

**MINUTES
BOROUGH OF NEW MILFORD
7:00 PM OPEN SESSION
CLOSED WORK SESSION immediately following
Monday, March 10, 2008**

Councilman Arthur Zeilner	Present
Councilman Keith Bachmann	Present
Councilman Joseph Murray	Present
Council President Tina DeLucia	Present
Councilwoman Ann Subrizi	Present (7:05 pm)
Councilman Michael Putrino	Present
Mayor Frank DeBari	Present

Mayor DeBari read the Open Public Meeting and Mission Statements.

Open Session:

Mayor DeBari asked Borough Auditor, Steve Wielkotz, to speak about the budget. Mr. Wielkotz stated the budget is before the Mayor and Council for introduction only. The Borough lost \$199,000 in total for State Aid. The municipal taxes will increase approximately \$225 per home; over an 11% increase. The extraordinary aid is still in place but with less money.

The meeting was closed on a motion from Council President DeLucia. Councilman Bachmann seconded the motion. All present in favor, none opposed.

Closed Session:

1. Medical Insurance Renewal
2. Police Contract Negotiations: M. Ruderman

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

Open Session:

The Administrator spoke about the sewer back-ups. She referenced her meeting with Mr. Calamari and a Servepro representative in which the bills were reduced. The Administrator is looking into the reimbursement issue with the Joint Insurance Fund.

The Administrator confirmed the Mayor and Council received the memo from Ms. Potash regarding tax exempt properties stating difficulty in charging for occasional rentals.

The Administrator stated she received two requests for banners. The Fire Department requested a banner for Fire Awareness Day to be hung from September 29, 2008 through October 12, 2008. The Library requested a banner to be hung from March 31, 2008 through April 21, 2008 for National Library Week. Councilman Zeilner commented that a letter will be forthcoming from the Environmental Commission for a banner for Clean Communities Day. Councilman Putrino

stated a memo should be sent out to all Boards and Commissions stating banners are not approved on a first come first serve basis, all will be accommodated.

The Administrator referenced a sample resolution, previously supplied to the Mayor and Council, opposing the Governor's State Budget. Council President DeLucia stated a resolution should be on the next meeting's agenda; all in favor.

The Administrator stated the homeowner of 445 West Park Drive came in to the Borough Hall regarding the problem of water pooling in his backyard. The Administrator referenced the minutes of the meeting on May 14, 2007, in which the Boswell Engineer went into the matter in detail. Councilman Bachmann stated this matter has already been discussed and determined that the drainage system is the homeowner's responsibility. The Council was in agreement that absent proof, survey or deed showing an easement, it is not the Borough's pipe and should not be maintained by the Borough.

The Administrator discussed website preferences with the Mayor and Council. The Administrator polled the Mayor and Council on the idea of Council e-mail available through the website. Councilman Bachmann requested, for liability reasons, the Borough Attorney write a disclaimer for all outgoing e-mails stating it is not official notice and the councilperson is not speaking for the town. On roll call vote those in favor of council e-mail, DeLucia, Subrizi, Putrino, Zeilner; not in favor, Bachmann; abstain, Murray. Councilman Bachmann and Councilman Murray opted out of having council e-mail.

The Administrator announced that Council photos will be taken at 6:50 PM before the Public Meeting on March 24, 2008.

The Administrator reported that FEMA has identified only two homes as being eligible as a Severe Repetitive Loss, neither of which have ever indicated to the town that they have had any problems. FEMA will contact the homeowners directly; however they asked the Borough to do the same. The Administrator asked the Council if there were any objections to her sending a Severe Repetitive Loss letter to the homeowners, no objections noted.

The Administrator received a letter from Little League requesting a parade date of April 12, 2008 with a rain date of April 19, 2008. No objections from the Council. The Administrator was told by the Police Chief that Recreation requested April 13, 2008 for the softball parade.

The Administrator referenced a memo from Sgt. Jones regarding the removal of a bus stop on Boulevard north of Ridge Street. Councilman Zeilner stated Lt. Boccher looked into this prior to his retirement; it was his opinion to move the bus stop north of its current location. It was the opinion of Sgt. Jones that the bus stop could be removed entirely. Councilman Zeilner motioned to follow Sgt. Jones recommendation to remove aforesaid bus stop. Councilwoman Subrizi seconded the motion. On roll call vote Zeilner, Putrino and Subrizi for the motion; Bachmann, DeLucia, Murray and DeBari against the motion. The matter is tabled, for further discussion to the March 24, 2008 meeting, pending inspection by the Council.

The Administrator received a letter from the 5th Grade Social Fundraising Committee of Berkley and Gibbs Schools requesting use of the Borough parking lot on May 3, 2008 rain date May 17,

2008 for a car wash. Barring other department input, the Council has no objections. The Administrator will confirm insurance coverage and request a hold harmless agreement.

Councilman Putrino reported that Chief Papapietro has reviewed the Fire Department's 5k run plan and has no objections. It was determined that the DPW could layout the barriers on the Friday afternoon before the run and the Fire Department volunteers could put them out the day of. The Administrator will discuss Police overtime and use of the Police Auxiliary with Chief Papapietro. Councilwoman Subrizi reiterated that they must have insurance. Mayor DeBari requested that Dale Christensen of Fire Company #1, come to the meeting on March 24, 2008 to discuss the matter further.

Councilman Putrino asked if there was a response from the attorney of the Hirschfeld resident who requested a CD of the meeting. The Administrator stated there was no response.

Councilman Putrino stated Dumont sent a thank you to the New Milford Hazmat team for their recent assistance.

Councilwoman Subrizi had nothing to report.

Councilman Bachmann asked the Council for their opinion on the trust fund for big equipment. Mayor DeBari stated years ago the Mayor and Council put away approximately \$20,000 per year earmarked for a fire truck. The Mayor and Council stopped this practice in 1991, because residents who paid taxes for all those years, then moved away, do not benefit from the purchase. The Council decided to ask Mr. Weilkotz if the Borough can use a trust fund for fire apparatus, similar to the Open Space Fund. Councilwoman Subrizi suggested putting it to referendum. The Administrator will check the cost of putting referendum on November ballot.

Councilman Zeilner had nothing to report.

Council President DeLucia had nothing to report.

Councilman Murray had nothing to report.

Mayor DeBari had nothing to report.

INTRODUCE ORDINANCE 2008:03

CALENDAR YEAR 2008 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

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

Mayor DeBari stated the ordinance will be advertised and open for public comment at the March 24, 2008 meeting of the Mayor and Council.

Mayor DeBari questioned the rental of tax exempt properties. Mr. Moscaritolo stated it is very fact specific; due to lease involvement. Mr. Moscaritolo stated more information is needed; however it is the Tax Assessor's decision.

Mayor DeBari stated to the public that the 2008 Municipal Budget was being introduced. Mayor DeBari stated initially it was a 10% increase, approximately \$175 per average home; however the Borough lost \$199,000 in State funding. Mayor DeBari stated the budget is being introduced at an 11% increase, approximately \$225 per average home; all department heads have been told to work within the actual appropriations from 2007.

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

COMMENTS FROM THE PUBLIC

Mr. Karl Schaffenberger, N. Park Drive, came forward to address the Council. His home was involved in the floods of 1999 and 2007. Mr. Schaffenberger stated that he is astounded that the Governing Body would even consider the proposed Riverwalk.

Mayor DeBari stated the County Executive requested time at the Council meeting only hours before it began. The County Executive explained the Riverwalk would be 22 miles long from Oradell to Little Ferry.

Councilwoman Subrizi stated she wanted a commitment from the County Executive before any further presentations are scheduled so the residents that are affected can attend; she did not want it to seem as though the Council was having a meeting without noticing the public.

Council President DeLucia pointed out the New Milford Woods has a deed restriction which does not allow anything but passive recreation.

Mayor DeBari stated the Riverwalk is merely in the presentation stage and that is what the County Executive has proposed. It was Mayor DeBari's opinion that the County Executive has left it in the Borough's hands whether or not they wish to move forward.

Councilwoman Subrizi questioned why the Borough was discussing this issue again; it was her opinion that if the County Executive wished to pursue it, he would return with plans.

Mayor DeBari stated he does not think the County Executive will return unless the Borough wishes to proceed.

Councilman Bachmann stated the proposed path will have people walking from one town, through our town, to get to another; this will invite garbage, noise, police problems, etc. He questioned why the Borough would want to invite the problem, with no benefit.

Councilwoman Subrizi stated she has heard enough to know she does not want it.

Mayor DeBari stated the matter should be placed on an agenda for formal discussion.

The Council decided to ask the County Executive to come to the Public Meeting in April.

Lauren Maehrlein. came forward to address the Council. She asked if the Borough could adopt an ordinance stating there will be no development within certain footage of the river.

Mr. Schaffenberger stated he has been on the Environmental Commission for 20 years, and the Commission has never felt the Riverwalk was a good idea.

Ms. Mildred Zombeck, 51 Bulger Avenue, came forward to address the Council. Ms. Zombeck felt it could be dangerous having people walking through resident backyards.

Ms. Jody Seifert, 53 Bulger Avenue, came forward to address the Council. Ms. Seifert referred to the Borough Engineer's statement at a recent Council Meeting; the reason certain areas flood is due to overdevelopment. Ms Seifert stated the Riverwalk is overdevelopment.

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

RESOLUTIONS:

- 2008:78 Closed Session
- 2008:79 Payment of Bills and Vouchers
- 2008:80 Award contract for the 1500 GPM Pumper Fire Truck to Crimson Fire
- 2008:81 Authorize State of New Jersey DEP Green Acres Enabling Resolution for \$935,000 grant for Open Space Preservation Initiative
- 2008:82 Authorize Local Finance Board Application
- 2008:83 Introduce 2008 Municipal Budget
- 2008:84 Approve United Water New Jersey, Inc. request for the installation of fire hydrant on Madison Avenue
- 2008:85 Approve one year option with Scuffy Carting effective May 1, 2008 in the amount of \$165,565.53 for collection and disposal of residential recycling materials
- 2008:86 Confirm Endorsement Art Center of Northern New Jersey application for Community Development Funding
- 2008:87 Approve Interlocal Agreement with River Edge for July 4th Fireworks
- * 2008:88 Approve Appropriation Transfers from Reserves for Budget Year 2007

VOTE ON RESOLUTIONS:

Councilman Zeilner made a motion to approve resolution #2008:83, Introduction to the 2008 Municipal Budget. Councilman Bachmann seconded the motion. All present in favor, on a roll call vote, none opposed.

Council President DeLucia made a motion to approve resolutions #2008:78 through #2008:82 and #2008:84 through #2008:88. Councilman Murray seconded the motion. All present in favor, none opposed.

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

Closed Session

1. Herbert Henry Correspondence
2. Tax Assessor
3. Cell Tower Proposal – Henley Avenue
4. Farm Acquisition

Upon conclusion of the closed session, Councilman Bachmann made a motion to reopen the work session to the public. Councilman Putrino seconded the motion. All present in favor, none opposed.

ADJOURNMENT

Council President DeLucia made a motion to adjourn. Councilman Murray seconded the motion. All present in favor, none opposed. Time 11:38 PM.

Respectfully submitted,



Colleen Naumov
Deputy Borough Clerk