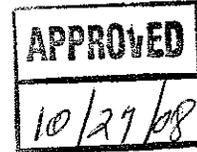


MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
OPEN SESSION immediately following
8:30 PM PUBLIC MEETING
Monday, August 25, 2008



Councilman Arthur Zeilner	Present (Arrived 8:08)
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: Ellen Horn, representing Ruderman & Glickman – Borough Labor Attorney
Lisa Aljian, representing S. Gregory Moscaritolo – Borough Attorney

Mayor DeBari read the Open Public Meeting and Mission Statements.

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

Closed Session:

1. Pending Litigation
2. Personnel

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

Open Session:

1. Proposed Pod Ordinance – Tabled until September Work Session

The Council agreed that resolutions 2008:191, 2008:194, 2008:195 and 2008:197 would be pulled from the consent agenda for separate votes.

After discussion, the Council agreed Ordinances 2008:11 and 2008:12 would be revised to read in part: "...during any period of construction or demolition..." adding the words "or demolition." It was further agreed that Ordinance 2008:11 would be revised to read in part: "The foregoing shall not apply..." adding the word "apply." The ordinances will be introduced with these revisions.

The Administrator reported on the request from NJ Transit for additional bus stops at Kehoe and Madison. Sgt. Jones will review the matter again once school opens. In a telephone conversation on 7/31/08, Joe DeMauro of NJ Transit advised that the request had come from New Milford residents, as reported by drivers, and he was obligated to approach the town.

The Administrator stated that a letter would be sent to the Library approving the request for a banner.

The Administrator asked for the Council to let her know if they would like to be registered for League of Municipality Conference badges. The Mayor, Councilman Bachmann, and Councilman Putrino asked to be registered. Councilwoman Subrizi will not attend and the rest of the Council will advise.

The Administrator referenced the Elm Street Bridge/Property Maintenance resident letter. She reported that Chief Papapietro has contacted the Chief of Police in Oradell and has asked that detours be posted. The resident will be advised of the office of Property Maintenance and given the contact information.

The Administrator referenced the Baldwin Avenue traffic complaint. She reported that Sgt. Jones had reviewed the situation, that the street is in need of repair and that additional patrols will be assigned when available. The DPW has been notified and it is on the list for future repair.

The Council discussed the 2008 Road Program. Councilman Zeilner reported that he had reviewed the list of streets with the Asst. Superintendent of the DPW and they agreed that Knierim Place was in need of repair while Manor could wait. Knierim will be substituted for Manor. The Administrator will advise the engineer. Councilwoman Subrizi and Councilwoman DeLucia requested an updated list. The list will be copied to the entire Council.

The Council discussed the meeting schedule for November and December. It was agreed that there will be two meetings in November, as scheduled, and a combined meeting in December on December 15th. The newspapers will be notified of the change and it will be posted in the Borough Hall and on the Borough website.

Councilman Putrino reported that he had emailed Jada Jackson, NJ Green Acres, regarding the remaining payment on the farms. He referenced a newsletter to farmers from the Farmer's Bureau of the State that indicated that the Farmland Preservation Program has received the final infusion of remaining funds authorized. He has not received a response.

Councilman Putrino noted that the penalty listed on the existing garage sale permit application is in conflict with the penalties outlined in the Shade Tree ordinance.

Councilman Putrino asked to have a recycling letter distributed to the Council from a company that would like to install recycling containers throughout the town at no cost. Councilman Putrino stated that he will ask the representative to meet with the Council if there is any interest.

Councilman Putrino stated that he had met with residents on Demarest Avenue and the Boulevard regarding litter complaints. He stated that the amount of litter that ends up on private property is significant. He asked to have the DPW and Property Maintenance review the situation and make a recommendation on how it can be improved. He suggested additional street sweeping and trash receptacles as possibilities.

Councilwoman Subrizi asked about the denial from Bergen County Open Space on the application for additional funds for Carlton Place. It was explained that because the property had been purchased in 2005 it was beyond the timeframe allowed. She questioned the status of the funds already granted. The Administrator replied that despite numerous communications with the County, the grant has yet to be received. The Mayor will reach out to Robert Abbatomarco at BCOS.

The Administrator reported that the resident of 318 Neumaier was advised that the Council would authorize the drainage work if the resident was willing to pay the difference from the originally authorized \$3,000.

Councilman Zeilner stated that the Council could not authorize work on the neighboring property without the neighbor's permission. The Administrator will contact the engineer for clarification.

Councilwoman Subrizi asked if 200 Main had received their liquor license renewal. The Administrator reported that the renewal had not been issued because Tax Clearance had not been received. The Police Department has been made aware that they do not have an active liquor license.

Councilman Bachmann reported that he had spoken with the Ambulance Corps regarding the concerns raised about their banner for volunteers. The Corps acknowledged that it could be ill received, but that they stand by the message and believe that it worked. Councilwoman Duffie reiterated her opinion that it is classless and negative and that it is threatening to those who may be in need.

Councilman Bachmann referenced the minutes from the July 28th meeting, stating that they are important as they are how the public finds out what happens. He stated that Councilwoman Duffie had reported that the Rent Control Ordinance needs to be revamped, specifically referencing two points; that we don't follow procedure and that Councilwoman Duffie felt that a two percent increase is too low. Councilwoman Duffie questioned if that was what she said and stated that she was just repeating what the landlords conveyed to the Board at the meeting, that she was not stating it herself. Councilman Bachmann stated that he felt that what was said should be included in last month's minutes and that Councilwoman Duffie's explanation could be included in this month's minutes.

Council President DeLucia stated that the minutes had not been approved and could be amended. The Clerk added that minutes are not intended to be a verbatim account but rather a record of the action taken, the people present, and who spoke at the meeting. She added that minutes could be amended to add or delete whatever is requested at the pleasure of the Council, but that it is important to remain consistent with how the minutes are recorded.

Councilman Zeilner stated that he has been speaking with a resident on Elizabeth Street, Mr. Selia, for the past eight or nine months regarding an ongoing problem with water. He stated that Mr. Selia has had a problem ever since the new storm system has been installed, noting that the system makes a turn at Mr. Selia's property along an easement and that the rush of water is flooding his property and causing the manhole to pop open onto his property. Councilman Zeilner stated that DPW has checked the line and that there is no blockage. The Administrator will ask the engineer to review the matter.

Council President DeLucia suggested that more information be conveyed to the Council via email. The matter will be listed for discussion at a future meeting.

Councilwoman Duffie stated that she would reserve her comments for downstairs.

Council President DeLucia asked for an evaluation of the summer hour schedule. The Administrator reported that it was well received by the employees and that she was not aware of any complaints from residents.

Mayor and Council

8:30 PM Public Session

(Actual Start 9:22 PM)

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

Also Present: Steven Wielkocz, Borough Auditor

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.

The minutes from the July 28th Public Session were tabled on a motion from Council President DeLucia. The motion was seconded by Councilman Bachmann.

The minutes from the June 9th Work Sessions and the June 23rd Public Session were approved on a motion from Councilwoman Subrizi. The motion was seconded by Councilwoman Duffie. All present in favor, none opposed.

PUBLIC HEARING: 2008 BUDGET AMENDMENT

Mr. Wielkocz summarized the budget amendment, which was introduced at the previous meeting. He stated that the amendment included \$350,000 in extraordinary aid awarded by the state as well as increasing the surplus to be used to \$453,400. He stated that the cap waiver, approved by the state on August 13th, was to fund the termination pay for a number of retiring police officers.

Mr. Wielkocz stated that the Local Finance Board was not pleased that the Council failed to adopt the cap rate ordinance, which would have mitigated the amount of the cap waiver by \$115,000 and it was suggested by the Director that the waiver be granted for \$115,000 less than what was requested. The Borough was advised by the Director not to return in the future with a cap waiver request unless the Borough first passes the index rate ordinance.

Councilwoman Subrizi asked if the surplus in the amended budget was significantly more than what was indicated in the introduced budget. Mr. Wielkotz responded that it was significantly more and it was as a result of the 2007 reserves that were cancelled by the Council at the previous meeting.

Councilwoman Subrizi stated that \$1,863,751 has been budgeted for medical insurance, when in reality the actual cost will be closer to \$2.2 million. She stated that it is her understanding that the amount budgeted already accounts for the money that will be received from individuals who are paying for or contributing to the cost of their healthcare. Mr. Wielkotz stated it is a net appropriation less credits. She asked why there is no notation on Sheet 11 where anticipated revenue is listed. Mr. Wielkotz stated that appropriations have always historically been listed on a net basis, net of credits.

The meeting was opened to public, for comments on the budget amendment, on a motion from Council President DeLucia. The motion was seconded by Councilman Bachmann. All present in favor, none opposed.

Mr. Howard Berner, 145 North Terrace Place, came forward to address the Council. Mr. Berner asked how much is budgeted for the Recreation Commission. Mr. Wielkotz responded that \$78,520 has been budgeted for salaries and wages and \$82,249 has been budgeted for other expenses.

As there were no further comments from the public on the budget amendment, the meeting was closed on a motion from Council President DeLucia. Councilwoman Subrizi seconded the motion. All present in favor, none opposed.

Councilwoman Duffie asked how much of the surplus had to be used due to the failure to adopt the index rate ordinance. Mr. Wielkotz stated that \$115,000, that would have been available through the index rate ordinance adoption, will now come from surplus. He added that it also made the budget significantly tighter because it restricted the Borough's ability to have in the cap appropriations.

Mayor DeBari stated that resolution 2008:195 would be pulled out for a separate vote. Councilman Putrino made a motion to approve resolution 2008:195. Council President DeLucia seconded the motion. The motion passed on a roll call vote as follows:
For the motion: Zeilner, Bachmann, Duffie, DeLucia, Subrizi, Putrino
Against the motion: None
Abstain: None

Upon casting her vote Councilwoman Duffie stated that she did not participate in the preparation of the budget but that in the spirit of moving forward in the community she will vote yes.

COUNCIL COMMITTEE REPORTS:

Councilman Arthur Zeilner

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

Councilman Zeilner reported that both the Environmental Commission and the Police Auxiliary had representation at National Night Out in lieu of their regular meetings.

Councilman Zeilner reported on routine maintenance for Buildings and Grounds, noting that there are no major projects currently underway.

Councilman Zeilner reported that in addition to routine work, the DPW has been repaving around manholes that have become raised and have caused damage to the snowplows.

Councilman Zeilner summarized the calls for the Police Department for the previous month.

APPOINTMENT: ANTHONY VINCI JR. – JR. FIRE DEPARTMENT

Councilman Putrino made a motion to approve this appointment. Councilman Bachmann seconded the motion. All present in favor, none opposed.

Councilman Keith Bachmann
Ambulance Corps, Drug Alliance, Recreation

Councilman Bachmann reported that the Drug Alliance did not meet during the month of August.

Councilman Bachmann reported that although the Recreation Commission met on August 6th no meeting took place as they did not have a quorum.

Councilman Bachmann stated that he attended the August 18th meeting of the Ambulance Corps and was pleased to report that they have one new member. He noted however that some volunteers would be going to twelve hour shifts as there is still a shortage of volunteers.

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

Councilwoman Duffie reported that neither the Health & Human Services Committee nor the Senior Advisory Committee met during the month of August.

Councilwoman Duffie stated that the Rent Leveling Board had met but that she was unable to attend. She reported that the Board had approved a new form for tenants that are moving out.

Councilwoman Duffie referenced her previous comments on the closure on Elm Street and stated that the New Milford Police Chief has been in contact with the Oradell Police Chief and they will be monitoring the traffic situation.

The Mayor stated that the County Engineer would be coming to a future public meeting to report on the status and plans for the bridge.

Council President Tina DeLucia
Chamber of Commerce, Planning Board, Library Board

Council President DeLucia stated that the Chamber of Commerce did not meet in August but that they would be meeting on September 17th.

Council President DeLucia stated that the Planning Board did not meet in August but that they would be meeting on September 16th.

Council President DeLucia reported that the Library Board will be meeting on September 18th. She further reported that the Friends of the Library would be holding their annual book sale from September 25th through the 27th.

Councilwoman Ann Subrizi

Board of Education, Historic New Bridge Landing, Public Events

Councilwoman Subrizi stated that she had no report for the Board of Education for the month of August.

Councilwoman Subrizi stated that Public Events did not meet in the month of August.

Councilwoman Subrizi summarized the minutes from the June 5th meeting and her notes from the August 7th meeting of the Historic New Bridge Landing Commission. She reported on the Bergen County Historical Society's Garage Sale and outlined a petition, in need of 3,000 signatures, to change the name of the train station at North Hackensack to New Bridge Landing. She additionally noted that the saw shop is slated to be demolished but that there is no timetable as of yet. She stated that the next meeting is scheduled for September 4th.

Councilman Michael Putrino

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

Councilman Putrino stated that the Historic Preservation Committee did not meet during the month of August. The next meeting is scheduled for September 9th.

Councilman Putrino reported on the Fire Department meeting of August 18th at which they decided that they are considering abandoning their current website and joining the borough's website. The next meeting is scheduled for September 15th.

Councilman Putrino reported on the Shade Tree Commission meeting of August 21st at which they continued to work on proposed ordinance revisions. The next meeting is scheduled for September 18th.

Councilman Putrino offered a reminder that garbage pick-up will revert back to once per week as of September 1st. He summarized the recycling activity for the period of July 28th through August 25th.

Mayor Frank DeBari

Community Development

Mayor DeBari announced that Community Development would be meeting on September 4th to make the determination as to how the 2008 funds would be disbursed.

OLD BUSINESS:

ADOPT ORDINANCE 2008:10

AN ORDINANCE TO AMEND CHAPTER XIXA OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED WIRELESS COMMUNICATIONS TOWERS AND ANTENNAS

Councilman Zeilner made a motion to open to the public for comment on the adoption of this ordinance. Councilwoman DeLucia 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. Councilman Bachmann seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

Council President DeLucia made a motion to adopt this ordinance on its second and final reading. Councilman Bachmann seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

NEW BUSINESS:

INTRODUCE ORDINANCE #2008:11

AN ORDINANCE TO AMEND CHAPTER X, PART IV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD, BUILDING AND HOUSING CODE, ENTITLED WATER SUPPLY

The Mayor explained that the Council had discussed both Ordinance #2008:11 and Ordinance #2008:12 during the work session and had agreed that they would be revised to read in part: "...during any period of construction or demolition..." adding the words "or demolition."

It was further agreed that Ordinance 2008:11 would be revised to read in part: "The foregoing shall not apply..." adding the word "apply."

Councilman Zeilner made a motion to introduce and approve this ordinance, as amended, on its first reading. Councilman Bachmann seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

The ordinance will be published in the Ridgewood News and a public hearing will be held on September 22, 2008 at 8:30 PM.

INTRODUCE ORDINANCE #2008:12

AN ORDINANCE TO AMEND CHAPTER X, PART VII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD, BUILDING AND HOUSING CODE, ENTITLED LIGHTING

Councilman Zeilner made a motion to introduce and approve this ordinance, as amended, 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 Ridgewood News and a public hearing will be held on September 22, 2008 at 8:30 PM.

INTRODUCE ORDINANCE #2008:13

AN ORDINANCE TO INCLUDE A SCHEDULE OF ZONING LIMITATIONS TO CHAPTER XXX OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "LAND USE REGULATIONS"

Council President DeLucia 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 Ridgewood News and a public hearing will be held on September 22, 2008 at 8:30 PM.

INTRODUCE ORDINANCE #2008:14

AN ORDINANCE TO AMEND CHAPTER XIX, OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "PARKS AND RECREATION," SECTION 19-3, FEES TO INCLUDE FEES FOR UMPIRES AND REFEREES.

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

The ordinance will be published in the Ridgewood News and a public hearing will be held on September 22, 2008 at 8:30 PM.

RESOLUTIONS:

The Mayor announced that in addition to resolution #2008:195, resolutions #2008:191, #2008:194, and #2008:197 would be pulled from the consent agenda for a separate vote.

- 2008:184 Closed Session
- 2008:185 Payment of Bills and Vouchers
- 2008:186 Authorize Support for Assembly Bill 2046 and Senate Bill 1830 regarding funding of the "Senior Citizens and Disabled Residents Transportation Assistance Program"
- 2008:187 Approve Raffle License for New Milford High School PTO On-Premise 50/50
- 2008:188 Reappoint Electrical Sub-Code Official – Robert Planker
- 2008:189 Approve refund of 2007 property tax overpayment on Block 104 Lot 6 in the amount of \$1,569.05 due to NJ Homestead Rebate
- 2008:190 Approve Raffle License for Knights of Columbus Armchair Race
- 2008:191 Approve Raffle License for New Milford High School PTO Calendar Raffle

- 2008:192 Approve redemption of tax sale certificate 07-01 on Block 108 Lot 10 in the amount of \$6,654.53 to PAM Investors
- 2008:193 Approve establishment of the National Incident Management System (NIMS) as the Borough standard for incident management
- 2008:194 Approve and authorize action taken by Borough Administrator with respect to Providenza Certo
- 2008:195 Approve 2008 Municipal Budget
- 2008:196 Approve the Corrective Action Plan for the 2007 Municipal Audit
- 2008:197 Appoint Senior Center Director – Mary Beth Hubbard

COMMENTS FROM THE PUBLIC

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

Mr. Ira Grotzky, 180 Trotta Drive, came forward to address the Council. Mr. Grotzky reported that a borough tree recently fell on the neighboring property destroying the neighbor's deck. He stated that this has been an ongoing issue behind the houses on Trotta Drive. He stated that the other trees in the area are leaning; he stressed the danger of the situation and asked to have the Shade Tree Commission come to evaluate all of the trees behind the homes on Trotta Drive.

Mr. Gus Bachmann, 258 Stevens Court, came forward to address the Council. Mr. Bachmann commented on the temperature inside the Council Chambers stating that when the air conditioning is on it is difficult to hear the Council. The matter will be referred to the Buildings and Grounds Supervisor for review.

Ms. Ann Digiovanni, 275 Fulton Street, came forward to address the Council. Ms. Digiovanni stated that there are cracks on her street that run curb to curb. She added that the roots from the borough tree have lifted her sidewalk. Councilman Zeilner will contact the DPW regarding the cracks in the street. Councilman Putrino will advise the Shade Tree Commission about the tree.

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

VOTE ON RESOLUTIONS

Councilwoman Subrizi made a motion to approve resolution #2008:191. Councilwoman Duffie seconded the motion. The motion passed on a roll call vote as follows:

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

Against the motion: None

Abstain: Bachmann

Councilman Bachmann made a motion to approve resolution #2008:194. 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

Councilman Bachmann made a motion to approve resolution #2008:197. Councilwoman Duffie 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

Council President DeLucia made a motion to approve resolutions #2008:184 through #2008:190, #2008:192, #2008:193, and #2008:196. Councilwoman Subrizi seconded the motion.

All present in favor, none opposed.

ADJOURNMENT

Councilman Putrino made a motion to adjourn. Council President DeLucia seconded the motion.

All present in favor, none opposed. Time 10:10 PM.

Respectfully submitted,



Christine Demiris
Borough Clerk