



**MINUTES  
BOROUGH OF NEW MILFORD  
7:00 PM WORK SESSION  
Monday, March 9, 2009**

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

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

Mayor DeBari read the Open Public Meeting and Mission Statements.

**OPEN SESSION**

1. PODS

Jim McAndrews, Owner, Tri-State Moving and Storage, LLC and owner of the local PODS franchise came forward to address the Council. Mr. McAndrews stated that he would like to formally request a change to the Borough's recently adopted Portable Storage Container Ordinance. He suggested that the Council review ordinances from three other municipalities: Roseland, Montclair, and Clifton; all of which have opted to regulate the use but have opted for a less restrictive approach.

Mr. McAndrews stated that he had no issue with the Borough's wish to regulate the use but added that certain elements of the ordinance do not serve the citizen's of New Milford such as the requirement of an active building permit and the high permit fee.

Mr. McAndrews outlined the uses for portable storage containers which include moving, storage, and temporary storage. He said that PODS provide a less expensive alternative to full service movers, noting that this has become a popular use of the product. He also stated that customers are given the option to store the POD at a warehouse at no additional charge. He also noted the ability to provide customers with the Borough ordinance and municipal contact information whenever a POD request is made.

Councilwoman Duffie asked if there are guidelines on what is allowed to be stored. Mr. McAndrews stated that no hazardous materials are allowed and that customers sign a contract that lists all restrictions.

Councilman Bachmann asked if containers can be dropped off and picked up in the same day. Mr. McAndrews responded that it would be too difficult to coordinate, but that containers could be picked up within a day. Mr. McAndrews stated that the warehouse is

located in Franklin, NJ and that the only additional fee for storage at the warehouse is a one-time redelivery fee of \$25.

Planning Board Chairman, Angelo DeCarlo, asked what if any competition is expected in the future. Mr. McAndrews noted that there have been a few other companies entering the market, but that they do not offer relocation service, just storage.

Councilwoman Subrizi asked how Mr. McAndrews became aware of the Borough's ordinance. He stated that he regularly "Googles" to check for new ordinances.

Councilman Bachmann asked if PODS are being used in New York City. Mr. McAndrews responded that it would be too difficult, which would make the delivery fees cost prohibitive.

Councilwoman Duffie asked if he was aware of any ordinances from smaller, more comparable towns. It was suggested that Roseland may be of similar size.

The ordinance will be listed for discussion at the April Work Session at which time possible revisions will be considered.

## 2. Fire Department – Co. #2 Needs Assessment

Angelo DeCarlo and Terry Lawler of Fire Co. #2 came forward to address the Council. Mr. DeCarlo gave a brief overview on the history of the firehouse, noting that the last renovation was made more than forty-three years ago. They distributed a letter dated July 7, 2009 from Robbie Conley, Architect (RCA). The letter outlines a proposed scope of services to provide a Needs Assessment for possible future expansion at Fire Co. #2. Mr. DeCarlo reported that RCA had designed the State Police Barracks by the PNC Arts Center. He stated that this assessment report would be the first step in being able to make a proper presentation to the Council on what would be needed in terms of an addition. He acknowledged that other vendors could provide a similar service.

Mr. Lawler stated that the tower ladder fire truck purchased in 1988 has a 25 year useful life and that the replacement for this truck would not fit in the current firehouse. He further stated that the study would enable the Borough to make an educated decision noting the need to have a plan for the future. He referenced potential developments in town, at the water company property and across the street from the post office, and the need to evaluate whether or not a seventy-five foot ladder is sufficient for the height of the buildings in town.

Mr. DeCarlo stated that the conversation regarding the expansion was started a long time ago, noting that a committee was formed at the firehouse in 2004. Mr. DeCarlo acknowledged that the fee schedule in the 7/9/07 letter may need to be updated.

Councilwoman Subrizi confirmed that RCA would be providing the plan and asked if they would also be responsible for the implementation. Mr. DeCarlo said that RCA could implement the plan or it could be turned over to another vendor.

Councilman Bachmann commented that it would be necessary to push the front of the building back to make it deeper in order to extend the turning ratio for a longer truck. He suggested that the building may no longer fit on the property. Mr. DeCarlo said that the Needs Assessment and Deficiency Report would be able to determine that and would allow for additional measurements, such as a land purchase, to implement the recommendations.

Councilman Bachmann asked why they would not choose an architect that was closer, noting that the Borough would be paying for him to travel to the site to supervise the work. Mr. Lawler stated that the immediate concern is obtaining the report, and that RCA would not necessarily be overseeing the implementation.

Councilman Bachmann commented that the Fire Department had advised the Planning Board that the current equipment could handle a fire at the proposed Gramercy location and asked if this was not true. Mr. Lawler responded that the current equipment can handle a fire at Gramercy, but that he used it as an example of buildings getting taller in town.

Councilwoman Duffie clarified the process noting that the study is the first step to identify the needs. She then asked how the entire project, through potential expansion, would be funded. It was stated that it would probably go to referendum, but that the Fire Department is just asking for the Council to fund the study to enable everyone the opportunity to see what will be needed for the future.

Councilman Bachmann suggested that trucks, such as the ones being discussed, are being sold currently and asked if the manufacturer could provide the turning radius. He commented that with this information it would not be necessary to do a study to determine if the truck would fit on the lot.

Councilman Putrino asked if they knew how big the truck would be in 2013. Mr. DeCarlo stated it could potentially be 48' noting that it is currently 40'.

The Mayor confirmed that their reason for attending tonight is to ask the Council to add \$7,500 to \$10,000 to the 2009 budget to fund the study. Mr. DeCarlo and Mr. Lawler confirmed this stating that they wanted it to be considered in the 2009 budget cycle so that it would not fall behind another year.

Councilman Zeilner asked them to describe the limitations of the seventy-five foot ladder. It was noted that even with a house fire, a forty foot setback from the street to the house could make it difficult to reach the roof.

Mr. Moscaritolo asked for clarification on the request to move the fire horn from the fire training building to the future cell tower being located at the DPW yard. Noting that the tower access will be by ladder, he asked if there could be a cutoff switch installed so that the horn would not go off while someone was on the ladder. Mr. DeCarlo said that it would be possible to disable the horn while work is being done. Mr. Moscaritolo stated that the cell tower vendor would then be agreeable to the relocation of the fire horn.

### 3. Police Budget

Chief Papapietro came forward to address the Council. He distributed information on the COPS Hiring Recovery Program (CHRP). He explained that it is a grant opportunity that will provide funding for three years. Councilwoman Duffie asked if the department was looking to hire police officers. The Chief stated that the department is currently down five police officers. He noted that at its highest level there were 37 police officers, that there are currently 31 and he is asking for 36.

Councilwoman Subrizi said that she would not participate in a conversation on the hiring of police officers as she has a family member who would apply for the position should one become available. Councilwoman Subrizi noted that the optimal number of police officers comes from the Master Plan and is based on a formula developed for the area and the population. The Chief stated that it is two per thousand, but noted that there are two officers permanently assigned to the schools that are unavailable for patrol.

The Chief went on to explain his capital budget requests, noting that the current Dictaphone is at the end-of-life and can no longer be repaired and that the interview equipment is for camera and video equipment. Regarding the weapons request he explained that it is not the handguns but rather the carbines. He noted that the trunk boxes had already been purchased with old capital funds and therefore can be removed from this capital budget. He explained that 90% of internal affairs complaints are based on demeanor, which cannot be challenged without in vehicle cameras. He stated that the requested \$35,000 would be enough for five vehicles, which would cover the primary patrol vehicles.

The Chief explained his operating expenses on a line-by-line basis. The Chief stated that the department needs to replace six personal computers. The Council suggested that computer purchases might be considered a capital expense. The Administrator will confirm with the CFO. He explained that physicals include fit-for-duty exams and evaluations after traumatic events. He noted that the request for signs does not include the signs required by the recently adopted no parking ordinance on James and Elizabeth Streets. He explained that Community Policing shows no funding, noting that because of a lack of manpower and an officer retirement, these functions, in a limited capacity, are being handled by the School Resource Officers. Councilwoman Duffie asked why Community Policing could not be improved/enhanced with the current resources. The Chief stated that he is running the tours on minimal manpower; he just does not have the manpower to dedicate exclusively to the program.

The Chief noted that the budget for testing would only be required if the Council chose to move forward with promotions. Councilman Bachmann asked to have the overtime policy clarified; noting that it always seems to go over the budgeted amount every year. He asked what portion of the overtime is covered by construction projects. The Chief said that in 2008 almost 1/2, or at least 1/3 of actual overtime was recovered through construction projects.

Councilwoman Duffie asked what would be included in supplies and equipment. The Chief responded that it would include items such as ammunition, oxygen bottles, fire extinguishers,

defibrillator supplies and flares. She asked if it is often that guns are discharged. The Chief explained that each officer must complete four qualifications per year with 60 rounds of ammunition per qualification.

The Mayor asked how the Chief could reduce overtime. He responded that it would require more manpower. The Mayor asked how it could be reduced without additional manpower. Councilman Bachmann asked what he would do if he just did not have the staff. The Mayor suggested revising the shifts. The Chief stated that it would require the agreement of the union to do so. He added that there is a minimum staffing requirement; the department must be able to handle at least two concurrent emergency calls and that overtime is not called in until the department goes under its minimum.

The Chief stated that the Police Auxiliary was able to find a three season jacket and the budget was reduced to a total of \$4,500 for the year. Councilman Putrino asked how many crossing guards are currently utilized. The Chief stated that there are currently fifteen permanent posts and a few alternates. He added that as people have retired, posts have been reshuffled to eliminate positions where possible.

#### 4. Temporary Structures

The Administrator stated that she felt the proposed ordinance was too confusing with the reference to the building code, as it does not specifically list what would be prohibited. The Council discussed the ordinance; the attorney recommended maintaining the reference to the building code. The Mayor stated his agreement that the definition should be simplified and included in the ordinance, rather simply a reference to the International Building Code. The Mayor will provide a revised definition for the Council's review at the next meeting. The Council discussed eliminating the reference to the backyard setback but agreed that the front, side and back yard setbacks should all be included. The matter will be listed for discussion at the April work session.

#### 5. Ordinance 2008:20 – Vote Outcome

The Administrator reported that she had reviewed the vote to adopt ordinance 2008:20 whereby four members were present; two voted for the motion to adopt, one voted against the motion to adopt, and one member abstained. She explained that according to Robert's Rules of Order, the abstention does not count as a vote and therefore the motion passed on a simple majority of the members present and it would not be necessary to put the motion to another vote. The Borough Attorney confirmed his agreement that it would only require the majority of members voting and the abstention would not count as a vote. He additionally noted that he found nothing in the Council bylaws or state statute that would trump this ruling. The adoption of the ordinance will be advertised in the March 13<sup>th</sup> edition of the Ridgewood News.

## 6. Term Expirations – Board of Adjustment/Library Board

The Administrator reported that the Library Board expirations had already been addressed with the State Library Association and the terms will be corrected by 2011. It was noted that the terms of both Sylvia Waller and Joette Williams will expire in 2011 at which time one of them will be appointed for one year and the other will be appointed for five years. It was suggested that we adjust one of the terms now; with the term expiring in 2012 rather than waiting until 2011 to make the adjustment. The Administrator will ask the Library Board to consider modifying the term of either Sylvia Waller or Joette Williams to expire in 2012. The Borough Attorney commented that the statute does not provide for the Mayor to extend the appointment. He suggested rescinding the current appointment and reappointing to a term ending in 2012.

Regarding the Board of Adjustment, the Administrator reported that after consultation with the attorney for the Zoning Board of Adjustment, she reviewed the Municipal Indexes going back to 2001. She found that in 2004 Barbara Barbagallo replaced an alternate member with an expiration of 2004, but was instead given an expiration of 2005. Had these dates been maintained the Alternate positions would have staggered term expirations as required by law. She then explained that in 2006 a vacancy, with an expiration of 2006, was filled with an Alternate. Instead of maintaining the expiration date of the vacant position the Alternate was moved up to the vacant position but carried the expiration date from the Alternate position. Had the Alternate been moved and maintained the expiration of 2006 she would have been reappointed to a four-year term scheduled to expire in 2010. The Administrator added that based upon this information it appears that all members, with the exception of Gerard IX and Joseph Binetti, have the correct expiration dates. She suggested that with the Board of Adjustment's approval both of these appointments can be amended at the next Mayor and Council Public Session to reflect expirations of 2010.

## 7. Kauker & Kauker Request

The Administrator referenced a letter dated December 22<sup>nd</sup> whereby a request was made for an additional \$15,000 allocation to carry the supplemental application through the review and approval process.

Councilman Bachmann confirmed that the Borough had an agreement for these services to be provided for which the Council approved the original \$25,000 allocation. He stated his recollection that the \$25,000 was supposed to be the most that it would cost and now Mr. Kauker is requesting \$40,000. The Administrator stated that she believed the resolution stated that it was to get the Borough through the third round revision application. She then stated that the letter is calling for additional funds to carry the application through the review and approval process.

Mr. Bachmann stated that he had gotten two other quotes for these services which were for \$10,000 less than what Mr. Kauker was asking and that both of the other planners recommended not proceeding as it would be a waste.

Councilman Zeilner stated that he did not believe it was a waste but he did recall that Mr. Kauker stated that it would cost \$25,000 at most and he would like to know what services would be provided for the additional money.

Councilman Bachmann suggested the Council should listen to the tape of the meeting at which Mr. Kauker made his initial presentation. Councilman Putrino asked if the full \$25,000 had already been expended. The Administrator will provide Councilman Bachmann with a tape of the previous meeting and he will report back to the Council at the next meeting. Councilwoman Subrizi reported that as per a vendor history dated 1/12/09 payments totaling \$24,193 have been made to Kauker and Kauker. It was acknowledged that some of these payments could have been for services other than the COAH third round revision. The Administrator will review the actual vouchers and report back to the Council on the amount spent for the third round revision application. The Administrator will draft a letter to Mr. Kauker asking for a more detailed explanation of the services that will be provided and how they differ from the services covered by the initial allocation.

#### 8. Municipal Housing Liaison

The Administrator stated that a resolution to appoint a Municipal Housing Liaison was on the agenda for the Council's consideration. She acknowledged the COAH requirement to create the position and noted that it had been created previously by ordinance. She stated that the position has yet to be filled and we have since received notice from the Department of Community Affairs that we need to provide them with the name of the MHL. She added that Maria Sapuppo has been filling the MHL position unofficially, coordinating with the planner, and has agreed to be named to the position officially, without additional compensation.

Councilwoman Subrizi asked if there is currently additional work associated with the position. The Administrator responded that there is required training, which is being provided free of charge by the state. Councilwoman Subrizi suggested that the MHL may request additional compensation at such time as the position becomes more labor intensive.

Councilman Bachmann stated that he voted against everything associated with COAH so far, but that at this point, we are so far down the line, he would not vote against this resolution.

#### 9. Little League Request

The Administrator reported that the New Milford Little League has requested the assistance of the DPW in removing and replacing their scoreboard. She stated that she had reviewed the request with the Risk Manager and he advised her that the DPW employees would be covered by Workmen's Compensation as long as the work was done on Borough time. He suggested that we obtain a Hold Harmless agreement from the Little League whereby they would take full responsibility for any future loss claimed by a third party, as well as absolving the Borough of any damage to the Little League property that may take place during the installation.

Councilman Bachmann asked if permits would be required for the work. The Administrator responded in the affirmative, adding that the work would need to be inspected as well. The Council agreed that the permits should be issued at no charge. The Administrator will advise the Building Department, the DPW and the Little League that the request has been approved.

#### 10. Administrator's Report

The Administrator reported that the check for the last installment of Green Acres money for the Perrone and Klinger Farms was cut on March 6<sup>th</sup>. Councilman Putrino asked for a copy of the check when it is received.

The Administrator reviewed the status of the Damato/Greenstar recycling matter noting that she, the Mayor and the Borough Attorney had met with Hal McGaughey and John Stanton, representatives of Damato on February 10<sup>th</sup>. At that time, Damato promised to have a revised proposal to the Council within a week. Having not received the proposal as of 3/5 the Administrator contacted Damato to advise that the Council would be meeting on 3/9 at which time they would be discussing their next step. Mr. Stanton responded that he expected to have the proposal finalized within the next few days and anticipated a "good outcome" that would make the Borough "whole" from a budgeting standpoint. He added that all back payments would be forthcoming. Councilman Putrino stated that the Council should not entertain any new proposals until all back payments were received. Councilman Bachmann asked what the contract provides for in the case of a breach. Mr. Moscaritolo stated that the Council would be well within their rights to send a letter that they, Damato, are in breach and could then file a lawsuit. After further discussion the Council agreed that the Attorney should draft the complaint and notify Damato of the Borough's intent to sue. The Attorney suggested that once the complaint is filed the Borough should have a contingency plan in place in the event that Damato will no longer service the Borough once we are in litigation. The Mayor stated that he will check with recycler that services the County to see if they would offer the Borough the same rate that they offer the County and we can sue Damato for the difference.

The Administrator summarized the Health Department's response to the complaint received with regard to Sanzari's, noting that they had been out to inspect the property on numerous occasions. She stated that in addition to the materials previously provided she had received a letter from Westin Pest Control that confirms that the bait stations are checked monthly and that there has been no activity for several months. The Health Department will be baiting the property of complainant, at their request. The Council discussed the lighting at Sanzari's. The Administrator stated that there is nothing in the Borough ordinance to prevent or restrict the lighting. She added that the Property Maintenance Officer spoke with the manager and asked for their cooperation to remove the lights from the fence line and to tone down the remaining lights. The Council suggested that the Administrator get a copy of the Board of Adjustment's Notice of Decision for any restrictions that may have been included.

The Administrator asked if the Council had any objection to the request from the Hovnanian School to hold a walk-a-thon on June 6<sup>th</sup>. She noted that they had received approval from the Police Department. The Council had no objection.

The Administrator reported that she is working with the bond attorney to prepare a bond ordinance for introduction at the March 23<sup>rd</sup> public meeting. She explained that although it has all been accounted for 2009 capital budget, it would be necessary to bond some of the items prior to the adoption of the capital budget to allow for the work to begin. She suggested that the Council include the 2009 roads and curbs, the Boulevard – Section 5, and the Warren Park T-Ball Field. She asked if the Council wished to include the additional \$56,000 earmarked for the sewer jet. The Council agreed to include all of these items with the exception of the T-Ball Field. They suggested this should be paid out of the Borough's Open Space Trust account, which can then be reimbursed upon receipt of the grant money from Bergen County Open Space.

The Administrator referenced a letter, drafted by the Borough Engineer, requesting a downstream impact analysis in response to Dumont's proposed Hirschfeld Brook Phase 2 Project. She read the letter and indicated that it would be going out the following day under the Mayor's signature. She added that the engineer had reviewed the plans and does not believe that there will be any impact on New Milford, noting that the proposed work is further away than the work completed in Phase 1. It was the consensus of the Council that the letter should be worded more strongly. Mr. Moscaritolo will revise the letter and provide it to the Administrator.

The Administrator reported that she had received a preliminary comment from the Auditor. Currently, the Council approves an estimated payroll whenever a payday precedes a meeting date. The Auditor has advised that the correct procedure would be to adopt a resolution at the beginning of each year to permit the payment of the payroll prior to the Council's approval and then to approve the actual payroll at the following meeting. The resolution will be prepared for the March 23<sup>rd</sup> meeting.

The Administrator stated that she had been asked by Officer Keith Wester if the Council would be interested in holding the Fireworks during National Night Out. It was the consensus of the Council that given the economy and the fact that the money has already been removed from the budget they would not be sponsoring fireworks in 2009. The Administrator will advise Officer Wester.

The Mayor asked why the medical insurance line was funded at 1.9 million if we were told that we could save \$400,000 by moving to the HRA. The Administrator stated that the \$400,000 savings was presented as the best case scenario and that in fact the Borough could spend as much, but not more than was spent in 2008. She further stated that it would be improper to fund the line at 1.5 million, knowing that we could spend as much as 1.9 million.

## **APPOINTMENTS**

### **JOHN P. FOLLITY – JR. FIRE DEPARTMENT**

Councilman Putrino made a motion to approve this appointment. Councilwoman Subrizi seconded the motion. All present in favor, none opposed.

Councilwoman Subrizi outlined the path of the Dumont portion of the Hirschfeld Brook as she was reviewing it online.

Councilman Bachmann asked if the Council would be voting on the Closed Session Minutes. He was advised that the Council would be voting on the approval of the Closed Session Minutes after they were reviewed during the closed session.

Councilwoman Duffie reported on the tax appeal for New Milford Village, which was reviewed by the Rent Leveling Board. She explained that New Milford Village appealed the 2004, 2005, 2006, and 2007 taxes an agreement was reached that if they withdraw their appeal for those years the Borough would credit them a total of \$51,000 toward their 2008 and 2009 tax bills. She further explained that this is different than a refund, which would be in the form of a cash settlement and would then need to be returned to the tenants..

The Mayor reported that the Borough would be receiving a grant for \$60,000 from Community Development as a result of our application for handicap ramps throughout the Borough.

The Mayor stated that he had been advised by the Borough's Social Service Director, Jo Ann Falcone, that Ms. Van Eck is very ill and has left her house to Mrs. Healy who has indicated to Ms. Falcone that she would be willing to sell it to the Borough for approximately \$50,000. The Mayor said that if the property is offered, the Council should consider purchasing it with Open Space Trust funds. He identified it as one of the properties the Borough had hoped to obtain with FEMA acquisition money. He identified the two of the other properties the Borough hopes to obtain through FEMA funding as the Sullivan's on Washington Avenue and the Pezzuolo's on Steuben Avenue.

Mr. Moscaritolo stated that he is continuing to negotiate the lease terms with Gaelic Communications for the cell tower lease.

## **RESOLUTIONS**

- 2009:72 Closed Session
- 2009:73 Payment of Bills and Vouchers
- 2009:74 Authorize Mayor to sign Senior Wellness & Nutrition contract with the County of Bergen
- 2009:75 Approve Appropriation Transfers from Reserves for Budget Year 2008
- 2009:76 Approve amendments to 2009 Temporary Budget
- 2009:77 Approve Raffle License 2009:08 for New Milford Little League for an off-premise 50/50
- 2009:78 Authorize Mayor to sign grant agreement with Bergen County Open Space for Sutton Place Tennis Courts
- 2009:79 Appoint Municipal Housing Liaison – Maria Sapuppo

## **COMMENTS FROM THE PUBLIC**

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

Ms. Hedy Grant came forward to address the Council. Referencing the Hirschfeld Brook, Ms. Grant stated that the DEP letter talks about obtaining permits that would authorize work within and adjacent to unnamed tributaries of Hirschfeld Brook.

Ms. Grant stated that the Temporary Structure Ordinance should not include a restriction on temporary sukah. She was assured that it does not.

Ms. Grant asked the status of the hidden driveway sign she requested in the fall of last year. The Administrator will remind the DPW to have the sign placed.

Mr. Gus Bachmann, Stevens Court, came forward to address the Council. Mr. Bachmann commented on four recent gas service changes on his street, noting that PSE&G did a good job in getting the holes patched, but asked that this type of work be coordinated with the town to determine future road paving locations.

Mr. Bachmann commented on the resolution authorizing the Mayor to sign the agreement with the County for the Senior Wellness Program. He noted that the contract has never been shared with the Senior Advisory Board and suggested that it would be helpful to do so. The Administrator will provide copies for the Board to review at their next meeting. In addition, she will ask the Senior Center Director to explain what the Sr. Wellness grant covers.

Mr. Bachmann asked if the Reverse 911 could be utilized to advise residents in the flood areas of the upcoming meeting with the engineer. It was noted that the current system is a blanket approach and that the numbers would have to be programmed in individually. The Council concluded that some people would be offended that they received the call and others would be offended that they had not. It was agreed that the meeting would be noticed on the lawn sign and the Borough website; the Reverse 911 would not be utilized.

Mr. Bachmann commented on the contaminated soil at Cooper's Pond and the fact that water is running downstream to New Milford. He asked if any consideration has been given as to how this would affect New Milford. He was advised that the engineer will address this question at the upcoming meeting scheduled for March 16<sup>th</sup>.

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

## **CLOSED SESSION**

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

1. RSWD Contract
2. Review of Closed Session Minutes – 1/12/09, 1/26/09

### **VOTE ON RESOLUTIONS**

Councilman Zeilner made a motion to approve resolutions #2009:72 through #2009:79. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

Councilwoman Subrizi made a motion to approve minutes from January 12, 2009 and January 26, 2009 Closed Session Meetings. Councilman Bachmann seconded the motion. All present in favor, none opposed.

Councilman Putrino referenced the capital request of \$650 for the sump pump at Fire Co. #2 and asked if this would be considered a capital expense. He was advised that it would not be considered capital and that it should be paid out of the Buildings and Grounds maintenance account.

### **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 11:28 PM.

Respectfully submitted,



Christine Demiris  
Borough Clerk