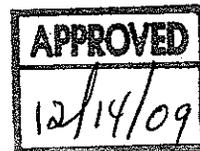


MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
OPEN SESSION immediately following
8:30 PM PUBLIC MEETING
Monday, July 27, 2009



WORK SESSION

Councilman Arthur Zeilner	Present
Councilman Keith Bachmann	Present
Councilwoman Randi Duffie	Present
Council President Tina DeLucia	Present (7:09 pm)
Councilwoman Ann Subrizi	Present
Councilman Michael Putrino	Present
Mayor Frank DeBari	Present

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

Mayor DeBari read the Open Public Meeting and Mission Statements.

OPEN SESSION

1. Solid Waste Bid Opening

The Administrator noted the Borough held its Solid Waste Bid Opening in conjunction with River Edge on July 10th. She stated the apparent low bidder was Waste Management; the numbers are significantly less than what the Borough is currently paying. She noted an objection was received from the second lowest bidder; she emailed it to the Council.

Mr. Moscaritolo reviewed his answer to the objection received today. He stated one of the concerns the objector noted was the bid bond; however the objector's bid contained an identical bid bond. Therefore if the apparent low bidder was disqualified on this fact, the objector would be excluding himself as well. Mr. Moscaritolo reviewed the bids and recommended awarding a 5 year contract to Waste Management. The Council agreed no response should be sent to the objector's attorney. The Administrator stated if River Edge concurs, she will prepare an awarding resolution for the next Council meeting.

2. PSE&G Induction Lighting Request

The Administrator referenced the request from PSE&G to install induction lights. She noted the Borough currently has high pressure sodium lights. She further noted the sodium lights cost more per month than the proposed induction lights; a yearly savings of \$336. The Council requested the current and proposed monthly charges as well as how the PSE&G representative arrived at that figure.

3. Little League Correspondence dated 7/20/09

Mr. Dan Davis and Dr. Jeff Altman represented the Little League on their fundraising request for a Halloween Hayride; Mr. Davis read their request letter into the record. He noted a portion of Ptl. Ray Woods Lane would need to be closed and the access road by Pavone Field would be used. Mr. Davis stated although it is a fundraising event for Little League, it would be a wonderful event for the community as well. He noted it will be a week long event (except Monday and Tuesday), beginning October 22nd or 23rd and ending October 30th.

Councilman Bachmann questioned if the Little League must include October 30th. Councilman Bachmann's concern is the Police Department is always spread very thin that night, and this would just add to it. Mr. Davis stated they would prefer to include that date and could provide their own security that night if needed.

Councilwoman Duffie noted she understands the concerns of October 30th; however this would be a good alternative.

Mr. Moscaritolo expressed concern over possible damage to the field. Mr. Davis stated the Little League owns and maintains the fields, and noted the field improvements planned.

Mayor DeBari questioned if the proposed fundraising event was to fund the field improvements. Mr. Davis stated the money is not earmarked for the fields specifically. Mayor DeBari suggested in advertising the event, to specifically note which capital project the proceeds will benefit.

Dr. Altman noted this could be the start of a tradition; further stating it is a wonderful alternative for younger children and families.

Mayor DeBari offered Peter Both, Bergen County Environmental Center, as a contact for use of their hay wagon. Dr. Altman added it must meet Little League insurance requirements for them to receive approval as well.

Mayor DeBari requested a Hold Harmless Agreement considering the event will be held on Borough streets.

Chief Papapietro gave his preliminary approval; however Mayor DeBari noted information must also be forwarded to all appropriate departments.

Chief Papapietro requested the final information be provided to him prior to October 1st.

4. Audit Report

Council President DeLucia noted Department Heads respond to the Auditor's comments; however they are never included in the audit report and she feels they should be.

The Administrator reviewed the audit comments and steps taken to correct the deficiencies.

Councilwoman Subrizi suggested the CFO remind Department Heads about depositing money within 48 hours, and no purchases are to be made without approval of a purchase order.

Mark Polito will forward the Corrective Action Plan to the Administrator.

ADMINISTRATOR

The Administrator noted JoAnn Falcone had requested to provide \$200 in Shop Rite certificates to the Social Concerns Committee of Ascension Church. The Council discussed the matter and suggested Ms. Falcone include her business card along with the certificates, in case the recipient needs help in the future.

The Administrator stated in 2006 she applied for a grant through the Bergen County Elections Division to the State for updating polling locations to HAVA compliance. She noted the Borough had just received the grant totaling \$12,600; to be used to install automatic door openers at the DEO Middle School, Berkley, Gibbs and the front entrance of the library. The installation is being coordinated by our Buildings and Grounds Supervisor along with Mr. Stokes from the Board of Education.

The Administrator was recently made aware that Boswell had not yet submitted the DEP permit application for the Hirschfeld Brook Flood Mitigation project. The signed application and fee was given to Boswell on June 9th. Boswell was awaiting the 200 ft. property owner's list that was requested in a letter dated May 28, 2009, however was received by our Tax Assessor's office on July 17th; completed and emailed to Boswell on July 20th. The Administrator will draft a letter to Boswell expressing the Council's displeasure.

The Administrator referenced a memo from Alan Silverman, Fire Marshal requesting an increase in fees for non-life hazard inspections. Council President DeLucia questioned the current fees and the proposed amount.

Councilman Bachmann requested the total amount collected in 2008.

The Administrator noted although the Borough does not participate in the Town Planner Calendar, incorrect information is still published. She questioned how the Council wants her to proceed. Mayor DeBari stated a disclaimer should be placed on the Borough's website, noting the calendar is not sanctioned by the Borough.

The Administrator referenced a letter from Sean McPartland regarding an Eagle Scout project; the Council was sent individual letters, however she was not copied. Mr. McPartland called today and asked if the Council has made a decision. Council President DeLucia noted the request was for the permit fees to be waived for the shed to be built on the Presbyterian Church property. The Council discussed the matter and approved his request for waiving fees.

BOROUGH ATTORNEY

Mr. Moscaritolo sent the Administrator the revised e-Revival contract. The Administrator noted the contract was signed by the Mayor; the resolution is on tonight's agenda.

Mr. Moscaritolo referenced a letter from Herbert Henry. The Administrator informed him the letter was forwarded to the Zoning Board Attorney, as per his instructions.

Mr. Moscaritolo advised the Council he is still working on the repair shop ordinance revision, he will have it for the August meeting.

Mr. Moscaritolo referenced the letter received from Bergen County Utilities Authority; he noted further legal research is needed before providing an opinion.

COUNCIL

Council President DeLucia requested clarification of what the Bergen County Open Space resolution for the United Water property was in reference to. Mayor DeBari was advised by the Borough's Grant Consultant that the Borough must submit an application for the Open Space Trust Fund; although the monies will not be available until next year, the application must be submitted this year.

Council President DeLucia would like more information to be provided to the Council by Capital Alternatives. Mayor DeBari advised if the resolution is not approved tonight, the Borough will not receive funding.

Councilman Bachmann stated if the Borough obtains the grant and decides not to purchase, it is still owes the fee to the Grants Consultant.

Councilwoman Subrizi noted once the cleanup is complete, the Borough will receive notification. She further stated there is a total of 16.43 acres, of which 4 acres are not able to be built upon; she mentioned some acres are not able to be cleaned and/or built upon. Councilwoman Subrizi stated the Council can table the resolution if it so chooses; however she will vote no.

Councilwoman Duffie clarified for the Council; the clean bill for the property comes directly from the DEP and is not done separately.

After much discussion, the Council decided to table resolutions 2009:170 and 2009:171.

Councilwoman Duffie discussed the COAH sheet provided by the League of Municipalities, which includes frequently asked questions; and suggested making it available to the public.

Councilman Zeilner had nothing to report.

Councilman Bachmann inquired if Gaelic Communications provided a response to his question regarding height and cost; the Borough Attorney stated they had indicated in an email that it would increase the cost by 20% and would allow for one additional carrier. Councilman Bachmann requested resolution 2009:163 be pulled for a separate vote.

Councilman Bachmann requested clarification of the salary ordinance.

Councilwoman Subrizi inquired as to the benefit to the Borough if the cell tower is extended to 160 feet as opposed to 150 feet. Mr. Moscaritolo responded the Borough receives 30% of the additional income.

Councilman Putrino noted the NMFD wetdown will be August 8th from 1pm-5pm, he asked that everyone please try to be there.

Councilman Putrino stated two rounds of AFG grants have gone by; both of which the Fire Department could not apply for because they did not have a plan. He asked if the Council wishes to fund the study for the project; it could be done with no further money out of the operating budget. Councilman Putrino noted another round of AFG grants will be in February. The cost of the study is \$7,500 which is currently in the Clerk's line of the budget. Councilman Bachmann noted the truck company never answered what the turning radius is for the truck; to be sure Trenton Street is wide enough. Councilman Putrino will inquire again. The Fire Department feasibility study will be relisted on the August agenda.

Councilman Putrino reported the Finance Committee will meet with the CFO.

Councilwoman Subrizi requested budget recommendations be placed on the August agenda for discussion to begin at 6:30 pm. The early start time will be sunshined.

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

PUBLIC SESSION (Actual Start 8:58 PM)

Mayor DeBari announced there is not public hearing for the United Water Bergen County Open Space application this evening. He further noted resolutions 2009:170 and 2009:171 have been tabled and 2009:163 will be pulled for a separate vote.

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	Present

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

Mayor DeBari called the meeting to order, asked for a moment of silent prayer, 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 the March 9th Work Session and the March 23rd and March 26th Public Sessions. Councilwoman Subrizi seconded the motion. All present in favor, none opposed; except Council President DeLucia who abstained.

APPOINTMENTS: RECREATION - JOSEPH RICCIARDELLI – 6/30/11

Mayor DeBari noted Mr. Ricciardelli is already a Commission member; however the Council is amending his term. Councilman Bachmann made a motion to change the date of Mr. Ricciardelli's term on the Recreation Commission. Councilman Zeilner seconded the motion. All present in favor, none opposed.

PROCLAMATION: NATIONAL NIGHT OUT

Mayor DeBari read the proclamation into the record.

COUNCIL COMMITTEE REPORTS:

Councilman Arthur Zeilner

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

Councilman Zeilner reported the Recreation Building was recently painted by the Sheriff's Department.

Councilman Zeilner noted the Environmental Commission has reported the tree farm is going strong. The Commission is working on a battery recycling program in conjunction with the public schools. He stated the High School will have an Environmental Club beginning this year. He noted Clean Communities Day will be the first Saturday in October.

Councilman Zeilner summarized the police calls for the previous month. He noted the Junior Police Academy had a wonderful turnout this year with approximately 90 children enrolled.

Councilman Keith Bachmann

Ambulance Corps, Drug Alliance, Recreation

Councilman Bachmann attended the Recreation Commission meeting on July 1st, however there was no quorum. He further noted the building has been cleaned up, the kitchen is operational and the outside has been painted. This past Saturday the Commission hosted a movie night; however the attendance was low due to a light drizzle, but it was still very nice. He reported the Commission has discussed hosting a second grade soccer tournament; he will have more information to report next time.

Councilman Bachmann reported the Ambulance Corps met on July 20th and has one new member. He stated they are thinking about hosting a CPR course; if interested please contact either him or the Ambulance Corps for more information.

Councilman Bachmann did not attend the Drug Alliance meeting, as he thought they did not meet over the summer.

Councilwoman Randi Duffie

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

Councilwoman Duffie noted the Board of Health does not meet over the summer; however the Registrar's report is on file in the Borough Hall.

Councilwoman Duffie reported the Rent Leveling Board will meet July 30th at 7:30 pm in the Borough Hall.

Councilwoman Duffie reported the Senior Advisory Committee does not meet over the summer; however she did visit the Senior Center last week and encourages others to do the same. She noted the seniors are having a food drive in conjunction with Ascension Church for those less fortunate.

Council President Tina DeLucia

Chamber of Commerce, Planning Board, Library Board

Council President DeLucia stated that the Chamber of Commerce and the Library Board do not meet until September.

Council President DeLucia reported at the last meeting of the Planning Board, the topic of COAH was discussed, however the Board was disappointed there was no member of the public in attendance. The Planner answered questions that were previously raised; there is no word on when the Board will receive a final decision. Council President DeLucia noted the NJ Planning magazine answered basic questions on COAH; copies of those answers are available to the public at tonight's meeting. The Board discussed making changes to the Planning Board application to make it easier to understand. There are currently no applications before the Board; however they are still scheduled to meet on August 18th and August 25th although the meetings may be combined.

Councilwoman Ann Subrizi

Board of Education, Historic New Bridge Landing, Public Events

Councilwoman Subrizi reported Historic New Bridge Landing Park Commission has no meeting in July; the next meeting is August 6th where she will get details on the remediation at the junkyard and the programs scheduled for Steuben House.

Councilwoman Subrizi reported the Superintendent search is ongoing with the Board of Education.

Councilwoman Subrizi reported the Public Events Committee does not meet over the summer.

Councilwoman Subrizi requested clarification from Council President DeLucia with regards to her Planning Board report on COAH; asking if it was a public hearing on COAH. Council President DeLucia responded it was not a hearing, but rather a discussion on recent correspondence and the status of the Borough's submission.

Councilman Michael Putrino

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

Councilman Putrino reported the Historic Preservation Commission does not meet in July; however they will have a table at National Night Out.

Councilman Putrino reported the Fire Department does not meet in July; however Fire Co. #1 will host a dual wetdown on August 8th for the new fire truck and boat. The 27th Annual Fire Awareness Day will be Thursday, October 8th from 6pm-9pm behind Borough Hall. He noted the next meeting will be September 21st.

Councilman Putrino reported the Shade Tree Commission does not meet in July; their next meeting is August 20th. He noted they are still working on their second, five year plan for the State.

Councilman Putrino summarized the Garbage and Recycling activity for the previous month.

Mayor Frank DeBari

Community Development

Mayor DeBari had nothing to report.

OLD BUSINESS:

ADOPT ORDINANCE #2009:12

AN ORDINANCE TO AMEND CHAPTER VII OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "TRAFFIC," THEREBY AMENDING SUBSECTION 7-3 ENTITLED "PARKING"

Councilwoman Duffie made a motion to open to the public for comment on the adoption of this ordinance. Councilman Bachmann seconded the motion. All present in favor, none opposed.

John Norman, 619 Fernery Drive, came forward to address the Council. Mr. Norman sees the need to limit parking on the proposed streets, he questioned if signs will be erected. Mayor DeBari stated signs will be posted probably within 30 days.

Councilwoman Duffie made a motion to close to the public. Council President DeLucia seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

Councilwoman Duffie 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 as follows:

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

Against the motion: none

Abstain: Putrino

NEW BUSINESS:

INTRODUCE ORDINANCE #2009:13

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW ADDITIONAL FUNISHINGS, IN, BY AND FOR THE BOROUGH OF NEW MILFORD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$530,000 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.

Councilwoman Subrizi made a motion to introduce and approve this ordinance on its first reading. Councilman Putrino seconded the motion. The motion passed on a roll call vote.

The ordinance will be published in the Ridgewood News and a public hearing will be held on August 24, 2009 at 8:30 PM.

INTRODUCE ORDINANCE #2009:14

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 AND 2008:09.

Councilwoman Subrizi made a motion to introduce and approve this ordinance on its first reading. Council President DeLucia seconded the motion. The motion passed on a roll call vote as follows:

For the motion: Zeilner, Bachmann, Duffie, DeLucia, Subrizi
Against the motion: none
Abstain: Putrino

The ordinance will be published in the Ridgewood News and a public hearing will be held on August 24, 2009 at 8:30 PM.

RESOLUTIONS:

- 2009:155 Closed Session
- 2009:156 Payment of Bills and Vouchers
- 2009:157 Approve Raffle License 2009:17 for New Milford Touchdown Club Off-Premise 50/50
- 2009:158 Approve Raffle License 2009:18 for St. Joseph Council #3814 Knights of Columbus Armchair Race
- 2009:159 Approve Raffle License 2009:19 for PTO New Milford High School On-Premise 50/50

- 2009:160 Authorize Boswell McClave Engineering to prepare plans and specifications and Borough Clerk to receive bids for Phase 2 of the Trench Drive Drainage Improvements
- 2009:161 Award 2009 Riverside Cooperative Road Improvement Program to Joseph M. Sanzari, Inc.
- 2009:162 Authorize Mayor to sign Agreement with eRevival LLC for the collection and recycling of used electronics
- 2009:163 Approve Cell Tower Lease Amendment with Gaelic Communications
- 2009:164 Approve Community Development Appointments for 2009-2010
- 2009:165 Approve Open Space Trust Municipal Program Regional Committee Appointment for 2009-2010
- 2009:166 Acknowledge receipt and review of the 2008 Municipal Audit
- 2009:167 Approve amendments to 2009 Temporary Budget
- 2009:168 Authorize Capital Alternatives Corporation to prepare grant application to Bergen County Open Space for Hardcastle Pond, Phase II and Kennedy Field Lighting
- 2009:169 Approve application to Bergen County Open Space Recreation, Farmland & Historic Preservation Trust Fund in the amount of \$210,000 for Hardcastle Pond, Phase II and Kennedy Field Lighting
- 2009:170 Authorize Capital Alternatives Corporation to prepare grant application to Bergen County Open Space Property Acquisition Program for the United Water Company Property Acquisition *****TABLED*****
- 2009:171 Authorize submission of application for United Water Property Acquisition to Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund in the amount of \$1,790,000 *****TABLED*****
- 2009:172 Designate a \$620,800 Bond Anticipation Note dated July 23, 2009 and payable July 23, 2010 as a "Qualified Tax-Exempt Obligation"
- 2009:173 Authorize Introduction of Bond Ordinance #2009:13 for Various Public Improvements
- 2009:174 Oppose parole release of Christopher Righetti
- * 2009:175 Authorize Constitution of the 2009 Temporary Capital Budget to include Various Public Improvements

COMMENTS FROM THE PUBLIC

Councilwoman Subrizi made a motion to open the meeting to the public. Councilman Putrino seconded the motion. All present in favor, none opposed.

Marvin Baer, 40 Canterbury Lane came forward to address the Council. Mr. Baer questioned the timeline to start on the Gramercy project. Mayor DeBari noted he just signed the Developer's Agreement. Mr. Baer questioned if there were any changes made from the original agreement; Mayor DeBari stated no changes have been made. Mr. Baer asked if any recommendations had been made by the Planner regarding the COAH obligations. Mayor DeBari noted the only suggestion made was to rent the units rather than sell to get double the credit.

Councilman Bachmann referenced a letter from the Municipal Planner to COAH on behalf of the builder, wherein he proposed changes to the original plan. Councilman Bachmann reviewed some reasons by which the opposition attempted to block the project. Councilman Bachmann stated the neighbors want to know why the Borough would help the Developer in petitioning COAH.

Council President DeLucia noted COAH made comments and asked for specifications, the Planner's letter was to explain why the information COAH requested was not necessary because the Borough is staying with its original plan.

Councilman Bachmann disagreed; stating the Planner is asking COAH for relief on behalf of the builder. Council President DeLucia reiterated the Planner asked COAH to approve the original plan.

Councilwoman Subrizi stated she sat through the entire meeting upstairs, and does not recall the Mayor signing a Developer's Agreement; she then requested a copy of said agreement. She then asked if there was a resolution authorizing the Mayor to sign the agreement.

Councilwoman Duffie that a resolution of the approval is written by the Planning Board attorney, which is then used as a roadmap to draft the Developer's Agreement.

Joanne Prisendorf, 317 River Road came forward to address the Council. Ms. Prisendorf noted she was unable to attend the Planning Board meeting, as she was on vacation. She referenced ordinance 2009:13, then asked if there were plans for Charles Street to be paved. The Administrator advised Ms. Prisendorf that street was approved in an ordinance earlier this year. Ms. Prisendorf questioned if the Borough has a set of checks and balances to make sure New Milford does not have similar problems to those recently seen in the news.

Egidio Cafarelli, 1086 River Road came forward to address the Council. Mr. Cafarelli believed Councilwoman Subrizi's question regarding the Developer's Agreement was never answered. Mr. Cafarelli requested a copy of the Planner's letter that Councilman Bachmann was referring to.

Bob Harvey, 3 Canterbury Lane came forward to address the Council. Mr. Harvey noted the attorney for the developer stated Gramercy will be a condominium complex with a board showing pride of ownership; however if it is to be rented that pride goes out the window. Mr. Harvey stated many builders have started projects but run out of money before completion; will they be required to put up a performance bond? Mayor DeBari noted all builders must supply a performance bond. Mr. Harvey asked if the interstitial spaces of the building would be sprinkled. Councilwoman Duffie advised if it was a condition of approval it shall be enforced. He then asked if all the units could be rented; Mayor DeBari noted it was the Borough Planner who pushed the issue to rent 4 units, so the COAH credits would double.

Schlomo Bashan, 8 Canterbury Lane came forward to address the Council. Mr. Bashan stated his opinion; the Mayor did nothing to help the residents actually quite the opposite. Mr. Bashan stated this issue has devalued their properties. He asked how this would be explained if the FBI comes in to look at it.

Bill Nugent, 188 Rambler Avenue came forward to address the Council. Mr. Nugent questioned the maximum rent that could be charged for a COAH unit. He asked this because he does not understand why Brookchester would not be compliant. The Council explained those apartments were built prior to 1980, and therefore do not qualify. Mayor DeBari read information from the 2009 regional income limits. Mr. Harvey questioned if some of the COAH units are to be 4

bedrooms. Council President DeLucia stated no, COAH had suggested larger units; the letter that was discussed was the Borough's response to COAH.

Councilwoman Subrizi explained that COAH was enacted in 1975; however the usage of the word "affordable" is often misunderstood. She further noted it is difficult to understand and questions regarding rent cannot be answered concretely because the guidelines are still unclear.

Councilwoman Duffie echoed Councilwoman Subrizi's comments; stating the rules are ever-changing. The Council's main goal is to be compliant with the laws of the State of NJ; there are plenty of unfunded mandates.

Council President DeLucia noted COAH has been a nightmare since it started. She further noted it sounds nice as an ideal; however they are on their third round of trying to make it work. Council President DeLucia noted the Borough wants state aid, grants and extraordinary aid; to receive them the Borough must comply with COAH.

Councilwoman Subrizi understands by the letter of the law the Borough needs to be compliant; however the Council should try to overturn the law or at the very least let them know the Borough does not agree. She asked if the Borough could involve the Council of Unfunded Mandates. Mayor DeBari suggested inviting Assemblywoman Charlotte Vandervalk to the next meeting to address the matter; Councilwoman Subrizi responded absolutely.

Howard Berner, 145 North Terrace Place came forward to address the Council. Mr. Berner questioned if, other than the four rental units, is it a requirement that all units of Gramercy be sold at any cost. Mr. Berner stated conceivably, all the units could be rentals. Mayor DeBari noted that is not how it was finalized at the Planning Board level.

Marvin Baer noted Canterbury Village had a cutoff date; will Gramercy be allowed to continue indefinitely. The Council advised the developer cannot deviate from the approving resolution without a public hearing. Mr. Baer requested the cost for the Planner to consult on the Gramercy project. It was noted that the Planner has been paid from an escrow account funded by the developer.

Nick D'Amelio, 349 Trench Drive came forward to address the Council. Mr. D'Amelio questioned even if the Borough had no property in town able to be developed, do they still have to comply with COAH? The Mayor stated yes; anything new that is built must meet COAH requirements. Mr. D'Amelio noted the reason he attended tonight's meeting was to discuss the water company property; he is concerned it is Pandora's Box. He asked if the Council had considered doing a study of environmental effects on the property. Mr. D'Amelio noted his concern for the infrastructure and its effect on traffic, sewers, etc.

Mayor DeBari stated not until the property gets a written bill of health from the DEP, will the Council consider whether or not the Borough should purchase it. However if a private developer purchases it, the Borough has no control; if the Borough does purchase it, then it has a say in its development.

Mr. D'Amelio suggested the Borough perform its own environmental study, and not trust the DEP.

John Dapper, 438 Ryeside Avenue came forward to address the Council. Mr. Dapper questioned when the repair shop ordinance will be up for discussion again. Mayor DeBari informed him the Council would discuss the matter again at the August 24th work session. Mr. Dapper further requested the Council really listen to the townspeople with regards to the COAH matter.

Ida Piasevoli, 328 Jordan Road came forward to address the Council. Ms. Piasevoli questioned how many Council members have children in the school district. She noted her concern for the Council's plans for the water company property and Gramercy. She expressed concerns of the stress the additional families would place on the school system. Ms. Piasevoli was very displeased that no member of the Council has addressed the issue. Ms. Piasevoli is in favor of a senior/veteran housing complex, however not in the numbers discussed. She further stated the children of New Milford do not need more parking spaces; they need better fields to play on. Ms. Piasevoli questioned the reasoning for the new driveway being placed next to the High School.

Councilwoman Duffie noted every member of the Planning Board was against allowing the driveway. However, the County Planning Board approved it; she reiterated the New Milford Planning Board vehemently opposed it. She noted Madison Plaza went over the New Milford Planning Board's head and went to the Bergen County Planning Board and received approval. Councilwoman Duffie stated the Planning Board put a condition in the resolution to revisit the situation in one year because they are sure it is not going to work. The Planning Board must abide by the laws of the State and the codes of New Milford; they are bound by them. Councilwoman Duffie quoted an article from The Record on July 21st, regarding Bergenfield and COAH.

Ms. Piasevoli implored the Council to take into consideration the schools and budgets before making any decisions.

Councilman Bachmann noted the zoning ordinance has not changed. He stated the Borough Planner informed COAH we would rezone the water company property to accommodate 200 units of low income housing; Councilman Bachmann questioned if Council did not authorize the Planner to do so, who did?

Mayor DeBari noted the Planner has an obligation to present the best possible plan to COAH with the available property within the Borough.

Ms. Piasevoli asked why the question does not go to a referendum; and let the residents make the decision.

Councilman Putrino noted it is not Borough property; it is privately owned and can be developed.

Councilwoman Subrizi stated if the Borough does purchase the property and has to borrow money to do so, that will be put to referendum.

Vivian Hesselson, 7 Canterbury Lane came forward to address the Council. Ms. Hesselson questioned if in signing the Developer's Agreement for Gramercy does the Mayor assume the builder has funding for the project. Ms. Hesselson requested a definitive answer on the time limit

the builder has to finish the project; if the Mayor and Council cannot provide it at this time, please forward the answer to the association president. She stated the Borough must be vigilant with the builder; it is not the responsibility of the residents of Canterbury.

Mayor DeBari noted the Council, Planning and Zoning Boards advertise their meetings in all available mediums. Ms. Hesselson suggested putting articles in the newspapers and on the website to advise the residents of the Councils ideas on larger items such as this.

Daniel Conner, 319 Webster Drive came forward to address the Council. Mr. Conner questioned why resolutions 2009:170 and 2009:171 were pulled. Mayor DeBari explained the Council was trying to meet the deadline, however was unable to discuss the matter in time; therefore the Council will forego this years Open Space Trust Fund. Mr. Conner referenced resolution 2009:163 and asked where the cell tower is to be built. Mayor DeBari noted the location is behind the DPW Building. Mr. Conner commented on the earlier discussion regarding the school capacity being at its maximum; noting more dialogue is needed between the Board of Education and the Council. He stated in other areas, developers building such large complexes that would stress the school systems are required to erect a school or put money into the school system.

Councilwoman Duffie stated there were many questions regarding schools at the last Council meeting; she reiterated that schools are at capacity, and asked if the Board of Education has a plan. Mr. Conner stated the Board of Education does not have a plan and if enrollment continues to rise, then the system will be considered over capacity. He noted it has been difficult to plan due to the turnover in administration. Mr. Conner stated capacity does not mean the classrooms are full; that is what the State considers capacity.

Council President DeLucia welcomes the Board of Education's input and hopes for more cooperation between the two bodies.

Hedy Grant, 175 Boulevard came forward to address the Council. Ms. Grant stated her property shares a border with 192 Carlton Place. Ms. Grant explained at length her experience with COAH especially in reference to the Carlton Place property. Ms. Grant urged the residents to attend the meetings of the Council, Planning and Zoning Boards to stay informed. She stated the municipality must abide, not only, by their own rules and regulations, but those of the County, State and Federal as well.

Donna Collucci, 223 Bergen Avenue came forward to address the Council. Ms. Collucci questioned why nothing was built on the Homes for Our Troops property. Mayor DeBari stated Homes for Our Troops still own the property; however the home in question was built in Hillsdale. Ms. Collucci commented on the construction at Madison Plaza, and noted it is not properly safeguarded. She asked what the time frame is to finish the project.

Mayor DeBari noted a drive-thru is not needed however; the owner of the property was looking to attract additional renters.

Council President DeLucia inquired at the Planning Board level and was informed the builders are awaiting PSE&G to complete the electrical work before construction can continue. Council President DeLucia noted her displeasure with the removal of a tree to allow for the driveway onto River Road.

Councilman Bachmann suggested terminating their CO until the paving is complete.

Councilwoman Subrizi inquired as to the length of time for completion and was made aware the Property Maintenance Officer is overseeing the operation and was told everything is fine.

Joann Prisendorf, 317 River Road came forward to address the Council. Ms. Prisendorf questioned the reasoning for the Gramercy project. Mayor DeBari clarified the reasoning and reiterated 38 units are to be built, and COAH requires four of them to be affordable. He noted the Planner suggested renting them, so the Borough receives double the credit; however he must comply with the four units whether or not he chooses to rent.

Ms. Prisendorf stated the Police and Fire Departments should be involved in the discussions on the United Water property with Assemblywoman Vandervalk.

Councilwoman Subrizi explained the reason for having the Assemblywoman here is to ask for help with the Council on Unfunded Mandates, not for deterring building.

Mayor DeBari noted the Police and Fire Departments get involved at the point an application is heard by the Planning Board, not before.

Ms. Prisendorf noted her property is not able to be subdivided as it is 500 feet short; what if she were to purchase and knock down her neighbors homes and become a builder. She further noted the properties are zoned single family.

Mayor DeBari noted Carlton Place is zoned single family as well; and explained in detail the process in which a builder claims a builder's remedy lawsuit.

Councilman Bachmann stated with regards to Carlton Place, the builder withdrew his lawsuit. He further stated the reason Ms. Prisendorf could not go through with her hypothetical situation is strictly for monetary reasons.

Council President DeLucia noted if the municipality does not have an approved COAH plan, then the builder can claim a builder's remedy lawsuit. The courts are allowing builders to have some affordable units and do what they want with the rest; that is how the builder makes money. Council President DeLucia stated this is what the Borough is trying to avoid.

Ms. Prisendorf referenced Mark Flores' suggestion last month about working with Brookchester to see if any of their units could be made to comply with COAH; and asked if the Council has discussed it amongst themselves.

Council President DeLucia noted the Planning Board discussed the matter and an inquiry is being sent to the Planner to see if it is feasible for the Borough to purchase some units from the owner and rehabilitate them for compliance.

Mrs. Rucker, New Bridge Road, came forward to address the Council. Mrs. Rucker noted in her first 30 years in New Milford, they have installed two hot water heaters; in the last five years they have installed four. Mrs. Rucker noted she is getting water in her house. She thanked the

Council for their help with the issues of the lights and rats at Sanzari's. Mrs. Rucker stated she has no view down Riverview due to trees; however no trees block the windows of the restaurant.

John Norman, 619 Fernery Drive came forward to address the Council. Mr. Norman asked where the County Executive is with regards to Madison Plaza. Mayor DeBari noted the County Engineers get involved only when it involves a County road. Mr. Norman asked if the Borough could appeal to the County for some assistance with COAH; Council President DeLucia noted the County cannot overrule the State.

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

VOTE ON RESOLUTIONS

Councilwoman Subrizi made a motion to approve resolution #2009:163. Councilman Zeilner seconded the motion. The motion passed on a roll call vote as follows:

For the motion: Zeilner, Duffie, DeLucia, Putrino

Against the motion: Bachmann, Subrizi

Council President DeLucia made a motion to approve consent agenda for resolutions 2009:155 through 2009:162, 2009:164 through 2009:169 and 2009:172 through 2009:175. Councilwoman Subrizi seconded the motion. All present in favor, none opposed.

CLOSED SESSION:

The record reflects no closed session took place.

ADJOURNMENT

Councilman Bachmann made a motion to adjourn. Council President DeLucia seconded the motion. All present in favor, none opposed. Time 11:25 PM.

Respectfully submitted,



Colleen Naumov
Deputy Borough Clerk