

**MINUTES  
BOROUGH OF NEW MILFORD  
7:00 PM WORK SESSION  
OPEN SESSION immediately following  
8:30 PM PUBLIC MEETING  
Monday, June 23, 2008**

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

Council President DeLucia read the Open Public Meeting and Mission Statements.

**Administrator's Report**

The Administrator stated the Liquor License for 200 Main is not included in the renewal resolution because they had not obtained their Tax Clearance Certification from the New Jersey Department of Treasury. Upon receipt of their Tax Clearance Certification, they will be listed on the agenda for renewal. The Administrator stated their license expires June 30<sup>th</sup>, as of July 1<sup>st</sup> they are unable to serve liquor. The Administrator stated the owner and Police Chief have been advised.

The Administrator referenced Sgt. Jones' response regarding the parking lot behind the Post Office and asked if the Council had any objections; no objections noted.

The Administrator referenced Sgt. Jones' response regarding parking on Hirschfeld Place. Sgt. Jones did not recommend lifting the no parking on one side; however he arranged to have the one sign replaced.

The Administrator stated Art Caughlan requested to reschedule the Health Reimbursement Arrangement (HRA) presentation. The Council discussed available dates and agreed to have the presentation July 28, 2008 at 6:30 pm, prior to the work session.

The Clerk referenced a sample ordinance from Georgia for a fuel surcharge on speeding tickets and moving violations. She polled the Council for any comments. Councilman Bachmann stated he is not sure the Borough can do it. Councilwoman Subrizi stated the Council should await the Municipal Judge's opinion before having the Borough Attorney write an opinion.

The Administrator referenced the typographical error in the New Milford Nuggets section of the Twin-Boro News regarding the summer hours. She stated the correction has been made and will run in next week's edition.

Council President DeLucia referenced the memo the Council received from the Zoning Officer regarding building height. Council President DeLucia stated the cleanest, most effective and cost efficient way to approach building height is to measure from the four corners before any changes

are made to the land and recorded on the site plan; once the building is complete the original height is subtracted from the current height. Councilman Zeilner questioned how this compares to the discussion the Council had with the Borough Engineer regarding measuring from the original grade. Council President DeLucia stated they are the same. Council President DeLucia stated it was recommended to the Mayor and Council to see if the ordinance needs to be revised or may only require a change in procedure.

Councilwoman Duffie questioned if the Council was notified of the Elm Street Bridge closure. The Administrator stated she was notified by the County Engineer that they may have to close, later in the day the Police Chief confirmed it would close due to structural problems. Councilwoman Duffie stated residents have approached her with questions she cannot answer. The Administrator stated she will ask Joe Femia, County Engineer to keep the Borough informed.

Councilman Bachmann questioned why the Recreation appointees were not being reappointed at tonight's meeting. Council President DeLucia and the Administrator stated the Mayor wanted to hold over for now.

Council President DeLucia stated that the Scrolling News portion of the website had tonight's meeting listed as Thursday rather than Monday. The Administrator stated if Council members notice any errors on the website; please contact the Clerk's office so the corrections may be made promptly.

## **Open Session:**

### **1. Wireless Edge – Cell Tower Lease**

The Borough Attorney summarized the letter from Wireless Edge. Mr. Moscaritolo stated an alternate site was suggested at the DPW storage site. Mr. Moscaritolo referenced the letter from the Borough Engineer, received June 23, 2008 stating Ms. Batistic prefers the alternate plan to the Henley Avenue plan. Mr. Moscaritolo stated due to the change in location, the preliminary negotiations on the lease and Wireless Edge's request for modifications, new public bidding will be required. Mr. Moscaritolo stated if the Council approves Boswell preparing new specifications for the DPW property a new bid is necessary. Councilman Bachmann questioned if a use variance is required. Mr. Moscaritolo stated a variance is not required; only an administrative review by the Zoning Officer. Tom McHugh of Wireless Edge asked the Council to refer to the site plan provided. Mr. McHugh referred to the aerial view stating Wireless Edge is confident the proposed site at the DPW is out of the floodway. Mr. McHugh stated Wireless Edge would stay with the original lease in order to avoid re-bidding. Mr. Moscaritolo will verify whether or not the Borough must rebid if the location changes. Councilman Bachmann questioned if the site needs repair while the DPW is closed, how technicians will enter the site. Mr. McHugh stated a key would be retrieved from the Police Department. Councilman Bachmann stated the fence behind the Fire Training Center should be improved and included in the new specs. Councilman Zeilner stated the area around the tower should be fenced; Wireless Edge should have the key to said fence and access the tower through the Fire Training Center. Mr. Moscaritolo stated he feels it should be re-bid after adding the new location and the boundary fence to the existing specs, however the minimum lease period of 20 years can change.

Mr. McHugh stated Wireless Edge would prefer to build the tower for 6 carriers rather than 4 outlined in the original specs.

The Administrator confirmed she will draft a resolution for the next meeting, authorizing Boswell to revise specs and re-bid. The Council discussed industrial and light industrial zones within the Borough.

## **2. Cell Tower Ordinance**

Council President DeLucia referenced the current cell tower ordinance. She stated Arthur Neiss, Planning Board Attorney, felt the ordinance needed clarification and was going to consult with the Borough Attorney. Mr. Moscaritolo corresponded with Mr. Neiss via e-mail, and stated the requirement of site plan review is what is of concern. The Administrator stated the ordinance requires a site plan review on Borough property, not in an industrial zone. Council President DeLucia questioned if the Council could revise the current ordinance quickly to make the requirements for all cell towers equal. Mr. Moscaritolo interpreted the ordinance to read that a cell tower on Borough property requires administrative review by the Zoning Officer, and it is to the Zoning Officers' full discretion whether or not a site plan application is required; he further stated anything in the industrial zone requires a site plan application. Council President DeLucia referenced ordinance 19A-6 Permitted Uses. Mr. Moscaritolo stated "requires complete site plan review" should be added to section b2. Arthur Neiss, Planning Board Attorney arrived at 7:50 to discuss the cell tower ordinance. Mr. Neiss concurred with the proposed change to the industrial zone section. The Council determined that Mr. Moscaritolo will make the amendment with Mr. Neiss' approval and the ordinance will be introduced at the July 28<sup>th</sup> meeting.

Council President DeLucia questioned if the building height amendment needs to be made by ordinance or can it be regulated by Building Department procedures. Mr. Neiss stated it should be incorporated into the ordinance. Mr. Neiss suggested adding "original grade plane" to the definition of building height. Mr. Neiss stated he will make a recommendation to Mr. Moscaritolo on how the ordinance should be revised for its introduction on July 28<sup>th</sup>.

## **3. Notice of Tort Claim**

The Administrator referenced the notice drafted by Mr. Moscaritolo and asked the Council if there were any objections. The Council discussed the matter and had no objection. The Administrator will draft a resolution to adopt Notice of Tort Claim as official notice and place on July 28<sup>th</sup> agenda.

### **Closed Session:**

The record reflects there was no closed discussion.

### **Council**

Councilman Zeilner questioned the status of the temporary electric and water ordinances discussed by Council in April. Mr. Moscaritolo stated he is working on them. The Council agreed the ordinances should prohibit contractors/homeowners from using electric and water from neighboring properties; must get temporary electric and water.

Councilwoman Subrizi questioned if a basement is allowed to be 11 feet deep; she referenced the new home being built on Ridge Street. She stated she the Building Department was unable to confirm the depth. Councilwoman Subrizi stated the water table is being disturbed.

The Administrator stated she will speak with the Construction Official to find out the basement depth and if it is according to plan.

Council President DeLucia asked if the Borough is tied to what BOCA states or is the Borough allowed to regulate depth through ordinance. She further asked if the depth is 11 feet, what provisions have been made to guarantee zero runoff. The Administrator will speak with the Construction Official on this matter as well.

Councilman Zeilner stated the Environmental Commission researched and found a company that would provide the Borough a free study on how the Borough could save money. The Council discussed the matter and decided to invite them to the September 8<sup>th</sup> work session for further discussion and information.

Councilman Bachmann questioned what the governing body is doing to prevent the water company from flooding New Milford. Council President DeLucia stated letters were written and Mayor DeBari spoke to them in April 2007; however no real progress had been made. Council President DeLucia welcomed any ideas. Councilwoman Duffie suggested the Environmental Commission along with their Council Liaison make an informal committee to remind the water company of the Borough's concerns. Councilman Zeilner will approach the Environmental Commission regarding said committee.

Councilman Putrino questioned the bill list; why is the Borough responsible for half the amount of the vandalized sign at the DPW. He also stated the bill list reflects some employees using 411; with some choosing to be connected via the computer, an additional cost to the Borough. Councilman Putrino stated the Borough has internet access and should be used to find phone numbers at no additional cost to the Borough. The Administrator stated she will inform all employees through a memo.

Councilwoman Subrizi stated she would like a memo sent out to all employees regarding the use of Borough vehicles. The memo should state vehicles should be used only for essential Borough business, not personal business. Councilwoman Subrizi stated Borough employees using vehicles not of an emergency nature, should commute to work and use the Borough vehicle once in town. The Administrator will provide the Council with a list of all employees who have Borough vehicles.

Councilwoman Subrizi stated she wanted a copy of the Property Maintenance Officer's response letter to the complainant of Marty's received on May 14<sup>th</sup>.

Councilwoman Subrizi referred to the property on Concorde where there is dirt runoff into the sewer drains during rainstorms. Councilman Zeilner contacted Mike Calamari, Asst. Superintendent of DPW, and Mr. Calamari stated the contractor took care of it. Councilman Zeilner stated there had been multiple rainstorms since the conversation and there is still dirt runoff; he further stated the silt fence should surround the site.

Councilwoman Subrizi questioned who to call for property maintenance; should the Construction Official be notified, as Art Castronova's supervisor. The Administrator stated Property Maintenance has a separate direct line, as does the Office of Emergency Management because the office is shared.

Councilwoman Duffie made a motion to adjourn. Councilman Putrino seconded the motion. All present in favor, none opposed. Time 8:38 PM.

**Mayor and Council**

**8:30 PM Public Session**

(Actual Start Time 8:48 PM)

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

Council President DeLucia called the meeting to order, asked for a moment of silent prayer, and led the flag salute. Council President DeLucia read the Open Public Meeting Law and Mission Statements and pointed out the fire exits in the Council Chambers.

Council President DeLucia asked for a motion to approve the minutes from the April 14, 2008 Work Session.

The minutes from the April 14, 2008 Work Session were approved on a motion by Councilman Bachmann. The motion was seconded by Councilman Putrino.  
For the motion: Zeilner, Bachmann, DeLucia, Subrizi, Putrino  
Abstain: Duffie

**PRESENTATION: NEW MILFORD GIRL SCOUTS TROOP 1148**

**APPOINTMENTS: BOARD OF HEALTH - MARY DIEDRICH  
MARY McNICHOLAS  
MARIAN MAHARAJ**

Councilwoman Duffie made a motion to approve the referenced appointments. Councilman Bachmann seconded the motion. All present in favor, none opposed.

**APPOINTMENTS: PLANNING BOARD - DONALD COMMERFORD 1<sup>st</sup> Alt.  
FRANKLIN COLLADO 2<sup>nd</sup> Alt.**

Councilman Zeilner made a motion to approve the referenced appointments. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

**APPOINTMENTS: RECREATION - HOLDOVER CURRENT APPTS.**

**COUNCIL COMMITTEE REPORTS:**

**Councilman Arthur Zeilner**

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

Councilman Zeilner reported Buildings and Grounds performed general maintenance on all Borough buildings.

Councilman Zeilner reported the Environmental Commission was in contact with Honeywell Industries to perform a no cost study for all Borough buildings on cost efficiency and energy conservation. He stated a Honeywell representative will come and speak with the Council at the September 8<sup>th</sup> work session.

Councilman Zeilner summarized the calls for the Police Department for the previous month. He reported Police Auxiliary discussed the summer schedule and Bloodborne Pathogen training.

Councilman Zeilner reported on general maintenance completed by the DPW during the previous month. He stated 8 new trees were planted and the DPW spent 11 days doing hot patches.

**Councilman Keith Bachmann**

Ambulance Corps, Drug Alliance, Recreation

Councilman Bachmann reported the Ambulance Corps met on June 16<sup>th</sup>. He stated they are still in need of members and are about to embark on an advertising campaign to solicit membership through large businesses.

Councilman Bachmann reported the Drug Alliance did not have its meeting on June 19<sup>th</sup> because of the middle school graduation. He reported the Fishing Derby was held on June 14<sup>th</sup> at Hardcastle Pond with approximately 50-60 children in attendance.

Councilman Bachmann reported that the Recreation Commission has begun its summer recreation program along with specialty programs such as the upgraded football program.

**Councilwoman Ann Subrizi**

Board of Education, Historic New Bridge Landing, Public Events

Councilwoman Subrizi had no report from the Board of Education; the next meeting is scheduled for June 30<sup>th</sup>.

Councilwoman Subrizi reported the Historic New Bridge Landing Committee met June 5<sup>th</sup> however she was unable to attend. She stated the President of the Committee gave her a summation of the junkyard report provided by the State. She stated the site is not as contaminated as originally thought; she will file the report in the Clerk's office for review once she receives it.

Councilwoman Subrizi reported the Public Events Committee invites everyone to the 4<sup>th</sup> of July Fireworks on Friday, July 4<sup>th</sup>. She further stated National Night Out is not run by the Public Events Committee however she wanted to report it will be Tuesday, August 5<sup>th</sup>.

**Councilwoman Randi Duffie**

Health & Human Services, Rent Leveling/Tenants Association, Senior Advisory

Councilwoman Duffie reported that the Rent Leveling Board has not met since February; however she did report that there are two openings for alternates on the Board, one for a tenant and the other for a homeowner. She stated if anyone is interested, they should contact the Mayor through the Clerk's office. The Board will meet on July 10<sup>th</sup> to review ordinances and modernize forms.

Councilwoman Duffie reported she was unable to attend the Senior Advisory Board meeting on June 19<sup>th</sup>.

Councilwoman Duffie reported there was no June meeting of the Board of Health. She stated the next meeting will be in September.

**Council President Tina DeLucia**

Chamber of Commerce, Planning Board, Library Board

Council President DeLucia stated the Mayor did not have any Community Development meetings.

Council President DeLucia reported the Chamber of Commerce did not meet.

Council President DeLucia reported that the Planning Board had discussions with their engineer regarding soil movement permits for new construction. She stated the Planning Board will review the information provided by the Engineer and decide if it is cost effective. She stated for residential construction, the homeowner will measure the height from the original grade and mark the as-built plan submitted to the Building Department. She reported there were no applications before the Board and they continue to review their bylaws.

Council President DeLucia reported the Library Board had its last meeting before the summer and she summarized the planned programs. She stated more information is provided on the New Milford Public Library's website.

**Councilman Michael Putrino**

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

Councilman Putrino stated in lieu of a June meeting, the Historic Preservation Commission celebrated New Milford's 331<sup>st</sup> birthday at the Library from 7 PM – 8:30 PM on June 10<sup>th</sup>.

Councilman Putrino stated no Fire Department meeting was held in June and no fire calls report was provided. He stated for more information, visit their website [www.nmfd.com](http://www.nmfd.com). He stated no meeting is scheduled for July, they will reconvene in August.

Councilman Putrino reported the Shade Tree Commission met on June 19<sup>th</sup> and are reviewing their current ordinance and ordinances of surrounding towns. He stated the next meeting is scheduled for July 17<sup>th</sup>.

Councilman Putrino summarized the garbage/recycling activity for the previous month.

Councilwoman Duffie commented that the Historic Birthday at the Library was nicely done and very well attended.

### **Administrator Report**

The Administrator reported that Hardcastle Pond improvements were officially completed on June 20<sup>th</sup>.

### **OLD BUSINESS:**

#### **ADOPT ORDINANCE 2008:07**

BOND ORDINANCE TO AUTHORIZE THE IMPROVEMENT OF BOULEVARD (SECTION 4) IN, BY AND FOR THE BOROUGH OF NEW MILFORD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$205,000 TO PAY THE COST THEREOF, 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 Putrino 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. Councilman Zeilner 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. Councilwoman Subrizi seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

### **NEW BUSINESS:**

#### **INTRODUCE ORDINANCE 2008:08**

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY IN, BY AND FOR THE BOROUGH OF NEW MILFORD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$580,000 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 approve the introduction of this ordinance on its first reading. Councilman Putrino 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 July 28, 2008 at 8:30 PM.

#### **INTRODUCE ORDINANCE #2008:09**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF NEW MILFORD SALARY ADOPTED AS ORDINANCE 91:01 AND AMENDED ANNUALLY BY ORDINANCE UP TO AND INCLUDING 2008:02.**

Councilman Bachmann made a motion to approve the introduction of this ordinance on its first reading. Councilman Zeilner 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 July 28, 2008 at 8:30 PM.

#### **COMMENTS FROM THE PUBLIC**

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

John Foley, 254 Stevens Court came forward to address the Council. Mr. Foley asked the Council for an update on the flood mitigation program and if work would begin in 2008. Council President DeLucia stated the plan was presented by Boswell Engineering. The Administrator stated the status report was received in her office late today; she summarized said report. The Administrator stated preliminary work is currently underway however she does not anticipate the project to begin in 2008.

Councilwoman Subrizi stated the FEMA grant application to re-acquire the Washington and Steuben homes was denied.

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

#### **RESOLUTIONS:**

- 2008:156 Closed Session
- 2008:157 Payment of Bills and Vouchers
- 2008:158 Support the award of a contract to First Jersey Municipal Assistance, LLC by Lead Agency, River Edge
- 2008:159 2008 Liquor License Renewal

- 2008:160 Approve Raffle License 2008:09 for Lt. Louis J. Faller Post 4290 VFW for Games and Wheels  
2008:161 Appoint Tax Assessor – Maureen Kaman  
2008:162 Approve acceptance of grant funds from County of Bergen for Municipal Alliance  
2008:163 Authorize Mayor to sign Snow Plowing Agreement with County of Bergen

### **VOTE ON RESOLUTIONS**

Councilman Bachmann made a motion to approve resolutions #2008:156 through #2008:163. Councilwoman Subrizi seconded the motion. All present in favor, none opposed.

### **ADJOURNMENT**

Councilwoman Subrizi made a motion to adjourn. Councilman Zeilner seconded the motion. All present in favor, none opposed. Time 9:25 PM.

Respectfully submitted,



Colleen Naumov  
Deputy Borough Clerk