

**MINUTES  
BOROUGH OF NEW MILFORD  
7:00 PM WORK SESSION  
OPEN SESSION immediately following  
8:30 PM PUBLIC MEETING  
Monday, September 27, 2010**



**WORK SESSION:**

Councilman Arthur Zeilner	Present
Councilman Keith Bachmann	Present (8:28 pm)
Councilwoman Randi Duffie	Present
Councilman Howard Berner	Present
Councilwoman Ann Subrizi	Present
Council President Michael Putrino	Absent (work)
Mayor Frank DeBari	Present

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

Mayor DeBari reads the Open Public Meeting and Mission Statements.

**CLOSED SESSION:**

The record reflects no there was no closed session.

**OPEN SESSION:**

1. Best Practices Checklist

The Administrator referenced the required Best Practices Checklist she provided to the Council earlier; she asked if they had any questions or comments. The CFO certified the document over the weekend. She reiterated that the Borough is not penalized for items that are not applicable. Councilwoman Subrizi would like to have joint budget presentations with the Board of Education; attend theirs officially and have them do the same. The Administrator advised she will mail the checklist to the state tomorrow.

2. NJ Clean Energy – Direct Install Program

The Administrator explained the program to the Council. She reminded them PSE&G had originally performed an energy audit and then could no longer fund their program; the state has a similar program, the New Jersey Clean Energy Program – Direct Install, in which the state will fund 60% of what the Borough spends and an America Recovery and Reinvestment Act grant would provide an additional \$20,000. After some discussion, the Council agreed to add a resolution authorizing an application to the NJ Clean Energy Program for \$51,762.08 in energy upgrades to Borough Hall.

**ADMINISTRATOR**

The Administrator advised a property maintenance complaint was made regarding Shop-Rite carts being left on the Boulevard. The Property Maintenance Official made the Manager aware on

September 27<sup>th</sup> and was assured the Boulevard will be on the gentleman's rounds when he collects the carts. The Manager advised they are working on a locking system for after the renovation.

The Administrator read Mr. O'Scanlon's email to the Council regarding the coverage areas and possible gaps and its effects on other carriers. He noted the proposed T-Mobile location is close and would have to be justified to Zoning; due to the close proximity of the Borough's other tower; it may only get one or two additional carriers.

The Administrator reported Ms. Casey did speak with Mr. Sullivan regarding his property on Washington Avenue. Ms. Casey explained one reason the FEMA application failed is because his parents were unable to provide receipts of the repairs as required; he advised he can get copies. Ms. Casey advised that FEMA would require an updated appraisal and may pay approximately 75% of the appraised value for the property. Mr. Sullivan will consider the information provided.

Council President Putrino asked the Administrator to update the Council on the placement of recycling containers throughout town, similar to those in Dumont. The standard term is ten years; he asked if the Council had any objections. Councilwoman Duffie expressed concern about additional signage and advertising in town; the Administrator stated any additional opportunity to recycle is well received. Mayor DeBari expressed concern that national advertisers would go against the Borough's local businesses; however it is a good idea if strictly for local advertisers. Mayor DeBari requested a brochure or DVD prior to a meeting with the organization.

Councilwoman Duffie asked when the paving will begin on Main Street; the Administrator advised the pre-construction meeting is scheduled for October 6<sup>th</sup>.

## **COMMENTS FROM THE PUBLIC**

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

Renee Tufaro, Reichelt Road came forward to address the Council. Ms. Tufaro noted her concern is regarding personnel and asked if it is for open session. Mr. Moscaritolo requested to speak privately with Ms. Tufaro to confirm whether or not the item is for open or closed session.

In the interim, Mayor DeBari asked Ken Malone, Recreation Director to sit at the table for a discussion. Mayor DeBari was approached by a Commissioner who advised him the Commission has not met in two months. The Commissioner had expressed concern that Commissioners and parents alike do not know what is happening; complaints have been made that Mr. Malone does not return phone calls. Mr. Malone advised the problems with Commissioners go both ways; he has requested information of them and to date has not received it. Mr. Malone noted the Commission met in August; however he was injured and could not hold a meeting in September. Councilman Berner stated he is the liaison to the Sr. Advisory Board, whose meetings are not run by the Director, but the President of the Board. He noted the Recreation Advisory Board may want to consider running meetings similarly; there is no reason the meeting cannot go on if the Director is unable to attend. Mr. Malone requested a short meeting with the Council in a closed session. Mr. Malone confirmed the next Board meeting will be October 6<sup>th</sup> at 7:30 pm; he will reach out to the members to remind them of said meeting.

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

## OPEN SESSION

### 3. Boswell Engineering – Frank Rossi/Margita Batistic – 8:00 PM

Ms. Batistic advised that New Milford should have been copied on Dumont's application to the DEP as a neighboring municipality. Since they were not, she requested copies from T&M, Dumont's Engineer, for review. The engineers have corresponded back and forth regarding the plans. Dumont is only working on piping and not the brook; however the headwall will discharge into the brook. Boswell is seeking affirmation that it would not impact downstream; to date Dumont has not responded.

Mr. Rossi advised Dumont applied for a general permit, which has different criteria than an individual permit; hydraulic calculations are not required. Councilwoman Duffie asked if the DEP will review Dumont's application with New Milford in mind; Ms. Batistic believes the DEP is awaiting Boswell's response. Mr. Rossi noted New Milford can appeal, if Dumont is granted the permit.

Mr. Rossi met with the DEP on July 15<sup>th</sup> regarding the New Milford Flood Control Project. He was advised DEP does not want New Milford to deepen or widen the stream; he explained why it did not qualify for an individual permit for wetlands. Mr. Rossi advised the DEP requires letters from all affected residents or condemnation letter from the Mayor. Mr. Rossi explained the proposed mitigation project at length. He noted it would cost approximately \$250,000 to plant for mitigation and it would require a conservation easement on all affected properties acknowledged by those property owners. The total cost for the project would be approximately \$750,000 to \$1,000,000. The mitigation is for nuisance storms, it would not affect the 100 year storm.

Councilman Berner questioned if the homes in question had any issues with today's storm. Mr. Foley, 253 Stevens Court was in attendance and advised the water has gotten progressively worse; ten years ago it would not have had the same effect. Mr. Foley is concerned over why the state would not fix the brook on an emergency basis. Mr. Rossi advised there are two separate issues; bank stabilization versus flood control. Flood control falls under an individual permit whereas bank stabilization falls under a general permit. Councilwoman Subrizi noted the bank stabilization would not alleviate the flooding. Mr. Rossi explained the new DEP regulations and its effects on the permit application. Ms. Batistic explained Boswell's calculations and noted they should be sufficient regardless of Dumont's project. Mayor DeBari requested a new proposal from Boswell for the Council to consider. Ms. Batistic noted photos are a great way to prove hardship to the DEP; unfortunately most homeowners did not provide any. The Administrator noted the Borough cannot yet appeal; the Borough was never denied as it withdrew its application. The Borough must spend \$56,000 to resubmit the application and before we will find out if it will be denied. Councilman Bachmann stated it would have been preferable to try to appeal the denial on the original application before it was withdrawn. Mr. Foley asked if any grants were available. The Administrator will follow up with Ms. Casey regarding the availability of grants for this project. Mr. Rossi advised the application will take approximately another month and a half to prepare. Councilwoman Subrizi stated a new letter must be sent to the homeowners; the project has changed and some homeowners have changed.

Councilman Zeilner made a motion to authorize Boswell to spend \$56,000 to complete the application. Councilwoman Subrizi seconded the motion. All present in favor, none opposed.

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

<b>PUBLIC SESSION:</b>	(Actual Start 9:08)
Councilman Arthur Zeilner	Present
Councilman Keith Bachmann	Present
Councilwoman Randi Duffie	Present
Councilman Howard Berner	Present
Councilwoman Ann Subrizi	Present
Council President Michael Putrino	Absent (work)
Mayor Frank DeBari	Present

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.

Councilwoman Subrizi made a motion to approve the minutes from the April 29<sup>th</sup> and May 5<sup>th</sup> Special Sessions and the April 26<sup>th</sup> Work/Public Session. Councilman Berner seconded the motion. All present in favor, none opposed.

#### **COUNCIL COMMITTEE REPORTS:**

##### **Councilman Arthur Zeilner**

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

Councilman Zeilner reported Buildings and Grounds had the five ton air conditioning unit and duct work installed in the courtroom.

Councilman Zeilner reported he was unable to attend the Police Auxiliary and Environmental meetings. He reminded everyone that Clean Communities Day is this Saturday, October 2<sup>nd</sup>.

Councilman Zeilner summarized the police calls for the previous month.

Councilman Zeilner reported the DPW is performing regular maintenance.

##### **Councilman Keith Bachmann**

Ambulance Corps, Drug Alliance, Recreation

Councilman Bachmann attended the Ambulance Corps meeting and noted there were no empty seats, thanks to the efforts of the new captains. They are back to having regular shifts on the weekends. He noted the mock train wreck was a successful training drill.

Councilman Bachmann attended the Drug Alliance on September 15<sup>th</sup> and noted two new members want to join; the Alliance has two dances planned.

Councilman Bachmann reported the September 8<sup>th</sup> Recreation meeting was canceled.

**Councilwoman Randi Duffie**

Library Board, Planning Board, Rent Leveling/Tenants Association

Councilwoman Duffie attended the Library Board meeting on September 16<sup>th</sup> and noted the New Milford Public Library has been chosen by AARP as a tax aid e-file location. The children's room will be painted and carpeted between October 12<sup>th</sup> and November 1<sup>st</sup>. The Library will receive six new computers from the Gates Foundation through a grant. They will have an author as a guest speaker on October 10<sup>th</sup>.

Councilwoman Duffie reported the Rent Leveling Board continues to discuss their ordinance; specifically with regards to seniors and the disabled.

Councilwoman Duffie attended the Planning Board meeting on September 21<sup>st</sup> at which they discussed real estate signs; the draft is scheduled for approval on September 28<sup>th</sup>.

**Councilman Howard Berner**

Chamber of Commerce, Health & Human Services, Senior Advisory

Councilman Berner attended the Board of Health meeting on September 1<sup>st</sup>; he summarized the Health Department statistics for the month of August. He noted Mid-Bergen Regional Health Commission oversees New Milford and listed its other participating towns. The Commission is monitoring the upcoming flu strains and West Nile Virus.

Councilman Berner attended the September 16<sup>th</sup> meeting of the Sr. Advisory Board at which they discussed an upcoming trip to Atlantic City and the holiday party.

Councilman Berner noted the Chamber of Commerce will meet on September 29<sup>th</sup> to discuss whether or not the members wish to have meetings in the future.

**Councilwoman Ann Subrizi**

Board of Education, Historic New Bridge Landing, Public Events

Councilwoman Subrizi attended the Historic New Bridge Landing Park Commission meeting on September 2<sup>nd</sup>; and noted the Department of Transportation is removing the paved parking area from the Steuben House. The Commission has requested the New Milford DPW to install bollards at the end of the street to eliminate the guard rail; she will discuss the matter with Mike Calamari.

Councilwoman Subrizi noted the Public Events Committee met last week and discussed the Veteran's Day Ceremony, slated for November 11 at 11 am in front of the Borough Hall.

Councilwoman Subrizi attended the Board of Education meeting on September 21<sup>st</sup> and noted Jerry Perrone is the new Vice Principal, they have six candidates for the open Athletic Director position and an additional fourth grade teacher was hired to avoid transferring students from Berkley to Gibbs. John Bigger was appointed to fill the remainder of Theresa Lacey's term. The school is seeking additional revenue in the form of corporate sponsorship. New Milford received \$77,000 in federal funds towards next year's salaries. New Milford High School has moved down in ranking from 99 to 161; the Principal will address this at their next meeting. The Business Administrator is looking into green options for replacing the Middle School roof, with an estimated cost of between \$2 and 3 million.

**Council President Michael Putrino**

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

Absent

**Mayor Frank DeBari**

Community Development

No report.

**NEW BUSINESS:**

Mayor DeBari advised resolutions 2010:219 and 2010:120 were added to tonight's agenda; he explained the reasons for both.

**PUBLIC HEARING: BCOS RECREATION, FARMLAND & HISTORIC PRESERVATION TRUST FUND FOR MUNICIPAL PARK IMPROVEMENT – KENNEDY FIELD LIGHTING**

Councilman Bachmann made a motion to open the meeting to the public to discuss the Bergen County Open Space application. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

Mayor DeBari advised the projected cost of the project is \$250,000; half of which will be paid by a grant and the other half by New Milford's Open Space Trust Fund.

Councilwoman Subrizi noted the project is only to light two of the fields, not the one closest to the street. She noted the Musco Lighting representative explained the lights will not illuminate the neighboring properties and will have zero reflective light.

Eileen Leonard, Trotta Drive came forward to address the Council. Ms. Leonard asked if the lighting will be similar to the tennis courts lights. Councilwoman Subrizi noted they are better; similar lights can be seen at Hickory Street Field in Bergenfield. Mrs. Leonard asked if the Council considered Williams Field for this project. Mayor DeBari advised the Borough may look into that for the future. Councilwoman Subrizi noted there are more uses at Kennedy Field.

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

**RESOLUTIONS:**

- 2010:205 Closed Session
- 2010:206 Payment of Bills and Vouchers
- 2010:207 Authorize bids for NJEIT 2009 Sanitary Sewer Improvement Project"
- 2010:208 Authorize Change Order #1 – 2010 Riverside Coop Road Improvements Program
- 2010:209 Authorize refund of check deposited in error to State Farm Insurance Company
- 2010:210 Authorize execution of Shared Services Agreement with members of The Riverside Coop
- 2010:211 Authorize award of three-year agreement with Atlantic Coast Fibers, LLC for the purchase of the Borough's recyclables

- 2010:212 Approve sharing percentage with Borough of River Edge for second year of a five year agreement for the Complete Solid Waste Collection Service from 1-4 Family Residences
- 2010:213 Authorize acceptance of one-year option with S. Rotondi & Sons, Inc. for Loading, Transportation and Disposal/Recycling of Leaves/Vegetative Waste
- 2010:214 Authorize application to BCOS Recreation, Farmland & Historic Preservation Trust Fund for Kennedy Field Lighting
- 2010:215 Authorize Capital Alternatives Corporation to prepare the application to BCOS for Kennedy Field Lighting
- 2010:216 Approve Reappointment of Christine Demiris – Administrator/Borough Clerk
- 2010:217 Approve Raffle License for BF Gibbs PTO for Off-Premise 50/50 on December 15, 2010
- 2010:218 Approve Raffle License for Friends of the New Milford Public Library for On-Premise Merchandise Draw on December 11, 2010
- 2010:219 Authorize Application to NJ Clean Energy (NJCEP) – Direct Install Program and the Energy Efficiency and Conservation Block Grant (EECBG)
- 2010:220 Authorize Boswell McClave to continue the application process for the Hirschfeld Flood Mitigation as outlined in meeting minutes of July 15, 2010 meeting with NJDEP

### **COMMENTS FROM THE PUBLIC**

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

Theresa Ciambrello, 330 Main Street came forward to address the Council. Ms. Ciambrello is a member of the Recreation Advisory Board and referenced a recent letter sent to the Borough; she questioned why the Council did not ask for her version of the altercation. Ms. Ciambrello proceeded to provide her version of said altercation. She asked why he is allowed to remain a coach. She referenced a similar issue with her husband; he battled for months to get the ban lifted and had to attend anger management.

Mayor DeBari noted the decision to allow the coach to continue coaching was a unanimous decision made by the Council. Ms. Ciambrello suggested the Council reconsider their decision; a coach should never tell children they are not good enough.

Mayor DeBari advised the Council will discuss the matter further at the next work session under personnel.

Councilman Bachmann noted he did not participate in the Council's discussion; the decision was unanimous without him.

Terry McMackin, Madison Avenue came forward to address the Council. Mr. McMackin noted many sidewalks in town are in disrepair; he asked who is responsible. Mayor DeBari advised it is the homeowner's responsibility to fix the sidewalk. Mr. McMackin complimented the DPW on their handling of the recent sewer spill on Boulevard north of Main Street. Mr. McMackin asked who did the dredging at the Carlton Place property. Mayor DeBari advised the dredging is to be done with the Hirschfeld Brook mitigation. Mr. McMackin advised the large pile of soil is causing runoff during storms. Mr. McMackin questioned why Jay's Car Center has not been cleaned up; Mayor DeBari advised the matter has been tabled until next year. Mr. McMackin requested a traffic study to be held on Madison Avenue in the mornings; the Administrator will follow up with Chief Papapietro. Councilwoman Subrizi will bring the matter to the attention of the Board of Education, as the Middle

School impacts the traffic flow. Mr. McMackin requested the status of the water company property; Mayor DeBari advised the Council authorized an appraisal and are awaiting the result.

Renee Tufaro, 220 Reichelt Road came forward to address the Council. Ms. Tufaro echoed the concerns of Ms. Ciambrello; because her son was one that was told he was not good enough to play travel soccer. Ms. Tufaro, along with Ms. Ciambrello, was involved in the altercation at a Recreation meeting with this coach; he has done so much wrong and it has been overlooked. She urged the Council to reconsider and ban this person from coaching.

Nick D'Amelio, 349 Trench Drive came forward to address the Council. Mr. D'Amelio thanked the Mayor and Council for completing the Trench Drive drainage project. He was advised by a nearby resident that the new catch basin on the corner of Webster Drive and Hirschfeld Place had water flowing and flooding the street. He referenced his letter to the Mayor and Council regarding new constructions; the Building Department advised him they are awaiting plans. Mr. D'Amelio reiterated his concerns of the development of infrastructure and utilities. Councilwoman Duffie advised the law states new construction must retain runoff on the property.

Al Valverde, 210 Eagle Avenue came forward to address the Council. Mr. Valverde suggested installing the plastic neon "pedestrians in crosswalk" signs; he believes they would be a good idea. Councilman Zeilner will bring that to the attention of the Police Chief; the recommendations normally come from the Police Department. Mr. Valverde noted a few years ago the telephone poles were changed on Main Street; the bricks were removed however there are still ten holes between River Road and Boulevard. The Administrator will advise the DPW to check it out. Mr. Valverde noted the garbage cans on Main Street have been overflowing all summer. He further noted that employees of Lantern Chinese restaurant are dumping dirty mop water down the storm drain. Mr. Valverde suggested a letter be sent to homeowners/restaurant with advice on how to alleviate the rodent issues. The Administrator will speak to the Health Department regarding these concerns.

Gus Bachmann, 258 Stevens Court came forward to address the Council. Mr. Bachmann suggested painting reflective paint on the edges of the west side Main Street bump outs; to avoid vehicles hitting them. Mr. Valverde stated reflective posts were there, however they were knocked down; Mr. Bachmann noted those were dangerous for kids.

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

## **VOTE ON RESOLUTIONS**

Councilman Bachmann made a motion to approve the consent agenda resolutions 2010:205 through 2010:220. Councilwoman Subrizi 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 10:41 PM.

Respectfully submitted,

Colleen Naumov  
Deputy Borough Clerk





Regular Meeting Tuesday, September 21, 2010

Gerry Perrone has been appointed as the new Vice Principal. There are 6 candidates in the search for his replacement as Athletic Director.

A fourth grade teacher was able to be hired, avoiding the problem of transferring student from Berkley to Gibbs.

John Bigger was appointed to the remainder of Theresa Lacey's term.

The school is considering additional sources of revenue in the form of corporate sponsorship.

The Federal Education Jobs Act has awarded New Milford federal funds of 77K towards next years salaries.

We have moved from 99 to 161 in High School Rankings in the state.

Danielle Shanley, the new Curriculum Director met with the Library Board of Trustees and is fostering a sharing relationship. She will be working closely with Terri McColl.

The administrator's lengthy report was informative regarding AYP (Adequate Yearly Progress)

The Middle School roof will need to be replaced. Cost estimate is between 2 and 3 million. The BA is looking into alternative green options which shall reduce the cost greatly.

On 9/27 on News12NJ Elementary school students with Barbara Norton will be featured in a Read Across America special.

HNBLPC Meeting September 2, 2010

There was a good turnout for the Master Plan meeting that was open to the public for comments. 7/26/10

The DOT is working on removing the paved lot near the Steuben House. There will be handicapped parking there, but regular parking will be on the old Pizza Town lot. There is a active bid process going on for the re-paving and the re-stripping of the lot.

There is some controversy about the black walnut tree behind the Steuben House. It has been determined that it must be removed. A large limb fell during a recent storm and it is a danger because it is no longer a healthy tree with much of the main trunk being hollow.

The Commission would like the New Milford Road Department to install some bollards at the end of the street before the bridge, so as to eliminate the guardrail. I would like to talk to Coach about the cost and the selection process.

It is in the works to <sup>soon</sup> hire a Resident Interpretive Specialist on a part time basis in order to re-open the Steuben House and adjoining <sup>historic</sup> homes to visitors, particularly school children who have been missing out on this opportunity since the April 2007 nor'easter ruined part of the BCHS collection.

P/Events Thurs 11/11 at Boro Hall 11AM