

July 28, 2008

MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
OPEN SESSION immediately following
8:30 PM PUBLIC MEETING
Monday, April 28, 2008

Councilman Arthur Zeilner	Present
Councilman Keith Bachmann	Present
Councilman Joseph Murray	Present (arrived 7:10)
Council President Tina DeLucia	Present
Councilwoman Ann Subrizi	Present
Councilman Michael Putrino	Present
Mayor Frank DeBari	Present

Mayor DeBari reads the Open Public Meeting and Mission Statements.

Closed Session:

The record reflects that there was no discussion in closed session.

Open Session:

1. Fire Official

The Administrator recommended Alan Silverman be permanently appointed to the position of Fire Sub-Code Official. Councilman Putrino asked for the compensation for the position. He was advised that all of the sub-code officials are compensated at a rate of \$8,500 annually.

2. Website

The Administrator announced that the website was ready to go "live" as of May 1st and asked for any last comments and/or suggestions from the Council.

3. Administrator's Report

The Administrator reported that she had confirmed with the Borough Auditor that the COAH work discussed with the Planner at the last meeting can indeed be financed over five years as it is an element of the Master Plan.

Regarding the Tax Anticipation Note memorialized at the last meeting, the Administrator reported that the amount of the TAN was comprised of: Police Buyouts at \$413,000; a JIF payment of \$125,000; the School Board payment of \$640,000; Pensions in the amount of \$885,000; in addition to three payrolls that would be due prior to the start of next tax quarter.

Councilwoman Subrizi and Councilman Bachmann questioned the timing of the notice to the Council on the need for the TAN. Councilman Bachmann stated his belief that someone had to have been consulted and agreed to the TAN in order for the sale to have been planned. He further stated that he did not think that the decision should have

been made without the Council. Councilwoman DeLucia stated that the Council has hired executives and that they need to give them the leeway to do their jobs noting that if the CFO and Administrator have determined that a TAN sale is necessary for the Borough to meet its obligations she believes that the Council should rely on their recommendation.

The Administrator confirmed that the Council received the State's decision to accept a fine in lieu of suspension for Shukla & Sons, DBA New Milford Liquors. She advised that if the Council wished to impose any special conditions on the license, the best time to do so is at the time of renewal. There were no requests for special conditions to be imposed.

The Administrator reported that the Tax Assessor had asked if she could accept a free piece of office furniture, the only cost to the Borough would be in transporting it. The Council decided that they did not wish to incur the liability of moving the furniture.

The letter from Congressman Scott Garrett, requesting an opportunity to meet with constituents on a monthly basis, was discussed. The Council agreed that it would be valuable for residents and further agreed that it should be located at the Library. The Administrator will contact the Library Director to ask for her cooperation.

The Administrator asked if the Council wished to acknowledge the Cub Scout Troop that recently completed a clean-up of Warren Street Park. The Council agreed that certificates should be presented at the next public meeting.

The Administrator reported on the review of the gas usage and fleet inventory. She stated that the DPW Secretary was in the process of completing an inventory of all of the gas keys and expected to have all of the keys identified shortly. It was also reported that the system can only accommodate a limited amount of information, so a six month history would not be possible. A summary of the usage for the last two weeks was provided instead. Councilwoman Subrizi stated that her goal in asking for the information was to identify any abuses because she has seen New Milford vehicles being used privately. She stated that she wants to be sure that town vehicles and town gas are only being used for town purposes. The Administrator asked if Councilwoman Subrizi could identify anyone specifically that is using a car for their own personal use. She said that she could but preferred to do it in closed session because it involved personnel.

The Administrator reported that the Borough engineer believed that verifying the height calculations of a private engineer on new construction could present a conflict. The Borough engineer also stated that it is not done in any of the other towns that they represent. Councilwoman Subrizi reviewed the example of a sealed as-built and asked what would be the purpose of the Borough getting someone else to do it as well. Councilman Zeilner stated that there would be no conflict because we would be eliminating the other engineer and having the Borough engineer to do it instead. The Council asked to have the Borough engineer attend the next meeting to explain her comments.

The Administrator referenced the memo from the Electrical Subcode Official, noting that temporary electric is not required during construction by the State. The Subcode Official additionally stated that he would not recommend it, as current codes are being enforced efficiently and that homeowners and contractors continue to operate safely. Councilman Zeilner asked if the Borough can require temporary electric even if the state does not, stating his belief that there are safety concerns. Councilman Bachmann stated his agreement with Councilman Zeilner. The Mayor suggested that we check with the League of Municipalities to see if anything exists regarding temporary electric and water.

The Administrator reported that the remainder of the Boulevard would be milled and paved the following week, weather permitting. She further reported that the DOT approved the Borough's request to change the parameters of Section 4 to Fulton Avenue to the Oradell border.

The Administrator reported that work has begun on the three phase drainage project on Webster and Trench noting that the field work, specifically the base map, is complete and it has been determined that the first phase will not effect or be effected by the Hirschfield Brook Flood Mitigation. Plans and bid documents will be prepared for the first phase.

Councilwoman Subrizi asked about the construction on Knierim Place noting that the portion of the Hirschfield Brook that used to run behind the property by Gibbs School, appears to be gone. She asked to have the engineer check on it and comment.

The Administrator clarified that Policies and Procedures would apply to volunteers specifically with regard to the items of harassment, discrimination, no tolerance, whistle blowing and the complaint procedure. She noted that it was primarily for volunteer services such as fire, ambulance, and police auxiliary and that it would not be distributed to committee volunteers.

The Administrator reported that she had received confirmation from the Record reporter that a correction would be forthcoming regarding the vote on the cap waiver.

Councilman Bachman stated that he contacted two municipal planners regarding the previous meeting's COAH discussion. He reported that both planners felt that it was unnecessary to act at this time, on the new COAH regulations since they will not be promulgated until June and will more than likely be appealed. He further reported that he received estimates ranging from \$10,000 to \$18,000 for the work proposed by the Borough Planner.

The Borough Attorney explained that we have submitted Round 1 and 2 with our Round 3, which has not been approved. This means that we do not have an approved plan and we would not be immunized against a builder's remedy suit. He further explained that municipalities with approved Round 1 and 2 plans are "grandfathered" and would be protected while their 3rd Round applications are considered.

Councilman Bachmann asked why we are not soliciting bids when there are other planners willing to do the job for less. Council President DeLucia responded that she is

not convinced that they have enough information to make their estimates accurate and that there is a learning curve to picking the job up in the middle.

It was additionally noted that the Borough has appointed Kauker & Kauker as the Borough Planner and that his estimate was introduced as a worst case scenario.

The Council agreed that this resolution would be pulled out for a separate vote.

Councilwoman Subrizi asked if the River Edge resolution on New Bridge Landing could be adapted as a New Milford resolution. The Council agreed. It will be prepared for the next meeting.

Councilman Putrino stated that Fire Marshall Alan Silverman had received a request to place clothing bins to benefit the New Jersey/New York Fireman's Association. Councilman Bachmann stated that the D.A.R.E.'s request was tabled and they are a New Milford organization. He stated that he had no problem with a bin being placed for the NJ/NY Fireman's Association but that they should not get precedence over the D.A.R.E. The Administrator will ask the DPW to inventory the collection bins in town and identify where they are currently located.

Councilman Putrino reported that the Fire Department 5K Run has been put on hold until next Spring.

Councilman Putrino referenced the letter received, from the Historic Preservation Commission, regarding the River Walk. He stated that he will be reading it into the record during the public portion of the meeting.

**Mayor and Council
8:30 PM Public Session**

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 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 Statement and pointed out the fire exits in the Council Chambers.

The minutes from the January 14th and February 12th Work Sessions were approved on a motion from Councilwoman Subrizi. The motion was seconded by Councilman Putrino. All present in favor, none opposed.

**PROCLAMATION: AUTISM AWARENESS MONTH
 MOTORCYCLE AWARENESS MONTH**

CORRESPONDENCE:

A letter from Shaaron and Bill Klinger, regarding the Borough's recent purchase of their farm's development rights, was read into the record.

A letter from the VFW, inviting all interested parties to Loyalty Day on May 4th at 1:00 p.m., was read into the record.

A letter from the Borough Auditor, regarding the recent defeat of the cap waiver ordinance and its effect on the 2008 budget, was read into the record.

The Mayor made a statement regarding the defeat of the cap waiver. Councilman Bachmann asked to be informed as to when he could be heard on the matter.

**PRESENTATION: RIVER WALK – CTY EXECUTIVE REPRESENTATIVES
 Brian Hague – Chief of Staff
 Kevin Funabashi – Asst. County Counsel – Parks
 John Biale – Construction Manager - Parks**

The Mayor announced that the County was present to make a second presentation on the proposed walkway and to take comments from the public. He introduced John Biale, Brian Hague and Kevin Funabashi.

Mr. Biale stated that he was here to share with the public, the County's vision for the Hackensack River Pathway. The vision is to create a very unobtrusive pathway while being as sensitive to the surrounding area as possible. He stated that it is intended to be a passive recreation walkway through the Borough that would go from the Oradell Waterworks all the way south to Little Ferry. He stated that the Hackensack River is the most underutilized main river in the metropolitan area.

Mr. Biale said that the first mile of the walkway has been completed and spans from Johnson Park in Hackensack to the south side of the Route 4 Bridge. He stated that the next phase would take the path underneath the Route 4 Bridge to the back of Riverside Square. He stated that the entire build has been and will continue to be built under the supervision of the Department of Environmental Protection. He said that the New Milford portion would not be built until approximately 2010.

Mr. Biale said that he hoped to form a committee to work with the County to relay concerns so that they can be considered in incorporating the plan. He said that the County had no plans to push something on the town that they do not want. He added the walkway would be 10' wide not 22' as had been rumored and would follow the natural path along the river. He stated that trees would not be removed and that if it was necessary to remove a tree, two would be replanted in its place.

Mr. Biale said that the walkway would serve as a buffer preventing future development and would provide the river with an opportunity to clean itself because people will not dump over the pathway. He said that it will be a lit walkway and that the more it is used the safer it will become. Maps were passed out to the audience. Brian Hague commented on the County Executive's vision to work with everyone concerned.

Bill Sheehan, the Hackensack Riverkeeper, came forward and commented on the importance of projects like this noting that once people come to the water's edge they would take ownership of it. He stated his belief that the river would become fishable and swimmable and expressed his support.

Mr. Sal Trolongo, 627 Columbia Street, came forward to speak. Mr. Trolongo commented on the issues of public domain through private property, lighting, flooding, and the cost to the taxpayers, first to build and then to repair in the event of future flooding.

Mr. Howard Berner, 145 North Terrace Place, came forward to speak. Mr. Berner commented on the issues of littering, police protection, and emergency services access to the walkway and the corresponding cost to the taxpayers.

Ms. Jackie Olsen, 107 Arlington Road, came forward to speak. Ms. Olsen commented on the river's current accessibility stating that a walkway and lights are not necessary to enjoy the river.

Mr. Victor Verdaio, 551 Columbia Street, came forward to speak. Mr. Verdaio commented on the issues of increased traffic, crime and police protection, stating that the decision should be made by the people who will be most affected.

Elizabeth Moscaritolo, 196 Madison Avenue, came forward to speak. Ms. Moscaritolo spoke in favor of the walkway as an avid runner and resident of the town.

Ulysses Cabrera, 659 Columbia Street, came forward to speak. Mr. Cabrera commented on the level of debris already existing and the town's lack of effort to clean up the woods that lead to the river. He commented on the need to pave Columbia Street.

Mr. Eric Martindale came forward to speak. Mr. Martindale stated that he is not a resident of New Milford but a friend of the Riverkeeper and a longtime environmentalist. He stated that he worked on the pathway project in 1993. He spoke on the history of the project and stated that he feels the project should move forward in a way that is sensitive to the environment and the residents of New Milford. Mr. Martindale clarified that he was not appearing on behalf of any group but that he had served on an advisory committee of the county in 1993.

Mr. Rodney Beckford, 1081, Linwood Avenue, came forward to speak. Mr. Beckford commented on the litter, lighting, quality of life, and the effects of the walkway on wildlife.

Mr. Ron Grossinger, 679 Mabie Street, came forward to speak. Mr. Grossinger commented on the benefit of bike riding to the environment and added that the walkway would help to stop development.

Ms. Maryann Tolongo, 627 Columbia Street, came forward to speak. Ms. Trolongo stated that it is an ugly river and questioned the ongoing upkeep to an area that is currently not maintained, noting the silt and the shopping carts that are part of the river.

Mr. Biale reiterated the County's desire to obtain resident feedback and input, noting that the project is in the planning phase.

Ms. Trolongo noted that the area is flood prone and asked if any consideration was given to alleviating the flooding prior to constructing the walkway.

Councilwoman Subrizi asked for a description of stone dust and asked if it would withstand a flood. Mr. Biale stated that it is crushed stone that is compacted and is almost as solid as concrete. He noted that it is porous and will not get washed away by flooding.

Mr. Art Ledowski, 826 Berkley Street, came forward to speak. Mr. Ledowski commented on the liability associated with the walkway and asked who would be responsible. He was advised that county property would be a county liability.

Mr. Trolongo stated that the project is ill conceived plan without basis to make a decision. He said that no one could be convinced that it would not exacerbate the flooding and suggested the County return with a solid proposal.

Council President DeLucia asked that the blue and green lines, depicted through the New Milford Woods on the map, be identified. She was advised that the green line is the walkway and that the blue lines represent future scenic loops. She stated that the area was deed restricted for passive recreation only.

Mr. Rick Mide, 660 Columbia Street, came forward to speak. Mr. Mide spoke very emotionally about the effects of flooding in the area and stated that the walkway will only serve to exacerbate the situation.

Mr. Alan McAllister, 1139 Steuben Avenue, came forward to speak. Mr. McAlister asked how the plan proposes to get past New Bridge Road. He also commented on the liability noting that Steuben Avenue goes through his property according to his deed, so the walkway would go through his property as well.

Mr. Biale responded that the engineering has not been done for this part of the project, it is just a proposal and that they came for resident input.

Mr. Karl Schaffenberger, 173 North Park Drive, came forward to speak. Mr. Schaffenberger referenced a number of points from Mr. Biale's presentation. He identified himself as a member of the Environmental Commission for the past twenty years and stated that the Commission has always been vehemently opposed to the walkway. He stated that he does not live in a flood zone but that he was flooded both during Floyd and the April Nor'easter because the river is being encroached upon.

Mr. Hague acknowledged the sentiment of the residents but asked to continue the discussion so that both the County and the town can come to a consensus, recognizing that the consensus may be to not proceed with the walkway.

Mr. Verdaio asked where the Council stands on the walkway.

Councilwoman Subrizi stated that she is against the walkway.

Councilman Bachmann stated that he is against the walkway.

Mr. Verdaio suggested that the County dredge the River to garner support for the project. He was advised that it is not up to the County; it is up to the Federal Government, the Army Corps of Engineers, to dredge the river.

Mr. Bob Leonard, 178 Trotta Drive, came forward to speak. Mr. Leonard commented that according to the map, 90% of the walkway is not on the River and questioned why it is being called a "river walk."

Ms. Trolongo asked the County representatives to visit her house on Columbia Street, to see the area being discussed.

Ms. Marlene Casey, 618 River Road, came forward to speak. Ms. Casey identified herself as a resident of New Milford and stated her resentment of people from out of town expressing their opinions on the project. As a representative of the Historic Commission she stated the commission's vehement opposition to the project stating that according to archeological surveys the river may be eligible to be placed on the National Register of historic sites. She said that the project will be stopped because state, federal and county funds cannot be used to infringe upon a historical site. She also commented on the extent of flooding in the area during the last two floods, noting that the area was under fifteen feet of water.

Mr. Biale assured the audience that the Historical and Cultural Division is part of the Bergen County Parks Division and that all of the necessary paperwork was completed during phase one and they would continue to work with the Historical and Cultural Division as the project progresses.

Councilman Putrino read a letter from the Historic Commission, opposing the walkway, into the record. A copy of the letter was provided to the County representatives.

Ms. Diane Cardinali, 191 River Lane, came forward to speak. Ms. Cardinali identified herself as part of the group that helped to preserve the Alfis property noting the promise that it was to remain a nature reserve. Ms. Cardinali commented on the cutting of trees, the lighting, flooding, and the potential for littering, loitering, and drug use.

Mr. Scott Gifford, 654 Columbia Street, came forward to speak. Mr. Gifford commented that he would welcome anything that would alleviate the flooding and this project does not seem to do that. Mr. Gifford expressed concern over potential criminal activity, increased traffic, parking problems, and littering.

Ms. Mary Ann Krasnow, 579 Columbia Street, came forward to speak. Ms. Krasnow said that the north part of Columbia Avenue is used as a cut-through by speeding motorists looking to avoid the traffic light at River Edge Avenue and River Road. She stated that a bike path would be extremely dangerous. She urged the County to do whatever they can to help prevent the homes on Columbia Street from being flooded ever again and stated that this project will not help.

Mr. Schaffenberger stated that he appreciated Mr. Leonard's comments, noting that most of the walkway is not on the river.

Mr. Cabrera commented on the volunteer effort and questioned why the DPW is not cleaning the woods at the dead end of Columbia Street. Councilman Zeilner will contact the DPW. Mr. Cabrera commented that in addition to needing to be paved there are no handicap ramps on Columbia Street. He also commented on the walkway's effect on resale of the homes in the area.

Ms. Josie McKeown, 184 Trotta Drive, came forward to speak. Ms. McKeown commented on the effects of flooding and the buffer zone behind the properties on Trotta Drive. Ms. McKeown commenting on the State of New Jersey's fiscal shortfalls, questioned how money was available for this project, and suggested that extra money should be given back to homeowners to reduce taxes.

Mr. Steven Calandra, 1052 Roosevelt Avenue, came forward to speak. Mr. Calandra stated that he was also representing the Pezzuto's of 1041 Steuben Avenue. Mr. Calandra commented on the filth of the river, stating that it needs to be dredged and that the County should work on cleaning the river before spending money to beautify the edges.

Mr. Verdaio stated that he too was concerned with safety.

Mr. Lawrence Delaney, 1105 Steuben Avenue, came forward to speak. Mr. Delaney asked to clarify who would be responsible for cleanup in the area noting that the County representative said that it would be the County's property not the County's problem.

Ms. Susan Cooperman, 1135 Steuben Avenue, came forward to speak. Ms. Cooperman stated that she bought her home because she loved the area, the road, the trees, and the animals. She stated that she was told that Steuben Avenue could not be paved. She questioned how she will have access to her house if the river walk is in her front yard. She questioned why, if everyone is saying they don't want it, there should be any further discussion.

Ms. Hilda Devlin, 551 Columbia Street, came forward to speak. Ms. Devlin stated that she shares the same sentiments as everyone at the meeting and stated that she is against the river walk.

Ms. Margaret Willem, 1125 Steuben Avenue, came forward to speak. Ms. Willem asked how it would be possible to build the river walk through private property. Ms. Willem stated her opposition to the project.

Mr. Mide asked for the Mayor's opinion of the project as a resident of New Milford.

Ms. Moscaritolo stated that not everyone opposes the walkway and suggested that those that are opposed reframe their reference from drug dealers to kids on bikes, noting that it could be a great place for kids to play.

Mr. Edward Vargas, 674 Columbia Street, came forward to speak. Mr. Vargas stated that he chose to live on a dead end street which is now going to be opened up to cars and/or bike traffic.

Ms. Casey asked for the County representatives to take a message back to the County Executive. She stated that this project stems from a federal earmark which came from a federal transportation bill, which came from a Congressman asking for a specific project. She stated that a Congressman can change a federal earmark. She suggested that the eight million dollars slated for this project be transferred to New Milford's flood control project which will cost three million dollars.

Ms. Amelia Melarchek, 650 Columbia Street, came forward to speak. Ms. Melarchek commented that she is still recovering from the effects of the last flood.

Ms. Dolores Weisenbach, Washington Avenue, came forward to speak. Ms. Weisenbach stated that she lives at the other end New Milford near the water company. Ms. Weisenbach stated that she and her neighbors are opposed to the walkway and they do not want anyone walking through their backyards.

Mr. Hague made some closing remarks stating that the County does not want to proceed without the town's consent.

Mr. Biale thanked the residents for listening and assured them that their comments were heard and will be taken back to County.

Mike Kilmurray, 641 Columbia Street, came forward to speak. Mr. Kilmurray stated that of the approximate 9,000 voters in New Milford, only 200 came out to comment. He suggested that the 9,000 voters would need to speak out against the walkway in order for the comments to really be heard.

Ms. Cardinali stated that while flooding is an important issue, wildlife preservation and personal privacy should also be considered priorities.

Councilman Zeilner stated his opposition to the walkway.

Council President DeLucia stated that she is not in favor of the walkway and is particularly concerned about the New Milford Woods, stating that even if they try to proceed they may fail legally.

Councilwoman Subrizi stated that she already stated her position as being totally against the walkway. Councilwoman Subrizi then encouraged everyone to attend the Pinksterfest on May 18th at New Bridge Landing.

Councilman Putrino stated that river walks can be a great thing in the right place. He further stated that he does not believe that New Milford is the right place. He referenced historic and

environmental concerns and the costs associated with the DPW and Police to maintain the walkway. He then stated that he is against the walkway.

Councilman Bachmann asked to address the Mayor's comments with regard to the auditor's letter. He stated that they (the audience) elected him to vote the way that he thought that he should.

Councilwoman Subrizi commented on the statement as well, clarifying what she said at the time of the vote.

COUNCIL COMMITTEE REPORTS:

The Council agreed to forego Council Committee Reports.

OLD BUSINESS:

ADOPT 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.

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

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

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

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

ADOPT 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 Zeilner made a motion to open to the public for comment on the adoption of this ordinance. Council President DeLucia 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 Zeilner made a motion to close to the public. Councilman Bachmann seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

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

NEW BUSINESS:

INTRODUCE ORDINANCE 2008:05

AN ORDINANCE TO AMEND CHAPTER VII OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "TRAFFIC," THEREBY AMENDING SECTION 7-9 ENTITLED "BUS STOPS"

Councilman Zeilner made a motion to introduce and approve this ordinance on its first reading. Councilman Bachmann 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 May 29, 2008 at 8:30 PM.

INTRODUCE ORDINANCE 2008:06

AN ORDINANCE TO AMEND CHAPTER XXX OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "LAND USE REGULATIONS," THEREBY AMENDING SECTIONS 30.2 ENTITLED "DEFINITIONS AND WORD USAGE" AND 30-21.6 ENTITLED "HEIGHT"

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 May 29, 2008 at 8:30 PM.

RESOLUTIONS:

The Mayor announced that resolution #2008:115 would be pulled from the consent agenda for a separate vote.

- 2008:113 Closed Session
- 2008:114 Payment of Bills and Vouchers
- 2008:115 Authorize Kauker and Kauker LLC to revise COAH application
- 2008:116 Appoint Fire Official – Alan Silverman
- 2008:117 Authorize Change Order #1 for Hardcastle Pond Improvements

2008:118 Appoint Deputy Clerk to assist Administrator in implementing personnel practices
2008:119 Adopt revised Policies and Procedures Manual and Supervisory Supplement

COMMENTS FROM THE PUBLIC

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

Ms. Randie Duffie, 120 California Avenue, came forward to address the Council. Ms. Duffie stated that both Councilwoman Subrizi and Councilman Bachmann seemed surprised by the effect that their vote had on the cap waiver ordinance. She asked what cuts Councilwoman Subrizi and Councilman Bachmann were proposing.

Councilwoman Subrizi stated that she did know the ramifications of the vote and that given the opportunity, she would vote the same way. She said that she had some ideas for cuts but that she would not share them publicly until they could be discussed with the council.

Councilman Bachmann expressed surprise at Ms. Duffie's ability to know what he was thinking.

Ms. Duffie stated that she observed his response.

Council President DeLucia stated that defeating the cap waiver prevents the Council from using surplus and that it is not just a matter of simply raising or cutting taxes.

Councilman Putrino stated that he did not feel that it was appropriate to say that voting for the cap waiver was voting to raise taxes because in the event of an emergency we will be unable to finance it.

Ms. Weisenbach asked why the Borough did not participate in the state plan for health benefits. She was advised that the Borough's Risk Manager reviews the insurance options annually and that the Borough participates in the one that is the most advantageous.

Mr. Ira Grotzky, 180 Trotta Drive, came forward to address the Council. Mr. Grotzky stated that although he applauds the efforts of Councilman Bachmann and Councilwoman Subrizi in wanting to reduce taxes, he feels that it was an injustice to not vote for the cap waiver because if an emergency arises we will not be able to get additional money.

Councilman Bachmann stated that he was elected to make the decisions that he believes are right.

Councilman Zeilner stated that voting against the cap is not going to lower taxes; taxes are still going to increase. He added that the entire Council voted to introduce the budget including the funds provided for with the cap waiver and now, two weeks later, the Council is no longer in agreement.

Councilman Bachmann stated that what was agreed to was that the Council would hold each department to what was spent in 2007 and that the numbers in the introduced budget are not actual 2007 expenditures.

Council President DeLucia stated that 2007 spending levels would not account for contractual increases in salaries or health benefits. She reiterated that when the budget was introduced at a level supported by the adoption of the cap waiver, it was introduced unanimously by the Council. She further stated by not adopting the cap waiver the introduced budget was now illegal.

Ms. Marilyn Bachmann addressed the Council. She referenced a quote in the newspaper stating that Recreation and Senior Services would be cut. She asked why each department would not be cut.

Ms. Bachmann was advised that each department will be reviewed and that cuts were possible throughout each department.

Mr. Gus Bachmann addressed the Council. He asked if it was the professional's responsibility to foresee any problems and advise the Council on the vote required.

Councilman Putrino stated that the number of votes required was not relevant because Councilwoman Subrizi and Councilman Bachmann have stated that regardless of the number of votes required they would vote the same way.

Mr. Bachmann suggested that had Councilman Putrino known the number of votes required perhaps he would not have left the meeting to attend a funeral.

Councilman Putrino responded that as the budget was introduced unanimously he had no reason to believe that the cap waiver ordinance would be defeated.

The Clerk added that we do not ever discuss the number of votes required for anything that goes before the Council. She added that had the question been asked at the time of the vote it would have been answered but that it was never asked.

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

Council President DeLucia made a motion to approve resolutions #2008:113, #2008:114, and #2008:116 through #2008:119. Councilman Bachmann seconded the motion. All present in favor, none opposed.

Council President DeLucia made a motion to approve resolution #2008:115. Councilman Putrino seconded the motion.

The motion passed on a roll call vote as follows:
For the motion: Zeilner, DeLucia, Subrizi, Putrino
Against the motion: Bachmann
Abstain: Murray

Councilman Bachmann stated that he voted against the motion for the reasons expressed upstairs earlier, specifically that two other professionals, with significantly lower estimates, recommended that the Borough hold off on performing the work.

Prior to casting her vote Council President DeLucia asked if Councilman Bachmann had obtained written quotes and if they included the scope of the work. Councilman Bachmann responded that the quotes were not in writing and did not include the scope of the work. Council President DeLucia stated that she did not believe that Councilman Bachmann had a full understanding of the background of the town's COAH obligation, and that she did not believe the professionals that he spoke to could have a full understanding of the scope of the work involved. She stated that Mr. Kauker has been the Borough's planner for a number of years and knows the history.

Prior to casting her vote Councilwoman Subrizi stated that in fact it may cost less than \$25,000 as the resolution states "at a cost not to exceed \$25,000." She added that she has faith in Mr. Kauker's ability and knowledge of the Borough's COAH history.

Prior to casting his vote Councilman Putrino stated that he wished to echo Councilwoman Subrizi's comments adding that Mr. Kauker's knowledge of New Milford is very important.

ADJOURNMENT

Councilman Murray made a motion to adjourn. Councilman Bachmann seconded the motion. All present in favor, none opposed. Time 11:46 PM.

Respectfully submitted,



Christine Demiris
Borough Clerk