitals have the same program. The Mayor suggested the Borough may wish to issue an RFP for the service next year.

Councilman Berner asked if HNH is responding from the hospital. Councilman Bachmann stated they are going to be stationed, weekdays from 6:00 AM to 6:00 PM, at the NMVAC lot beginning March 1st.

The Council unanimously agreed to keep the arrangement with HNH as is.

The Mayor asked Councilman Bachmann if there has been any discussion by the Ambulance Corps with regard to billing residents. Councilman Bachmann responded there has not.

The Administrator explained that she had spoken with the Administrator in Oradell with regard to combining our DOT Main Street project with their Milford Avenue DOT project. She was advised that Oradell would be working with the Pascack Valley Coop to complete their DOT project and Oradell suggested New Milford may wish to join the coop in order to bid the projects together. In order to join the coop the Council would need to pass a resolution and get permission from the Department of Community Affairs.

The Mayor stated the whole point of the cooperative is that it was to follow the Community Development boundaries, which is why New Milford is part of the Riverside Coop.

The Council unanimously agreed not to join the Pascack Valley Coop as there does not seem to be any benefit to belonging to both.

The Administrator referenced the February 11th email from North Jersey Media asking the Borough to link our website with theirs.

Councilwoman Duffie said that it would seem almost like promoting them. Councilman Berner noted North Jersey Media is a profit making entity and the Borough is not. Council President Putrino stated he would abstain from comment as his wife works for NJMG. The remainder of the Council unanimously agreed there would be no benefit to the Borough to link websites with NJMG.

The Administrator reported she had spoken with the Auditor who confirmed that the expense to create the digital tax map could be treated like a property revaluation and identified as a special emergency which could be paid over five years.

Councilman Bachmann stated he still did not feel the Borough could afford it. Councilwoman Duffie stated it should be put off as long as possible. Councilman Zeilner stated he agreed

noting the many other things the Council is struggling to fund in the budget. Mr. Moscaritolo referenced the pending legislation to move tax assessment to the county level and commented the municipality may not even be responsible to maintain the map in the future. The Council unanimously agreed to table the discussion until at least next year.

The Administrator reminded everyone of the scheduled celebration for Gladys Parliament at Woodcrest Center on February 23rd at 2:30 PM.

The Administrator announced the JIF Safety Breakfast scheduled for Tuesday, March 9th at 8:30 AM. She asked the Council to R.S.V.P. to her no later than March 4th.

The Administrator reminded the Council to complete the volunteer training, obtain oaths of office, and have the membership of their committees complete the Citizens Leadership Forms.

BOROUGH ATTORNEY

Mr. Moscaritolo noted he had one matter to be discussed in Closed Session.

Mr. Moscaritolo questioned why the DPW, the Fire Department, and Recreation are being billed for Cablevision. It was explained that the Borough's franchise agreement only covers basic cable, not internet or premium packages. He suggested that it should be part of the discussion at the time of the franchise agreement renewal. Council President Putrino explained that the Fire Department reimburses the Borough for the premium cable through their civic fundraising efforts.

COUNCIL

Councilwoman Duffie reported that the Borough Planner had recently appeared before the Planning Board to discuss the upcoming Master Plan Reexamination which, by state law, must be completed every six years. He also spoke about the status of COAH and advised it is basically on hold at this point as a result of Governor Christie's recent action. The Administrator commented that she had just received notice from the League of Municipalities that COAH had just been granted a "stay" on the Governor's "stay" which in effect means that they can continue to accept and certify 3rd round plans.

Councilman Zeilner asked if the Mayor had any information regarding a Bergen County grant to perform a feasibility study on combining our DPW services with another town. The Mayor stated he knows the County is funding feasibility studies but does not know if this would be covered. The Mayor added that the Mayor of Haworth, John DiRienzo had compiled a list of all the equipment held by all of the seventy Bergen County DPWs but he is not sure what if anything has developed from that list. The Mayor will follow up with Mayor DiRienzo.

Councilman Zeilner questioned a capital request from both the DPW and Buildings and Grounds for an additional bathroom at the DPW. He questioned why both departments had made the same request and commented that he was told it was no longer necessary to include in the 2010 Capital budget because old capital money was found for the project. He commented that the Council approves capital expenditures and if extra money is available in capital it should come

before the Council to be decided on how the money is to be spent. The Administrator will speak to both the DPW and Buildings and Grounds.

Councilman Berner reported on his attendance of the Chamber of Commerce meeting. He noted they are having trouble getting members involved and they are considering a merge with the Greater Chamber of River Edge and Oradell but they are concerned about maintaining their autonomy. He reported that Terry Machinski was named as the new president for 2010. He noted the Chamber's concerns regarding the loss of the Community Police Officer which they believe has resulted in more mischief at local businesses.

Councilman Berner commented on the recent meeting of the Senior Advisory Board. They have expressed concern with regard to the budget, noting that some of the long standing exercise programs that have been funded by the Hackensack YMCA are no longer going to be funded and may have to be cancelled.

Regarding the Board of Health, Councilman Berner reported they believe they are past the flu situation and there are no more planned clinics for vaccinations.

Councilman Bachmann reported that the residents on Center Street would like to have a meeting to discuss how they will fund their own opposition to the cell tower. He stated they have no location large enough to hold the meeting and asked to meet at the Borough Hall. He assured the Council the extent of the conversation would be limited to who will be paying for what. He advised the meeting would be open to anyone who wished to attend and is tentatively scheduled for March 11th at 7:30 PM. He further stated there would be no discussion on what the town is doing. The meeting will be noticed if necessary. He stated that he had advised the Police Chief of the meeting.

Councilwoman Subrizi reported the Saw Shop had been taken down and they will be bringing in fill to level it off.

Council President Putrino reported on a working fire the previous night on Elizabeth Street. He further reported he had received an email from the Fire Chief thanking the Mayor and Council for enacting one-side of the street parking on the streets in that neighborhood.

Council President Putrino reported the Fire Department is revisiting the idea of a 5K run. They have spoken with the Chief Papapietro and he has advised it would require four police officers for a total of sixteen hours of overtime. The Chief has indicated the overtime costs would not be charged back to the Fire Department. They are looking into the insurance requirements and are targeting a date of June 19th for the event. He noted that a section of the Boulevard would have to be shut down to accommodate the route.

Council President Putrino asked if the second phase of the Hardcastle Pond Improvements included a sign to identify the pond. The Administrator will look into it and ask the engineer to add the sign if it is not already included.

Council President Putrino asked to have the Finance Committee added to all future agendas until the budget is finalized. He noted there were a few questions that came up at their last meeting.

Councilwoman Subrizi stated the Borough sends eight people to the League of Municipalities and the Finance Committee would like proof that the Borough is contractually obligated to pay for all eight to attend. The Administrator stated she did not believe the Borough was contractually obligated to send any of the eight, but that she will look into it.

Councilwoman Subrizi asked for clarification on the recycling budget because it is a big number there seems to be a discrepancy as to whether it is in the Borough's favor or not. The Administrator will check with the Recycling Coordinator and the CFO.

Councilwoman Subrizi stated it appears that P.O. 61065 for Christmas Lights was paid in both 2009 and 2010 and she asked to have it checked.

Councilwoman Subrizi stated there is a separate account for Vehicle Maintenance, of which ninety percent of the expenses belong to the Police Department. She stated it does not fall within the Police Department budget and they want to know who is in charge of that budget line because no one gave them an amount to plug into the line but the Chief did budget for vehicle maintenance in his budget.

Councilwoman Subrizi stated New Milford and Oradell both make \$26,000 contributions to the Ambulance Corps annually. She asked if the Council would consider reducing this contribution by the amount paid to HNH for the backup service. Councilman Zeilner said the Finance Committee had discussed it last year but neglected to ask the Council to implement it. The Mayor asked if Oradell pays the same amount because they answer one third of the calls in Oradell. Councilwoman Subrizi added, if the Borough gives the Ambulance Corps a certain amount of money, then they have the right to audit their books. She stated she does not know what that amount is, but that they do not want to show the Borough the books and she thinks we may be giving them enough to grant the Borough the right to audit. Councilman Bachmann stated he does not believe we should reduce the contribution to the Ambulance Corps. Council President Putrino said he would like to know what Oradell's contribution is. Councilman Bachmann will find out from the Ambulance Corps. The Council decided not to change anything at this time.

Council President Putrino mentioned the reoccurrence of smoke detectors on the Buildings and Grounds Capital request. It was explained that it is a program whereby some smoke detectors are replaced each year on an ongoing basis. The Administrator will follow-up to find out how much money would be required to complete the upgrade in its entirety.

Council President Putrino referenced the \$20,000 HVAC Program budgeted for as part of the 2009 Capital budget. He stated that a boiler, at Fire Co. #2, was to be replaced out of that budget and he has been informed that it still has not been replaced. The Administrator will follow up with the Buildings and Grounds Supervisor.

1. Recreation

The Borough Attorney distributed a packet of ordinances from other towns with a recreation department, under the supervision of the borough, with an advisory recreation committee. The Council will review the material and the topic will be relisted for discussion on the next agenda.

Councilman Bachmann reported the Recreation Commission had formed a search committee, conducted interviews and has selected a candidate for the Recreation Director position, however the decision has not been voted upon and therefore has not been made public. He stated his belief that it would be listed on the next meeting agenda scheduled for March 3rd.

The Mayor asked if any of the resolutions needed to be pulled out for a separate vote. The Mayor referenced resolution 2010:74 for the approval of the sidearm trade-in, which will provide for the acquisition of new weapons at a cost of \$4 per piece; the new weapon at \$379 with a \$375 rebate for the trade-in. Councilman Zeilner stated it would cost \$75 per piece to refurbish the old weapons. He stated it requires the total amount be paid up front which is why it is being done by resolution. The Mayor said the CFO spoke with the Auditor who confirmed that we could make the purchase in this manner. Councilman Bachmann asked why we are issuing a purchase order for \$14,402 if the actual cost is only \$152. Councilman Zeilner explained the total must be paid in advance and then it will be rebated. Councilman Bachmann asked to have this resolution pulled out for a separate vote.

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

CLOSED SESSION:

1. Pending Litigation

At the conclusion of the closed session, Councilwoman Duffie made a motion to return to open session. Councilwoman Subrizi seconded the motion. All present in favor, none opposed. Councilwoman Duffie made a motion to reconvene in the Council Chambers. Council President Putrino seconded the motion. All present in favor, none opposed.

PUBLIC SESSION: (Actual Start 8:52 PM)

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

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

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

Councilman Bachmann made a motion to approve the minutes from the November 23, 2009 Work/Public Session. Councilwoman Subrizi seconded the motion. All present in favor, none opposed.

PROCLAMATIONS: **BOY SCOUTS OF AMERICA**
 GLADYS PARLIAMENT DAY
 MACULAR DEGENERATION

APPOINTMENT: **MATTHEW P. LAJOIE – NEW MILFORD FIRE DEPT.**

The Mayor announced the appointment was being held until a future meeting.

COUNCIL COMMITTEE REPORTS:

Councilman Arthur Zeilner

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

Councilman Zeilner stated there are no Buildings and Ground capital projects underway at this time.

Councilman Zeilner stated the tree farm is thriving and there are a number of trees in need of being transplanted. He reported the Environmental Commission is working on an Arbor Day project with the grade schools, the details of which are still being finalized. He noted the High School Recycling Club has been doing a great job but the Board of Education has signed a contract with a private contractor for the collection of recyclables.

Councilman Zeilner reported the DPW continually works on routine maintenance throughout the town such as general sewer maintenance, cleaning and repairing of catch basins, and cold patching of blacktop. He additionally noted the excellent work they have been doing on snow removal.

Councilman Zeilner reported the completion of the JIF required volunteer training with Police Auxiliary and summarized the police calls for the previous month.

Councilman Zeilner reported that in addition to reviewing the end of the year report for 2009, the Finance Committee continues to meet and review the budget requests for each of the departments.

Councilman Keith Bachmann

Ambulance Corps, Drug Alliance, Recreation

Councilman Bachman reported the Ambulance Corps appointed their new officers at the meeting held on February 15th. New Captain John Joyce demonstrated a new computerized data system which they will be using to keep track of calls. He reported that as of March 1st Holy Name Hospital will be stationing an ambulance at the New Milford Ambulance Corps from 6 AM to 6

PM weekdays and will be responding as the first responder to calls during those hours. He additionally reported three new members have been sworn in and three additional applications are pending.

Councilman Bachmann reported light attendance at the Drug Alliance meeting on February 18th. He noted the dance recently held at the middle school was well attended.

Councilman Bachmann reported on the meetings of the Recreation Commission on February 3rd and 17th. He stated the ice skating rink, located in the swim club parking lot, is up and running. He reported the Easter Egg Hunt is scheduled for Saturday, March 27th at 10:00 AM. He reported the meeting of 2/17 was cancelled due to snow.

Councilwoman Randi Duffie

Library Board, Planning Board, Rent Leveling/Tenants Association,

Councilwoman Duffie stated she was unable to attend the meeting of the Library Board and the Mayor attended in her place.

Councilwoman Duffie reported the Rent Leveling Board continues to discuss tenant/landlord issues as well as the review of the Rent Leveling ordinance which she noted, dates back to the 1970's.

Councilwoman Duffie reported the Planning Board is reviewing proposed revisions to two ordinances which they are preparing to send to the Mayor and Council for their review and approval. She reported on the attendance, at the last meeting, of the Borough Planner who will help the Board comply with the state requirements for a reexamination of the Master Plan which must be completed every six years and is due in 2010. She reported the Board hopes to complete the reexamination by the end of May. She noted the Board's continued discussions about COAH and referenced the Governor's recent stay, which was most recently put on hold by an objection from the Council on Affordable Housing's own stay.

Councilman Howard Berner

Chamber of Commerce, Health & Human Services, Senior Advisory

Councilman Berner reported on the January 27th meeting of the Chamber of Commerce at which Terry Michinski was elected as President. He noted the Chamber has had difficulty in getting participation from its members and is considering a merge with the Greater River Dell chamber if it can maintain its autonomy. He reported on a Business Card Exchange held on February 17th, which, he stated, was lightly attended.

Councilman Berner reported on the Board of Health meeting held on February 3rd. He stated it has been a busy month for the Health Department as they proceed with the annual license renewals. He reported H1N1 has begun to subside but noted vaccinations are still available.

Councilman Berner reported on the Senior Advisory Board meeting held on February 18th. He made note of Gladys Parliament Day which will be recognized by members of the Senior Advisory Board on February 23rd. He reported on the possible loss of funding for some long running senior exercise programs which had previously been funded through the Hackensack

YMCA. He reported they will be sponsoring an AARP Senior Driving Safety Program on both March 15th and the 22nd which will be held at the New Milford Public Library from 10:00 AM through 3:00 PM. Next meeting – March 18th.

Councilwoman Ann Subrizi

Board of Education, Historic New Bridge Landing, Public Events

Councilwoman Subrizi reported the Saw Shop, near New Bridge Landing, has finally been removed and the property is being restored.

Councilwoman Subrizi reported that plans for the Memorial Day Parade are underway.

Councilwoman Subrizi summarized a letter from the Board of Education Superintendent, Mike Pollizzi. In the letter, Mr. Pollizzi references a meeting held with United Water in December at which he brought forth concerns about the use of the property. She noted it will be an ongoing discussion Mr. Pollizzi plans to continue with the Mayor and Council and United Water in order to stay as informed as possible.

Councilwoman Subrizi reported Rutgers had sent a final report on the November 14th meeting of the stakeholders of the Water Works building. A copy of the report will be forwarded to the Borough Clerk.

Council President Michael Putrino

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

Council President Putrino stated he had been unable to attend the meetings of the Historic Preservation Commission and the Shade Tree Commission due to a family medical emergency.

Council President Putrino reported on the February 15th meeting of the Fire Department at which a recruiting drive was discussed. Next meeting – March 15th. He additionally reported on a recent fire at a house on Elizabeth Street and referenced an email from the Fire Chief thanking the Council for implementing one side of the street parking on this street.

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

With regard to recycling, Mayor DeBari acknowledged Dan Ferretti and thanked him for picking up the Borough's recycling contracts after Scuffy Carting defaulted.

Mayor Frank DeBari

Community Development

Mayor DeBari stated he and Councilman Zeilner would be attending the Community Development meeting in two weeks to find out New Milford's allocation for the year.

OLD BUSINESS:

ADOPT ORDINANCE #2010:01

AN ORDINANCE TO AMEND CHAPTER X OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "BUILDING AND HOUSING" THEREBY ADDING SECTION 10-8 ENTITLED "REFLECTIVE STICKER REQUIREMENT"

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

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

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

ADOPT ORDINANCE #2010:02

AN ORDINANCE TO AMEND CHAPTER II OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "ADMINISTRATION" THEREBY AMENDING SUBSECTION 2-40 "FREE PUBLIC LIBRARY"

Councilwoman Duffie 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.

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

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

ADOPT BOND ORDINANCE 2010:05

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF NEW MILFORD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$450,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

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

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

Councilman Berner 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. All present in favor, none opposed.

ADOPT BOND ORDINANCE 2010:06

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF NEW MILFORD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$597,000 TO PAY THE COST THEREOF, TO APPROPRIATE BOROUGH OPEN SPACE TRUST FUND MONEYS AND COUNTY OPEN SPACE GRANTS, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

Mr. Russ Schwartz, 260 Ridge Street, came forward to address the Council. Mr. Schwartz asked if they were tax free or taxable bonds. He referenced the federal "Build America" bond program where they are taxable but credit back a percentage to the issuer. The Mayor stated he did not believe these bonds were part of that program

As there were no further comments from the public, Councilman Berner 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.

Council President 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. All present in favor, none opposed.

NEW BUSINESS:

INTRODUCE ORDINANCE 2010:04

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)."

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

The ordinance will be published in the Record and a public hearing will be held on March 22, 2010 at 8:30 PM.

RESOLUTIONS:

- 2010:68 Closed Session
- 2010:69 Payment of Bills and Vouchers
- 2010:70 Authorize Lease of Postage Equipment with Pitney Bowes
- 2010:71 Award of a Non-Fair and Open Contract for Cleaning Services
- 2010:72 Affirm Council Vote to Terminate Recycling Contracts
- 2010:73 Affirm Council Vote to Appeal Zoning Board Superior Court Decision
- 2010:74 Approval of Sidearm Trade-in with Sig Sauer Public Safety Sales
- 2010:75 Approve Building Department escrow refund to Paul Neiderhofer, 236 Demarest Avenue, New Milford in the amount of \$545.00
- 2010:76 Approve raffle license 2010:04 for the Knights of Columbus on-premise 50/50 to be held March 13, 2010.
- 2010:77 Reappoint Police Officer Kevin Morris and Police Officer John Moroney as Alcoholic Beverage Control enforcement officers
- 2010:78 Approve emergency appropriations to the 2010 temporary budget
- 2010:79 Approve resolution canceling capital ordinances
- 2010:80 Authorize Fire Department to establish membership in various mutual aid groups

COMMENTS FROM THE PUBLIC

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

Mr. Angelo DeCarlo, 783 Princeton Street, came forward to address the Council. Mr. DeCarlo thanked the Mayor and Council for supporting the Fire Department reflective sticker ordinance. He explained the need for the sticker which is to identify engineered lumber. He said the implementation of the ordinance will definitely save lives and noted the Borough of River Edge has adopted a similar ordinance and it has become the model for the state.

Mr. Joe Klimcak, 163 River Lane, came forward to address the Council. Mr. Klimcak recounted a recent problem with a neighbor. He stated he had brought this problem to the Borough's attention five years ago and had a similar problem three years ago, in October of 2009 and again just last week. He explained he walked his dog on a Borough right-of-way adjacent to the Eleanor Johnson property on Oxford Lane. The neighbor continues to maintain that she owns the property and Mr. Klimcak has no right to be on the property. He noted the problems escalated last week resulting in an attack on his dog and a police complaint being filed against him. Mr. Klimcak referenced copies of paperwork he had obtained from various borough departments, including a deed of easement, that support his position that the property is a public

right-of-way. The Borough attorney asked Mr. Klimcak to remain after the close of the meeting so he could review the paperwork on the easement. Mr. Klimcak agreed to do so.

Mr. Steve Hill, 245 Hirschfeld Place, came forward to address the Council. Mr. Hill identified himself as a soccer enthusiast and stated he had lots of ideas for the Recreation program. He said that he wanted to start a spring soccer league but the Commission always shot down the idea. He stated Councilman Berner had helped him to finally establish the spring league and it was very successful in its first year but the Commission is making a number of changes to the league. Most notably they are excluding the youngest and oldest players and have stated they are doing so for financial reasons. Mr. Hill said that all of the expenses of the league, including nets and shirts, were covered by the registrations. He said they had 270 members and had enough field space to accommodate an additional 200 kids. He stated his opinion that Recreation has taken a turn for the worse. He claims the people running the commission are biased to softball and he feels the Recreation program needs to be "tweaked." He stated the people on Recreation running the soccer program do not know anything about soccer.

Councilwoman Duffie asked if they are still having the spring league. Mr. Hill stated they are having the spring soccer league but he is not involved this year. Councilwoman Duffie said she can appreciate Mr. Hill's frustrations.

Mrs. Eileen Leonard, 178 Trotta Drive, came forward to address the Council. She stated she had a few questions with regard to the cell tower that overlooks the recreation grounds, the tennis courts and Trotta Drive. She asked how tall the tower is going to be. She was advised that the finished height will be between 150' and 160'. Mrs. Leonard asked how the tower will be camouflaged. She was advised that it would not be camouflaged. She asked if there will be a light on top of the tower as a warning sign for aircraft. Council President Putrino responded he believes a light is only required on structures over 170'. Mr. Moscaritolo will confirm. Mrs. Leonard asked it will require a generator and, if so, will it run continuously. Mr. Moscaritolo stated it will have a generator which will run only in the event of a power outage. She expressed concern for any effect the tower might have on the television, cable, and power of the surrounding residents. The Mayor stated there should be no effect. She asked who she should contact in the event that there is a problem. She was advised to contact the Borough Hall. Mrs. Leonard asked for the name of the carrier. The Mayor explained a communications company, Gaelic Communications, is installing the tower and will be leasing the space to different carriers. Mrs. Leonard asked if the installation was complete. She was advised that it was not. She asked that if there is a need for additional heavy equipment that they please access the property through Ray Woods Lane rather than through Trotta Drive.

Mr. Bob Harvey, 3 Canterbury Lane, came forward to address the Council. Mr. Harvey referenced the Gramercy property and asked to read into the record an editorial that ran in the January 8th edition of the Record. He read that two years ago the DEP adopted regulations that require its approval of wastewater management plans before commercial and residential building gets underway. He noted that if the proposed construction would mean extending the sewer line that would harm water quality or cause flooding or overburden an existing sewer line the agency can "nix" the project. He stated the State department of the DEP should be requested by the Council to do a complete environmental impact study on the Gramercy project with the proviso that no construction can take place until the study is completed and the results are made public.

Mr. Harvey went on to reference an article in the previous day's newspaper regarding the economic downturn. The article noted a home in Upper Saddle River where the builder walked away from the project, unfinished, because the financing dried up. He asked what size performance bond would be required on the Gramercy project. The Mayor stated that he did not know what size performance bond would be required but that the information would be available to the public. He additionally noted he was not sure an impact statement from the DEP would be required if their engineer and the Borough's engineer agreed there would be no impact.

Mr. John Foley, 254 Stevens Court, came forward to address the Council. Mr. Foley referenced a recent article in the Twin Boro News made note of Dumont's intent to seek additional funds to improve the Hirschfeld Brook. He expressed concern that if Dumont continues to work on the Hirschfeld Brook it will certainly have more of an impact New Milford. The Mayor stated that in reading the article what came to mind was the necessity to have New Milford's engineer in constant communication with Dumont's engineer to make sure what happened the last time does not happen again where they made an improvement without informing us.

Mr. Foley asked where the proposed work in New Milford stands. The Administrator advised that an additional submission had recently been made to the DEP and we are awaiting their response. Mr. Foley commented that it seems as though Dumont is moving forward much more quickly than New Milford.

Mr. Russ Schwartz, 260 Ridge Street, came forward to address the Council. Mr. Schwartz commented that he had recently watched a show on the ten best cities in New Jersey in which to live and common themes included lower taxes and shared services. Mr. Schwartz asked when the Board of Education meets. He was advised they meet on the same nights as the Mayor and Council with the exception of the month of March when they will meet on the 15th. He asked why, if this has been widely known, it has not been changed. The Mayor explained that the Council changed its meeting dates to avoid a conflict with the Board of Ed and then the Board of Ed changed their dates again so they fell on the same nights once again.

Mr. Schwartz then commented on the Recreation Commission. He stated that if you go to a meeting and present an idea they shoot the idea down without even considering it. He suggested raising registration fees to provide additional funds to bring in trainers for either work with the kids or the coaches and asked if there are not other ways to raise funds for the kids to benefit from it. He commented on the elimination of sports teams for the older kids noting that some of the kids can't make a junior varsity program in school and then can't play at all. He asked why they were being denied the opportunity to play recreation sports. He claims the Recreation Commission's response is that recreation programs only go up to eighth grade; he stated he does not believe there is a rule regarding this. Mr. Schwartz stated a group of adults and kids used to get together on Sunday mornings behind the Library to play soccer. He claims the Recreation Commission did not like them playing there and told them they could not play there and eventually removed the nets. He noted that out-of-town softball teams were allowed to use the fields instead of residents. Mr. Schwartz asked why the Riverview Racquetball Club or the gyms at Ascension or Hovnanian could not be used to increase the courts available.

The Mayor stated the Recreation Commission sets the registration fees and they could increase the fees if they wanted to. Mr. Schwartz stated the Recreation Commission has stated that if they raise the registration fees the Borough will reduce the amount they give to the recreation

program. The Mayor stated that as long as he can remember whatever budget has come in from Recreation has been approved; he does not recall the budget ever being cut. Councilman Zeilner stated the Council has no idea what the Recreation Commission's anticipated revenues are going to be at the time the budget is drafted and funds are allocated; increased registration fees would have no effect on the budget presented to and approved by the Council.

The Mayor stated the Council is continuing discussions on whether or not to change the Commission to a Committee or a Department to bring greater control back to the Borough. He stated he does not believe this type of change would affect the kids programs in any way.

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

VOTE ON RESOLUTIONS

The Mayor announced resolution #2010:74 would be pulled for a separate vote.

Councilwoman Subrizi made a motion to approve the consent agenda consisting of resolutions #2010:68 through 2010:73 and #2010:75 through 2010:80. Council President Putrino seconded the motion. All present in favor, none opposed.

Councilman Zeilner made a motion to approve resolution #2010:74. Councilman Berner seconded the motion. The motion passed on a roll call vote as follows:

For the motion:	Zeilner, Duffie, Berner, Subrizi, Putrino
Against the motion:	Bachmann
Abstain:	None

ADJOURNMENT

Councilman Bachmann made a motion to adjourn. Councilwoman Duffie seconded the motion. All present in favor, none opposed. Time 10:33 PM.

Respectfully submitted,



Christine Demiris
Borough Clerk