

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



**WORK SESSION**

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

Also Present: S. Gregory Moscaritolo, Borough Attorney

Mayor DeBari read the Open Public Meeting and Mission Statements.

**Closed Session:**

The Record reflects that no closed session discussion took place.

**Open Session:**

1. Overnight Parking – Chief Papapietro

Chief Papapietro summarized the neighborhood dispute occurring on Berkshire Avenue with regards to overnight parking. He stated a neighbor claims a business is being run from the home in question; and the homeowner calls the vehicles in to the Police Department to be parked in the street overnight. Chief Papapietro stated the current parking ordinance gives no mechanism to give permission to allow overnight parking or deny if being used excessively. He stated although neighbors have requested the Chief deny the homeowner's numerous requests, he cannot legally do so. Councilman Bachmann stated there is nothing in the ordinance allowing for overnight parking either, it is just a courtesy. Chief Papapietro stated the trailer is not considered a motor vehicle; therefore the Police Department cannot enforce it as unregistered. He said it is not enforceable under to portable storage container ordinance. The Administrator stated the Borough has conflicting ordinances; residents cannot park on the street overnight, however they are not allowed to widen their driveways. He stated the Building Department is trying to determine if there is a business being run out of the home. Councilwoman Subrizi stated a homeowner is limited to the amount of cars that can be owned by the size of the property. The Administrator explained the ordinance was developed many years ago, when most families only had 1 or 2 vehicles; times and population have changed. Mr. Moscaritolo stated rather than rewriting the ordinance, the Borough can flag this resident as abusing the privilege. Mr. Moscaritolo stated the past practice is just a courtesy and the Borough has the right to restrict if the practice is

abused. Councilman Bachmann questioned if the Police Department can review the cars called in by the homeowner in question over the past 3 months, in doing so the Borough can determine if the homeowner is running a business. Mr. Moscaritolo explained the Police Department can enforce the ordinance with said homeowner and still allow for other residents to park overnight as a courtesy. Mr. Moscaritolo further explained the use of prosecutorial discretion, as long as it is not being used arbitrarily or capriciously, it is allowed. Councilman Bachmann suggested the homeowner receive a summons. Mr. Moscaritolo agreed further stating let the homeowner go to court and explain his reason for the excessive overnight parking. Chief Papapietro questioned probable cause for a summons to be issued. Councilwoman Subrizi suggested Mayor DeBari speaks to the homeowner for community cooperation.

2. Temporary Structures Ordinance – Revised Draft

Mr. Moscaritolo reviewed the ordinance and revised as requested; with the exception of the building code definition. Mr. Moscaritolo stated he will request the definition from the Building Department; the Administrator will request on his behalf.

3. PODS Correspondence dated 2/12/09

Mr. Moscaritolo noted the letter claims the ordinance is a restriction on commerce; however he does not agree, further stating it is a reasonable regulation. Mr. Moscaritolo stated his concern is the use of the word POD in the ordinance, which is a registered trademark and could be considered trademark infringement if that word is used. Mr. Moscaritolo stated it would be safer to remove the word POD from the ordinance. The Administrator asked if the Council wishes to honor the request of the POD representative to come before the Council. Councilman Zeilner stated the representative suggested a valid time frame in the correspondence that the Council should consider. Mayor DeBari also stated the representative made valid points. Councilman Putrino liked the fact the representative would notify the Borough when a POD is applied for and provide the customer with a copy of the ordinance. It was decided the POD representative may come to address the Council at the March work session.

4. Recycling Ordinance Revision

The Administrator stated based on the opinion of the Borough Attorney, the Borough will not revise the ordinance.

5. Resolution for Consideration – Binding Arbitration

The Administrator referenced resolution #2009:71, stating Council President DeLucia had requested it be listed for discussion and the Mayor instructed her to prepare the resolution. Mayor DeBari noted the topic was brought up at the Bergen League breakfast and they intend on passing the resolution and asked the towns to follow suit. All present in favor, none opposed.

## **ADMINISTRATOR**

The Administrator stated she needs the list of roads and quantities for the 2009 Riverside Co-op Paving project by March 11<sup>th</sup>.

Councilman Putrino stated the Finance Committee agreed the Road Program capital budget line should be \$150,000 with an additional \$60,000 allocated to curbing.

Councilman Bachmann confirmed with the Finance Committee the capital budget still allows for the sewer jet, if so then he is in agreement with their recommendation.

The Administrator reviewed the paving list with the Council, if there are no objections she will go down the list in order until the allotted amount for 2009 road work has been met.

Councilwoman Subrizi wanted to be sure Charles Street is unaffected by the sewer work, before the road is paved.

The Administrator stated she and Mayor DeBari had the first meeting with the Borough Hall Office Union on February 19<sup>th</sup>, and will meet with them again on February 26<sup>th</sup>. She stated they hope to have the contract finalized by the end of March.

The Administrator informed Councilman Zeilner that the next JIF Elected Official Training will be held on February 25<sup>th</sup> in Closter; she asked if he plans to attend to call her and she will inform Closter.

The Administrator advised the Council of the upcoming Coach's Appreciation Dinner to be held on February 28<sup>th</sup> at the Elks Club. She asked if anyone plans to attend please let her know so she may advise John Bigger.

The Administrator stated the flood discussion meeting with Boswell Engineering is scheduled for March 16<sup>th</sup> at 7:00 pm.

The Administrator stated the PBA arbitration is scheduled for June 11<sup>th</sup> at 10:00 am at the Borough Hall.

The Administrator noted Councilman Bachmann's request to honor a family who donated a Bout Board; Mayor DeBari suggested a certificate to thank the family. Councilwoman Subrizi suggested a letter signed by the Mayor in addition to the certificate. The Administrator stated she will contact John Bigger for their names.

The Administrator referenced a letter from the Democratic Club requesting to adopt a bench at Hardcastle Pond in honor of Joe Murray and asked if there were any objections to them doing so. All present in favor, none opposed.

## **BOROUGH ATTORNEY**

Mr. Moscaritolo referenced the Mansoldo surveys for Open Space, and then handed them to the Administrator.

Mr. Moscaritolo received a phone call from the Borough Attorney for Fair Lawn, questioning how New Milford is handling Greenstar and suggested the Borough's work in unison.

## COUNCIL

Councilman Zeilner complimented Councilman Putrino on his extensive work on the Finance Committee.

Councilman Zeilner questioned the status of the damaged lamp post on Main Street. Mayor DeBari stated it is his understanding the base was cleaned up, however the Borough is awaiting the stem.

Councilman Bachmann had nothing to report.

Councilwoman Subrizi had nothing to report.

Councilman Putrino stated the Finance Committee has met 4 times to date, once with the CFO. They are making recommendations on ways the Borough can save. He stated they are currently revising the placemat and hope to have it finished by the next meeting.

Councilman Putrino mentioned that Asst. Chief Lawler and Angelo DeCarlo requested to perform a feasibility study for Fire Co. #2. They have requested to come before the Mayor and Council at the March 9<sup>th</sup> work session.

Councilman Putrino questioned if the cell tower behind the DPW would be a viable location for the fire horn; it is currently on the training center building but it is getting weather damaged. He questioned if the new unit can be placed on the ground and wired to the tower. Mayor DeBari also questioned if the DPW antenna can be mounted on the tower as well.

Councilman Putrino stated the Finance Committee wants to meet with department heads and wanted to know if the full Council wished to be present. Mayor DeBari stated the full Council should be present. Councilwoman Subrizi requested Chief Papapietro attend the March 9<sup>th</sup> work session to discuss the Police budget.

## PUBLIC SESSION

Councilman Arthur Zeilner	Present
Councilman Keith Bachmann	Present
Councilwoman Randi Duffie	Absent
Council President Tina DeLucia	Absent
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.

Councilwoman Subrizi made a motion to approve the minutes from the October 15, 2008 and January 12, 2009 Work Session Meetings, and the October 27, 2008 and January 26, 2009 Public Session. Councilman Putrino seconded the motion. All present in favor, none opposed.

**AWARDS: NORTH JERSEY JUNIOR SOCCER LEAGUE: U12 – GIRLS  
U12 – BOYS  
U14 – GIRLS  
U14 – BOYS**

**PROCLAMATIONS: READ ACROSS AMERICA  
WOMEN'S HISTORY MONTH**

**COUNCIL COMMITTEE REPORTS:**

**Councilman Arthur Zeilner**

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

Councilman Zeilner reported that Buildings and Grounds has no major renovation projects taking place, just routine maintenance. He stated the Borough Hall basement had a minor flood, currently being repaired.

Councilman Zeilner reported the Environmental Commission had their reorganization meeting in February. He noted that member Sue Klecha remained Chairperson and Tammy Kaminski became Vice Chairperson; Hedy Grant and Betty Kennedy are the Commission's newest members. He stated the Commission submitted an application for 30 trees to be planted on public land for Arbor Day. He stated the Commission wishes to spend \$10 for 100 trees to be given to residents on Arbor Day.

Councilman Zeilner reported that the DPW is continuing with routine maintenance as well as sign repair and replacement.

Councilman Zeilner stated that he could not attend the meeting of the Police Auxiliary.

Councilman Zeilner summarized the calls for the Police Department for the previous month.

**Councilman Keith Bachmann**

Ambulance Corps, Drug Alliance, Recreation

Councilman Bachmann reported there are 10-12 new members on the Drug Alliance and some have taken executive positions. He stated they intend to invest in new youth programs as well as have a dance for Middle School students at DEO on March 6<sup>th</sup>.

Councilman Bachmann reported that Recreation has enacted a new spring soccer program on a reduced size field at the north end of Williams Field. He reported 170 children have signed up for this new program. He stated the Commission has begun cleaning the Recreation Building in lieu of their work session meetings.

Councilman Bachmann reported the Ambulance Corp had their annual dinner, which he could not attend; however Mayor DeBari was able to attend and was presented with a plaque for the Borough.

**Councilwoman Randi Duffie**

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

Absent - no report.

**Council President Tina DeLucia**

Chamber of Commerce, Planning Board, Library Board

Absent - no report.

**Councilwoman Ann Subrizi**

Board of Education, Historic New Bridge Landing, Public Events

Councilwoman Subrizi reported that the Historic New Bridge Landing Park Commission will celebrate the Lenne Lenape New Year on March 2<sup>nd</sup> for 1 pm – 4 pm at the Campbell Christie House. The Commission also celebrated George Washington's birthday on February 22<sup>nd</sup>, with 350 people in attendance. She reported there will be a History Café on April 5<sup>th</sup> from 1 pm – 4 pm at the Campbell Christie House. She reported that the Pinkster Fest will be held at New Bridge Landing, to celebrate spring, on May 3<sup>rd</sup> from 1 pm to 4pm. She stated the junkyard remediation will begin April 2009 and is scheduled to be completed within a few months. She stated the contractor is scheduled to examine the saw shop demolition location in late January; she hopes to have notification before the demolition begins. The next Historic New Bridge Landing Park Commission meeting is scheduled for March 5<sup>th</sup>.

Councilwoman Subrizi reported that the Board of Education is currently conducting a Superintendent search, however it is all under closed session.

Councilwoman Subrizi reported that Public Events is preparing for the Memorial Day Parade.

**Councilman Michael Putrino**

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

Councilman Putrino reported the Historic Preservation Commission had its reorganization meeting on February 10<sup>th</sup>; Michael Corrado is the new Chairperson. He stated the Commission is moving forward with the Peetzburg banner project and he thanked the Chamber of Commerce for assisting financially. The next meeting is scheduled for March 10<sup>th</sup>.

Councilman Putrino reported the Fire Department met on February 16<sup>th</sup>; and they are in the beginning stages of incorporating their website with the Borough's. There were no hours to report for January. The next Fire Department meeting is scheduled for March 16<sup>th</sup>.

Councilman Putrino reported on the Shade Tree Commission meeting of February 19<sup>th</sup>. He stated they are in the process of applying for Tree City USA designation of October. The Commission is currently reviewing the shade tree ordinance. The next meeting is scheduled for March 19<sup>th</sup>.

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

**Mayor Frank DeBari**

Community Development

Mayor DeBari reported Community Development meets this Thursday. He stated the Borough has applied for \$100,000 for handicap ramps; however there are 12 towns vying for \$685,000.

Mayor DeBari announced that News 12 Challenge will be held February 21<sup>st</sup> at 6 pm; New Milford High School will be competing against Waldwick this month and Bergen Catholic the next.

**OLD BUSINESS:**

**ADOPT 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 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 Subrizi 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 Bachmann made a motion to adopt this ordinance on its second and final reading. Councilman Zeilner seconded the motion. On a roll call vote,

For the motion: Bachmann, Zeilner

Against the motion: Subrizi

Abstain: Putrino

Councilman Zeilner made a motion to table the ordinance. Councilman Bachmann seconded the motion. All present in favor, none opposed.

**ADOPT ORDINANCE #2009:01**

AN ORDINANCE TO AMEND CHAPTER IV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "GENERAL LICENSING" THEREBY ADDING SUBSECTION 4-20 "CHARITABLE CLOTHING BINS"

Councilwoman Subrizi 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.

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

**ADOPT ORDINANCE #2009:02**

AN ORDINANCE TO AMEND CHAPTER XXX OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "LAND USE REGULATIONS," THEREBY AMENDING SECTION 30-25 ENTITLED "BUSINESS ZONES"

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

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 Putrino 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 Subrizi seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

**ADOPT ORDINANCE #2009:03**

AN ORDINANCE TO AMEND CHAPTER VII OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "TRAFFIC", THEREBY AMENDING SECTION 7-6 ENTITLED "THROUGH STREETS, STOP INTERSECTIONS AND YIELD INTERSECTIONS" AND SECTION 7-10 ENTITLED "TURN PROHIBITIONS"

Councilman Zeilner 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 Putrino 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.

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

**RESOLUTIONS:**

2009:58 Closed Session

2009:59 Payment of Bills and Vouchers



- 2009:60 Exercise fourth one-year option with Scuffy Carting, LLC for the Collection, Removal and Disposal of Recycling Materials from 1-4 Family Residences
- 2009:61 Exercise first one-year options with Scuffy Carting, LLC for the Collection Removal and Disposal of Recycling Materials from the apartment complexes
- 2009:62 Endorse submission of recycling tonnage grant application to the NJ DEP
- 2009:63 Approve Mutual Aid Agreement with Bergen County Hazardous Materials Response Association
- 2009:64 Authorize Boswell Engineering to prepare plans and specifications and the Borough Clerk to advertise for bids – Boulevard Section 5
- 2009:65 Approve Raffle License 2009:04 for Hovnanian School for an off-premise merchandise raffle
- 2009:66 Approve Raffle License 2009:05 for Ascension Church for an off-premise 50/50 raffle
- 2009:67 Approve Raffle License 2009:06 for Berkley Street School PTO for an on-premise merchandise draw
- 2009:68 Approve Raffle License 2009:07 for Berkley Street School PTO for an on-premise 50/50
- 2009:69 Approve Social Affairs Permit for Hovnanian School for May 30, 2009
- 2009:70 Authorize Christine Demiris as Authorized Representative for the application to the New Jersey DEP and the New Jersey Environmental Infrastructure Trust for Sanitary Sewer Project
- 2009:71 Endorse request to the Legislature and Governor to amend current binding interest arbitration laws

## **COMMENTS FROM THE PUBLIC**

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

Henry Kehoe, 128 Grand Street came forward to address the Council. Mr. Kehoe stated the branches of a Borough tree are touching his roof. He contacted the DPW and was advised he is currently on the wait list for the tree to be trimmed. Councilman Zeilner will contact the DPW to discuss tomorrow.

Leonard Rucker, 91 Old New Bridge Road came forward to address the Council. Mr. Rucker noted up until 2004 it was a peaceful area until Sanzari's was constructed. He expressed his discontent over the lights Sanzari's uses. Mr. Rucker was advised by the Borough Hall in November that the lights in question were Christmas lights. Mr. Rucker called again in January and was advised to contact the Police Department; he decided to bring it directly to the Council instead. Mr. Rucker stated he has made numerous complaints of rodents to the Health Department, with no response. He then called the State, who informed the Health Department they must have the storage behind the shed removed. Even after the removal, he still has rodents.

Mrs. Rucker, 91 Old New Bridge Road came forward to address the Council. Mrs. Rucker advised the Council, when she called the Health Department regarding the rats, she was advised that everyone has rats. She further stated that the Health Department always gives excuses. Mrs. Rucker stated that she can see people engaging in sexual acts in the parking lot from her window.

Councilman Zeilner will discuss the matter with the Police Department; the Administrator will discuss the matter with Property Maintenance and the Health Officer and Inspector.

John Foley, 254 Stevens Court came forward to address the Council. Mr. Foley expressed concerns about soil contamination at Cooper's Pond in Bergenfield. He wondered if the flow could affect New Milford as well. The Administrator will contact Boswell Engineering regarding Mr. Foley's concern.

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

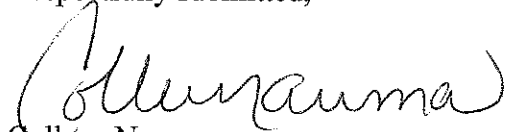
### **VOTE ON RESOLUTIONS**

Councilman Bachmann made a motion to approve consent agenda. Councilman Putrino 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 9:12 PM.

Respectfully submitted,



Colleen Naumov  
Deputy Borough Clerk