

MAY 29, 2008

**MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
OPEN SESSION immediately following
8:30 PM PUBLIC MEETING
Monday, March 24, 2008**

Councilman Arthur Zeilner	Present
Councilman Keith Bachmann	Present
Councilman Joseph Murray	Present
Council President Tina DeLucia	Present
Councilwoman Ann Subrizi	Present
Councilman Michael Putrino	Present
Mayor Frank DeBari	Present

Mayor DeBari read the Open Public Meeting and Mission Statements.

Councilman Putrino stated that he would have to excuse himself from the meeting at 8:00 PM to attend a wake.

Open Session:

1. Bus Stop

Councilman Putrino stated that he had visited the bus stop in question and noted that there are two others within two-tenths of mile of this bus stop. He stated that based upon this and Sgt. Jones recommendation he had no objection to removing the bus stop in question. Council President DeLucia concurred with Councilman Putrino and added that the Council should be able to rely on the traffic officer's recommendation. The Council unanimously agreed. The Administrator will notify Sgt. Jones of the decision.

2. COAH

The Council discussed the Planner's proposal for revision to the Third Round application. Councilman Zeilner questioned the necessity to repeat the research, noting that COAH had already been addressed in the Master Plan. The Council questioned the proposed fee. Council President DeLucia suggested that the Planner attend the next work session to explain what has changed, what is required, and why it will cost \$25,000 to complete the revision. The Administrator will contact the planner and ask him to attend the next work session.

The Council took a short break to allow the Borough Photographer to take their pictures for use on the Borough website (7:12 PM).

The meeting resumed at 7:22.

3. Other Matters

The Clerk referenced a memo from the NJ League of Municipalities and asked if the Council had any objection to her preparing a resolution, opposing the requirement of a Qualified Purchasing Agent, for consideration at the next meeting. Council President DeLucia stated that if it were to pass, it would constitute another unfunded mandate by the state. The Council discussed the matter and had no objection.

The Council discussed the Swim Club's request to display their membership banner throughout the summer. It was agreed that in order to be fair to all organizations the Swim Club would be limited to two weeks.

The Administrator advised the Council of the Recreation Commission's recommendation of Nature's Way for the emergency repair to the Babe Ruth field. She further advised that according to the Borough Engineer, DEP permits would not be required to restore the field to its original condition.

Councilman Bachmann stated that he would be abstaining from the vote on resolution to award the contract for the Babe Ruth Field repairs, #2008:102, and asked that it be pulled from the consent agenda for a separate vote.

The Borough Attorney reported that the partial closing for the Perrone and Klinger farms had been completed.

Council President DeLucia asked to have the minutes from the February 25, 2008 Public Session amended to include her comment regarding the passive recreation deed restriction on the New Milford Woods.

Councilman Bachmann asked, on behalf of the Drug Alliance, who maintains and derives the benefit of the clothing bins located by the DPW. He was advised that the bins are for the benefit of the New Milford Social Services Department. He stated that the Drug Alliance would like to locate a D.A.R.E. bin in that location and asked if there would be sufficient space. It was agreed that the space would not support an additional bin. The Mayor suggested that the Drug Alliance prepare the necessary paperwork to obtain a bin from D.A.R.E. while the Borough attempts to find a suitable location.

Councilman Putrino reported on a letter from the Fire Department Safety Committee regarding storage of the new boat. Since storage at Company #1 would require an engineering study, the Council will recommend that the boat be stored at the DPW or in the Borough Hall parking lot. The letter will be copied and distributed to the Council.

Councilwoman Subrizi asked who would be training the Fire Department to use the boat. Councilman Putrino responded that there are water rescue classes available and stated that a number of the volunteers have already been certified. The Mayor said that anyone designated as the "Captain" should be required to provide copies of their certification to the Borough Clerk and the Risk Manager.

Councilman Putrino asked if it would be possible to use money from the fire truck bond ordinance to purchase turnout coats for the fire department. He noted that the truck would not be payable until 2009 and suggested that the money could be replenished through the 2009 capital ordinance. The Administrator will check with the bond attorney and report back to the Council.

Councilman Putrino read a letter of gratitude for a repair completed by Tom Adams of the DPW on the air brake system of a fire department vehicle. The letter complimented both Tom and Mike Calamari on their efficiency in making the repair at minimum cost to the Borough.

Councilman Putrino showed the Council the signs, supplied by Green Acres, which will be used to designate trail access at the farms. The Mayor said he would prefer for the signs to be cast in metal. Councilman Putrino stated that he believed that the final signs would be metal.

John Arthur, of Wireless Edge, was asked to address the Council. Mr. Arthur stated that Wireless Edge is a tower development company that specializes in municipal properties. He said that the plan for New Milford was to install a one hundred and fifty foot monopole that would provide for six co-locators as well as municipal antennas which would be installed at no cost to the Borough.

Councilwoman Subrizi acknowledged a number of New York references listed and asked if the company had any New Jersey references. Mr. Arthur confirmed that New Milford would likely be the company's first New Jersey location. Councilwoman Subrizi asked if there would be anything in New Jersey that may prevent them from going forward. The Borough Attorney stated that it falls within the control of the FCC so there should not be anything that differs in New Jersey. The possible necessity for a stream encroachment permit was discussed as well as the fact that the location falls within the one hundred year flood plain. Mr. Arthur assured the council that the company is experienced in dealing with locations that fall within a flood plain and referenced their work in Mamaroneck as an example. The Mayor stated that it is still possible that after they begin the process they may walk away from the project. Mr. Arthur stated that the DEP requirements would be the only possible reason that they would abandon the project. Councilman Bachmann asked for a start and finish date. Mr. Arthur stated that upon a signed agreement with the Borough he would expect that it would be a six month process to complete the project.

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

Closed Session:

1. Tax Assessor

Upon conclusion of the closed session Council President DeLucia made a motion to reopen the work session to the public. Councilman Murray seconded the motion. All present in favor, none opposed.

Mayor and Council

8:30 PM Public Session

(Actual Start Time 8:45 PM)

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

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

The Mayor asked for a motion to approve the minutes from the December 17, 2007, January 28, 2008 and February 25, 2008 Public Sessions. Council President DeLucia noted her request to have the minutes from the February 25, 2008 Public Session amended to include her comment regarding the passive recreation deed restriction on the New Milford Woods.

The minutes from the December 17, 2007 and January 28, 2008 Public Sessions and the minutes from the February 25, 2008 Public Session, as amended, were approved on a motion by Council President DeLucia. The motion was seconded by Councilwoman Subrizi. All present in favor, none opposed.

APPOINTMENTS: **AUSTIN ASHLEY – SHADE TREE COMMISSION**
 JEFF ROLLER - HISTORIC PRESERVATION
 MARINA COLLADO - HISTORIC PRESERVATION – Alt. 2

Council President DeLucia made a motion to approve the referenced appointments. Councilwoman Subrizi seconded the motion. All present in favor, none opposed.

COUNCIL COMMITTEE REPORTS:

Councilman Arthur Zeilner

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

Councilman Zeilner stated that he had no report for the Police Auxiliary or the Environmental Commission.

Councilman Zeilner reported on general maintenance completed by the DPW during the previous month. He stated that beginning on the first Wednesday in April grass pick-up would resume.

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 Ambulance Corps met on March 17th and that two new members have joined the Ambulance Corps for a total of four new members in the last six months.

Councilman Bachmann reported that the Drug Alliance met on March 20th and that the next dance was scheduled for March 28th at the David E. Owens Middle School.

Councilman Bachmann reported that the Recreation Commission met on March 19th. He reported on the softball enrollment and the Easter Egg Hunt.

Councilman Joseph Murray

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

Councilman Murray stated that he had nothing to report at this time but that all of his reports would be filed with the Borough Clerk.

Council President Tina DeLucia

Chamber of Commerce, Planning Board, Library Board

Council President DeLucia reported that New Milford Recreation Director, John Bigger, spoke at the Chamber of Commerce meeting held the previous month. She stated that the next meeting is scheduled for March 27th at 8:00 a.m. at the Garden Café.

Council President DeLucia reported that the Planning Board had approved site plan for the changes at Madison Plaza. She further reported that the Board would not be meeting this week as there was nothing listed on the agenda.

Council President DeLucia reported that National Library Week would be taking place during the week of April 14th – April 20th. She reported on an analysis that was completed by BCCLS and noted that the average value of things borrowed during the previous month was \$247 per resident.

Councilwoman Ann Subrizi

Board of Education, Historic New Bridge Landing, Public Events

Councilwoman Subrizi reported that the Board of Education was planning a car wash on June 6th with proceeds being used to subsidize the DWI car crash simulation for the high school students. She further reported that the Board of Ed was meeting currently and she expected that they would be adopting their budget at that meeting. She asked the Clerk to contact the Board of Ed to obtain a copy of the budget.

Councilwoman Subrizi stated that she would forward the minutes from the February 7th Historic New Bridge Landing Committee to be filed in the office of the Borough Clerk. She further reported that upon the completion of all of the requirements provided to the HNBLC they would be granted \$100,000 toward the signage committee. She reported that the Park Commission is

trying to gain greater autonomy in managing the property and to that end had met with the Governor last week. She further reported that the money for the demolition of the saw shop has been allocated but that significant permit hurdles must be met. She reported on a recent event, Chwame Gischuch, the Lenape New Year, which was well attended. She further reported that the Pinkster Fest would be held on May 18th.

Councilwoman Subrizi reported that the Public Events Committee was well underway with plans for the Memorial Day Parade and asked that anyone wishing to participate contact her.

Councilman Michael Putrino

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

Absent – Reports have been filed with the Borough Clerk.

Mayor Frank DeBari

Community Development

Mayor DeBari reported, on behalf of Councilman Putrino, that the Fire Department was the recipient of a Bergen 200 Club grant that funded 50% of the purchase of a rescue boat that had just been delivered.

Mayor DeBari reported that Margita Batistic would be returning to Boswell Engineering as the primary engineer for New Milford. The Mayor further commented on her nine year history with the town.

Mayor DeBari referenced resolution #2008:99 and noted that the one million dollars listed under the police salaries included all of the retirement buyouts for the year, which totaled approximately \$420,000.

Mayor DeBari referenced resolution #2008:102, which awards the repair work to the Babe Ruth Field on an emergency basis, noting that the work is scheduled for completion by the middle of April.

Mayor DeBari referenced resolution #2008:95, noting that a Tax Assessor had been interviewed and a vote would be taking place later in the meeting. He noted that Maureen Kaman has agreed to take the position and that it was being filled at a \$20,000 savings to the Borough.

OLD BUSINESS:

REINTRODUCE ORDINANCE 2008:02

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF NEW MILFORD SALARY ADOPTED AS ORDINANCE 91:01 AND AMENDED BY ORDINANCE 91:21, 92:07, 93:01, 94:13, 95:07, 96:05, 97:11, 98:05, 99:04, 2000:07, 2001:11, 2002:15, 2003:10, 2004:13, 2004:15, 2005:16, 2006:09 AND 2007:12.

The Mayor explained that the ordinance was being reintroduced to update the salary range for

the Tax Assessor.

Councilman Bachmann made a motion to introduce and approve reintroduction of 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.

The ordinance will be published in the Ridgewood News and a public hearing will be held on April 28, 2008 at 8:30 PM.

ADOPT ORDINANCE 2008:03

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

The Mayor asked for a motion to open to the public. Councilwoman Subrizi asked to comment before opening to the public. Councilwoman Subrizi stated that the 2.5% cap was artificial and that the ordinance would allow the Borough to increase the cap to 3.5%, which we believe might not be enough based upon the loss of aid and the increases in insurance and police salaries. She noted that this is as much as we can ask for but stated that it is not going to be enough.

Councilwoman Subrizi stated her intention to vote "no" stating her belief that it is not within the control of the Council but rather the state and that maybe it would force the state to look at what they are doing to the town.

Council President DeLucia stated that her sentiments were with Councilwoman Subrizi but that she did not believe that it would be effective.

Councilman Zeilner stated that it would not happen before the Council would have to vote on the budget.

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

Ms. Eileen Leonard asked when the next budget meeting would be taking place. The Mayor stated that the meeting had yet to be scheduled.

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

Council President DeLucia made a motion to adopt this ordinance on its second and final reading. Councilman Zeilner seconded the motion. Requiring a majority vote of the full membership, the motion did not pass on a roll call vote as follows:

For the motion: Zeilner, Murray, DeLucia

Against the motion: Bachmann, Subrizi

NEW BUSINESS:

INTRODUCE ORDINANCE 2008:04

AN ORDINANCE REPEALING CHAPTER II, ARTICLE II, SECTION 2-12 ENTITLED OFFICE OF JOINT MUNICIPAL TAX ASSESSOR AND REPLACING IT WITH "TAX ASSESSOR"

Councilman Murray 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.

The ordinance will be published in the Ridgewood News and a public hearing will be held on April 28, 2008 at 8:30 PM.

RESOLUTIONS:

- 2008:91 Closed Session
- 2008:92 Payment of Bills and Vouchers
- 2008:93 Approve Raffle License for B.F. Gibbs PTO Off-Premise 50/50
- 2008:94 Approve Renewal of Medical Insurance with Oxford Health Plan to provide benefits to employees effective April 1, 2008
- 2008:95 Appoint Tax Assessor: Maureen Kaman for Unexpired Term through June 30, 2008
- 2008:96 Authorize Cell Tower Agreement: Wireless Edge
- 2008:97 Oppose Governor's Proposed State Budget for the 2008-2009 Fiscal Year for Failing to Treat Property Tax Relief as a Priority
- 2008:98 Authorize Mayor to sign Senior Wellness & Nutrition contract with the County of Bergen
- 2008:99 Approve amendments to 2008 Temporary Budget
- 2008:100 Approve Raffle License for Hovnanian School Casino Night
- 2008:101 Extend temporary appointments for Construction Official, Fire Subcode Official, Zoning Officer
- 2008:102 Approve Emergency Repair to LaBarbera (Babe Ruth) Field
- 2008:103 Approve Appropriation Transfers from Reserves for Budget Year 2007

COMMENTS FROM THE PUBLIC

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

Mr. Nick D'Amelio, 349 Trench Drive, came forward to address the Council. Mr. D'Amelio referenced a comment from a previous meeting and asked what issue exists on Hirschfeld Brook that would affect the work to be done on Trench and Webster Drive.

The Administrator responded that the engineer has explained that they are evaluating how the work that is planned for Hirschfeld Brook will be affected by the work planned upstream.

Mr. D'Amelio asked the Council to not lose sight of what needs to be done.

The Mayor assured Mr. D'Amelio that the money has been allocated and that we will make sure that the job gets done. Mr. D'Amelio asked when the work would begin. The Mayor stated that it would probably start sometime this year and that the Borough would be proactive in resolving the situation.

Ms. Diane Cardinali came forward to address the Council. Ms. Cardinali commented on the County proposed walkway and stressed her dissatisfaction with the Council for considering this walkway. She commented on the detriment to the wildlife and to personal property and questioned the Council's commitment to preserving the remaining open space in town. Ms. Cardinali appealed to the Council to "keep their word." She asked why the Council could not just tell the County Executive that New Milford is not interested and questioned the necessity of having him return to discuss the matter further.

Councilwoman Subrizi responded that the County Executive came unannounced to the previous public meeting and that the reason he was asked to return was so that he could hear the comments directly from the residents of New Milford. Councilwoman Subrizi further stated that her preference would be to put an end to the project without further discussion, adding that she is not in favor nor will she ever be in favor of the walkway. She stated her belief that the natural ending to the walkway should be New Bridge Landing.

Councilman Zeilner added that the previous meeting with the County Executive was not held in the upstairs meeting room but rather in the Council Chambers during the Public Session.

Ms. Cardinali asked Council President DeLucia to clarify her comments on the minutes. Council President DeLucia explained that she had made reference to the deed restrictions on the New Milford Woods, at the meeting with the County Executive, and asked that her comments be reflected in the minutes.

The Mayor summarized what had taken place at the meeting with the County Executive noting his understanding that the County was asking the Council to do the legwork among the various departments to determine if there was interest in proceeding. He then stated that based upon comments and discussion at the subsequent work session it was decided to invite a representative from the County Executive's office to come back to take public comment on his proposal and to hear first hand from the residents of New Milford. The Mayor guaranteed that there would be no infighting among the Council and that any decision would be unified.

Mr. John Foley, 254 Stevens Court, came forward to address the Council. Mr. Foley stated that he was happy to hear that an additional \$100,000 has been allocated in the budget for the work on Hirschfeld Brook. He asked if the Council could elaborate on what that would mean. The Mayor responded that it would provide for the continuation of the Flood Mitigation Plan that has been developed by Boswell Engineering. Mr. Foley asked what would be undertaken first and when the work would begin. He was advised that the first phase would entail the clearing and creation of the water retention areas.

Mr. David Foo, 564 Mabie Street, came forward to address the Council. Mr. Foo stated that he was appearing as a representative of the Recreation Commission. He summarized the activities of the Commission over the past year and thanked Councilman Bachmann for his service as the liaison to the Commission. He thanked the Council for allowing them to continue as a Commission. He thanked the Council for the emergency funding for the repairs to the Babe Ruth Field. He asked for the Council's continued support and made a request that they keep the Recreation Commission's budget intact.

The Mayor asked for a commitment from the Recreation Commission to provide a monthly calendar of games in the event that members of the Council wished to attend. Mr. Foo stated that he would see that calendars were provided and that he would add the Council members to the email list which would provide direct access to the website where all of the schedules are posted. The Clerk noted that the website generally does not provide information on the location of the games.

Ms. Lois Maskell, 1135 Steuben Avenue, came forward to address the Council. Ms. Maskell stated that she was happy to hear that the Council is apparently on board with the resident's feelings on the proposed bike path.

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

VOTE ON RESOLUTIONS

Councilwoman Subrizi made a motion to approve resolutions #2008:91 through #2008:101 and resolutions #2008:103. Council President DeLucia seconded the motion. All present in favor, none opposed.

Resolution #2008:102 was pulled from the consent agenda for a separate vote. Councilwoman Subrizi made a motion to approve resolution #2008:102. Council President DeLucia seconded the motion. The motion passed on a roll call vote as follows:

For the motion: Zeilner, Murray, DeLucia, Subrizi

Abstain: Bachmann

ADJOURNMENT

Councilwoman Subrizi made a motion to adjourn. Councilman Murray seconded the motion. All present in favor, none opposed. Time 9:59 PM.

Respectfully submitted,



Christine Demiris
Borough Clerk