

**MINUTES**  
**BOROUGH OF NEW MILFORD**  
**7:00 PM WORK SESSION**  
**OPEN SESSION immediately following**  
**8:30 PM PUBLIC MEETING**  
**Monday, July 26, 2010**



**WORK 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 |

Also present: S. G. Moscaritolo, Borough Attorney; Christine Demiris, Administrator/Clerk;  
Steven Wielkotz, Borough Auditor (Arrived 8:00 PM)

Mayor DeBari reads the Open Public Meeting and Mission Statements.

**OPEN SESSION:**

1. New Milford Jewish Center Discussion

The Administrator reported that Rabbi Grossman called earlier today and informed he would be unable to attend tonight's meeting. Rabbi Grossman would be willing to attend the August 23<sup>rd</sup> session; the Council agreed to invite him to said meeting.

Councilwoman Subrizi stated in light of recent letters to the editor, she would like to make clear her actions with regard to the Jewish Center. Her actions were similar to that of the Gloria Dei dance studio; she approached the Tax Assessor to find out who she should speak to and was referred to the pastor. She did the same thing in this case. Councilwoman Subrizi finds the attacks and unwanted criticism offensive and is personally angry about it.

Maureen Kaman, Assessor was present and confirmed with Trenton she is doing the right thing. Mayor DeBari asked if the Jewish Center has provided the requested information; Ms. Kaman advised they have not. Ms. Kaman explained every third year she needs to get further statements for every exempt property that have filed their initial statement. She noted the Center is receiving their exemption as a religious organization. Ms. Kaman explained her investigation and noted the last statement filed by the Jewish Center indicated the Jewish Montessori Day School was leasing space. Ms. Kaman explained the exemption requirements if the property was sold before October 1<sup>st</sup> of the pretax year.

Councilman Berner noted the deed would show ownership; Ms. Kaman stated it could take up to two months for an Assessor to receive the deed. However she does not believe the Jewish Center was sold. She advised when she was made aware of Ascension Church

leasing to a French school, she notified them of what was needed and they contacted her immediately. It is not the school's responsibility to provide the information; it is the Church's. Councilman Berner questioned the repercussions if the information is not provided; Ms. Kaman explained they could lose the exemption for the area in question.

Councilman Bachmann noted it is the Assessor's duty under the law to request the information.

Councilwoman Duffie stated no one is questioning if the Assessor has been acting responsibly; she should be commended for handling it calmly and coolly.

Council President Putrino made a motion to open the meeting to the public on this matter. Councilman Bachmann seconded the motion. All present in favor none opposed.

Ira Grotsky, Trotta Drive, came forward to address the Council. Mr. Grotsky noted his wife Janet is a member of the Board at the Jewish Center. Mr. Grotsky advised that Rabbi Grossman is the tenant and is only responsible for the school. Torah Links is in negotiations to purchase the synagogue; however they are not affiliated with the school. He advised Mr. Nesoff resigned and has since then un-resigned. Ms. Kaman will forward all documentation previously forwarded to Mr. Nesoff to the Jewish Center's Board Vice President, Ralph Gerber.

Councilwoman Duffie requested Ms. Grotsky convey to the Board two issues; the Tax Assessor's need for information and the good neighbor issue. She reiterated the Council wishes to be on good terms with those that live, worship and do business in town.

Ms. Grotsky noted at the last Board meeting the tax issue was never discussed; they found out when reading the newspaper. The neighborhood issue was discussed and the Board was satisfied with Rabbi Grossman's answers. Ms. Grotsky further noted what Mr. Nesoff writes or states are not the sentiments of the entire Board.

Councilwoman Subrizi questioned if the school will reconvene in September; Larry Kahn was present and advised the school is scheduled to begin again in September.

Councilman Bachmann stated this issue is not about hurting the Jewish Center; our employee is bound by State law to get the information. He thanked Ms. Grotsky for her sentiments, however when a letter is signed by the President it seems to represent all.

Councilwoman Duffie made a motion to close the meeting to the public on this issue. Councilman Berner seconded the motion. All present in favor none opposed.

## 2. School Resource Officers – 2010/2011

The Administrator advised the Borough received the Board of Education's portion for January through June for the SRO because it was anticipated in their budget; however the Borough anticipated the full year's payment in its budget.

As the liaison, Councilwoman Subrizi advised the Council of the Board of Education's position on the SRO's. According to the Board, they are willing to pay their portion through 2010; however beginning in January 2011, they will no longer pay their half. The Administrator noted it was her understanding the Board is not willing to cover the second half of 2010; she will clarify with the Business Administrator and remind him the Borough has anticipated the money and the Board of Education signed the contract through 2010.

Councilman Bachmann noted it is a great program and if Chief Papapietro can find it in his budget to continue, it should continue; but the Board has an obligation to pay through 2010.

Mayor DeBari advised the Administrator if the conversation does not go well with the Business Administrator, then the Borough Attorney needs to get involved.

### **ADMINISTRATOR**

The Administrator advised the Borough has begun deducting 1.5% of the salary from non-affiliated government employees to be paid toward medical expenses, per Local Finance Notice 2010:12. She questioned whether or not that applies to the Police Department, based upon the Auditor's letter dated June 15, 2010. The Administrator has made numerous attempts to get a definitive answer from the State; she has been told it remains under review.

The Administrator asked if there were any objections to the memo from Chief Papapietro dated July 7, 2010 requesting to waive the policy on advertising for positions, considering he will recruit from a select population who has completed the alternate route program. Councilwoman Subrizi and Councilman Bachmann asked if it was responsible to hire when there may be a need to let them go due to the 2% cap. Councilwoman Subrizi noted the possibility needs to be disclosed to the applicants. The Council had no objections to waiving the policy on advertising in this instance.

The Administrator advised the NJ Transit representative, Mr. Del Colle, was unable to attend this evenings meeting. She asked if anyone objected to him coming to the August 23<sup>rd</sup> meeting to discuss changing the route on Madison Avenue, due to resident concerns. Councilwoman Duffie noted she would also like to discuss the problem of buses idling near the High School. Councilman Bachmann noted if the route is changed to appease some residents it will negatively affect others; and many New Milford streets have weight limits therefore limiting options. After discussion, the Council had no objection to Mr. Del Colle attending the August 23<sup>rd</sup> meeting to discuss being mindful of speed limits and the problem of buses idling near the High School in addition to the Madison Avenue complaint.

The Administrator referenced a letter from Ms. Weissner dated July 6, 2010 regarding flooding on Chestnut Street. Councilwoman Subrizi noted sidewalks are the homeowners' responsibility. The Administrator will have the Engineer review and make recommendations; because the main reason is the flooding that has eroded the sidewalks.

The Administrator advised that another manhole cover will be installed on Columbia Street to assist the DPW in cleaning out and videotaping the pipes.

The Administrator advised the Grants Consultant is willing to look into a grant for lightning detectors similar to Dumont's if the Council is interested. She noted the grant would be through Bergen County Open Space, which the Borough generally uses to fund other projects. Councilwoman Subrizi noted it could be more of a liability issue. The Council agreed with Councilwoman Subrizi and decided not to pursue the grant.

The Administrator explained there have been numerous complaints from employees with regards to the Borough issued cell phones. Some users complain to have problems with the Sprint service and therefore are forwarding the calls to their personal phones; in doing so the Borough incurs additional charges to forward. She will notify all employees with Borough cell phones that they will be responsible for all forwarding charges going forward. The Administrator proposed offering a telephone stipend if they opt to eliminate their Borough phone to use their personal. Steve Wielkocz was present and advised the stipend would be taxable income unless bills are submitted to support. The Council discussed their options and decided the employees are to use the Borough issued cell phones; the Borough will no longer pay for call forwarding.

The Administrator advised of the two appraisers and their proposals that came forward to appraise the water company property. Councilman Bachmann suggested the Borough use the cheaper appraiser. Councilwoman Subrizi suggested although Appraisal Systems is a bit more money, she would rather use someone who is familiar with the town. The Council decided to add a resolution authorizing Appraisal Systems to do the appraisal.

The Administrator referenced a check received from Bergen County Open Space; she asked Mr. Wielkocz how the check will affect the budget. Mr. Wielkocz noted the amount comes in as a tax credit for what was paid to the County in Open Space; therefore the amount will offset the budget. The impact will be seen in the certification from the County, i.e. in the amount to be raised by taxes.

Councilwoman Subrizi referenced the New Milford Open Space column of the budget; and asked if they are to collect \$17, equal to one-half of a tax point. Mr. Weilkocz advised what has been certified and collected each year is one-half of a tax point, which varies year to year. Mr. Wielkocz noted last year the Borough collected between \$95,000 and \$98,000 for Open Space.

The Administrator questioned if the Borough should replace sidewalk slabs damaged in yesterday's storm. She reminded the Council it has been done in the past; the Council decided the Borough should cover the cost of the damage done by Borough owned trees.

Council President Putrino suggested Shade Tree and sidewalks should be placed on a future agenda.

The Administrator explained older members of the Fire Department would like to withdraw funds from their LOSAP account without retiring; the current ordinance only

allows for hardship withdrawals. Council President Putrino is trying to find out if it can be done after a certain age and years of service as long as they qualify.

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

**CLOSED SESSION:**

1. PBA – Accumulated Compensatory Time Proposal

Councilman Bachmann made a motion to go back into open session. Councilwoman Duffie seconded the motion. All present in favor none opposed.

|                                   |                        |
|-----------------------------------|------------------------|
| <b>PUBLIC SESSION:</b>            | (Actual Start 8:59 PM) |
| 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; Steven Wielkotz, Borough Auditor

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

Councilman Bachmann made a motion to approve the minutes from March 22, 2010 Work/Public Session. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

**PUBLIC HEARING: 2010 MUNICIPAL BUDGET AMENDMENT**

Mr. Wielkotz explained the reasons for the budget amendment. He noted grants were received after the budget introduction. Minor adjustments were made in a couple of budget lines; i.e. the health benefit appropriation was reduced by \$50,000, thereby reducing that amount to be raised by taxes.

Mayor DeBari noted the borough will receive approximately \$56,000 from the Bergen County Open Space Trust Fund. Mr. Wielkotz explained how that refund money will be appropriated. Mr. Wielkotz explained taxes will rise \$220 for an average home assessed at \$414,000; \$88 is directly related to the loss in state aid.

Councilwoman Subrizi made a motion to open the meeting to the public on the 2010 Municipal Budget Amendment. Council President Putrino seconded the motion. All present in favor, none opposed.

The record reflects no member of the public wished to comment on the 2010 Municipal Budget Amendment.

The meeting was closed to the public on a motion from Councilwoman Subrizi. The motion was seconded by Councilman Berner. All present in favor, none opposed.

The Mayor asked for a vote on resolution #2010:175 approving the 2010 Municipal Budget.

Council President Putrino made a motion to approve resolution #2010:175. Councilman Zeilner seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

**APPOINTMENTS:                    CHRISTOPHER DE GENNARO – JR. FIRE DEPT.  
    ANGELO DECONGELIO – ZONING BD. OF ADJ. – ALT. 2**

Council President Putrino made a motion to appoint Christopher DeGennaro to the Jr. Fire Department. Councilman Bachmann seconded the motion. All present in favor, none opposed.

Councilwoman Duffie made a motion to appoint Angelo DeCongelio as the Second Alternate to the Zoning Board of Adjustment. Councilman Zeilner seconded the motion. All present in favor, none opposed.

Mayor DeBari advised resolution 2010:180, appointing Appraisal Systems to appraise the water company property, was added to the agenda.

**COUNCIL COMMITTEE REPORTS:**

**Councilman Arthur Zeilner**

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

Councilman Zeilner advised Buildings and Grounds is performing basic maintenance to all buildings.

Councilman Zeilner was unable to attend the Environmental Commission meeting and had no minutes to reference.

Councilman Zeilner reported the Police Auxiliary did not meet as they will meet at National Night Out on August 3<sup>rd</sup>; he summarized the police calls for the previous month.

Councilman Zeilner reported the DPW has been hard at work performing regular maintenance and storm clean-up.

**Councilman Keith Bachmann**

Ambulance Corps, Drug Alliance, Recreation

Councilman Bachmann had no reports.

**Councilwoman Randi Duffie**

Library Board, Planning Board, Rent Leveling/Tenants Association

Councilwoman Duffie noted neither the Library Board nor the Rent Leveling Board met in July.

Councilwoman Duffie reported the Planning Board met last week and is considering the realtor association proposal to allow directional signs during open houses; the matter will be discussed again.

**Councilman Howard Berner**

Chamber of Commerce, Health & Human Services, Senior Advisory

Councilman Berner read the Health Department report and advised they do not meet in July.

Councilman Berner advised the Senior Advisory Board does not meet during the summer; however they continue with their full slate of activities.

Councilman Berner reported the Chamber of Commerce is gearing up for National Night Out on August 3<sup>rd</sup>.

**Councilwoman Ann Subrizi**

Board of Education, Historic New Bridge Landing, Public Events

Councilwoman Subrizi attended the Historic New Bridge Landing Park Commission meeting on July 1<sup>st</sup>; she announced the commission will hold a meeting regarding the proposed Master Plan tonight at 7:00 pm. The junkyard remediation is 99% complete; all that remains is the removal of monitor wells. The saw shop demolition is complete; the fence installation is complete. She advised there is a state capital project to fix the Pizzatown parking lot.

Councilwoman Subrizi attended the Board of Education meeting on July 19<sup>th</sup>; at which Theresa Lacey resigned. The Vice Principal at the high school resigned to accept a Principal position in another town. The autism program is fully staffed; presently there are ten students in two classrooms at Berkley. There is no funding in the 2010-2011 for the School Resource Officers; therefore the Board will no longer be contributing and going forward the costs will have to be absorbed by the Police Department. A Curriculum Director has been hired at a salary of \$150,000 per year. Councilwoman Subrizi reiterated this Mayor and Council recommended that a Curriculum Director be hired at a much lower salary during budget negotiations.

Councilwoman Subrizi attended an Englewood area meeting at which representatives of Sustainable New Jersey were present. She noted New Milford may want to create its own green team; interested parties may contact Councilwoman Subrizi via the Clerk's Office.

Councilwoman Duffie suggested advertising the team on the website and the newspaper.

**Council President Michael Putrino**

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

Council President Putrino advised the Historic Preservation Commission, Fire Department and Shade Tree Commission will all meet at National Night Out.

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

Councilwoman Subrizi quickly noted the Public Events Committee did not meet however they are seeking public input on welcoming home servicemen and servicewomen; the Committee needs the family to provide information so those may be honored on Memorial Day.

**Mayor Frank DeBari**  
Community Development

Mayor DeBari advised Joe Rutch has retired from the County; the Acting Director is Anthony Mastrogiavonni.

**OLD BUSINESS:**

**ADOPT 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 Subrizi asked if the Borough Attorney's position was added to the salary ordinance. The Mayor confirmed that it was.

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

Councilwoman Subrizi 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. All present in favor, none opposed.

The Mayor asked for a motion agreeing to take the last public comment at 10:30 PM. Councilman Zeilner made the motion. The Council discussed whether or not a motion was necessary if this is addressed in the bylaws. As there was no copy of the bylaws for reference Councilwoman Subrizi suggested the matter be held until the next meeting. She also added that if the Council wants to adhere to a time limit they must start the public meeting on time at 8:30 PM. Council President Putrino added, any time past the 8:30 PM start time should be added to



the end time of the meeting. As there was no second to Councilman Zeilner's motion the motion died.

### **ADOPT 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"**

Council President Putrino made a motion to open to the public for comment on the adoption of this ordinance. Councilwoman Duffie 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 Putrino made a motion to close to the public. Councilwoman Duffie seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

Council President Putrino 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 as follows:

For the motion: Zeilner, Duffie, Putrino, DeBari  
Against the motion: Bachmann, Berner, Subrizi  
Abstain: None

In casting his vote Councilman Zeilner noted he had voted to table a similar motion three or four years ago but a few years have passed and he has since served on the Finance Committee. He stated the Director, being paid by the Borough should be treated as all other Borough employees hired through the Administrator and voted on by the Council. He stated there would be no changes to programs and it would not affect the children; it is a change of name and structure, all positions would remain unchanged.

In casting his vote Councilman Bachmann stated he had two questions: first when the ordinance would take effect and second if there would be no changes does that mean Mr. Malone would still be the Director. The Borough Attorney stated the ordinance would be effective upon publication. Councilman Bachmann stated since no one responded to his second question he would assume that Mr. Malone would not be the Director. He added that the Commission form gives them independence and that when programs are not running right the Director answers to the Commission.

In casting her vote Councilwoman Duffie stated that as stated in the past the change is a restructure and the decision was based upon recommendations from the Attorney and the Administrator based upon issues that have come up over the years. She stated the restructuring to a department makes it accountable to the Borough like all the other departments. Councilwoman Duffie said she would ask for Mr. Malone to stay on as Director, as well as asking for the Commissioners to remain, to make it a smooth transition.

In casting his vote Councilman Berner stated he was the only member sitting on the Council who had also served as a Recreation Commissioner. He stated the Commissioners all worked to provide the best programming possible and noted that it has existed in that form for forty or fifty

years and that he felt it works best in that form because it takes the politics out of the mix. He added that by reporting to the Mayor and Council it could inject politics into it.

In casting her vote Councilwoman Subrizi stated she has been opposed to the change since the beginning and is voting against the adoption for all of the reasons she has stated previously. She stated that all of the past problems have been corrected and the Commission should have been left alone.

In casting his vote Council President Putrino stated that by changing the structure it will increase the communication between Recreation and the Borough; it will increase the checks and balances. He stated by making it a department it makes it less political, noting that the Mayor currently appoints the Recreation Commissioners without the advice and consent of the Council; something that will change with the adoption of this ordinance. He stated that currently the Director collects a salary from the Borough but is only accountable to the Commission, adding if the Director collects a check from the Borough he should be accountable to the Borough. He stated the change would not affect the recreation programs.

### **ADOPT 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 open to the public for comment on the adoption of this ordinance. Councilman Berner 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. Councilwoman Subrizi 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. All present in favor, none opposed.

### **NEW BUSINESS:**

### **INTRODUCE BOND ORDINANCE #2010:14**

BOND ORDINANCE TO AUTHORIZE SANITARY SEWER PIPE LINING AND REPLACEMENT AT VARIOUS LOCATIONS IN, BY AND FOR THE BOROUGH OF NEW MILFORD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,425,340 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.

Councilwoman Subrizi commented that once the financing is in place it would be imperative to complete the job as quickly as possible.

Councilwoman Subrizi 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 August 23, 2010 at 8:30 PM.

**RESOLUTIONS:**

- 2010:160 Closed Session
- 2010:161 Payment of Bills and Vouchers
- 2010:162 Approve Raffle License #2010:09 for NMHS PTO – Calendar Raffle
- 2010:163 Approve Raffle License #2010:10 for Hovnanian School
- 2010:164 Approve Raffle License #2010:11 for NMHS PTO – On-Premise 50/50
- 2010:165 Authorize 2010 Liquor License Renewal – Nafpaktos, LLC
- 2010:166 Approve Building Department escrow refund to Terry Lawler, 291 Ridge Street, New Milford in the amount of \$625.50
- 2010:167 Approve Change Order 1 & Final – Drainage Improvements to Trench Dr. Phase II
- 2010:168 Approve Dedication by Rider – Historic Preservation
- 2010:169 Approve Dedication by Rider – Landlord Emergency Reserve
- 2010:170 Approve Dedication by Rider – Self-Insured Health Benefits
- 2010:171 Approve Dedication by Rider – Developer’s Escrow
- 2010:172 Approve Dedication by Rider – Junior Police Academy
- 2010:173 Authorize submission of grant application and execution of grant agreement with New Jersey Department of Transportation for River Road Streetscape (Phase 4)
- 2010:174 Authorize Capital Alternatives Corporation to prepare application – River Road Streetscape (Phase IV)
- 2010:175 Adopt 2010 Municipal Budget
- 2010:176 Authorize Local Finance Board Application for review and/or approval of proposed bond ordinance authorizing a sanitary sewer project
- 2010:177 Authorize Introduction of Bond Ordinance #2010:14 for Sanitary Sewer Pipe Lining and Replacement at various locations
- 2010:178 Authorize 2010 Capital Budget Amendment
- 2010:179 Designate a \$992,800 Bond Anticipation Note dated July 23, 2010 and payable April 19, 2011 as a “Qualified Tax-Exempt Obligation”
- 2010:180 Authorize Appraisal Systems, Inc. to complete a Green Acres appraisal of the United Water property identified as Block 1309, Lot 1
- 2010:181 Appoint Ken Malone as interim Recreation Director through December 31, 2010
- 2010:182 Appoint the current Recreation Commissioners to the Recreation Advisory Board for interim terms through December 31, 2010

## COMMENTS FROM THE PUBLIC

Councilman Bachmann made a motion to open the meeting to the public. Councilwoman Duffie seconded the motion. All present in favor none opposed.

Peggy Saslow, 278 Ridge Street came forward to address the Council. Ms. Saslow reiterated her concerns over 282 Ridge Street; progress is moving very slowly. She presented the advertisement of the home for sale on a website. She thanked the borough for their response to the storm and asked the borough not to forget the tree in front of her home.

Hedy Grant, 175 Boulevard came forward to address the Council. Ms. Grant requested an update on the flood mitigation project. The Administrator will request from Boswell an estimate on when they will meet the new requirements for DEP. Ms. Grant requested an update on the Jewish Center. She was advised the President was invited to this evenings meeting; the Tax Assessor will contact the Vice President of the New Milford Jewish Center for further information. Ms. Grant asked how to determine trees that pose hazardous conditions. Mayor DeBari advised that Council President Putrino will discuss the concern with the Shade Tree Commission and Councilman Zeilner will discuss with the Department of Public Works.

Eileen Leonard, Trotta Drive came forward to address the Council. Ms. Leonard noted she fears the trees will fall during every storm. She noted a problematic tree and asked if the borough will remove or trim the tree; the Administrator will follow up with the Department of Public Works. Ms. Leonard advised someone goes to the swim club parking lot and shoots at animals. She advised the police department, they stated it may be fireworks; she urged the Council to look into it further.

Mr. Howard Cohn, 776 Asbury Street came forward to address the Council. Mr. Cohn advised the New Milford Jewish Center is operating as it always has; he feels that the town and Assessor are playing games. Mr. Cohn noted he is here as a congregant, not as a representative.

Mr. Moscaritolo explained the legal reasons for the Tax Assessor's inquiries.

Councilman Bachmann read a statement dated December 15, 2009, regarding any portion of the real property being rented; he noted the form was checked no. However, newspapers and neighbors say otherwise.

Russell and Kathy Bell, 205 Baldwin Avenue came forward to address the Council. Ms. Bell asked what has transpired with the Jewish Center since the last meeting. Mayor DeBari advised that the school's representative, Rabbi Grossman, was unable to attend this evening, and has rescheduled for August 23<sup>rd</sup>. Ms. Bell noted all parties should be present. She reiterated some of the issues she made the Council aware of at the last meeting. She referenced the letter to the editor written by Mr. Cohn.

Councilwoman Duffie advised that a member the board at the Jewish Center was in attendance upstairs this evening; and the Council was advised by said member, the comments made by the president do not represent the entire board. She stated no resident should feel uncomfortable in their own home; the Borough Hall and Police Department are here to help.

Mr. Cohn came forward to extend an invitation to Mr. and Mrs. Bell and the Mayor and Council to meet at the New Milford Jewish Center to work out the problems amicably. Mayor DeBari asked if Mr. Cohn was a member of the Board of Trustees; Mr. Cohn stated yes. Mayor DeBari requested the invitation be sent to Borough Hall.

Ken Malone, 269 Henley Avenue came forward to address the Council. Mr. Malone questioned upon publication of the Recreation ordinance, will he remain the Recreation Director. Mayor DeBari stated transition letters will be sent to the commissioners and the director asking if they are still interested in serving. Mayor DeBari reiterated the Director and Coordinators will remain.

Debbie Yeager, 57 Summit Avenue came forward to address the Council. Ms. Yeager asked who is in charge of Recreation in the interim and if the position will be published in the newspaper. Mayor DeBari advised it would be published in 30-45 day time period. The commissioners may remain if they choose and will do so until January 1<sup>st</sup>. Ms. Yeager noted if the Council has not contacted the people involved, how they will know the programs will continue.

Council President Putrino noted we do not want to make changes in the interim period. Council President Putrino recommended Mr. Malone remain as the interim Director until December 31<sup>st</sup>. Councilman Bachmann noted he would second that motion when they close to the public.

Councilwoman Subrizi questioned why Mayor DeBari would write the transition letter if the Administrator is responsible for overseeing the department. She requested to see the letter before it is mailed.

Mayor DeBari stated the letter will explain the Director reports to the Administrator and those members, who wish to continue to serve, may do so.

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

Mr. Moscaritolo advised resolution #2010:181 must be added to appoint the interim Director. He then stated if there is interest from the current commissioners to be on the advisory board, then they will be appointed at the August 23<sup>rd</sup> meeting.

Council President Putrino suggested appointing by resolution, the current commissioners as advisory board members tonight; they may choose otherwise after receiving the transition letter and that can be addressed at the August 23<sup>rd</sup> meeting.

Council President Putrino made a motion to appoint the interim Recreation Director and the interim advisory board members through December 31<sup>st</sup>.

Councilman Berner stated the Council should appoint the commissioners individually and should be two separate resolutions as one is an employee and the others are volunteers.

Council President Putrino made a motion to appoint Ken Malone as the interim Director through December 31, 2010. Councilman Bachmann seconded the motion. Mayor DeBari advised that would be resolution #2010:181.

Councilwoman Subrizi made a motion to open to the public for comment. Councilwoman Duffie seconded the motion. All present in favor none opposed.

The record reflects no one from the public wished to comment.

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

Councilman Bachmann stated that Council President Putrino's motion to appoint Ken Malone should be amended to include Mr. Malone's current terms of employment.

Council President Putrino made a motion to reappoint the former Recreation Commissioners as Recreation Advisory Board members until December 31, 2010, with a transition letter to follow. Councilman Bachmann seconded the motion.

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

Peter Rebsch, 147 North Terrace Place came forward to address the Council. Mr. Rebsch questioned how the appointments will affect winter recreation sports.

Ms. Yeager questioned if coordinators still have jobs after the Director's appointment ends in December. Councilman Zeilner stated of course.

Joe Binetti, came forward to address the Council. Mr. Binetti coaches four teams per year; he hates to see change like this, the current members are the reason he continues to coach.

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

## **VOTE ON RESOLUTIONS**

The Mayor announced resolution #2010:180 would be pulled for a separate vote.

Councilwoman Duffie made a motion to approve resolution #2010:180. Councilman Bachmann seconded the motion. The motion passed on a roll call vote as follows:

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

Against the Motion: None

Abstain: Berner

Councilman Bachmann made a motion to approve the consent agenda consisting of resolutions #2010:160 through 2010:174, #2010:176 through 2010:179, and #2010:181 through 2010:182. Councilwoman Subrizi seconded the motion. All present in favor, none opposed.

The Mayor asked for a motion regarding the decisions made on the Police Department compensatory time and the hourly calculation. Councilman Zeilner made a motion to allow for the buy-down of compensatory time to fifty hours, allowing it go back to the statutory maximum of 480 hours provided the hours would not be used toward terminal leave and a maximum of

fifty hours could be paid out at retirement. The motion also provided for the calculation of the hourly rate to be made on 1946 hours annually from 2011 forward. Councilman Bachmann seconded the motion. All present in favor, none opposed.

**ADJOURNMENT**

Councilwoman Subrizi made a motion to adjourn. Councilman Berner seconded the motion. All present in favor, none opposed. Time 11:09 PM.

Respectfully submitted,



Colleen Naumov  
Deputy Borough Clerk