

MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
OPEN SESSION immediately following
8:30 PM PUBLIC MEETING
Monday, June 28, 2010

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| 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; Colleen Naumov, Deputy Borough Clerk

Mayor DeBari reads the Open Public Meeting and Mission Statements.

OPEN SESSION:

1. Budget Amendment – SRO 2010/2011; Police Testing/Accreditation

Councilwoman Subrizi read Chief Papapietro's memo regarding additional funds needed in the 2010 budget for testing/accreditation. Council President Putrino noted the Finance Committee kept additional funds in place for instances such as this; the budget does not have to be amended.

Mayor DeBari noted the SRO salaries are in the Borough budget through the end of 2010; it is the 2011 budget that is in question. Councilman Bachmann would like the Board of Education to provide further disclosure on their spending; the Deputy Borough Clerk will request that from the Board of Education and advise.

The Council decided to move forward with the budget amendment this evening as they cannot put off the budget.

2. Closed Session Discussion of 6/14/10

Mr. Moscaritolo advised this topic should be listed in open session, not closed. Councilman Bachmann expressed concern over a letter in the Twin-Boro News regarding a topic discussed in closed session. The Council discussed the discrepancy of whether or not the topic should have been in closed session; Mr. Moscaritolo stated he advised the Council during the discussion at the June 14th meeting that it was a topic for open session, however the discussion continued in closed. Councilwoman Subrizi noted it is the Borough Attorney's determination whether the topic is intended for open or closed; and he did not provide clear advice. Council members Bachmann and Subrizi expressed disappointment and anger that a closed topic was brought to the public. The Council discussed putting a time limit on meetings; so as to not have any more issues.

Councilman Zeilner made a motion to close the meeting to the public. Council President Putrino seconded the motion. All present in favor none opposed.

CLOSED SESSION:

1. Retiree Grievance – Art Caughlan
2. Personnel
3. Attorney Pension Credits – Record Article dated 5/24/10
4. PBA Memo Dated 6/17/10

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

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

PUBLIC SESSION:

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

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

Councilwoman Subrizi made a motion to approve the minutes from March 8, 2010 Work Session. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

Council President Putrino made a motion to end Mayor and Council meetings by 10:30 pm. Councilman Zeilner seconded the motion. All present in favor, none opposed.

**APPOINTMENTS: PAT COOGAN – BOARD OF HEALTH
 MARLENE SLAVIN – BD. OF HEALTH**

Councilman Berner made a motion to reappoint Pat Coogan and Marlene Slavin to the Board of Health. Councilwoman Subrizi seconded the motion. All present in favor, none opposed.

COUNCIL COMMITTEE REPORTS:

Councilman Arthur Zeilner

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

Councilman Zeilner reported the DPW is performing general maintenance.

Councilman Zeilner reported the Police Auxiliary is preparing for National Night Out. He did not receive a police call sheet. Councilman Zeilner referenced a letter from Chief Papapietro regarding the May 25th surprise drug search at the High School.

Councilman Zeilner reported Buildings and Grounds has completed its capital projects for the year.

Councilman Keith Bachmann

Ambulance Corps, Drug Alliance, Recreation

Councilman Bachmann reported the Ambulance Corps met on June 21st and has a new member; however they are still in need of more.

Councilman Bachmann advised the June 19th fishing derby was a great success. He noted the Drug Alliance is having a fund drive this week at Jersey Boy's, 15% of your bill will be donated by the DiMeglio family to the Drug Alliance.

Councilman Bachmann advised Recreation met on June 2nd and 16th; however he could not attend the meeting on June 2nd as it was on the same night as the Girl Scout award ceremony. He attended the meeting on June 16th at which members expressed concern over changing from a commission to a department.

Councilwoman Randi Duffie

Library Board, Planning Board, Rent Leveling/Tenants Association

Councilwoman Duffie reported that the Borough's Human Services Director, JoAnn Falcone attended the Rent Leveling Board meeting, she spoke of tenant issues. She noted if any one is in need of help, they should contact Ms. Falcone, she is very helpful.

Councilwoman Duffie advised the Planning Board completed the reexamination of the Master Plan as required by state law. The Borough is still in compliance with COAH; however the program may be wiped out.

Councilwoman Duffie did not attend the Library Board meeting; Mayor DeBari attended in her absence.

Councilwoman Duffie thanked the Public Events Committee for an outstanding Memorial Day Parade. She attended the New Milford birthday celebration and stated it was wonderful; she thanked the Historic Preservation Committee.

Councilman Howard Berner

Chamber of Commerce, Health & Human Services, Senior Advisory

Councilman Berner attended the Board of Health meeting on June 2nd; he read the vital statistics report for May.

Councilman Berner attended the Senior Advisory Board meeting on June 17th which was combined with the international pot luck luncheon. The Girl Scouts made a historic presentation

at the Senior Center for there Silver Award. He noted any senior interested in the Bergen County Cooperative Farmers Market should see Mary Beth Hubbard, Senior Center Director.

Councilman Berner did not attend the Chamber of Commerce meeting; however he noted they discussed their proposed involvement at National Night Out.

Councilwoman Ann Subrizi

Board of Education, Historic New Bridge Landing, Public Events

Councilwoman Subrizi thanked the Public Events Committee for a great Memorial Day Parade.

Councilwoman Subrizi advised with regard to the Historic New Bridge Landing Park Commission, the fence is down and the junkyard demolished.

Councilwoman Subrizi advised the Board of Education has voted to change the meeting dates so as not to conflict with the meetings of the Mayor and Council. She noted there was a lengthy discussion had by members and parents regarding a resolution to transfer some students from Berkley to Gibbs. She provided her report to the Deputy Borough Clerk as it was very lengthy.

Council President Michael Putrino

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

Council President Putrino attended New Milford's Birthday celebration on June 13th at Garden Café. The Historic Commission presented Shaaron Klinger with a certificate honoring her late husband for his years of service. He thanked the Mayor and Council members for attending the celebration.

Council President Putrino noted the Fire Department held its first ever 5K run on June 19th; it was very well attended. The Fire Department wished to thank all involved.

Council President Putrino reported the Shade Tree Commission is finalizing the specifications for the \$7,000 grant received.

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

Mayor Frank DeBari

Community Development

No report.

NEW BUSINESS:

Mayor DeBari advised that resolution 2010:147 is amending the introduced budget due to unforeseen changes in some Borough departments.

Councilman Berner made a motion to open the meeting to the public to discuss resolution 2010:147. Councilman Bachmann seconded the motion. All present in favor, none opposed. The record reflects no member of the public wished to comment on the resolution.

Council President Putrino made a motion to close the meeting to the public. Councilman Zeilner seconded the motion. All present in favor, none opposed.

Councilwoman Subrizi made a motion to approve resolution 2010:147. Councilman Zeilner seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

INTRODUCE ORDINANCE #2010:11

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, 2007:12, 2008:02, 2008:09, 2009:14.

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

The ordinance will be published in the Record and a public hearing will be held on July 26, 2010 at 8:30 PM.

INTRODUCE ORDINANCE #2010:12

AN ORDINANCE TO REPEAL ORDINANCE 2-31, "BOARD OF RECREATION COMMISSIONERS", AND REPLACE IT IN ITS ENTIRETY WITH ORDINANCE 2-31, "DEPARTMENT OF RECREATION"

Councilman Zeilner made a motion to introduce and approve this ordinance on its first reading. Council President Putrino seconded the motion. The motion passed on a roll call vote as follows:
For the motion: Putrino, Duffie, Zeilner, DeBari
Against the motion: Berner, Bachmann, Subrizi
Abstain: none

The ordinance will be published in the Record and a public hearing will be held on July 26, 2010 at 8:30 PM.

In casting his vote, Councilman Bachmann said the Council Liaison is responsible for offering an ordinance, according to the Borough's bylaws; he further noted he does not offer this ordinance.

INTRODUCE BOND ORDINANCE #2010:13

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS BUILDING IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF NEW MILFORD, IN THE COUNTY OF BERGEN, NEW JERSEY, TO APPROPRIATE THE SUM OF \$27,000 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.

Council President Putrino made a motion to introduce and approve this ordinance on its first reading. Councilwoman Subrizi 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 July 26, 2010 at 8:30 PM.

RESOLUTIONS:

- 2010:145 Closed Session
- 2010:146 Payment of Bills and Vouchers
- 2010:147 Approve Amendment to 2010 Municipal Budget
- 2010:148 Approve Community Development Appointments for 2010-2011
- 2010:149 Authorize Constitution of the 2010 Temporary Capital Budget
- 2010:150 Authorize Introduction of Bond Ordinance #2010:13 for Various Public Improvements
- 2010:151 Approve Raffle License #2010:08 – St. Joseph Council #3814 Knights of Columbus
- 2010:152 Approve Social Affairs Permit – Hovanian School – September 11, 2010
- 2010:153 Authorize 2010 Liquor License Renewals
- 2010:154 Authorize Mayor to sign grant agreement with County of Bergen to use \$150,000 in 2009 Open Space Funds for Hardcastle Pond – Phase II & Kennedy Field
- 2010:155 Approve refund of Concrete Permit #10-42 to Suburban Sidewalks in the amount of \$45.00
- 2010:156 Approve Refund of Dumpster Permit #1656A to Mr. & Mrs. Epifani Armedilla in the amount of \$50.00
- 2010:157 Approve the Corrective Action Plan for the 2009 Municipal Audit
- 2010:158 Appoint Records Clerk
- 2010:159 Oppose State Budget Cuts to Library Funding for Municipal Libraries

COMMENTS FROM THE PUBLIC

Councilman Berner made a motion to open the meeting to the public. Council President Putrino seconded the motion. All present in favor, none opposed.

Bruce Shapiro of New Jersey Realtors came forward to address the Council. Mr. Shapiro asked for the Council to consider changing the sign ordinance with regards to open houses, especially on Sundays from 1-5pm. Council President Putrino noted that the signs are left on Borough property and nailed to trees, which is against Borough ordinance. Mr. Shapiro stated fines could be increased to help deter.

Joe Binetti, 621 Concord Street came forward to address the Council. Mr. Binetti stated the signs have become an abusive trend; he finds two signs and an additional lawn sign only on Sundays to be fair. The real estate agents are assisting residents in selling their homes. Mayor DeBari noted it is difficult to know how many open houses occur on any given weekend; Mr. Binetti advised to refer to the MLS. Russell and Cathy Bell, 205 Baldwin Avenue came forward to address the Council. Ms. Bell is here with a heavy heart to discuss the comments made by Mr. Nesoff, President of the New Milford Jewish Center, in the Twin-Boro News; as well as make the Council aware of the issues in the neighborhood.

Ms. Bell noted she has lived in New Milford since she was three years of age, she has never had a problem with the Jewish Center until now; things have changed, the supervision has changed. Mayor DeBari advised that Councilman Bachmann invited Mr. Nesoff to tonight's meeting, however he did not come. Ms. Bell referenced an article in the Jewish Standard; she provided the Council with the paperwork referenced. Mr. Bell noted there must be structure to the school and its recreational activities. The Council thanked her for coming forward and advised she should contact the police if necessary and as needed. The Deputy Borough Clerk will send a letter to invite Mr. Nesoff and Rabbi Grossman to the July 26th meeting to discuss this matter further.

Steve Hill, 245 Hirschfeld Place came forward to address the Council. Mr. Hill spoke about the Recreation soccer program; he advised he has more soccer experience than most. However, he feels the soccer program is in shambles. Mr. Hill expressed concern that the younger and older children are not included in the spring soccer league. He feels he is mistreated by members and those on the soccer field. He noted the fields should be to FIFA guidelines.

Angelo DeCarlo, 783 Princeton Street came forward to address the Council. Mr. DeCarlo, Planning Board Chair referenced the aforementioned sign ordinance; he noted the Board would be happy to review and tweak as necessary. Mr. DeCarlo was given the paperwork provided this evening by Mr. Shapiro, to bring before the Board.

Donna Colucci, 223 Bergen Avenue came forward to address the Council. Ms. Colucci questioned if the sign ordinance refers to stores as well; she was advised stores are included. Ms. Colucci additionally stated she attended the Fishing Derby and was disgusted by the amount of geese feces surrounding the pond.

Mr. Hill made the Council aware that while attending a spring soccer practice with his daughter; a child fell and was hurt. The child apparently had a heart condition and was cleared to play. He provided CPR along with the coach who was luckily a nurse. The police were called and the child survived. Mr. Hill was surprised that nobody from Recreation asked for a statement; they don't seem to care.

Council President Putrino made a motion to close the meeting. Councilman Zeilner seconded the motion. All present in favor, none opposed.

VOTE ON RESOLUTIONS

Councilman Bachmann made a motion to approve the consent agenda consisting of resolutions #2010:145 through 2010:146 and #2010:148 through 2010:159. Councilwoman Subrizi seconded the motion. All present in favor, none opposed.

ADJOURNMENT

Councilman Berner made a motion to adjourn. Councilwoman Duffie seconded the motion. All present in favor, none opposed. Time 10:37 pm.

Respectfully submitted,

Colleen Naumov
Deputy Borough Clerk

