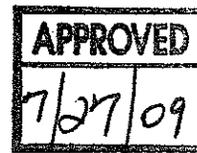


**MINUTES**  
**BOROUGH OF NEW MILFORD**  
**7:00 PM WORK SESSION**  
**OPEN SESSION immediately following**  
**8:30 PM PUBLIC MEETING**  
**Monday, March 23, 2009**



**WORK SESSION**

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

Mayor DeBari reads the Open Public Meeting and Mission Statements.

**Open Session:**

1. Risk Manager – Group Health Insurance

Art Caughlan reported the HRA insurance program is on track with card utilization at 40%. He stated Oxford began the Borough on the HRA program with new rates on January 1<sup>st</sup> however they never changed the contract to January 1<sup>st</sup> as indicated. Therefore, Oxford re-rated the contract on April 1<sup>st</sup> with approximately a 3% increase in the premium, approximately \$25,000 in additional cost to the Borough. Mr. Caughlan stated the good news is by moving to the HRA, the Borough has opened up the marketplace; originally only Oxford, Horizon and B-Med would quote, that is no longer the case. Mr. Caughlan will go out for additional quotes in September, for a January 1<sup>st</sup> contract. Mr. Caughlan stated we are trying to drive everyone to utilize in-network, to benefit the Borough.

Councilwoman Subrizi questioned if the members are happy with their choice of in-network providers. Mr. Caughlan stated with the HRA the network never changed, therefore the providers never changed.

Councilman Bachmann questioned if the 3% increase is from April 2009 – April 2010. Mr. Caughlan stated yes the Borough could hold Oxford to that rate through April 2010, however probably will not choose to do so because the Borough has many insurance companies to choose from now.

Mr. Caughlan noted there is a new State law requiring an audit to determine other post employment benefits. Mr. Caughlan is researching an alternative, because the cutoff point is 100 employees and the Borough is just slightly over that number.

Mr. Caughlan reminded the Council of the Chamber of Commerce meeting on March 25<sup>th</sup>, at which Detective Ramaci will speak to the members about vandalism and gangs.

Mr. Caughlan stated the Borough received the Silver Safety Award from the JIF for 2008.

2. Employee Assistance Program – Susan Boggia  
The Administrator stated Ms. Boggia asked to reschedule the meeting for the April 13, 2009 work session.
3. Marty's/Jays – Property Maintenance/Fire Official  
Art Castronova distributed the draft of a proposed ordinance to correct the problem of too many vehicles at the service stations; further stating Oradell has a similar ordinance on the books. Mr. Castronova showed the current number of cars currently at each service station.

Councilman Putrino noted according to the chart provided, it seems every service station complies, with the exception of Marty's and Jay's. Mr. Castronova distributed a copy of Oradell's ordinance as well. Councilman Putrino questioned if there will be a grandfathering issue and is it enforceable.

Councilman Zeilner questioned if the property is zoned commercial; if so would the proposed ordinance be difficult to enforce. Mr. Moscaritolo stated it would not be an issue.

Mayor DeBari stated the Police Department needs to issue tickets to the unregistered vehicles at the service stations.

Mr. Moscaritolo stated the Borough has written Marty's up on abandoned vehicles and he was found guilty in Municipal Court; however the charges were appealed then overturned by Judge Harris. He noted the Borough charged Marty's with an expanded non-conforming use and he was again found guilty in Municipal Court; however it was appealed then overturned by a Superior Court Judge. Mr. Moscaritolo agrees that an ordinance should be adopted; the other option is for the Borough to go back to the prior case and take it to the Appellate Division.

Mayor DeBari noted the Fire Marshal has told the Council for many years there is no hazard in having parts stored. Craig Maiocchi stated there is nothing in the Fire Code to prohibit him doing as he is. He further stated they are checking under maintenance code i.e. clear passage, fire exiting, etc. and anything Marty is asked to do he does. Mr. Maiocchi noted no gas or oil is being stored improperly on the premise.

Councilwoman Subrizi referenced ordinance 4-13, stating no dangerous accumulation of waste or other combustible materials are to be kept on premises. Mr. Moscaritolo stated the ordinance she referenced does not apply.

Mr. Castronova noted there are no fire safety issues at hand at Marty's however there are appearance and general safety concerns.

Mayor DeBari noted the ordinance should concentrate only on the number of cars per bays, otherwise it gets too confusing.

Councilwoman Subrizi referenced Section 10, Building and Housing of the ordinance book stating it mentions blighting influences. Mr. Moscaritolo stated the premise is not blighting; the Council should put a specific ordinance in place, rather than relying on a current ordinance. Councilwoman Subrizi stated Section 10-2.64 has a reserved space; the information can be placed there.

Councilman Bachmann questioned if a business person could make a living with the proposed restrictions. Mr. Castronova stated yes.

The Administrator questioned how employee parking would fit into the equation. The Council noted employee cars would be included, therefore limiting the number of service vehicles; employees may park on the street to avoid a problem.

Mr. Moscaritolo questioned if either Marty's or Jay's are licensed as a used car lot. Mayor DeBari stated neither business is licensed as such.

Councilman Putrino made a motion for the Borough Attorney to draft an ordinance to correct the problem of too many vehicles at the service stations. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

#### 4. Proposed Budget Introduction – Finance Committee

Councilman Putrino explained the current document and the anticipated changes throughout the process. The Administrator confirmed with the Finance Committee that the budget includes the COLA ordinance, which allows for an addition 1%. The Administrator also stated the Council must pass a resolution opt for pension deferral according to a letter received from the State.

Councilman Bachmann expressed his concerns about pension deferral. The Administrator explained that the current issue with the pension payment is it now must be budgeted within the CAP which it never had to before.

The Administrator will contact DLGS to request any written information stating the Borough will not be considered for Extraordinary Aid without pension deferral.

Councilwoman Subrizi summarized the Finance Committee's work on the appropriation section of the proposed budget.

Councilwoman Subrizi stated it is the recommendation of the Finance Committee to introduce the budget as presented.

### **ADMINISTRATOR**

The Administrator explained to the Council the reason the Library Board Trustee reappointment was not on the agenda. She stated the Board of Trustees will discuss the Council's request to adjust the Trustees appointments now rather than the end of 2011 at their next meeting.

Mr. Moscaritolo stated a resolution should be added to the agenda to rescind and authorize administrative change to the appointment dates of two Zoning Board members. The Administrator stated she will add resolution 2009:90 to the agenda.

## **PUBLIC SESSION**

Councilman Arthur Zeilner	Present
Councilman Keith Bachmann	Present
Councilwoman Randi Duffie	Present
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 November 10, 2008 Work Session Meeting. Councilman Bachmann seconded the motion. All present in favor, none opposed.

**PRESENTATION: WRESTLING BOUT BOARD – JOSE CORREA  
SIVA CORREA**

**APPOINTMENTS: JIMMY DRAKE – RENT LEVELING BOARD (FULL MEMBER)  
GERARD IX – ZONING BOARD THRU 12/31/10  
JOSEPH BINETTI – ALT. 1 ZONING BOARD THRU 12/31/10**

Mayor DeBari announced that the Council has added resolution 2009:90 to the agenda authorizing the change in the term expirations for existing the Zoning Board members.

Councilwoman Duffie made a motion to approve the appointment of Jimmy Drake to a full member of the Rent Leveling Board. Councilman Zeilner seconded the motion. All present in favor, none opposed.

**PROCLAMATIONS: NEUROFIBROMATOSIS AWARENESS MONTH  
CHILD ABUSE PREVENTION MONTH  
AUTISM AWARENESS MONTH**

## **COUNCIL COMMITTEE REPORTS:**

### **Councilman Arthur Zeilner**

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

Councilman Zeilner stated that the Buildings and Grounds activities had been focused on the repairs in the basement of the Borough Hall as a result of the flood damage sustained last month.

He noted work was done to the overhead garage doors and boiler at the Fire Co. #2 along with routine maintenance on all Borough buildings.

Councilman Zeilner reported that the Environmental Commission has begun preparing for Arbor Day and the opening of the Tree Farm on April 25<sup>th</sup>, and will coordinate with the Shade Tree Commission to distribute baby trees to Borough residents in attendance.

Councilman Zeilner reported the Police Auxiliary is losing 2 of their current members do to moving; however 3 are being added to the roster and are heading to the academy.

Councilman Zeilner reported that the DPW is continuing with routine maintenance: sewers, catch basins, trees, signs. The DPW is currently preparing the fields for the Spring sports program.

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

**Councilman Keith Bachmann**

Ambulance Corps, Drug Alliance, Recreation

Councilman Bachmann reported that the Recreation Commission's Spring soccer program has over 220 registrants. He noted the date for the Easter Egg Hunt has changed to April 11<sup>th</sup> at 10 am. He noted April 4<sup>th</sup> is opening day for the Babe Ruth League.

Councilman Bachmann reported the Drug Alliance is preparing for their mock DWI at the High School on June 5<sup>th</sup>.

Councilman Bachmann reported he was unable to attend the Ambulance Corps meeting because it was the same night as the flood meeting.

**Councilwoman Randi Duffie**

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

Councilwoman Duffie reported the Senior Advisory Board is preparing for their Atlantic City bus trip on April 22<sup>nd</sup>; tickets will go on sale April 8<sup>th</sup>. She reported March 26<sup>th</sup> will be the High School prom for senior citizens; there will be dinner and dancing and it is a wonderful interaction between the senior citizens and high school students. She stated the seniors are looking forward to a presentation in May by the Historic Preservation Commission. She noted there was a new yoga program provided by the Recreation Commission; whereby the 2 committees worked together to make a successful program.

Councilwoman Duffie reported that Diana Gouldsbury resigned as Chairperson of the Rent Leveling Board; Councilwoman Duffie thanked her for all her hard work.

Councilwoman Duffie stated that the Health Department report is available at the Borough Hall.

Councilwoman Duffie noted she attended the Hirschfeld Brook meeting on March 16<sup>th</sup>; she complimented the engineers on their insight and care for the community.

**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 the Board of Education elections will be April 21<sup>st</sup>. She stated 3 current members are not seeking re-appointment, 4 people are running and another member has resigned for which there will need to be an additional appointment. She noted the Superintendent search has been suspended until a full board is appointed, for stability.

Councilwoman Subrizi reported that Public Events is preparing for the Memorial Day Parade on May 25<sup>th</sup> and stated that Tom Maggi has been named as the Grand Marshall and Regina Carbone will be Miss VFW. She stated Mr. Maggi has requested his street sign be placed at the DPW site.

Councilwoman Subrizi reported the Historic New Bridge Landing Park Commission met on March 5<sup>th</sup> at which they discussed the junkyard remediation. She stated the Commission is working on historic structures reports for Steuben House and Campbell Christie House. The Bergen County Historical Society continues to provide programs such as the Lenape New Year program held on March 22<sup>nd</sup>.

**Councilman Michael Putrino**

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

Councilman Putrino reported Historic Preservation Commission is moving forward the Peetsburg banner project; the banners are currently being printed. He stated the Commission is in discussions with the Library to put up permanent displays.

Councilman Putrino reported he attended the Shade Tree Commission meeting on March 19<sup>th</sup> at which they discussed revisions to their current ordinance with the Borough Attorney. The Commission will celebrate Arbor Day on April 25<sup>th</sup> from 9am-12pm; at which they will distribute 400 tube seedlings to residents in conjunction with the Environmental Commission.

Councilman Putrino had no report from the Fire Department; he stated their next meeting is scheduled for April 20<sup>th</sup>.

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

Councilman Putrino received notification from the EPA noting the amount for the 2009 Clean Communities grant will be \$18,948.39.

**Mayor Frank DeBari**

Community Development

Mayor DeBari reported the Borough received \$60,000 out of the \$100,000 requested for ADA ramps; noting the Borough will apply for more in 2009/2010.

Mayor DeBari stated he attended the recent musical at the High School, noting how much he enjoyed it.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**INTRODUCE ORDINANCE 2009:04**

BOND ORDINANCE TO AUTHORIZE THE IMPROVEMENT OF BOULEVARD (SECTION 5) IN, BY AND FOR THE BOROUGH OF NEW MILFORD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$200,000 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.

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

The ordinance will be published in the Ridgewood News and a public hearing will be held on April 27, 2009 at 8:30 PM.

**INTRODUCE ORDINANCE 2009:05**

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$477,000 TO PAY THE COST AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY IN, BY AND FOR THE BOROUGH OF NEW MILFORD, IN THE COUNTY THEREOF, TO APPROPRIATE BOROUGH OPEN SPACE TRUST FUND MONEYS AND A COUNTY GRANT, 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.

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

The ordinance will be published in the Ridgewood News and a public hearing will be held on April 27, 2009 at 8:30 PM.

## **RESOLUTIONS:**

- 2009:80 Closed Session
- 2009:81 Payment of Bills and Vouchers
- 2009:82 Authorize Treasurer to make payroll transfers to be ratified at subsequent meetings
- 2009:83 Approval of Raffle License 2009:09, St. Joseph Council No. 3814 Knights of Columbus for off-premise 50/50 raffle
- 2009:84 Approval of Raffle License 2009:10, Friends of the Library for on-premise merchandise draw
- 2009:85 Authorize Refund of Duplicate Tax Payments – Various Blocks and Lots
- 2009:86 Authorize Issuance of \$2,500,000 Tax Anticipation Notes
- 2009:87 Authorize Introduction of Bond Ordinance #2009:04 for Improvement of Boulevard (Section 5 – Fulton to Main)
- 2009:88 Authorize Introduction of Bond Ordinance #2009:05 for Various Public Improvements
- 2009:89 Authorize Constitution of the 2009 Temporary Capital Budget
- 2009:90 Authorize Administrative Change to Term Expirations for Zoning Board Members

The Mayor announced the addition of resolution 2009:90.

## **COMMENTS FROM THE PUBLIC**

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

Mr. John Foley, 254 Stevens Court, came forward to address the Council. Mr. Foley commented on Boswell Engineering's flood meeting he attended last week. Mr. Foley stated the information was well presented and he feels the plan is a good one. He questioned whether the work being done in Dumont, would have any effect on New Milford. He further questioned why New Milford seems to be lagging behind neighboring towns; referencing Dumont's completion of Phase I at a cost of \$2.7 million, while seeking an additional \$2.8 million in Federal stimulus. Mr. Foley stated whoever is procuring grants for Dumont is doing a great job. He questioned if the Council could somehow expedite New Milford's grants and loans. Mr. Foley noted the islands have reappeared and the brook has gotten worse; he presented the Council with 3 photos of the brook. Mr. Foley questioned if a continuous schedule for dredging could be developed.

Mayor DeBari responded to Mr. Foley, stating this is the first time he has heard anything regarding a dredging schedule. He further stated the Council can petition the County's Mosquito Commission to put New Milford on their schedule. Mayor DeBari noted Dumont's Phase II project Mr. Foley is referring to will reroute the runoff water to Cooper's Pond, however New Milford was never notified Dumont was in either Phase I or II.

Councilwoman Duffie added there are new State laws in place, noting no town is to spill any additional water into a neighboring town.

Mayor DeBari noted although New Milford is not making the news public, we are actively seeking grants and funding projects.

Councilman Bachmann noted Mr. Foley's question was when the Borough will begin the work once approved by the State. He further stated the Borough should actively begin contacting affected residents for permission prior to the State's permit approval.

The Administrator stated the Engineer does not foresee any problems with the granting of permission from any affected resident, therefore they will deliver the access easement agreements while awaiting the State's approval.

Councilman Bachmann suggested the Borough Attorney draft said letter to include a response deadline. Councilman Bachmann noted there was a resident who hired a lawyer because he did not agree with the work to be done; and that is why he believes the Borough Attorney should write the letter.

Mr. Moscaritolo agreed with Councilman Bachmann; he will corroborate with the Engineer to draft a letter to affected residents.

Mr. Foley stated one of the affected homes, 316 Main Street is for sale and currently vacant; he was concerned if that homeowner would be notified. The Administrator confirmed the Borough would be able to contact said homeowner.

Councilman Duffie reiterated that Dumont does not have the Hackensack River to contend with; the Engineers noted the river is a tough issue to deal with.

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

Mayor DeBari announced the Budget Introduction meeting will be held Thursday, March 26<sup>th</sup> at 7:00 pm.

## **VOTE ON RESOLUTIONS**

Councilman Zeilner made a motion to approve resolutions 2009:80 through 2009:90. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

Councilman Zeilner made a motion to reconvene the work session. Councilwoman Subrizi seconded the motion. All present in favor, none opposed.

### **5. Planning/Zoning – Special Meeting Fee**

The Administrator stated she received resolutions from both the Planning and Zoning Boards regarding special meeting fees for professionals. Both boards have requested the Mayor and Council adopt an ordinance to put the assessed fee into effect.

Councilwoman Duffie noted the Planning Board followed the suggested fee of the Zoning Board; stating the Zoning Board Attorney guided the boards as to what was common practice throughout other towns.

Councilman Bachmann questioned if the smaller applications have to wait until the larger applications conclude, before they can be heard. Councilwoman Duffie stated no, the larger applications usually request the special meetings.

The Administrator stated Boswell Engineering will adjust their contract to reflect a flat per meeting fee for their attendance at Planning and Zoning Board meetings.

Mr. Moscaritolo will draft an amended ordinance to reflect the special meeting fee for the Council's review.

## **ADMINISTRATOR**

The Administrator stated according to Zoning Board resolution #04-02; one of the conditions of Sanzari's approval was that the applicant would avoid any light spillage onto adjacent properties. Although Borough ordinance does not prohibit the lighting matter, it can be addressed by the Zoning Officer. Ms. Sapuppo will follow up with Sanzari's to ensure their compliance.

The Administrator stated River Edge has decided to bid jointly only with New Milford for solid waste. River Edge has agreed to adjust their schedule to meet New Milford's. She is drafting the specifications to include River Edge; Mr. Moscaritolo will review for completeness. The Administrator stated she plans to go out to bid the first week of April, due to the 60 day requirement for bid acceptance; giving New Milford ample time to re-bid if necessary.

The Administrator referenced a request for a trash can to be placed near the intersection Main Street and Boulevard; the approximate cost is \$1,500. Mayor DeBari noted the amount seems high, he has seen them at a cost of \$500. Councilwoman Subrizi stated 7-11 should be approached to donate money towards the cost, especially due to the location of the request. She stated there is money available in the 2005 Capital Budget under Buildings and Grounds. Mayor DeBari authorized the Administrator to pick a trash can from the book, and get approval. He further noted a letter should be sent to the chain stores asking for money to help with the burden of trash maintenance. The Administrator will request the Property Maintenance Officer ask 7-11 to put additional cans at the entrance/exit to the establishment.

The Administrator referenced a memo from the Construction Official regarding American Legion building and if it could be removed. She asked for authorization to get estimates for the building's demolition. The Administrator will confirm with the Building Department that gas and electric are shut down, and begin the process for a demolition permit.

Councilman Putrino referenced the letter from Angelo DeCarlo requesting the Borough make an application for stimulus money to fund the study for expansion of the Fire Building; the deadline is April 12<sup>th</sup>. The Administrator will confirm with the Grants Consultant if this is a possibility.

Councilwoman Subrizi questioned if the Police Department would qualify for the stimulus money as well.

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

**Closed Session:**

1. RSWD Contract

Councilwoman Subrizi made a motion to go back into open session. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

Councilman Putrino asked Mr. Moscaritolo if he has submitted all of his 2008 bills; Mr. Moscaritolo responded no. Councilman Putrino requested the bills be submitted earlier for budgeting purposes.

**ADJOURNMENT**

As there was no further business before the Council, Councilman Zeilner made a motion to adjourn the meeting. Councilman Bachmann seconded the motion. All present in favor, none opposed. Time 11:11 PM.

Respectfully submitted,



Colleen Naumov  
Deputy Borough Clerk