

5/27/09

**MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
Monday, April 13, 2009**

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

Mayor DeBari read the Open Public Meeting and Mission Statements.

CLOSED SESSION

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

1. Personnel

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

OPEN SESSION

1. Employee Assistance Program

Susan Boggia and Leonard Fiorenza of the Bergen County Department of Health came before the Council to outline the Employee Assistance Program. Ms. Boggia explained that employees can take advantage of the program voluntarily or they can be referred by their supervisors as part of a disciplinary plan. The program is designed to address problems employees may be experiencing such as: marital, money, legal matters, substance abuse. In addition, the program meets the requirements of the Department of Transportation's guidelines for employees holding a Commercial Driver's License. She stated that in most instances the services are provided at little or no cost to the employee because referrals are generally made within the employee's insurance network. The cost to the Borough is \$20 per employee annually.

Councilman Putrino noted an interest, on behalf of the Fire Department, to be included in the program. Ms. Boggia said that the Borough should implement the program first for employees and can later add the Fire Department volunteers when Bergen County Health gets approval from their legal department. Councilman Putrino stated that according to the Borough Risk Manager, emergency services personnel are considered employees. Mr.

Fiorenza said that Fire Department personnel could be added if the Borough was to provide a letter from either the Borough Attorney or the Risk Manager identifying them as employees.

2. POD Ordinance

The Council discussed the information provided by Jim McAndrews at the March work session. They asked the Borough attorney to revise the current ordinance based upon some of his suggestions as follows: fee for the first thirty days, \$75; construction permit required to extend beyond thirty days; permit can be renewed up to a maximum of ninety days; \$75 per each subsequent renewal; remove all references to POD; all information with regard to location shall remain unchanged.

The ordinance will be revised and placed on the agenda for introduction on April 27th. The revised ordinance will be forwarded to the Council for their review prior to introduction.

3. Temporary Structures Ordinance

The Council discussed the revision dated 3/22/09. All present agreed the ordinance should be introduced as per this revision. The ordinance will be listed on the agenda for introduction on April 27th.

4. Kauker & Kauker Request

The Administrator summarized the Kauker and Kauker letter dated 3/19/09. The Council discussed whether or not the previous request was to see the project through to the end or just through the application phase.

Mayor DeBari stated that the Borough can't stop in the middle, if COAH calls and asks for information we must respond.

Councilman Zeilner stated that he believed the previous \$25,000 allocation would cover everything.

Councilwoman Duffie asked if we have negotiated the fee.

The Council discussed the matter at great length and agreed that the Borough cannot stop midway and must see the matter through to the end. A resolution will be drafted approving the additional allocation. The Administrator noted that a bill for \$1,317.50 was on the bill list for approval this evening. The Council agreed that the bill could be paid.

Councilman Putrino asked to have the CFO add a budget line specifically for COAH. He stated that the \$15,000 has been included in the Planning Board O/E budget and that it should be pulled out separately so that it will be easier to track.

5. Engineer's Letter dated 4/3/09 – Harris Place Erosion

The letter was summarized and discussed by the Council. Councilwoman Duffie stated that according to the engineer the residents on Harris Place will benefit from the flood mitigation project already underway. It was noted that work to the Harris Place properties would only benefit the homes directly affected and that it would do nothing to benefit flood control.

The Mayor stated the need to stay focused on what we are doing currently and the importance of not digressing.

The Administrator will send a letter to the homeowner outlining the options and advising them to consider applying for the DEP permit as the individual homeowner under the General Permit rule.

6. Tax Assessor Letter dated 4/6/09 – Disabled Veteran Exemption

The Council discussed the Tax Assessor's letter to Mr. Tom Harrington regarding the effective date of the Disabled Veteran's Exemption afforded to him by the Department of Veterans Affairs. The Mayor asked when the Assessor was made aware of the exemption. It was determined that she received notice of the exemption on March 25, 2009.

Councilwoman Subrizi asked if the exemption should be retroactive to January 1, 2009. The Mayor stated past practice was for the exemption to become effective upon official notice to the Assessor. The members present unanimously agreed to continue according to past practice. The Administrator will advise the Assessor that the effective date of the exemption will be as of March 25, 2009.

7. Park Dedication – Tom Baeli

The Council reviewed the email from the Department of Public Works regarding the missing plaque dedication to Tom Baeli at the Sutton Street property across from B.F. Gibbs School. The members present unanimously agreed the plaque should be restored. The Mayor stated that he may be able to obtain a low cost replacement through the County. He will report back at the next meeting.

8. Recreation Safety Director

The Administrator reported that this item was listed for discussion as a result of a request from the Recreation Commission brought forth by Councilman Bachmann. The Commission has asked that Dr. Jeff Altman be appointed to the Commission as the Safety Advisor or Safety Director. The Council agreed to table the matter until Councilman Bachmann was present. In the meantime the Council suggested that it would be helpful to have an outline of the proposed duties and documentation on any certifications that Dr. Altman holds. The Mayor stated that he would check the website for National Parks and Recreation for any applicable guidance.

9. Administrator's Report

Damato/Greenstar – The Administrator stated that she had spoken with the Administrator in Fair Lawn. She confirmed that Fair Lawn had agreed to accept the terms of 75% of 2008 volumes paid as a lump sum by May 1st. Fair Lawn further agreed to eliminate floor pricing in 2010 but refused to pay for anything not offset by revenues. Fair Lawn decided to accept the proposal in part because they were advised that they may not be successful in a lawsuit, given the sharp decline in the market. Mr. Moscaritolo stated that he felt New Milford would prevail in a lawsuit but attorney fees would not be included in the judgment. The Mayor stated he would agree to the terms accepted by Fair Lawn. Mr. Moscaritolo recommended that the Borough should accept the lump sum paid by May. He further stated that the Council should consider a counter proposal whereby they accept the lump sum based upon actual 2008 volumes and suggest additional negotiation for the 2010 terms to begin in September 2009.

Councilwoman Subrizi made a motion to accept the lump sum payment. Councilwoman Duffie seconded the motion stating that it was likely that if the Borough chose to file suit they would not get paid. The Mayor added that he did not believe New Milford would stand a chance of winning a suit with the Borough of Fair Lawn opting to settle. Councilman Zeilner voted for the motion, agreeing only to accept the lump sum for 2009. Councilman Putrino stated that since Greenstar was settling with the bigger accounts it was unlikely that New Milford would “break the bank” and for that reason he voted against the motion. The motion to accept the lump sum payment for 2009 passed; three for the motion, one against. The Borough Attorney will draft the counterproposal.

The Administrator reported on a Borough employee, who is also a member of the Auxiliary Police Department and the Ambulance Corps. The employee parked his car in the Ambulance Corps lot while responding to a call for aid. While the car was parked it was hit by an unidentified motorist. The car sustained damage in the amount of \$538.54. Since the damage did not occur while the car was en route to the call it is not covered by the Borough's insurance. All present, with the exception of Councilwoman Duffie, agreed that the Borough should split the cost of the repair with the Ambulance Corps. The Administrator will notify the employee.

10. Other Matters

Mr. Moscaritolo stated that he had received the draft of the lease agreement for the cell tower to be located at the DPW. The agreement will be emailed to the Council for review and a resolution, authorizing the Mayor to sign the agreement, will be drafted for the next meeting.

The Council discussed the real estate taxes associated with the property, specifically if taxes would be paid by co-locaters. Mr. Moscaritolo explained that Gaelic Communications would be responsible for taxes on the entire leased area as per the specifications. He stated that the property is tax exempt as it is borough owned; taxes will be paid only for the improvement to the property.

The Mayor asked when the agreement would become effective. Mr. Moscaritolo explained the lease will become effective upon signature, rent is due within sixty days of obtaining a building permit and a permit must be obtained within nine months of the lease signing. He further stated the Borough can cancel the lease if a permit has not been obtained within nine months and Gaelic can cancel the lease if for any reason the permit is denied. The inclusion of the Fire Department horn was questioned. Mr. Moscaritolo stated the inclusion of the horn was covered in paragraph thirty of the lease.

Councilman Zeilner reported the cost for a bronze plaque in honor of Diane Cardinali for the tree farm is \$350 and asked if the Council would approve the amount. Councilwoman Duffie suggested that a plaque similar to the one being proposed as the replacement for Tom Baeli should be considered. Councilman Zeilner will forward the specifics to the Mayor and he will get a price.

Councilman Zeilner asked who is responsible for the cost of Police on the County paving project on Madison Avenue. He was advised that the Borough is being reimbursed \$47 per hour from the contractor but is responsible for the balance.

Councilwoman Duffie asked if the Police are paid time and a half for qualification. She was advised that they are paid time and half. She stated her opinion for the record that this was not fair.

Councilwoman Subrizi asked if the Borough Attorney could bill the Borough on a monthly basis, noting that it would be helpful during the budgeting process.

Councilwoman Subrizi asked for the Council's support for a resolution, on the April 27th agenda, identifying New Milford as a Sustainable New Jersey Town and naming her as the representative. She would like to pursue a grant for the Historic New Bridge Landing Park Commission and this would be the first step toward that goal.

Councilwoman Subrizi summarized a meeting that took place between the Board of Education, the Mayor, the Administrator, and herself. The purpose of the meeting was for the Board to present the proposed 2009-2010 budget prior to the School Board Election.

Councilman Putrino asked if the Administrator had received a response from the Fire Department on the first responder cards. The Administrator stated that she had not.

Councilman Putrino reported the new fire truck delivery had been delayed due to an issue with the lettering.

Councilman Putrino referenced a letter from the Chairman of the Shade Tree Commission and asked to have the Arbor Day Activities, scheduled for April 25th between 9 AM and 12 Noon at the DPW, listed on the electronic lawn sign. He stated that 400 tube seedlings would be distributed. He further reported that the Borough Attorney has been working on the revisions to the Shade Tree Ordinance.

Councilman Putrino reported Green Acres will be sending more signs for the walkway on the Perrone and Klinger farms.

Councilman Putrino stated that the Finance Committee would be meeting again to discuss their budget recommendations and asked to be listed on the May 11th agenda for presentation to the Council.

Councilman Putrino referenced the request from Fire Co. #2 for \$7,500 for a feasibility study. He asked if this was something the Council wished to fund stating that if the study is complete the Borough will have a plan in place should future stimulus money become available. He noted that the Architect who provided the quote for the study was willing to honor the price provided in 2007. Councilman Putrino stated that prior to the budget adoption he would like to know if the Council will agree to fund the study.

Mayor DeBari commented on the bill list, questioning charges from Verizon and Cablevision. The Administrator will confirm that these are the final charges from Verizon Wireless as the Borough's has moved its wireless plan to Sprint. The Mayor asked when the current Cablevision contract expires and requested that a meeting be scheduled with Don Viapree of Cablevision.

COMMENTS FROM THE PUBLIC

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

Mr. Gus Bachmann addressed the Council. Mr. Bachmann commented on the Engineer's letter with regard to Harris Place. He stated that erosion is caused by fast moving water and that there was not a problem with erosion on Harris Place prior to construction on Sutton Place. He stated that it is hard to understand how lowering the level of stagnant water will reduce erosion. He suggested that there may be factors that the Engineer has not considered.

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

The Mayor stated that the meeting was going to be closed for a discussion on a collective bargaining agreement at the conclusion of which the meeting would be reopened for a vote on the resolutions.

CLOSED SESSION

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

1. RSWD Contract

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

RESOLUTIONS

- 2009:99 Closed Session
- 2009:100 Payment of Bills and Vouchers
- 2009:101 Authorize the Combining of Several Authorizations of Bonds into a Single Issue and Prescribing the Details and Bond Form Thereof for \$4,160,000 General Improvement Bonds Dated May 1, 2009
- 2009:102 Authorize the Publication, Printing and Distribution of a Notice of Sale and Publication of a Summary Notice of Sale and Prescribing the Forms thereof for \$4,160,000 General Improvement Bonds Dated May 1, 2009
- 2009:103 Approve amendments to 2009 Temporary Budget
- 2009:104 Approve Raffle Application 2009:11 – Lt. Louis J. Faller Post #4290 VFW
- 2009:105 Approve Raffle Application 2009:12 – Marine Corps League #434 Gooney Bird Detachment
- 2009:106 Authorize Electronic Submission of Grant Application to NJ DOT for Main Street (Section 4)
- 2009:107 Approve J. Fletcher Creamer & Son, Inc. for Emergency Water Main and/or Storm and Sanitary Sewer Repairs through an agreement with Riverside Cooperative, lead agency Tenafly

VOTE ON RESOLUTIONS

Councilman Putrino made a motion to approve the consent agenda, resolutions 2009:99 through 2009:107. Councilwoman Subrizi seconded the motion. All present in favor, none opposed.

ADJOURNMENT

Councilwoman Duffie made a motion to adjourn. Councilman Zeilner seconded the motion. All present in favor, none opposed. Time 11:07 PM.

Respectfully submitted,



Christine Demiris
Borough Clerk