



**MINUTES
BOROUGH OF NEW MILFORD
6:00 PM WORK SESSION
Monday, May 18, 2009**

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

Also Present: Mark Ruderman, Labor Attorney
Mark Polito, CFO
Art Castronova, Property Maintenance

Mayor DeBari reads the Open Public Meeting and Mission Statements.

Closed Session:

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

1. PBA Contract – Mark Ruderman
2. D’Amato/Greenstar Proposal

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

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

3. Pending Litigation – Arthur Neiss

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

Open Session:

1. Presentation of Bond – CFO

Mark Polito distributed and summarized his memo regarding the May 1st Bond Sale.

Mayor DeBari confirmed the buyout included the principal of \$4.1 million plus the \$900,000 interest; Mr. Polito stated yes.

Councilwoman Subrizi confirmed the bond is not for total debt service, only to pay old bonds, the Administrator and CFO agreed.

The Administrator stated the bond is definitely not to pay for 2009 Capital Budget; however she was unsure if it may be used to pay for older Capital Budget items.

Councilman Subrizi noted the Auditor's fee for his share of preparing the bond is \$22,000; she further questioned his hourly rate.

The Administrator stated the Auditor bills are on a per project basis, not an hourly basis.

Councilwoman Subrizi said she did not remember the Council authorizing that amount to be spent on auditing; Councilman Putrino noted the Council authorized the project, not the amount. Councilwoman Subrizi stated the Auditor should not have signed off on the budget at \$33,000 for auditing services if it did not include enough money for his services. She further noted the budget will most likely have to be reintroduced due to a greater than 10% change and asked why the amount was not incorporated in the bond amount. Councilwoman Subrizi questioned the amount the Bond Counsel charged and if it was incorporated in the bond amount; the Administrator stated she did not know if it was included and will inquire.

Mr. Polito will confirm with the Auditor whether or not the amount charged was previously accounted for.

Mayor DeBari confirmed no payments will be made on this bond until next year; Mr. Polito answered yes.

Councilwoman Subrizi questioned if the 2009 debt service will be less because of refinancing. Mr. Polito answered he believed the Auditor would have taken that into consideration.

Mayor DeBari noted Mr. Polito shall confirm with the Auditor, 1) where the Auditor is being paid from, 2) amount of debt service for 2009, and 3) was the debt service budgeted for?

Council President DeLucia referenced Mr. Polito's memo dated May 12th and asked what the extra \$33,950 of auditing purchase orders were for; there was no back up information for that amount included. She further questioned if the 2008 audit was complete; the Administrator stated the Borough has received a draft. Mr. Polito will follow up with the Auditor and advise the Council.

2. Repair Shop Ordinance

Mr. Moscaritolo summarized the Repair Shop draft ordinance for the Council. Mr. Castronova questioned how the ordinance works for cars not owned by the property owner; Mr. Moscaritolo explained the vehicle would be towed to an impound vendor authorized by the Borough, where the vehicle would remain until the owner pays the storage charges to said vendor.

Councilwoman Subrizi noted the owner of the property must take responsibility for an abandoned vehicle, further noting there is a procedure to be followed.

Councilman Putrino questioned if motorcycles are included in the number of allowed vehicles. Mr. Moscaritolo acknowledged the ordinance does not define motor vehicle; he will add the definition.

Council President DeLucia asked how the proposed ordinance affects work on a property owner's personal vehicle. The Council discussed the matter and decided the ordinance allows for the occasional repair; however a vehicle repair business cannot be run from the home.

Mayor DeBari requested the Borough Attorney to explain #7 of the proposed ordinance. Mr. Moscaritolo stated if the homeowner is restoring a vehicle and awaiting a part, the homeowner may request a special permit. The Council requested Mr. Moscaritolo revise the proposed ordinance to state the Property Maintenance Officer may issue the permit.

Mayor DeBari stated Section 3 letter B must be revised, the items listed should not be called main components; further stating a main component makes the car operable.

Councilwoman Subrizi stated the Property Maintenance Officer reports to the Construction Code Official, and feels the Council should not impart quasi judicial powers to the Property Maintenance Officer. Mr. Moscaritolo stated the ordinance shall be enforced by the Property Maintenance Officer; therefore the permit should be issued by him. Councilwoman Subrizi disagreed; stating one of the conditions of Mr. Castronova's hiring was he was to report to the Construction Code Official.

The Administrator questioned where the proposed ordinance shall be placed and stated it is necessary to delineate who will be responsible to enforce it? The Council decided the ordinance shall list the agencies able to enforce i.e. Property Maintenance, Zoning, Police, etc.

Mr. Moscaritolo will revise the proposed ordinance and provide to the Council prior to the June 8th Work Session.

3. Recreation Safety Director

Councilwoman Subrizi stated the Recreation Commission has requested Dr. Jeff Altman be named the Recreation Safety Director in order to be indemnified. The Administrator stated this topic was placed on the agenda at Councilman Bachmann's request and the Council has requested a list of specific duties and certifications; therefore it shall be tabled until Councilman Bachmann is present.

4. Municipal Drug Alliance

Requested on the agenda by Councilman Bachmann, and not discussed in his absence.

ADMINISTRATOR

The Administrator distributed the Tri-Boro Solid Waste and Recyclables Feasibility Study to the Council. She reported that Mr. Willis will attend the May 27th Work Session to present the study and answer any questions. The Administrator stated the study was funded by a grant obtained by the three boroughs in either 2004 or 2005.

The Administrator reported she attended the Local Finance Board hearing for the appropriation waiver requested in the amount of \$429,000. She stated the Auditor explained that the Borough has asked for similar waivers over the past few years and it is a result of the police retirement buyouts. She stated the only question the Finance Board asked of her was if the Borough has replaced the retired officers; she stated the Borough has not and the waiver was immediately granted.

The Administrator stated the Hirschfeld Brook Mitigation consent agreements were mailed certified return receipt to all affected homeowners today.

The Administrator stated referenced the letter from Boswell Engineering dated May 8th identifying New Milford as #245 on the list for the New Jersey Environmental Infrastructure Trust Sewer Project. She stated the first 94 will be funded and projects 95 through 232 are contingent and will become eligible as the first 94 are either eliminated or drop out. The Engineer feels the Borough should move forward with the project; however, the Auditor and Bond Counsel disagree, stating the Borough should take no action or file any additional paperwork. The Administrator stated the Borough has already incurred close to \$20,000 in engineering bills, as authorized by resolution 2009:57 for up to \$25,000 on February 9, 2009. She stated the money must be allocated and the Bond Counsel does not recommend bonding it individually as it is not cost effective. She stated since the project does not seem to be moving forward, Bond Counsel suggested the Council increase the Capital Budget for the amount owed and pay it out of the Capital Improvement Fund; the Auditor agrees with the Bond Counsel.

The Administrator advised that River Edge has requested our Registrar cover for theirs for six days at the end of May. She advised it would not involve any time away from the Borough Hall and the work would be minimal. As there was no objection from the Council, the Administrator will send a letter of consent.

The Administrator referenced a memo from the Police Chief dated May 6th regarding parking on New Bridge Road; she asked if the Council wants him to pursue a parking ban to remedy the situation? In said memo, he noted the ban would only be in New Milford, as there is no way to compel Teaneck to do the same. He further noted there are vacant homes on the street and the ban may hinder future home sales. Councilwoman Duffie stated something should be done, possibly a speed limit sign. Mayor DeBari suggested the Traffic Officer provide the Council a 30 day traffic study; each weekday especially during the times mentioned in the complaint.

The Administrator noted the annual Fishing Derby sponsored by the Municipal Drug Alliance, will be held Saturday, June 13th from 10 am-noon.

The Administrator advised the Council of the change order on Trench Drive, keeping the price the same they are able to pave curb to curb, due to the savings from Police Department traffic coverage.

Mayor DeBari stated the County is installing a barrier on the corner of New Bridge Road and Boulevard.

The Administrator noted in discussing the Employee Assistance Program, it came to her attention there are 62 Fire Department members, 34 in Co. #1 and 28 in Co. #2; however Borough Ordinance provides for a maximum of 50. The Administrator asked if the Council is required to act on this. Mr. Moscaritolo will review the current ordinance; the Administrator will e-mail the rosters to the Borough Attorney and add the subject to the June 8th agenda for further discussion.

Closed Session:

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

4. Pending Litigation – Scott Sproviero

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

Open Session:

COUNCIL

Councilwoman Duffie questioned certain items on the bill list, i.e. Lt. Kiene's reimbursement, Old National Bank leases and Holy Name Hospital Ambulance backup. The bill list was checked and confirmed to be in order.

Council President DeLucia again suggested all questions regarding the bill list be emailed to the Administrator prior to the meeting, in doing so the questions will be answered more quickly to avoid lengthy discussions at the meeting.

Councilwoman Subrizi noted the Boy Scouts have identified five Revolutionary War veterans in the French Cemetery, and on Thursday at 7:15 pm they will hold a ceremony. She further noted the Public Events Committee will meet this coming Friday to finalize the Memorial Day Parade details.

Councilman Putrino reported New Milford's birthday celebration will be held on June 7th at the Garden Café, any Council member wishing to attend may RSVP him.

Councilman Putrino reported the Shade Tree Commission was informed that the Supreme Court recently ruled to allow towns to levy fines or order replacement trees. He stated the Borough Attorney is currently reviewing the Shade Tree ordinance.

Mr. Moscaritolo noted the ruling states the money is to be placed in a fund; however developers are suing claiming unconstitutional taxation.

Councilman Putrino stated his understanding is that if the ordinance is specific in where the money is deposited, then the ruling shall be upheld.

Councilman Putrino stated May 20th is the deadline for the AFG grants to fund equipment for the Fire Department; they are currently working with Capital Alternatives on this project. The Fire Department is also applying for a grant for their tri-boro training facility.

Councilman Putrino reported the NJ Assembly is discussing the possibility of requiring physicals for Fire Department members. The bill will allow municipalities to require a physician's certificate for new members to join and existing members up to one year to comply; all at the expense of the Borough.

Councilman Putrino referenced the memo from eRevival with regards to recycling computer equipment. The company will provide the Borough with a container to collect computer monitors and towers; they will also provide us tonnage for our recycling reports.

Councilman Putrino questioned the timeline on the odd/even day parking signs for James Street etc. The Administrator stressed the difficulty in the wording of the signs as well as the enforcement due to the time change in the ordinance. The Council again discussed the matter at length. Councilwoman Subrizi noted the issue is overcomplicated and should be simplified with one side of the street parking as preceded by Grove Street and Salem Street. Mayor DeBari will draft a sign based on the current ordinance for the Council to review at the May 27th meeting.

APPOINTMENTS: **PETER H. ROONEY – JR. FIRE DEPARTMENT**
 JOETTE WILLIAMS – LIBRARY BOARD

Councilman Putrino made a motion to appoint Peter H. Rooney to the Jr. Fire Department. Councilwoman Duffie seconded the motion. All present in favor none opposed.

Council President DeLucia made a motion to appoint Joette Williams to the Library Board with a term to expire 12/31/12. Councilman Putrino seconded the motion. All present in favor none opposed.

Mr. Moscaritolo requested the status on Brookchester garbage reimbursement. The Administrator stated the Borough has paid through 2008 and have budgeted money for 2009.

5. 2009 Budget

Councilwoman Subrizi requested the addition of ½ hour for all work session agendas through the end of the year to discuss recommendations to be implemented in 2010. Councilman Putrino will provide updated budget worksheets for the Council in the drops.

6. 2009 Capital Budget- TABLED TO 5/27 WORK SESSION AGENDA

RESOLUTIONS:

- 2009:122 Closed Session
- 2009:123 Payment of Bills and Vouchers
- 2009:124 Authorize Estimated Tax Bills
- 2009:125 Award Boulevard – Section 5 (Fulton Street to Main Street to D&L Paving Contractors in the amount of \$117,120.75
- 2009:126 Approve Change Order #1 & Final (Revised) for Drainage Improvements to Trench Drive Phase I
- 2009:127 Approve Amendments to 2009 Temporary Budget
- 2009:128 Approve Cancellation of Tax Sale Certificate 08-01
- 2009:129 Authorize Mayor to sign Interlocal Agreement with the Borough of River Edge for the Joint Bid of Solid Waste Collection Services
- 2009:130 Approve Social Affairs Permit of Church of the Ascension for June 14, 2009

COMMENTS FROM THE PUBLIC

Council President Duffie made a motion to open the meeting to the public. Councilwoman Duffie seconded the motion. All in favor none opposed.

Hedy Grant, Boulevard came forward to address the Council. Ms. Grant noted there are bushes near her home in need of trimming; Councilman Zeilner will advise the DPW.

Jody Seifert, Bulger Avenue, came forward to address the Council. Ms. Seifert questioned what trees are planted by the Shade Tree Commission. Councilman Putrino stated there are a variety of trees planted i.e. Cherry, Silky Dogwood etc.

Ms. Seifert questioned how the Borough gets the money it needs, once a resident wins a tax appeal. Mayor DeBari stated the following year's tax rate will go up.

Ms. Seifert stated a stop sign is needed at the intersection of Bulger Avenue and Luhmann Avenue. Councilman Zeilner will ask the Traffic Officer to look into it.

Ms. Grant questioned if the tree farm dedication will be this coming Saturday. Councilman Zeilner stated it probably would not, because many Commission members are out of town; the sign will be placed and the dedication will be take place at a later date.

As there were no further comments from the public, Councilman Putrino made a motion to close the meeting to the public. Councilman Zeilner seconded the motion. All present in favor none opposed.

The Administrator noted there are temporary No Parking signs currently posted on Hirschfeld Place; they are paving the road as part of the Trench Drive Drainage Project.

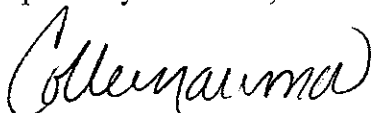
VOTE ON RESOLUTIONS

Councilman Zeilner made a motion to approve the consent agenda, resolutions 2009:122 through 2009:130. Councilwoman Subrizi seconded the motion. All present in favor, none opposed.

ADJOURNMENT

Councilman Zeilner made a motion to adjourn. Council President DeLucia seconded the motion. All present in favor, none opposed. Time 10:47 PM.

Respectfully submitted,



Colleen Naumov
Deputy Borough Clerk