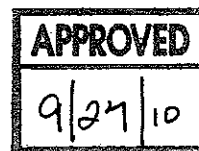


**MINUTES**  
**BOROUGH OF NEW MILFORD**  
**7:00 PM WORK SESSION**  
**OPEN SESSION immediately following**  
**8:30 PM PUBLIC MEETING**  
**Monday, April 26, 2010**



**WORK SESSION:**

Councilman Arthur Zeilner	Present
Councilman Keith Bachmann	Present
Councilwoman Randi Duffie	Present
Councilman Howard Berner	Present
Councilwoman Ann Subrizi	Present (7:09)
Council President 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. Planning Board Ordinance Recommendation – Interim Surveys

The Administrator explained at the last meeting the Council was unclear on the ordinance for interim surveys and wanted to wait for the liaison to be present for any further discussion. The Administrator spoke with the Planning Board Secretary for more information. Ms. Sapuppo advised the Council was prepared to introduce the ordinance as presented however the Planning Board wanted to review the draft so as not to put undue hardship on the homeowners doing smaller projects. The Administrator stated the interim survey ordinance currently before the Council deals with the roofs.

Councilwoman Duffie noted the intent of the survey is to prevent the roof height from becoming too tall. The Planning Board was advised by their attorney that they may only make a recommendation; the Mayor and Council must memorialize the recommendation for the interim surveys. The Administrator will prepare the ordinance for introduction at the next work session and adoption at the public session. Councilman Berner questioned the effective date; The Administrator noted the ordinance is effective upon publication. Councilman Bachmann noted it should only affect homeowners who get a building permit after the effective date.

Mayor DeBari acknowledged the recent passing of Marty Botinelli and Robert Granger. Mr. Granger was a long time volunteer fireman in New Milford. Council President Putrino noted the NMF Color Guard will be at Mr. Granger's wake at 8 pm.

2. Recreation – Draft Ordinance

The Council discussed the draft ordinance and determined some minor modifications need to be made by the Borough Attorney. Councilman Bachmann suggested the Council

bring the draft home and write specific questions or comments down; there should be no rush to finish the ordinance. He reiterated his position is not to abolish the Commission. Mayor DeBari noted the reason the agenda items are sent home on Friday is to be reviewed prior to the meeting. Councilwoman Duffie noted this proposed ordinance was not first introduced last month, it has been ongoing and discussed at length. She stated it is very important and should be discussed around the table. Councilwoman Subrizi stated this work session does not provide enough time for discussion; it should reconvene in Council Chambers. Councilwoman Duffie stated the word abolishment is very misleading; it is merely restructuring. Councilman Bachmann questioned the need for the rush; Councilwoman Duffie listed reasons why there is such a need. Mayor DeBari noted if the Council sends changes to the Borough Attorney on an individual basis, the Attorney will not know what to change. Councilwoman Subrizi stated the work session before a public session should be to discuss agenda items prior to going before the public; the separate work session is simply that, for the Council to work around the table. Mayor DeBari disagreed; noting to bring the matter downstairs to review line by line is inappropriate. He further stated the Council may choose to discuss the matter at the next work session. Mr. Moscaritolo advised that ordinances are not crafted in a public session. Council President Putrino made a motion to table the draft ordinance for further discussion at the next work session. Councilman Bachmann seconded the motion. All present in favor none opposed.

### 3. Defeated School Budget – Next Steps

The Administrator advised the school budget must be certified by May 19<sup>th</sup>. She provided suggestions on how the Council and Board of Education can meet to discuss the matter further. Councilman Berner noted constitutionally, the Borough is required to provide an adequate public education; therefore it cannot just begin to cut it. Council President Putrino agreed; he would like to discuss it with the Board as he has questions he would like answered. Councilwoman Subrizi noted there is only one scheduled meeting between now and the deadline; she suggested picking four meeting dates to sunshine notice just in case the full Council needs to meet with the full Board of Education. The Council discussed available dates to meet and decided to sunshine April 29, May 3, May 5 and May 13 and request they be held at the High School.

### 4. Court Attendant – Recommendation

The Administrator advised she received one recommendation from Judge Kelly for the Court Attendant position. Councilman Bachmann stated the Council should abide by the Judge's recommendation. Councilwoman Duffie made a motion to accept the Judge's recommendation for the new Court Attendant. Councilman Zeilner seconded the motion. All present in favor none opposed.

### 5. Borough Held Lien – River Road

The Administrator advised there is an issue with a dangerous tree on an unoccupied strip of land on River Road, backing up to Graphic Boulevard. The DPW has viewed the tree and agrees it needs to be removed; the borough has an existing lien on the property as the taxes have not been paid since 1999. Mr. Moscaritolo stated it appears as if there is more

than one lot in town where the borough holds the tax lien for more than two years; giving the borough the right to begin the foreclosure process to acquire the property. Ms. Amoroso advised a list of liens were supposed to be made available through the Riverside Coop; in which the Coop would take action against all. Unfortunately that became too expensive and never happened. Ms. Amoroso advised the Administrator that it would be expensive to start foreclosure proceedings on the entire list. Mr. Moscaritolo advised it would be more cost effective to compile the list, file all at the same time and make one appearance to obtain judgments. The Council agreed to get the list together. Mr. Moscaritolo stated if borough employees need to enter private property to do work in the future, procedurally a letter should be sent certified and regular mail to the last known address; if after a reasonable amount of time the work is not done by the owner, the work may be done by the employee. Mr. Moscaritolo advised the Borough has no liability if it leaves the tree alone; however it does have a liability upon removing the tree. Mayor DeBari questioned the owner's recourse; Mr. Moscaritolo advised they have none. Mr. Moscaritolo advised the aforementioned letters should be sent by the Health Officer, noting the tree will be removed in ten days due its dangerous condition.

## **ADMINISTRATOR**

The Administrator polled the Council on whether or not Mr. Sproviero should attend the May 10<sup>th</sup> work session meeting. The Council agreed to have Mr. Sproviero attend the meeting provided he has new information to present.

The Administrator referenced the Countywide Emergency Notification System correspondence; the Police Chief agrees. She asked if there were any objections to her sending an affirmative response on participation; no objections noted. They will provide a resolution for official approval and participation, once the Borough responds.

The Administrator advised the advertisement for the Senior Van Driver will be in next week's Twin-Boro and is already listed on the Borough website and lawn sign. The cutoff for resumes will be April 30<sup>th</sup>, she will allow for a few days after as well because the ad did not run last week as scheduled; she and Dino Speroni will conduct the interviews.

The Administrator noted the bid specifications for the recycling pick-up at the apartments have been amended to include pick-ups at the High School and Middle School. The bid opening has been rescheduled for May 7<sup>th</sup> and will be awarded on May 24<sup>th</sup>; the contract will commence June 1<sup>st</sup>.

The Administrator explained the Bond Anticipation Note resolution on tonight's agenda; she itemized capital ordinances the BAN covers.

The Administrator received three quotes to repair the sidewalks damaged by the storm; she asked if anyone objected to awarding the project to the lowest bidder, A. DeFino Masonry. Councilwoman Subrizi questioned if this could be added to the FEMA claim; the Administrator said it would be added. All agreed to award the project to A. DeFino Masonry; Councilman Bachmann recused himself.

Councilman Bachmann referenced an email he received from someone wishing to join the Ambulance Corps, noting Mayor DeBari received same. Councilman Bachmann asked the Ambulance Corps for a response; the Ambulance Corps provided a response and Councilman Bachmann wanted the Mayor to be aware of the response and to then have the response filed with the Borough Clerk.

Councilman Bachmann referenced the correspondence from the Swim Club regarding their need for parking lot lines to be painted; it is his understanding that in the past the Swim Club provides the paint and the DPW paints the lines. Mr. Calamari is prepared to do the work; however he needs the Council to authorize such action. The Council agreed to authorize the DPW to paint the lot lines at the Swim Club.

Councilwoman Duffie questioned if the Council saw the resolution provided by the Library opposing the budget cuts that Governor Christie is proposing. She will read the Board of Trustees resolution into the record asking the Council to support the Library with its own resolution.

Council President Putrino noted the right side roof of the American Legion building is caved in; Councilman Zeilner will discuss the matter with Mr. Calamari.

### **CLOSED SESSION**

Councilman Zeilner made a motion to go into closed session. The motion was seconded by Council President Putrino. All present in favor none opposed.

#### 1. Collective Bargaining – Insurance Audit/Follow-Up Status

At the conclusion of the closed session, Councilman Zeilner made a motion to go back into open session. The motion was seconded by Councilwoman Duffie. All present in favor none opposed.

Councilman Bachmann made a motion to reconvene in Council Chambers. The motion was seconded by Councilman Berner. All present in favor none opposed.

### **PUBLIC SESSION:**

Councilman Arthur Zeilner	Present
Councilman Keith Bachmann	Present
Councilwoman Randi Duffie	Present
Councilman Howard Berner	Present
Councilwoman Ann Subrizi	Present
Council President Michael Putrino	Present
Mayor Frank DeBari	Present

Mayor DeBari calls the meeting to order, asks for a moment of silent prayer and/or reflection, and leads the flag salute. Mayor DeBari reads the Open Public Meeting Law and Mission Statements and points out the fire exits in the Council Chambers.

Councilwoman Subrizi made a motion to approve the minutes from the February 8, 2010 Work Session. The motion was seconded by Councilman Berner. All present in favor none opposed.

**PROCLAMATIONS: NEUROFIBROMATOSIS AWARENESS MONTH**

**APPOINTMENTS: TINA DE LUCIA – LIBRARY BOARD OF TRUSTEES  
ROBERT O’BRIEN – FIRE DEPT. CO. #1**

Councilwoman Duffie made a motion to appoint Tina DeLucia to the Library Board of Trustees. The motion was seconded by Councilman Bachmann. All present in favor none opposed.

Council President Putrino made a motion to appoint Robert O’Brien to Fire Company #1. The motion was seconded by Councilman Berner. All present in favor none opposed.

**PRESENTATION- SHAARON KLINGER**

Mrs. Klinger brought a poem written by Linda Ellis, entitled The Dash, to be read in honor of her late husband, Bill Klinger. Mrs. Klinger spoke of her wonderful life with Bill Klinger; she thanked everyone of New Milford for all they have done for her family throughout the years and especially in recent months.

**COUNCIL COMMITTEE REPORTS:**

**Councilman Arthur Zeilner**

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

Councilman Zeilner was unable to attend the Police Auxiliary meeting and therefore has nothing to report.

Councilman Zeilner was unable to attend the Environmental Commission meeting; he was able to report that the tree farm opened this week and there were no participants for the Arbor Day window contest.

Councilman Zeilner reported the DPW has been hard at work cleaning up after the recent storm activity.

Councilman Zeilner summarized the police calls for the previous month.

Mayor DeBari announced the Council approved \$10,000 for sidewalk repair from the storm damage.

**Councilman Keith Bachmann**

Ambulance Corps, Drug Alliance, Recreation

Councilman Bachmann attended the Recreation Commission meeting and stated softball’s opening day was April 18<sup>th</sup>; he was unable to attend their meeting on April 21<sup>st</sup>.

Councilman Bachmann was unable to attend the Drug Alliance meeting and therefore has nothing to report.

Councilman Bachmann attended the Ambulance Corps meeting on April 19<sup>th</sup>; he reported within the last 60 days the Ambulance Corps has signed six new members and one retired member had returned.

**Councilwoman Randi Duffie**

Library Board, Planning Board, Rent Leveling/Tenants Association

Councilwoman Duffie attended the Rent Leveling Board meeting on April 1<sup>st</sup> at which they discussed the ordinance and tenant complaints that have since been forwarded to the Health Department.

Councilwoman Duffie attended a meeting on April 8<sup>th</sup> in Oradell to discuss the fate of the Hackensack Water Pump Station; she noted it was very informative. She noted the County is moving forward with the plans to fix and reopen the Elm Street Bridge; to the chagrin of many Oradell residents.

Councilwoman Duffie noted the Planning Board will meet tomorrow to discuss the state mandated reexamination of the Master Plan.

Councilwoman Duffie attended the meeting of the Library Board on April 15<sup>th</sup>; she read the resolution provided by the Board of Trustees into the record. She reiterated for the public that the Board has asked the Mayor and Council to adopt a resolution to oppose the state budget cuts.

**Councilman Howard Berner**

Chamber of Commerce, Health & Human Services, Senior Advisory

Councilman Berner attended the Health Department meeting on April 7<sup>th</sup> and summarized the activity for the previous month. He noted they have left over grant money and will work with the Administrator to look for opportunities to use it.

Councilman Berner attended the Senior Advisory Board meeting on April 15<sup>th</sup> and they thanked the Borough for the new fence. He noted some topics discussed in the April lecture series and advised on the numerous upcoming events.

Councilman Berner advised the Chamber of Commerce had a networking event in conjunction with the Greater River Dell Chamber.

**Councilwoman Ann Subrizi**

Board of Education, Historic New Bridge Landing, Public Events

Councilwoman Subrizi attended the Public Events meeting on April 21<sup>st</sup> at which they discussed plans for the Memorial Day Parade. Anyone looking to become a member of the committee should see her or send a letter to the Borough Clerk.

Councilwoman Subrizi noted the Historic New Bridge Landing Park Commission is 95% complete on the saw shop removal; they are awaiting state certification. On May 19<sup>th</sup> and June 16<sup>th</sup> the Steuben House will have a school for historical interpretation. On May 23<sup>rd</sup> they will have the Pinksterfest, the historical celebration of spring; the next meeting will be May 5<sup>th</sup>.

Councilwoman Subrizi advised the school board budget was defeated by an unofficial vote of 946-919; three incumbents ran unopposed and will continue to serve. The Mayor and Council will review the budget and can either certify the budget as presented or reduce the amount via resolution by May 19<sup>th</sup>. She stated the Mayor and Council intend to make the best decision for all; they have a lot of work ahead of them. The Council scheduled tentative dates to meet; however they must be confirmed with the Board of Education.

**Council President Michael Putrino**

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

Council President Putrino attended the Historic Preservation meeting on April 13<sup>th</sup>; they discussed projects for 2010 such as documentation of historic farms which was begun by Bill Klinger and will be continued by his good friend Michael Perrone.

Council President Putrino reported the Fire Department has begun its 2010 recruitment drive. Fire Company #1 is planning a 5K Run fundraiser to be held in June. The next meeting is scheduled for May 17<sup>th</sup>.

Council President Putrino reported the Shade Tree Commission is finalizing specs for the federal business stimulus grant. The Commission held an Arbor Day celebration and gave out seedlings. The Girl Scouts cleaned out the Diane Cardinale Tree Farm, which is now open for business.

Council President Putrino summarized the Garbage and Recycling activity for the previous month.

**Mayor Frank DeBari**

Community Development

Mayor DeBari advised once the meetings between the Board of Education and the Mayor and Council are confirmed, they will be posted on the Borough website and will be held at the Board of Education offices.

Mayor DeBari advised the Council began its review of the draft Recreation Ordinance however it will be held for further discussion at the May 10<sup>th</sup> Work Session meeting.

**OLD BUSINESS:**

**ADOPT ORDINANCE #2010:07**

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY AND NEW COMMUNICATION AND SIGNAL SYSTEMS.EQUIPMENT IN, BY AND FOR THE BOROUGH OF NEW MILFORD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$625,000 TO PAY THE COST THEREOF, 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.

Councilman Bachmann made a motion to open to the public for comment on the adoption of this ordinance. Councilwoman Subrizi seconded the motion. All present in favor, none opposed.

The record reflects that no member of the public wished to comment on this ordinance.

Councilman Bachmann made a motion to close to the public. Councilwoman Duffie seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

Councilman Bachmann made a motion to adopt this ordinance on its second and final reading. Councilwoman Duffie seconded the motion. The motion passed on a roll call. All present in favor, none opposed.

## **NEW BUSINESS:**

### **INTRODUCE ORDINANCE #2010:09**

AN ORDINANCE TO AMEND CHAPTER XVIII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "STREETS AND SIDEWALKS" THEREBY AMENDING SUBSECTION 18-4.6 ENTITLED "CONSTRUCTION OF DRIVEWAYS"

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

Councilwoman Subrizi clarified the maximum driveway widths and percentages. Mayor DeBari read the ordinance aloud for even further clarification.

The ordinance will be published in the Record and a public hearing will be held on May 24, 2010 at 8:30 PM.

## **RESOLUTIONS:**

- 2010:113 Closed Session
- 2010:114 Payment of Bills and Vouchers
- 2010:115 Designate \$1,120,040 Bond Anticipation Note, dated April 19, 2010, payable April 19, 2011 as a Qualified Tax Exempt Obligation
- 2010:116 Approve amendment of Borough of New Milford Personnel Policies and Procedures Manual
- 2010:117 Approve amendments to 2010 Temporary Budget
- 2010:118 Approve Raffle License for Tomorrows Children's Fund on-premise 50/50 for June 19, 2010
- 2010:119 Approve Raffle License for VFW Post #4290 for Games and Wheels for August 25, 2010-August 28, 2010.



## COMMENTS FROM THE PUBLIC

Council President Putrino made a motion to open the meeting to the public. The motion was seconded by Councilman Bachmann.

Peggy Saslow, 278 Ridge Street came forward to address the Council. Ms. Saslow thanked the Borough for paving the pothole in front 282 Ridge Street; due to the running water eroding the street. Ms. Saslow noted 284 Ridge Street looks like an ant because 286 Ridge Street is as big as the Taj Mahal. She cannot believe the building recently framed is within code; she pleaded for the Council to come and view the structure.

Hubert Klein, 367 Leonard Drive came forward to address the Council. Mr. Klein referred to the draft Recreation Ordinance and asked for an explanation of the term reorganization. Mayor DeBari explained the Commission will be restructured into a Department; thereby changing to whom the Recreation Director reports to as well as the powers and duties of the Department and Director. Mr. Klein asked what the main benefit would be. Mayor DeBari noted the Director would report to the Administrator, as is done with every other Department. Mr. Klein asked if the draft is available for public inspection; Mr. Moscaritolo noted not at this time, it is a work product. Councilman Bachmann noted if the draft becomes an ordinance, the Mayor and Council would appoint the Director rather than the sports people. Mr. Klein asked if it is the intention of the Mayor and Council to replace the current Director and will the position be full or part time. Mayor DeBari stated anyone can send in an application and the position will be part time with no benefits.

Joan McCann, 217 McKinley Avenue came forward to address the Council. Ms. McCann referenced the defeated school budget, and asked the Council to be kind to the kids of New Milford. Councilwoman Subrizi showed those present what was supplied to the Council this past Friday; there is a lot of information to review. Councilwoman Subrizi stated the Council and the Board of Education will do their best for the kids, the town and the taxpayers. Councilwoman Subrizi noted the school budget as proposed would have a \$282 increase to an average home, 29 full time positions becoming part time and 18 positions cut, prior to the Mayor and Council's review.

Paige Ryan, 226 West Street came forward to address the Council. Ms. Ryan noted the parents feel the budget cannot go any lower than the current bottom dollar amount. She noted everyone is concerned about the teachers; however there are other concerns as well that affect the kids i.e. special programs such as art and music. Please keep in mind that classrooms and books are not all the children need.

Jose Camacho, 265 Eagle Avenue came forward to address the Council. Mr. Camacho noted the way the proposal was laid out on the ballot, did not include the bottom line on how it would affect the average homeowner. If it stated the average homeowner could see an increase of \$282 rather than a total of \$27 million, voters may have been more inclined to pass the budget. Mayor DeBari explained the \$282 increase is only for the school portion of the taxes; residents must take into consideration the municipal and county taxes as well.

Alicia McMahan, 1095 Steuben Avenue came forward to address the Council. Ms. McMahan noted it is unfair to ask teachers to pay into their insurance and agree to a pay freeze all at one

time; it should be done little by little. Losing 18 school staff members is terrifying. She implored the Mayor and Council to certify the budget as presented.

Nick D'Amelio, 349 Trench Drive came forward to address the Council. Mr. D'Amelio believes in education and has grandchildren in the system. He was confused by the budget numbers quoted in the newspapers; further noting those numbers add up to 8% a year for seniors. The budget was not defeated by much; the school election should be held the same day as the general election in November. To those on a fixed budget, \$500-\$1,000 increase is not just coffee money as noted earlier by another member of the public. The residents are paying over \$250,000 for three positions in the New Milford school system; this fact needs to be reviewed in order to be fair. Putting more money into a school system does not make it better if it is not spent properly for instructional time. Mr. D'Amelio questioned if the upcoming meetings will be open to the public for comment; Mayor DeBari answered affirmatively.

Councilwoman Subrizi noted the school budget was made public by the Board of Education. She noted the Board of Education is not bipartisan; moving to the general election may not be fair, the primary election may be a more viable option.

Mayor DeBari noted the Board of Education had two meetings; the first had a large turnout, the second did not. The Board of Education was disheartened that more people did not come out for their budget presentation.

Jill Roma, 217 Cleveland Avenue came forward to address the Council. Ms. Rom read a prepared statement; highlighting that no child deserves less.

Joanne Prisendorf, 317 River Road came forward to address the Council. Ms. Prisendorf noted we are all homeowners and what makes a town great is a fabulous school district; the Council should leave the budget as is.

Mark Flores, 150 N. Carlton Place came forward to address the Council. Mr. Flores is concerned about the school system. As a parent he understands both sides of the spectrum, noting concern for senior citizens that can no longer afford to live in a town they lived in their entire lives. The greatest investment we have in our home is our school system if we let that go south, property values will go as well. Mr. Flores noted the State has never been our friend; they view Bergen County residents as rich. The \$1.5 million cut is an outrage; our children need services as well. He noted the State should stop paying politics with our kids.

Mayor DeBari noted the Borough receives funding via the census numbers; therefore he hopes everyone filled the form out.

Councilwoman Subrizi summarized the reductions in the defeated school budget.

Rolondo Monserrat, 338 Luhmann Drive came forward to address the Council. Mr. Monserrat is a teacher in a district whose budget was defeated, and he has two children in the New Milford school district. He appealed to the Council to pass the budget as proposed; otherwise it will adversely affect class size and standardized test scores, ultimately affecting property values.

Phil Follety, 308 Monmouth Avenue came forward to address the Council. Mr. Follety has two children in the high school and is pleased with the professionalism of the teachers and the Board of Education; however the teacher's union is a monopoly. He has not received a raise in three years and contributes 8% to his healthcare. It is tough to live in New Jersey as a middle class taxpayer. Mr. Follety respects that Governor Christie is doing what needs to be done to help the state.

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

Mayor DeBari introduced the Borough's new Court Attendant, Virginia Lamenen.

### **VOTE ON RESOLUTIONS**

Councilman Bachmann made a motion to approve the consent agenda. The motion was seconded by Councilwoman Subrizi. All present in favor none opposed.

### **ADJOURNMENT**

Councilman Bachmann made a motion to adjourn. Councilman Berner seconded the motion. All present in favor, none opposed. Time 10:31 PM.

Respectfully submitted,



Colleen Naumov  
Deputy Borough Clerk