

MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
Tuesday, May 11, 2010



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

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

Mayor DeBari read the Open Public Meeting and Mission Statements.

Council President Putrino made a motion to go into closed session. Councilman Berner seconded the motion. All present in favor, none opposed.

CLOSED SESSION:

1. PBA Grievance
2. Review of Closed Session Minutes – February 8, 2010

At the conclusion of the closed session Councilman Zeilner made a motion to go into open session. Councilman Berner seconded the motion. All present in favor, none opposed.

Councilman Bachmann made a motion to reconvene in the Council Chambers. Councilwoman Duffie seconded the motion. All present in favor none opposed.

OPEN SESSION:

1. 2010 Municipal Budget – Police/DPW

The Finance Committee and the Administrator discussed the itemized O/E and salary lines in the introduced budget for the Police Department.

Council President Putrino noted the Finance Committee cannot continue until a decision is made on the four unknowns in the Police salary line. He noted the largest number would be hiring new officers. Chief Papapietro stated there is a need to replace five officers that have retired; which is the main reason for overtime and compensatory time issues. Chief Papapietro noted there is a need for promotions to replace ranks; to serve as a method of upward mobility. Promotions would be months away as he would need to announce the test and provide for preparation time. Chief Papapietro noted the testing fee for all ranks is \$10,000 and an additional \$2,500 to begin the accreditation process.

Councilman Zeilner questioned if one of the School Resource Officers will be returning to the ranks full time; Chief Papapietro noted that is not official at this time. Mayor DeBari noted the Board of Education has requested the Borough pick up the full salary of

the SRO, rather than half. Chief Papapietro advised the position can be made a regular assignment, however the department cannot continue to lose on the bottom. Mayor DeBari questioned which SRO had the most affect on the children, the Middle or High School. Chief Papapietro responded both do, however on different levels. To lose the program would be an injustice to the children; crimes have been uncovered and plots revealed. Chief Papapietro stated the SRO program should be the last program to be given up. Councilwoman Subrizi noted the Board of Education asking the Borough to pay the full salary of the SRO does not save the taxpayers any money; it will decrease their budget while increasing the Borough's. The Administrator noted there is an agreement to split the SRO's salaries and benefits through the end of the year. Chief Papapietro reminded the Council the SRO's run the Junior Police Academy as well as National Night Out. Chief Papapietro stated he always budgets the full salary for both SRO's; Councilwoman Subrizi noted the Borough would realize the cut on the revenue side of the budget.

Councilwoman Duffie asked how many officers are currently in the department; Chief Papapietro stated 32 including himself and the SRO's. She asked how many new hires does he propose, Chief Papapietro stated at least four. Councilwoman Duffie asked if there are criteria used; Chief Papapietro noted the standard recommendation is two officers per 1,000 residents according to the Department of Justice. The department used to have 37 officers and was able to support all programs; the state police recommendation is 38 officers for New Milford. Councilwoman Duffie asked given the economy which is more important, hiring or promoting. Chief Papapietro noted he would need to add on the bottom, and then promote. Councilwoman Subrizi confirmed the current breakdown of officers. Councilman Berner questioned if the proposed overtime budget includes the new hires. Chief Papapietro noted the Borough would not see a dramatic decrease this year; as new hires would need four months before going solo. Chief Papapietro noted he is seeking alternate route candidates; meaning they are already academy trained and the background check and psych evaluations are done.

Councilwoman Subrizi asked if the overtime budget includes the numbers from the recent storms; Chief Papapietro stated yes, however he is working with FEMA to recover the amount. Mayor DeBari asked if any local departments are reducing; Chief Papapietro advised he is aware of Harrington Park, Norwood, Little Ferry, Oradell, Paramus and Northvale. Mayor DeBari asked if the Chief would consider an officer recently laid off; Chief Papapietro would prefer to bring someone in to train and noted there is always a risk of them going back to their old department.

Chief Papapietro noted his Administrative Assistant is retiring; the job is currently part time, however it used to be full time. He requested the position be made full time again; a full time employee would still make less than his current assistant as she has received merit and longevity increases. He discussed it with the Administrator and they would prefer to offer the position within the Borough Hall first. Chief Papapietro noted the position is highly confidential.

Councilman Zeilner questioned if the Chief would agree to half the numbers he has requested through the end of the year. Chief Papapietro would prefer not to do the process twice; however as long as he can pursue the candidates, he will put them in place

on different dates. Councilwoman Subrizi asked which comes first, new officers or promotions; Chief Papapietro stated new officers. Mayor DeBari questioned the reasoning for two Captains; Chief Papapietro stated the Borough always had it that way, one for administrative issues and the other for operational issues. Mr. Moscaritolo questioned if any officer would take the Captain's test; Chief Papapietro stated he would open it up to the lower ranks if there were no takers. Councilwoman Duffie stated these are recommendations not regulations; she then asked if the Chief can cite instances in which it was a hindrance. Chief Papapietro noted the State Police recommends 38, we have only 31; the workload has not slowed, the conviction rate in court is high as well as the DWI arrest rate. The overtime is such an issue because we are understaffed and every contractual day off creates overtime. Councilwoman Duffie noted the new hires will round out the staff; Chief Papapietro stated it will fill out the tours. Council President Putrino agrees the department is understaffed; however he expressed concerns about overextending the Borough to a point which it is no longer sustainable. Chief Papapietro stated the department needs four new hires to get to a level of comfort.

Mayor DeBari questioned the need for a Captain's test; the Borough has only two eligible Lieutenants and should use the available funds for the Lieutenant's and Sergeant's exams; Chief Papapietro agreed. Mayor DeBari asked if there is any talk of retirements; Chief Papapietro noted there are three to four officers in the 25-30 year group, besides him. The Council, Administrator and Chief Papapietro discussed police budgeting options available to the Borough.

Councilwoman Duffie asked after the new hires and promotions, if it were better to buy down comp banks or reduce the budget. Councilwoman Subrizi noted her vote would be to buy down the comp banks. Chief Papapietro noted the Labor Attorney needs to speak with the PBA Attorney because the Arbitrator was very clear on how the comp bank is to be paid. Mayor DeBari asked for a consensus of the Council whether or not we keep the amount in the introduced budget and allocate it differently. The Council was in agreement to keep the budget as introduced. The Council also agreed to allocate half the amount to buy down the comp time; the remainder to be used toward terminal leave. The Council was in agreement to make the Administrative Assistant position full time; and post internally first.

Chief Papapietro noted the department is in need of new vehicles; either front wheel Impalas or rear wheel Crown Victorias. All of his current equipment and tools are geared toward rear wheel drive. Mayor DeBari stated the Borough should try the Impalas; other towns use them and we need to build a history of using them. Chief Papapietro noted there are mixed reviews on the Impala. Councilwoman Subrizi noted it will cost \$2,300 to retool our DPW mechanic; how much will it cost to retrofit the equipment for a smaller vehicle. Chief Papapietro noted the cost is rolled into the lease price. Councilwoman Duffie asked if there is a considerable difference in gas usage between the V6 and V8; Chief Papapietro noted four to five miles per gallon. Chief Papapietro is a fan of rear wheel drive because it can stand up to a beating on the road. The Council agreed to stay with the proven vehicle and order four Crown Victorias.

2. New Milford BOE School Budget

Council President Putrino summarized the second meeting between the Council and the Board of Education. He noted it was similar to the first; however the bargaining unit decided not to hold a vote. The Council asked follow up questions; the Council was informed there are three retirees, not two as originally noted. Councilwoman Subrizi received a 2010/2011 salary list which includes the Director of Curriculum; totaling \$15,100,818. Mayor DeBari sought a consensus from the Council that they will end with a vote at Thursday's meeting; all were in agreement.

Mayor DeBari summarized the proposed school budget for those in attendance. Council President Putrino reminded those present that the Board of Education does not have to make cuts based on the Council's recommendations; it may cut from anywhere. Councilman Berner echoed Council President Putrino's comments; however he spoke with Board members and teachers regarding the Curriculum Director position and they feel it is vital. Although it is a budgeted position, they may fill it for less.

Councilwoman Subrizi was upset at the fact she requested, from the Board of Education, an excel spreadsheet including specifics such as name, position and salary and has yet to receive it. Mayor DeBari noted the line numbers can be cross referenced to find the information; however the Board of Education did not make the matter easy for the Council. Councilwoman Subrizi noted there are over 45 account numbers that should have been decoded for the Council. Councilwoman Subrizi does not believe there are any cuts that can be made, aside from salaries; they did the best they could in all other areas. However, she will question the rationale for new hires. Mayor DeBari noted the Council can request the Administration not receive an increase next year; Councilman Berner agreed noting the Administrators are due a total of \$50,000 in salary increases next year.

Mr. Moscaritolo noted Councilman Bachmann reminded him of the case law in which the Council must state the reasons for the cuts. The Administrator advised that information is standard in the prepared resolution. Mr. Moscaritolo believes the information provided in the resolution is inadequate, according to case law. The Administrator noted the State had no problem with it. Councilman Berner noted the Council does not have intimate knowledge of how to operate a school; we are not trained professionals in that area. Councilman Bachmann does not want to see the Council make a wrong decision. Council President Putrino stated the majority of the voters, voted down the budget; the Council must take that into consideration. Councilwoman Subrizi reiterated 18 positions were already cut in the defeated budget. The Administrator stated with the three retirements, some of the eliminated positions can be restored.

Council President Putrino stated there may be an opportunity to cut within the sports stipends; as they are non-contractual and do not impact class size or education. The sport stipend budget if cut in half would save \$140,000. Councilman Bachmann noted the coaches made \$376,000 last year and that number was already reduced to \$280,000 in the defeated budget. There are sports where the numbers of levels have already been reduced and the eighth grade sports have been eliminated altogether. Mayor DeBari asked for a consensus of the Council on whether or not to make cuts. Councilman Zeilner stated the Council must listen to the majority; therefore cuts should be made. Councilwoman

Duffie, Councilman Berner and Council President Putrino agree. Councilwoman Subrizi agreed but stated at the March 31st meeting, the Superintendent stated a mature district could get along without a Director of Curriculum for one year. Councilwoman Subrizi believes New Milford is mature and could therefore do without for one year. Mayor DeBari suggested giving the Board of Education a choice; either eliminate the Director of Curriculum for one year or cut the coaches stipends in half; both equal \$140,000.

Councilman Berner stated some of the Administrators making upwards of \$125,000, should step forward and forego their increase this year, thereby saving \$50,000. Mayor DeBari noted that amount could save a teacher. Mayor DeBari then stated if the three positions with individual contracts took a pay freeze as well, that would save an additional \$16,000. The Administrator advised the Council cannot recommend cutting salaries that are contractual because if they do not agree to do so, than the money will be cut elsewhere possibly from the children. Councilwoman Subrizi stated if you add up the salary of the Director of Curriculum, half the coaches' stipends and a pay freeze for the three individual contractual employees, it totals \$297,100. She noted the Council should request the Board of Education cut \$140,000 from those lines.

Councilman Berner read in the newspaper that the Superintendent in Bergenfield is taking on the Director of Guidance position at no additional salary. Councilwoman Subrizi noted she put the New Milford Superintendent in touch with the Borough's Grant Consultant to possibly work on a contingency basis; she noted it must not have gone well as the Superintendent is looking to incorporate the position into the Director of Curriculum. She does not agree, the Board of Education should hire a grants coordinator on contingency; if the person is hired on salary what is the incentive to save the district money.

Mayor DeBari asked if the Council is comfortable approving a resolution for \$297,100 or is that the starting point for negotiating. Councilwoman Subrizi suggested cutting \$140,000 and giving them two choices from where to take it from. Councilwoman Duffie mentioned \$297,000 is 1%; and asked could the Council live with that. Council President Putrino is more comfortable with one tax point equaling \$197,000; Councilman Zeilner and Councilman Berner agreed with one tax point. Councilwoman Duffie in order to move forward would agree with one tax point; however she expressed concern the senior citizens would not be able to afford a \$600 increase. She felt the reduction in stipends, elimination of the Director of Curriculum position and an administrator pay freeze would make more sense. Mayor DeBari advised the difference between the two numbers Councilwoman Duffie is concerned with represents an approximate \$20 I additional savings. Councilwoman Subrizi does not agree with reducing by a tax point, it should be a firm dollar amount. Council President Putrino stated the tax point makes the Mayor and Council responsible to those who voted but also to the school budget. It was decided to cut \$196,500 and request it be reduced from coaches' stipends, administrators' increases and the Director of Curriculum salary. All present, with the exception of Councilman Bachmann who abstained, in favor.

3. Recreation – Draft Ordinance

The Council reviewed the draft ordinance provided by the Borough Attorney. Councilman Bachmann questioned why Council members are in such a rush to make an ordinance; there are so many unanswered questions. Mayor DeBari noted there has been no final decision; the Council is only providing comments for revision. After a lengthy discussion, the Council provided specific line by line revisions to the Borough Attorney and requested another draft for review. Mr. Moscaritolo will provide another draft for discussion at the June 14th work session.

NEW BUSINESS:

INTRODUCE ORDINANCE 2010:10

AN ORDINANCE TO AMEND CHAPTER X OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "BUILDING AND HOUSING" TO INCLUDE PART XVI, "SUBMISSION REQUIREMENTS FOR CONSTRUCTION OF RESIDENTIAL BUILDINGS."

Councilwoman Duffie 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 Record and a public hearing will be held on May 24, 2010 at 8:30 pm

Mayor DeBari advised the attending public that Council added resolution 2010:124 to hire a part-time Senior Van Driver.

Councilman Bachmann made a motion to approve the closed session minutes of January 25, 2010 and February 8, 2010. Councilman Berner seconded the motion. All present in favor, none opposed.

ADMINISTRATOR

The Administrator asked if the Council wants Scott Sproviero to attend the May 24th meeting. He provided her the exhibits; she has them in her office for the Council's review. Councilman Berner suggested Mr. Sproviero email the update; the Council agreed it should be emailed.

The Administrator stated the Borough received approval from the Department of Transportation for the Henley Avenue Park and Ride. Does the Council want to notice residents in the neighborhood inviting them to the May 24th meeting for more information? It was decided all residents living on Columbia Street, south of River Edge Road should be invited.

The Administrator advised the as-built for 286 Ridge Street is fully within zoning requirements at the framing stage.

The Administrator noted complaints were made that the homeowner of 282 Ridge Street was not required to get a street opening permit and comments were made regarding special treatment. She spoke with Michael Calamari of the DPW and was advised that any resident wishing to connect to the town storm drain is not charged as a courtesy to help alleviate water issues in the street. He further noted over 30 residents have paid to connect to the system over the past four years, and none have been charged for a street opening permit.

The Administrator received a letter from St. Matthew's Church requesting to use the Borough Hall Parking lot on September 18th to distribute maps for the town wide garage sale. The Council requested the matter be tabled to June 14th.

The Administrator noted comments were made at the last meeting regarding how the previous Administrator handled the Recreation bank statements. She spoke with those that handle the mail and oversee the banking and was informed the statements were never opened by the previous Administrator; the only time that differed was during the investigation of the second to last Director. Since the comments have been made, she has requested the statements be given to her; she opens and copies them and gives the original to Recreation.

The Administrator noted the Borough received only one bid for the recycling collection at the apartments/schools, although six contractors picked up the specifications. Ferretti Carting was the only bidder. She explained the Borough's three options; and further noted the recent residential recycling bid was favorable while the apartments were significantly higher than the current. Therefore the overall payment for all recycling will be much less. She spoke with Mr. Ferretti who explained the reasons for the increase in the apartment recycling; he highlighted the fact the previous contract did not include the schools and additional dumpsters. Councilman Bachmann asked what benefit the Borough receives for collecting the schools recyclables; the Administrator noted the Borough will get the buyback, however she does not have the history of the tonnage as the schools have only recycled for a few months. The Administrator advised she will prepare a resolution to award the bid on May 24th.

The Administrator referenced the discussion that took place and the decision made by the Council at a recent meeting regarding the removal of a tree on a vacant parcel of land on River Road. She advised an attempt was made by phone and mail to the "care of" contact on the property; the Borough has received no response. The affected neighbor contacted the Administrator again today; she advised her the Council would discuss it tonight. Councilwoman Subrizi noted there are 17 trees located on the vacant property, many of them are leaning and look unhealthy; she asked what happens to the other trees if the Council chooses to remove the tree in question. She noted there is a fence blocking access to the tree; therefore another property owner has seemingly adopted this strip of land. Councilwoman Duffie noted in testimony she has heard for applications, if the property in question has been absorbed into another lot and is being used actively, it cannot be divided at that point; this is the bigger issue. Councilwoman Duffie noted however if the tree in question looks like it may fall on another resident's property, the Council must act responsibly. Councilwoman Subrizi noted there are other potential issues that may arise; it is not the only tree on the property. The Council agreed to have the DPW remove the tree as discussed at a previous meeting.

The Administrator advised residents of 455 West Park Drive received a warning from the Health Department for draining water into the street. She visited the site with Mr. Calamari, Asst.

Superintendent and Jill Scarpa, Health Inspector and noted a catch basin in the rear of the house. The basin is completely on private property and there is no record of a Borough easement. The residents at the aforementioned address claim the other two houses contribute to the overflow of the basin, resulting in water draining in the street. Councilman Bachmann noted this has been going on for years; he noted it is private property and the owner is responsible for fixing the drainage problem. The Council agreed with Councilman Bachmann.

RESOLUTIONS

- 2010:120 Closed Session
- 2010:121 Payment of Bills and Vouchers
- 2010:122 Authorize Mayor to execute Agreement with the County of Bergen, Office of Emergency Management to provide an automated telephone alerting system
- 2010:123 Authorize Boswell Engineering to prepare plans and specifications and the Borough Clerk to advertise for bids – Henley Avenue Park-Ride Lot
- 2010:124 Appoint Jeffrey Hill as Senior Van Part Time Driver

VOTE ON RESOLUTIONS

Councilman Bachmann made a motion to approve the consent agenda, resolutions #2010:120 through #2010:123. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

Councilman Bachmann made a motion to approve resolution #2010:124. Councilman Berner seconded the motion. The motion passed on a roll call vote as follows:

For the motion: Zeilner, Bachmann, Duffie, Berner, Putrino

Against the motion: none

Abstain: Subrizi

COMMENTS FROM THE PUBLIC

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

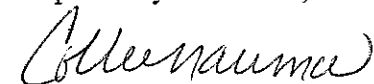
As there were no comments from the public, the meeting was closed on a motion from Councilman Zeilner. The motion was seconded by Councilman Bachmann. All present in favor, none opposed.

Council President Putrino noted Fire Company #2 would like to present findings of the feasibility study to the Council at the June work session.

ADJOURNMENT

Councilman Zeilner made a motion to adjourn. Council President Putrino seconded the motion. All present in favor, none opposed. Time 1:00 am, May 12, 2010.

Respectfully submitted,



Colleen Naumov
Deputy Borough Clerk