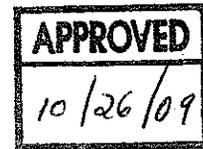


**MINUTES**  
**BOROUGH OF NEW MILFORD**  
**7:30 PM WORK SESSION**  
**OPEN SESSION immediately following**  
**8:30 PM PUBLIC MEETING**  
**Monday, September 28, 2009**



**WORK SESSION:**

Councilman Arthur Zeilner	Absent
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 read the Open Public Meeting and Mission Statements.

**CLOSED SESSION:**

The record reflects that no Closed Session took place.

**OPEN SESSION:**

1. LOSAP – Ambulance Corps – Liquidation of Account

The Administrator asked if everyone had reviewed the Borough Attorney's opinion on this matter. She stated based on his opinion and barring any objections from the Council she would reinstate the liquidated LOSAP account. Councilman Putrino stated, based upon the attorney's opinion, the member should be considered vested. He added the Council should take all the necessary steps to change the Borough Ordinance so this would not happen in the future.

2. LOSAP – Proposed Plan Change

The attorney explained that the changes only pertain to the provision for a hardship withdrawal, which can only be made for an unforeseeable emergency. The Mayor asked who would be responsible to make that call. The attorney responded, the applicant would need to provide a letter from their physician and a resolution from the volunteer agency approving the withdrawal, which would then have to be reviewed and approved by the sponsoring agency (Borough). He went on to read from the proposed plan document as to what would constitute an unforeseeable emergency. The Administrator commented it may be a breach of privacy to require the approval of the entire volunteer agency. The Mayor commented it could turn into an administrative nightmare. Councilman Bachmann asked if the decision could be tabled until such time as it could be discussed with the Ambulance Corps to

determine if they wished to support revising the plan to allow for such withdrawals. Council President DeLucia suggested eliminating the option to reinvest the money once it is removed to alleviate some of the administrative requirements. It was confirmed the withdrawal could only be taken from the vested value of the account. The Council agreed there are too many unanswered questions and asked to have the Valic representative attend the next work session. Councilwoman Subrizi suggested we could ask Valic if other towns are facing the same situation and if so, how are they addressing it.

### 3. LOSAP Ordinance Revision – Draft

The attorney explained that the purpose of the proposed revision is to clear up an ambiguity in the current ordinance which caused the situation that was discussed earlier. He said the current ordinance, as written, is ambiguous on the issue of prior year's service being counted toward the vesting requirement. The revision will eliminate this ambiguity. The Administrator stated prior year's service was only one of the issues; the larger issue is the ordinance does not specifically identify that the volunteer needs to qualify for LOSAP for at least five years in order to be vested. The current ordinance only calls for "five years of service." The attorney will revise the draft for the Council's review at the October 14<sup>th</sup> work session. The ordinance will then be listed for introduction on October 26<sup>th</sup>.

### 4. Proposed COAH Opposition Resolution

Councilwoman Subrizi made a motion to add this resolution to the agenda and put it to a Council vote. Councilman Bachmann seconded the motion. The Mayor asked where she had gotten the resolution. Councilwoman Subrizi stated she wrote some of it herself and picked up portions from some of the material disseminated by the League of Municipalities. The Council discussed the resolution at great length, specifically paragraphs one, two, four, five and seven. The Council agreed to the following revisions. The third paragraph was moved up to become the first paragraph. The word "rules" was added after the word "obligation" and the word "counterproductive" was removed from the second paragraph. The words "goals and" were replaced with the word "the" in the third paragraph. The word "will" was changed to the word "may" in the fourth paragraph. The word "will" was changed to the word "may" in the fifth paragraph. A typographical error was corrected in paragraph six. The first word "the" was replaced with "COAH's" and the word "will" was replaced with the word "may" in paragraph seven. The resolution, as revised, was added to the agenda for the Council's consideration.

Councilman Putrino advised there is a form on the League website for any municipality interested in donating money toward the litigation. He gave the form to the Administrator who will forward it to the Council for their review.

Council President DeLucia commented there is also a resolution on the League website that was sent to the legislature encouraging them to pass a law to make it clear that a town's zoning powers should not be taken away.

## 5. United Water – Disputed Payment

The Administrator reported United Water notified the Borough the previously reported missed payment from 2002 has been accounted for; however there is a missed payment from October 2006 in the amount of \$10,314. The missed payment has been verified by the Borough. The Council agreed it must be paid however it will be held until 2010 as it has not been budgeted for in 2009.

Councilman Putrino asked the status of the Pascack Valley Mayor's Association's review of utility billings. The Mayor stated he had spoken to Mayor DiRienzo and he is going to locate the information so the matter can be revisited.

## 6. Budget Committee Recommendations

The Council agreed to table this matter until the October 14<sup>th</sup> work session.

## **ADMINISTRATOR**

The Administrator explained that the No Parking Ordinance #2009:12 was being repealed and reintroduced as it had been inadvertently adopted under the wrong section of the ordinance.

The Administrator reported that based upon the recent receipt of bids for leaves and vegetative waste the Borough can expect to realize approximately \$60,000 in savings over the prior year.

The Administrator reported that the DPW generator replaced via an emergency appropriation in 2008 was in fact covered by insurance resulting in \$21,935 being returned to the Borough.

The Administrator reported that complaints regarding the playground equipment at Kennedy Field have resulted in the removal of the broken slide. The Recreation Director will be discussing replacement of the slide and a few swings with the Recreation Commission at their next meeting.

The Administrator reported on a proposed fundraiser for the Municipal Drug Alliance in the form of a mailing to all New Milford residents. She stated that she checked with both the Auditor and the County, who supplies the grant, to confirm that this type of fundraising would be allowed. She was informed it would be permitted as long as all proceeds are reported. She read the draft of the letter into the record. The Council had no objection.

## **COUNCIL**

Councilman Putrino reported that the Fire Chief's vehicle, in addition to his personal vehicles, was recently vandalized with spray paint; fortunately the DPW was able to remove the damage. He further reported that Fire Company #1 is working with a 9/11 victims fund and have been notified that they would be eligible to receive a piece of metal from the Twin Towers. They are planning to place it outside the firehouse with a memorial plaque. He reported that Fire Awareness Day is scheduled for October 8<sup>th</sup>.

Although the meeting was not officially opened to the public, it was brought to the Council's attention that the emergency exit lights were not working in the meeting room.

Council President DeLucia made a motion to reconvene in the Council Chambers. Councilman Bachmann seconded the motion. All present in favor, none opposed.

**PUBLIC SESSION:** (Actual Start 8:58 PM)

Councilman Arthur Zeilner	Absent
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 June 8<sup>th</sup> Work Session and the June 22<sup>nd</sup> Work/Public Sessions. Councilman Putrino seconded the motion. All present in favor, none opposed.

**COUNCIL COMMITTEE REPORTS:**

**Councilman Arthur Zeilner**

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

Absent – No Report

**Councilman Keith Bachmann**

Ambulance Corps, Drug Alliance, Recreation

Councilman Bachmann reported on the September 21<sup>st</sup> meeting of the Ambulance Corps; noting the addition of a recent NMHS graduate as a new member. He further reported the Ambulance Corps has received a stretcher on loan from a vendor that can be raised and lowered electronically. He noted the stretcher has been very well received by the members.

Councilman Bachmann reported the Drug Alliance met, but did not have a quorum. He reported they are planning a fundraiser.

Councilman Bachmann reported the Recreation Commission is planning a 2<sup>nd</sup> Grade Soccer Tournament for October 18<sup>th</sup> at Williams Field. The purpose is to encourage kids to continue with the program beyond the 2<sup>nd</sup> grade.

**Councilwoman Randi Duffie**

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

Councilwoman Duffie noted her attendance at the Board of Health meeting on September 2<sup>nd</sup> and summarized the vital statistics for the month. She stated that discussions continue on swine flu and that the Health Department is anticipating a vaccination program in October.

Councilwoman Duffie, reporting on the meeting of the Senior Advisory Board on September 17<sup>th</sup>, shared the monthly calendar and briefly summarized the upcoming events.

Councilwoman Duffie noted her attendance at the Rent Leveling Board meeting on September 17<sup>th</sup>; they are continuing their review of the Rent Leveling ordinance.

Councilwoman Duffie noted her attendance at the 9/11 remembrance at the D.E. Owens Middle School and stated her pride in being part of this community.

**Council President Tina DeLucia**

Chamber of Commerce, Planning Board, Library Board

Council President DeLucia reported the Chamber of Commerce did not meet during the previous month.

Council President DeLucia stated the Planning Board met, but has no applications before them. The Board discussed revisions to the checklist used by those applying for building permits. The Board also discussed a proposal they will be making to the Mayor and Council to increase the number of checkpoints to which someone must comply during the building process. She stated that oftentimes people do not comply with the plans submitted; the proposed ordinance will provide for additional checkpoints along the way, which will be at the expense of the homeowner/builder, but will ensure compliance.

Council President DeLucia reported on the Library Board meeting of September 17<sup>th</sup>. She noted the Saturday hours over the summer were very well received. She reported the annual audit has been completed and no corrections are needed. She stated the Friends of the Library book sale held 9/24 – 9/26 was a great success. Council President DeLucia reported that in celebration of the Bergen County Cooperative Library System (BCCLS) 30<sup>th</sup> Anniversary a demonstration is scheduled for September 30<sup>th</sup> at the New Milford Library to which both the Bergen County Freeholders and the New Milford Mayor and Council have been invited.

**Councilwoman Ann Subrizi**

Board of Education, Historic New Bridge Landing, Public Events

Councilwoman Subrizi reported on a special meeting of the Board of Education held on August 31<sup>st</sup> at which time Michael Polizzi was named as the new Superintendent effective September 1<sup>st</sup>. She further reported on the appointment of the new Business Administrator, Michael Saewicz, as of July 1<sup>st</sup>.

Councilwoman Subrizi reported on the September 3<sup>rd</sup> meeting of the Historic New Bridge Landing Park Commission noting continuing improvements to the Campbell Christie House and Von Steuben House. She reported the junkyard remediation is stalled while waiting for the state

to remove the soil. She noted the Saw Shop demolition is also awaiting the State DEP. Councilwoman Subrizi reported that on October 10<sup>th</sup> Historic New Bridge Landing will be used as the setting for a naturalization ceremony. She additionally reported on artifacts that will be on display at the Shops at Riverside during the months of September through December. Next meeting – October 1<sup>st</sup>.

Councilwoman Subrizi stated that she was unable to attend the Public Events meeting due to illness.

**Councilman Michael Putrino**

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

Councilman Putrino reported on the Historic Preservation Commission meeting of September 8<sup>th</sup>. The Commission is continuing to finalize outstanding projects from 2009 as well as copying pictures and inventorying artifacts. Next meeting – October 13<sup>th</sup>.

Councilman Putrino reported on the Fire Department meeting of September 21<sup>st</sup>. He reported the Fire Department will hold its 27<sup>th</sup> Annual Fire Awareness Day on October 8<sup>th</sup> from 6 – 9 PM behind the Borough Hall. Next meeting – October 19<sup>th</sup>.

Councilman Putrino reported on the Shade Tree Commission meeting of September 17<sup>th</sup>. He reported the Commission will be co-sponsoring Clean Communities Day with the Environmental Commission on Saturday, October 3<sup>rd</sup> from 9 -12 noon, which will be immediately followed by the dedication of the tree farm to Diane Cardinali. Next meeting – October 15<sup>th</sup>.

Councilman Putrino summarized the Garbage and Recycling activity for the previous month. He noted electronic tonnage will be added to the recycling report.

**Mayor Frank DeBari**

Community Development

No Report

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**INTRODUCE ORDINANCE 2009:15**

AN ORDINANCE TO AMEND CHAPTER XIII OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED “FIRE PREVENTION,” THEREBY AMENDING SECTION 13-1.8a ENTITLED “ADDITIONAL REQUIRED INSPECTIONS AND FEES.”

Councilman Bachmann 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 as follows:

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

The ordinance will be published in the Ridgewood News and a public hearing will be held on October 26, 2009 at 8:30 PM.

**INTRODUCE ORDINANCE 2009:16**

AN ORDINANCE TO AMEND CHAPTER VII OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "TRAFFIC," THEREBY AMENDING SUBSECTION 7-3.4 ENTITLED "PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS."

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: Bachmann, Duffie, DeLucia, Subrizi, Putrino  
Against the motion: None  
Abstain: None

The ordinance will be published in the Ridgewood News and a public hearing will be held on October 26, 2009 at 8:30 PM.

**INTRODUCE ORDINANCE 2009:17**

AN ORDINANCE TO REPEAL ORDINANCE 2009:12 THEREBY AMENDING CHAPTER VII OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "TRAFFIC," THEREBY AMENDING SUBSECTION 7-3 ENTITLED "PARKING"

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

For the motion: 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 October 26, 2009 at 8:30 PM.

**RESOLUTIONS:**

The Mayor announced the addition of two resolutions: 2009:212 to approve a change order for the Boulevard Section 5 which will save the Borough \$9,200; and 2009:213 opposing the Council for Affordable Housing's new affordable housing obligations and related fees, which he then proceeded to read into the record.

- 2009:201 Closed Session
- 2009:202 Payment of Bills and Vouchers
- 2009:203 Approve Raffle License #2009:22 for New Milford Junior Football League Off-Premise Merchandise Draw to be held on December 6, 2009
- 2009:204 Approve Raffle License #2009:23 for BF Gibbs PTO for an Off-Premise 50/50 to be held on December 2, 2009
- 2009:205 Confirm Endorsement of Bergen County Community Development grant for Handicapped Curb Ramps
- 2009:206 Authorize Capital Alternatives to prepare and submit grant application to Community Development for Handicapped Curb Ramps
- 2009:207 Authorize Agreement for copier maintenance service with Stewart Business Systems
- 2009:208 Award Sanitary Sewer Rehabilitation to Matina & Son, Inc. in the amount of \$99,500.00
- 2009:209 Award Warren Street Park T-Ball Ball Field Construction to Country View, Inc. in the amount of \$101,657.50
- 2009:210 Award Bid for Sewer Jet with Telescopic Rotating Hose Reel to Gabrielli Kenworth NJ in the amount of \$182,426.00
- 2009:211 Award Bid for Loading, Transporting and Disposal/Recycling of Leaves/Vegetative Waste to S. Rotondi & Sons, Inc.
- 2009:212 Approve Change Order #1 for Improvements to the Boulevard, Section 5 to reduce contract amount by \$9,219.50
- 2009:213 Support the elimination of the Council for Affordable Housing's new affordable housing obligations and related fees

## **COMMENTS FROM THE PUBLIC**

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

Ms. Joanne Prisendorf, 317 River Road, came forward to address the Council. Ms. Prisendorf thanked the Council for introducing the resolution on COAH stating that it is a step in the right direction. She asked for a copy of the resolution and was told that she could obtain one the following day from the Borough Clerk. Ms. Prisendorf commented she lives on the corner of Cooper Avenue and River Road and asked if there would be any chance to implement alternate side of the street parking on Cooper because it is impossible for the street to be cleaned when school is in session. She was advised to put the request in writing to the Administrator who will forward it to the Chief of Police for review.

Mr. John Foley, 254 Stevens Court, came forward to address the Council. Mr. Foley asked for an update on where things stand with the Hirschfeld Brook. The Mayor referenced the status report from Boswell Engineering dated September 25<sup>th</sup> and read the section on the Hirschfeld Brook into the record. The report noted a request from the DEP for additional information and

Boswell's response, which stated that most of the information had already been provided but had been overlooked by the DEP. The information will be resubmitted.

Ms. Elaine Rucker, 91 Old New Bridge Road, came forward to address the Council. Ms. Rucker stated that her quality of life has been greatly diminished. She noted the overgrowth of trees from the neighboring property, which impedes her view from her window. Ms. Rucker provided pictures of the trees. The Property Maintenance Officer will be notified and he will speak with the owner of the adjoining property. Ms. Rucker commented on the size of the buildings on the property. The Mayor stated they would be checked for compliance to the approved plans.

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

### **VOTE ON RESOLUTIONS**

Councilman Bachmann made a motion to approve a consent agenda for resolutions #2009:201 through #2009:213. Councilwoman Subrizi seconded the motion. All present in favor, none opposed.

### **ADJOURNMENT**

Councilwoman Duffie made a motion to adjourn. Council President DeLucia seconded the motion. All present in favor, none opposed. Time 9:33 PM.

Respectfully submitted,



Christine Demiris  
Borough Clerk