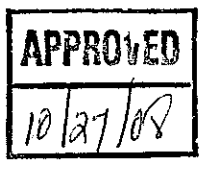


MINUTES  
BOROUGH OF NEW MILFORD  
6:30 PM WORK SESSION  
OPEN SESSION immediately following  
Monday, September 8, 2008



- 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: Art Caughlan, Risk Manager

Mayor DeBari read the Open Public Meeting and Mission Statements.

The meeting was closed to the public on a motion from Councilwoman Duffie, which was seconded by Council President DeLucia.  
For the motion: Zeilner, DeLucia, Putrino, Duffie  
Against the motion: Subrizi, Bachmann

**Closed Session:**  
Risk Manager Presentation – 6:30 PM

**Open Session:**

The meeting was opened on a motion from Councilman Zeilner, which was seconded by Councilman Bachmann. All present in favor, none opposed.

1. Planning Board – Special Session Fees

The Administrator summarized the correspondence between herself, the Borough Attorney and the Planning Board Attorney. The Administrator stated the applicant has never been charged for a special meeting because usually the Board is the one requesting said meeting. Council President DeLucia stated at times the applicant requests a special meeting because they need the project to be completed quickly; the Planning Board has always accommodated these requests. Council President DeLucia further stated in some surrounding towns, the Boards are accommodating as well, however they collect a fee for such requests. Councilman Bachmann questioned why the Board would agree to hear a special meeting; Council President DeLucia stated there is a need due to the large volume of applications that come at once. Councilwoman Duffie stated the Planning Board will not start a new application after 10:30 PM. Councilman Bachmann stated objective criteria should be used to set a special meeting. Council President DeLucia stated the issue is should the Governing Body set a fee for special meetings, not criteria. The Administrator stated the Planning Board should make a recommendation to the Governing Body. Mayor DeBari stated if the applicant makes the request, then a fee should be set; the Building Department should poll surrounding towns to see if they charge the applicant for special meetings if so, what the fee is. The Council determined if

the applicant requests the special meeting a fee should be charged, if the Board requests a special meeting then the applicant should not be charged. The Council requested the Planning Board make a recommendation to the Governing Body on the fee and what other towns are doing. All present in favor, none opposed.

### RESOLUTIONS:

- 2008:198 Closed Session
- 2008:199 Payment of Bills and Vouchers
- 2008:200 Award Improvements to the Boulevard – Section 4 to Smith-Sondy Asphalt in the amount of \$145,190.65
- 2008:201 Award Drainage Improvements to Trench Drive – Phase I to Colonnelli Brothers, Inc. in the amount of \$136,700.00
- 2008:202 Authorize Boswell McClave Engineering to prepare plans and specifications and Borough Clerk to receive bids for T-Ball Field at Warren Street Park
- 2008:203 Approve Street Opening Permit for Verizon New Jersey – Various Locations
- 2008:204 Request Director of DLGS to approve insertion of revenue and like appropriation for Safe Schools Resource Officer in the amount of \$106,810.56\*\*\***TABLED**\*\*\*
- 2008:205 Request Director of DLGS to approve insertion of revenue and like appropriation for the Clean Community Program in the amount of \$16,754.28\*\*\***TABLED**\*\*\*
- 2008:206 Approve Special Emergency Appropriation of \$25,000 for Revisions to the Master Plan (COAH 3<sup>rd</sup> Round Revisions) \*\*\***TABLED**\*\*\*
- 2008:207 Approve redemption of tax sale certificate 07-02 on Block 1114 Lot 5 in the amount of \$17,056.31 to R. Rothman
- 2008: 208 Approve Raffle License #2008:17 for St. Joseph Council #3814 Knights of Columbus for an Off-Premise 50/50
- 2008:209 Liquor License Renewal – Blue Ridge Restaurant, Inc. (200 Main) \*\*\***TABLED**\*\*\*
- \* 2008:210 Authorize Emergency Appropriation – Buildings & Grounds O/E \$25,000 for Emergency Generator – DPW
- \* 2008:211 Authorize emergency purchase of emergency generator at a sum not to exceed \$25,000

Mayor DeBari asked that resolutions 2008:204 through 2008:206 and 2008:210 through 2008:211 be pulled from the consent agenda for separate votes because Council majority is needed.

Councilman Bachmann commented on 2008:206. Councilman Bachmann questioned why the Borough is wasting \$25,000 on third round COAH when the League of Municipalities is against it and has filed for a stay. Councilman Bachmann referenced purchase order #57189 (check #47113) on the bill list for \$3,572 that has already been incurred. Council President DeLucia recounted her understanding of what Mr. Kauker was supposed to do. The Council requested the Administrator speak to Mr. Kauker on what the Borough is being billed for. Mr. Moscaritolo commented on the Council's discussion. Mr. Moscaritolo stated he is unaware of any stay in effect through the Appellate Division. Mr. Moscaritolo further stated if the Borough does not try to comply with the third round COAH the Borough will lose immunity from another builder's remedy lawsuit. Mr. Moscaritolo stated if the Borough does not put the third round

COAH application in or pass an ordinance for developer's fee; the Borough will lose protection on any current developments being planned such as the one on River Road. Mr. Moscaritolo stated the Borough's obligation will increase on the backend; new developments will not have to comply with COAH. The Administrator stated the Council has already authorized the work; this is simply the method of payment. Mayor DeBari stated it is illegal to authorize work without authorizing the funding. The Council discussed Mr. Kauker's bill in question. The Council decided Mr. Kauker's bills must be more specific in their breakdown in order to appropriate the money accordingly and pulled the referenced purchase order/check from the bill list.

### **INTRODUCE ORDINANCE #2008:15**

#### **AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION N.J.S.A. 40A:4-53**

Council President DeLucia made a motion to introduce and approve this ordinance on its first reading. Councilwoman Duffie seconded the motion.

For the motion: Zeilner, Duffie, DeLucia, Putrino

Against the motion: Bachmann, Subrizi

Mayor DeBari stated the ordinance will be advertised and open for public comment at the September 22, 2008 meeting of the Mayor and Council.

The Administrator stated the dollar amount for resolution 2008:204 will be paid by the Board of Education for the two school resource officers and their medical benefits. Councilwoman Subrizi questioned if the amount in said resolution was accounted for in the budget; if so, it should reduce the amount of money to be raised by taxes.

Councilwoman Subrizi made a motion to table resolution 2008:204 until the Council is certain as to whether or not money was already included in the budget appropriation; Councilwoman Subrizi stated the CFO or the Auditor should be able to provide that information. Councilman Putrino seconded the motion. All present in favor, none opposed.

Councilwoman Subrizi made a motion to table resolution 2008:205 for the same reasons as stated above for 2008:204. Councilman Putrino seconded the motion.

For the motion: Zeilner, Bachmann, Subrizi, Putrino

Against the motion: Duffie, DeLucia

Council President DeLucia made a motion to approve resolution 2008:206.

Councilwoman Duffie seconded the motion.

For the motion: Zeilner, Duffie, DeLucia, Putrino

Against the motion: Bachmann, Subrizi

Councilman Zeilner made a motion to approve resolution 2008:210. Councilman Bachmann seconded the motion. All present in favor, none opposed.

Councilman Zeilner made a motion to approve resolution 2008:211. Councilman Bachmann seconded the motion. All present in favor, none opposed.

Council President DeLucia excused herself at 9:12 PM.

### **POD Ordinance**

Mr. Moscaritolo recommended the POD ordinance be all inclusive along with the dumpster ordinance. The Council disagreed with said recommendation. The Administrator stated the original criteria that was agreed upon was a 3 month term with the option to renew for an additional 3 months not to exceed 6 months in a 12 month period. Councilman Bachmann stated certain criteria should be met before an extension would be granted. Councilwoman Duffie stated the PODS are unsightly and are not fair to neighbors and maybe should not be allowed at all. Mr. Moscaritolo stated in his opinion the POD should only be allowed with a building permit. Councilwoman Subrizi questioned what surrounding towns have a "No POD allowed" ordinance. Councilman Bachmann stated the ordinance should impose a higher fee to be sure only those who really need it are using it. The Council discussed the pros and cons of the Borough Attorney's draft ordinance. After a lengthy discussion, it was the consensus of the present Council to direct the Borough Attorney to draft a "No PODs allowed" ordinance.

### **Administrator**

The Administrator informed the Council of the reason behind resolution 2008:209 being tabled; stating the establishment did not receive its tax clearance certificate necessary to renew the liquor license.

The Administrator explained resolution 2008:201 to the Council. She stated the Council agreed to the Trench Drive Drainage project for three years; three phases at \$100,000 per phase. The lowest bid for Phase I was \$135,000; the Borough will proceed using \$100,000 from 2007 capital and the balance from 2008 capital. The Administrator stated she questioned the Borough Engineer on why the lowest bid was not similar to the estimate provided by Boswell. Ms. Batistic explained it needed to be revised to use elliptical pipes to go around the sanitary sewer as well as general price increases due to the rough estimate having been completed two years ago. The Borough Engineer also stated to the Administrator, it is possible the Borough will not need Phase III after completing Phases I and II.

The Administrator referenced the Charles Street Drainage issue. She stated Boswell estimated the project would cost \$150,000 and the work could be phased i.e.: manhole to manhole. The Administrator stated \$30,000 remains from the Voorhis Drainage project, the Borough can either use that to phase Charles Street or balance the shortfall for Phase I Trench Drive. The Council decided to use the remaining money to start the process for Charles Street. The Administrator will find out from the Engineer what could be accomplished for \$30,000.

The Administrator stated the Community Development Application is due October 10; last year the Borough received \$100,000, however the Borough is very limited in how the money may be spent. Mike Calamari drafted a list of Borough streets that are in need of handicap curb cuts for accessibility. The Administrator and Mike Calamari both recommend this use for the application for this year.

The Administrator stated the Borough received \$89,000 in 2007 through a matching grant from Bergen County Open Space for Warren Street Park; it was to be used for the Babe

Ruth and T-Ball at Warren Street Park. However the Babe Ruth Field was done on an emergency basis with previously allocated capital money. The Administrator further stated there is an additional \$72,700 left in the 2006 Warren Street Bond that could be used as the matching funds required to cover the entire cost estimate for the t-ball field of \$136,500.

The Administrator referenced a letter dated August 22, 2008 regarding Chestnut Street flooding and the problem on Elizabeth Street that Councilman Zeilner brought to her attention. The Borough Engineer visited both sites on September 6, 2008 during a heavy rainstorm. Ms. Batistic stated in an e-mail to the Administrator that she did not see any major problem at either site; she noted however that there may be a problem during a much heavier rainstorm. Ms. Batistic's said the solution on Chestnut Street may be to replace the existing pipes with larger diameter pipes; however it would have to be improved beyond Chestnut Street which may be cost prohibitive. Ms. Batistic further stated 483 Elizabeth Street the solution may be to replace the manhole cover and 230 linear feet of pipe between the houses. The Administrator questioned if the Council wants the Engineer to research either or both of the issues and prepare a cost estimate for such improvements. Councilmen Putrino and Bachmann suggested that the DPW Superintendent review the situation, and could possibly alleviate the problem by cleaning out the pipe. Councilman Zeilner stated the problem on Elizabeth Street is the 90 degree angle the water is forced to make through the pipe, during heavy rains the water cannot make the turn. Mayor DeBari suggested removing the elbow and installing a cement vault with pipes on either side, the vault will slow down the volume of water. Councilman Zeilner stated it should be brought to the attention of the Engineer to find out if it will work and the cost. The Administrator will confirm with Mike Calamari that the Chestnut Street pipe was checked with the TV camera.

The Administrator polled the Council on interest in establishing an Access for All Committee in New Milford for people with disability issues. Mayor DeBari suggested it be sent to the Board of Health for discussion at their next meeting and report back to the Council.

The Administrator asked if the Council had any objection to Gibbs PTO holding a car wash on September 20, 2008. The Administrator stated the Recreation Director had no objection and felt the soccer games could help the car wash; the Council had no objection.

The Administrator distributed the 2009 Holiday Schedule and Council Meeting schedule and asked if the Council had any objection to her preparing resolutions. All present in favor, none opposed.

Councilman Putrino asked that the December 28, 2008 public meeting be canceled. The Administrator suggested combining the work session and public session to be held on December 15, 2008. All present in favor, none opposed.

### **Council**

Councilwoman Duffie reported the Rent Leveling meeting was postponed until September 11, 2008.

Councilwoman Duffie reported she attended the Board of Health meeting. Councilwoman Duffie stated the Health Department needs more storage. Councilwoman Duffie stated Mid-Bergen used to have an office in River Edge where rent was paid; should he pay rent to New Milford. Mayor DeBari stated rather than paying rent, he would prefer a reduced rate from Mid-Bergen. Mayor DeBari will check on the records retention for patient records.

Councilman Bachmann stated he received a list from the Department of Public Works regarding the work being done at the Babe Ruth Field that still needs attention. Mr. Calamari stated to Councilman Bachmann that the contractor should not be paid until the work is finished. Councilman Bachmann walked the field today; he stated the wheelbarrows full of red gravel should be spread out. Councilman Bachmann reviewed the list provided by the Department of Public Works and did not see any additional problems, however he stated he would bring the list to the attention of the Council. The Administrator stated the Recreation Director signed off that the work was completed and the contractor has been paid. The Administrator will provide the Recreation Director with the list.

Councilman Bachmann questioned the proper protocol for the League of Municipalities; he tried to register for classes but was unsuccessful. The Administrator stated that no pre-registration is needed; the badge he receives upon his arrival at the League allows him to go to classes.

Councilwoman Subrizi requested standing reports, from this point forward, on the sludge pits.

Councilwoman Subrizi asked for written status or communication on legal bills for Dennis Oury for the sludge pits this year. The Administrator stated there was nothing new this year.

Mayor DeBari stated Lynn DeCarlo from the County could provide the Borough with more information.

Councilwoman Subrizi expressed concern regarding runoff at 282 Ridge Street; stating that water is pumped out daily. She questioned if there is any way to restrict how deep the house goes.

Councilwoman Duffie stated all construction must produce zero runoff. Councilwoman Duffie stated she will discuss the matter further with the Planning Board Attorney.

Councilwoman Subrizi stated she does not accept the fact that the Council can do nothing.

Councilwoman Subrizi stated the problem of silt runoff from construction is still occurring on Concorde Street. The Administrator will bring it to the attention of the Building Department.

Councilman Putrino stated the same problem is occurring on Monmouth Avenue as well.

Councilwoman Subrizi stated the recycling calendar should include the phone number and the website for 2009.

Councilwoman Subrizi questioned if the Borough was reimbursing Brookchester 100% for garbage collection. The Administrator stated the Borough reimburses one-third.

Councilman Putrino asked the Borough Attorney if he had any recent conversations with Jada Jackson of Green Acres. Mr. Moscaritolo stated he had left two messages, with no return phone call.

Councilman Putrino requested he be copied on all the correspondence received from each department on the budget memo sent by the Administrator.

### **COMMENTS FROM THE PUBLIC**

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

Mildred Bombeck, 51 Bulger Avenue, came forward to address the Council. Ms. Bombeck stated there are no handicap ramps on the corner of Bulger Avenue and Luhmann Drive. Mayor DeBari stated the Borough is currently working to obtain a Community Development grant to install handicap curb cuts throughout the Borough.

John Foley came forward to address the Council. Mr. Foley began by thanking Councilman Putrino for coming by his house during the flooding. Mr. Foley stated the Hirschfeld Brook is filling with water at a much faster rate than ever before; his backyard was flooded with the last rain. Mr. Foley stated near the Main Street Bridge the water is moving slowly, which seems to accelerate the rate of flow of water to his property; however the water recedes quickly. Mr. Foley requested the status of the Hirschfeld Brook project. The Administrator stated that information is forthcoming at the public meeting; it is currently under the Engineer's review. Mr. Foley questioned if the money has been allocated; the Administrator stated the Borough has done two years of funding.

Councilwoman Subrizi questioned if the Council awarded the first phase of the Hirschfeld project. The Administrator stated the first phase was approved, but only for the preliminary survey and study.

Jodi Seifert came forward to address the Council. Ms. Seifert asked if the Borough had any plans to commemorate September 11. Mayor DeBari stated the affected families have requested the Borough not do anything; the Council respects the families' wishes. Councilwoman Subrizi stated DEO Middle School will have a service, and the County will have an observance in Overpeck Park.

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

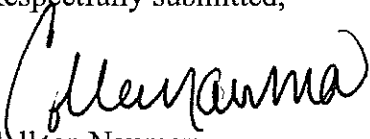
**VOTE ON RESOLUTIONS**

Councilman Bachmann made a motion to approve resolutions #2008:199 through #2008:203 and #2008:207 through #2008:208. Councilman Putrino seconded the motion. All present in favor, none opposed.

**ADJOURNMENT**

Councilman Putrino made a motion to adjourn. Councilman Bachmann seconded the motion. All present in favor, none opposed. Time 10:53 PM.

Respectfully submitted,



Colleen Naumov  
Deputy Borough Clerk



BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2008:198

Offered by:

Arthur E. Zulner

Seconded by:

Randy D'Amico

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss:

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW, THEREFORE BE IT RESOLVED that the public be excluded from this meeting.

Member	Aye	No	Abstain	Absent
DELUCIA	✓			
<del>DEWEE</del>	✓			
SUBRIZI		✓		
MURPHY				
PUTRINO	✓			
ZEILNER	✓			
<del>Bachmann</del>		✓		
Mayor (tie)				
TOTAL				

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on September 8 2008

SEAL

Christine Demusis

BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2008:199

Offered by: John S. P...

Seconded by: Ann Subrizi

**WHEREAS**, the claims and accounts listed below, having been authorized by the CFO, and found correct.

**THEREFORE, BE IT RESOLVED**, that the Mayor and Council hereby authorize the payment of these claims, and that warrants be drawn therefore when funds are available in the aggregate amount of \$ 428,220.42.

Less P.O. 57189 in the amount of \$ 3,572.50

Member	Aye	No	Abstain	Absent
DELUCIA				<input checked="" type="checkbox"/>
<del>DEWEE</del>	<input checked="" type="checkbox"/>			
SUBRIZI	<input checked="" type="checkbox"/>			
<del>MURRAY</del>				
PUTRINO	<input checked="" type="checkbox"/>			
ZEILNER	<input checked="" type="checkbox"/>			
<del>ROACH</del>	<input checked="" type="checkbox"/>			
Mayor (tie)				
TOTAL				

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on September 8 20 08

Christine Demaris

SEAL

BOROUGH OF NEW MILFORD

Bill list

SEPTEMBER 8, 2008

<u>Vendor</u>	<u>Amount</u>	<u>Description</u>	<u>Account</u>	<u>Check #</u>
MARY BETH HUBBARD	360.00	AUGUST 2008 SR.	SENIOR	47102
EILEEN LEONARD	30.00	5/15/08 SHADE TREE	SHADE TREE	47103
EILEEN LEONARD	30.00	6/19/08 SHADE TREE	SHADE TREE	47104
TERRI L. SMITH,	400.00	4 HOURS CHC 8/26/08	BOARD OF	47105
NEW MILFORD BOARD	221.41	MARCH 2008 CUSTODIAL	RECREATION	47106
BERGEN CTY	1000.00	APRIL/MAY/JUNE 2008	INSURANCE	47107
FORD MOTOR CREDIT	2462.34	PAYMENT NO. 5	POLICE	47108
BROOKCHESTER	23485.59	REIMB. JAN-MARCH 2008	GARBAGE &	47109
TOSHIBA BUSINESS	797.00	INV.6304488 JULY	MUNICIPAL	47110
TIMMERMAN	1816.00	INV.187362 ORDER	RECYCLING	47111
DELGADO	160.00	INV.32984 7/23/08	MUNICIPAL	47112
KAUKER & KAUKER,	3572.50	INV.2008-208 JULY	MUNICIPAL	47113
ROGUT MC CARTHY PC	2180.35	TAX ANTICIPATION NOTE	MUNICIPAL	47114
XTEL	240.58	JULY 2008 LONG	O/E	47115
AMSTERDAM PRINTING	57.55	INV.1574879 50 PAYROLL	MUNICIPAL	47116
ONE CALL SYSTEMS,	65.68	INV.IVC0127750	O/E	47117
GOODYEAR AUTO	74.80	INV.155274	PUBLIC	47118
DURIE LAWN MOWER &	187.95	INV.6492 KOHLER	PUBLIC	47119
RED WING SHOE	249.85	INV.55000-942 BRIAN	PUBLIC	47120
J.M. FITZGERALD &	2622.95	INV.8280 251--25 GAL.	RECYCLING	47121
POSITIVE	138.40	INV.3170606	RECYCLING	47122
JAMES F. WHITE,	44.40	INV.20556 1 CASE GREEN	PUBLIC	47123
NORTHEAST GAS	93.70	INV.4192,206528 JULY	PUBLIC	47124
MID-BERGEN	300.00	ANNUAL RIGHT-TO-KNOW	BOARD OF	47125
GALL'S INC.	98.00	INV.5954591500015	POLICE	47126
STATE LINE	154.00	INV.63956	PUBLIC	47127
TILCON NEW YORK,	193.38	INV.1188545 CUST. 4872	PUBLIC	47128
TILCON NEW YORK,	227.05	INV.1185133 CUST.4872	PUBLIC	47129
TILCON NEW YORK,	376.31	INV.1192227	PUBLIC	47130
PALISADES SALES	90.00	INV.949455	EMERGENCY	47131
VERIZON WIRELESS	429.12	INV.1894621976	O/E	47132
VERIZON WIRELESS	39.25	6/19-7/18/08	O/E	47133
SPRINT NEXTEL	582.25	7/13-8/12/08	O/E	47134
GREEN-A-LAWN	1644.00	INV.373895,373896,3739	PUBLIC	47135
ALLIED OIL COMPANY	4050.28	INV.848485 8/6-8/20/08	O/E GAS &	47136
I.D.M. MEDICAL	91.00	INV.88296	POLICE	47137
BOULEVARD FUNERAL	50.00	REIMB. FOR	BOARD OF	47138
PROFESSIONAL GOV'T	90.00	9/10/08	COLLECTION	47139
SHAMROCK PRINTING	125.00	INV.12624 1 BANNER FP	FIRE O/E	47140
MGL PRINTING	118.00	INV.77550 N017 2	BOARD OF	47141
EN SMITH	75.49	INV.88182 CUST.19689	PUBLIC	47142
ACHLES/MICHELE'S	5045.52	INV.78317 8/13/08	O/E GAS &	47143
MUNIDEX INC.	1158.56	INV.985607 8/21/08 3RD	COLLECTION	47144
ROBERT'S AND SON,	1250.00	INV.5176818 ALTERNATOR	FIRE O/E	47145
TECHNICAL FIRE	600.00	INV.1147 FD ANNUAL	FIRE O/E	47146
FOWLER EQUIPMENT	331.94	INV. SI 75409	FIRE O/E	47147
BALLY'S ATLANTIC	318.00	11/18-11/20/08 8	MUNICIPAL	47148

TABU

BALLY'S ATLANTIC	318.00	11/18-11/20/08 8	COLLECTION	47148
BALLY'S ATLANTIC	0.00	11/18-11/20/08 8	CODE	47148
BALLY'S ATLANTIC	318.00	11/18-11/20/08 8	CODE	47148
BALLY'S ATLANTIC	318.00	11/18-11/20/08 8	POLICE	47148
BALLY'S ATLANTIC	318.00	11/18-11/20/08 8	PUBLIC	47148
BALLY'S ATLANTIC	159.00	11/18-11/20/08 8	PUBLIC	47148
BALLY'S ATLANTIC	477.00	11/18-11/20/08 8	MUNICIPAL	47148
WESTWOOD LINCOLN	1990.32	INV.125100,125042	EMERGENCY	47149
HARRIS UNIFORMS	95.95	INV.16008,16009	POLICE	47150
B & C	1277.13	INV.97461-MOTOROLA	POLICE	47151
NATURES CHOICE	864.00	INV.565629,565637,5656	RECYCLING	47152
NATURES CHOICE	356.00	INV.565871 8/1/08	RECYCLING	47153
WASTE MANAGEMENT	38913.00	SEPT. 2008 RESIDENTIAL	GARBAGE &	47154
DELTA PRODUCTS	647.55	INV.161098	PUBLIC	47155
ACTION OFFICE	175.14	INV.I70307 CUST.212513	PUBLIC	47156
ACTION OFFICE	0.00	INV.I70307 CUST.212513	RECYCLING	47156
ACTION OFFICE	175.14	INV.I70307 CUST.212513	RECYCLING	47156
QUENCH	183.00	INV.7412477 BORO HALL	PUBLIC	47157
QUENCH	0.00	INV.7412477 BORO HALL	SENIOR	47157
QUENCH	183.00	INV.7412477 BORO HALL	SENIOR	47157
PAYCHEX	789.82	INV.77458,79211 J865	MUNICIPAL	47158
FREMGEN'S POWER	615.00	INV.32867 POWER SWEEP	RECYCLING	47159
DURIE LAWN MOWER &	91.90	TICKET #6525	PUBLIC	47160
H & H MACK SALES,	216.38	INV.282340004,28233002	FIRE O/E	47161
PALMERS HOME	68.15	INV.602540	UNIFORM	47162
TILCON NEW YORK,	412.97	INV.1195344	PUBLIC	47163

**Total****106691****Total Bill List:**

106690.65

BOROUGH OF NEW MILFORD

Bill list

SEPTEMBER 8, 2008 CAPITAL

<u>Vendor</u>	<u>Amount</u>	<u>Description</u>	<u>Account</u>	<u>Check #</u>
NORTH JERSEY MEDIA	57.73	AD#2344073, AD#2363171	2008-07	4272
NORTH JERSEY MEDIA	26.47	AD#2344073, AD#2363171	08-08 VAR	4272
NORTH JERSEY MEDIA	26.47	AD#2344073, AD#2363171	08-08 VAR	4272
NORTH JERSEY MEDIA	26.47	AD#2344073, AD#2363171	08-08 VAR	4272
NORTH JERSEY MEDIA	0.00	AD#2344073, AD#2363171	08-08 VAR	4272
NORTH JERSEY MEDIA	26.47	AD#2344073, AD#2363171	08-08 VAR	4272
ROGUT MC CARTHY PC	479.93	APRIL, MAY & JUNE	2008-07	4273
ROGUT MC CARTHY PC	207.48	APRIL, MAY & JUNE	08-08 VAR	4273
ROGUT MC CARTHY PC	207.48	APRIL, MAY & JUNE	08-08 VAR	4273
ROGUT MC CARTHY PC	207.48	APRIL, MAY & JUNE	08-08 VAR	4273
ROGUT MC CARTHY PC	0.00	APRIL, MAY & JUNE	08-08 VAR	4273
ROGUT MC CARTHY PC	207.48	APRIL, MAY & JUNE	08-08 VAR	4273

**Total 1473.46**

**Total Bill List: 1473.46**

BILL LIST FOR MEETING OF:		
SEPTEMBER 8, 2008		
CURRENT ACCOUNT		
VENDOR	CHECK NO.	AMOUNT
-----		
BOROUGH OF NEW MILFORD-PAYROLL 9/1-9/15/08 (ESTIMATE)	47164	\$290,000.00
BOROUGH OF NEW MILFORD-PAYROLL-FICA TAXES 9/1-9/15/08 (ESTIMATE)	47165	\$9,000.00
BOROUGH OF NEW MILFORD-PAYROLL-MEDICARE TAXES 9/1-9/15/08 (ESTIMATE)	47166	\$4,000.00
		\$303,000.00

**BILL LIST FOR MEETING OF:**

**SEPTEMBER 8, 2008**

**TRUST ACCOUNT**

**VENDOR**

**CHECK NO.**

**AMOUNT**

R. ROTHMAN

1117

\$17,056.31

\$17,056.31

BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2008:200

Offered by: [Signature]

Seconded by: Anna Subrizi

**WHEREAS**, the Mayor and Council of the Borough of New Milford received \$150,000 in a NJ-DOT Local Aid Grant for Improvements to the Boulevard – Section 4 (Oradell border south through the Fulton Street intersection); and

**WHEREAS**, bids were advertised for and received in New Milford Borough Hall on August 19, 2008 at 11:00 AM, with the three lowest bids as follows:

	<u>Base Bid</u>	<u>Alternate "A"</u>	<u>Total</u>
Smith-Sondy Asphalt Constr. 150 Anderson Avenue Wallington, NJ 07057	\$145,190.65	\$16,588.22	\$161,778.87
English Paving Co., Inc. P.O. Box 423 Ridgefield, NJ 07657	\$152,551.20	\$14,476.52	\$167,027.72
A.J.M. Contractors, Inc. 71 Liberty Street Passaic, NJ 07055	\$153,063.00	\$17,367.50	\$170,430.50

**NOW, THEREFORE, BE IT RESOLVED**, the Mayor and Council hereby award the Improvements to the Boulevard – Section 4 contract to the lowest bidder, Smith-Sondy Asphalt Construction in the base amount of \$145,190.6500 and authorize Mayor DeBaro to sign said contract and authorize the Borough Clerk to attest to the same;

**BE IT FURTHER RESOLVED** that a certified copy of this resolution will be forwarded to Smith-Sondy Asphalt Construction and Boswell McClave Engineering.

Member	Aye	No	Abstain	Absent
DELUCIA				<input checked="" type="checkbox"/>
<del>DUFFIE</del>	<input checked="" type="checkbox"/>			
SUBRIZI	<input checked="" type="checkbox"/>			
<del>MARTIN</del>				
PUTRINO	<input checked="" type="checkbox"/>			
ZEILNER	<input checked="" type="checkbox"/>			
<del>SACHMANN</del>	<input checked="" type="checkbox"/>			
Mayor (tie)				
TOTAL				

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on September 20 08

Christine Kenisio

SEAL

9/10/08 C - Smith-Sondy



**RESOLUTION** No. 2008: 201.

Offered by: [Signature]

Seconded by: Arthur E. Zilmer

**WHEREAS**, the Mayor and Council of the Borough of New Milford wish to make drainage improvements to Hirschfield Place between Lacey Drive and Trench Drive; and

**WHEREAS**, funds were appropriated for this project in the 2007 and 2008 Capital Budgets; and

**WHEREAS**, bids were received in Borough Hall for the Drainage Improvements to Trench Drive, Phase I on August 19, 2008 at 11:30 AM, with the three lowest bids as follows:

	<u>Bid Amount</u>
Colonnelli Brothers, Inc. 409 S. River Street Hackensack, NJ 07601	\$136,700.00
M. Ingannamorte & Sons, Inc. 347 Knickerbocker Road Tenafly, NJ 07670	\$139,227.80
Tom Krutis Excavating Co., Inc. 1 Carnegie Street Linden, NJ 07036	\$164,545.00

Member	Aye	No	Abstain	Absent
DELUCIA				✓
<del>DELUCCIA</del>	✓			
SUBRIZI	✓			
<del>DEBARI</del>				
PUTRINO	✓			
ZEILNER	✓			
<del>DEBARI</del>	✓			
Mayor (tie)				
TOTAL				

**NOW, THEREFORE, BE IT RESOLVED**, the Mayor and Council hereby award the Drainage Improvements to Trench Drive, Phase I to Colonnelli Brothers, Inc., in the amount of \$136,700.00 and authorize Mayor DeBari to sign said contract and authorize the Borough Clerk to attest to the same;

**BE IT FURTHER RESOLVED** that a certified copy of this resolution will be forwarded to Colonnelli Brothers, Inc. and Boswell McClave Engineering.

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on September 8 2008

Christine Demaris

9/10/08 SEAL  
Colonnelli Bros.  
Boswell - McClave Eng.

BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2008:202

Offered by: [Signature]

Seconded by: Arthur E. Zilner

WHEREAS, the Mayor and Council of the Borough of New Milford have received funding from the 2007 Bergen County Open Space, Recreation, Farmland and Historic Preservation Trust Fund in the amount of \$89,029; and

WHEREAS, the Mayor and Council wish to advertise to receive bids for the installation of a new T-Ball Field at Warren Street Park; and

WHEREAS, the Mayor and Council hereby authorize Boswell Engineering to prepare plans and specifications for the installation of a new T-Ball Field at Warren Street Park at a fee not to exceed \$13,600; and

WHEREAS, the Borough Clerk is hereby authorized to advertise to receive bids in Borough Hall;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of New Milford hereby authorize the Borough Engineer to prepare plans and specifications for the installation of a new T-Ball Field at Warren Street Park and authorize the Borough Clerk to receive bids.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Boswell McClave Engineering, 330 Phillips Avenue, PO Box 3152, South Hackensack, NJ 07606-1722.

Member	Aye	No	Abstain	Absent
DELUCIA				
<del>DRUFFE</del>	✓			✓
SUBRIZI	✓			
<del>MAZZA</del>				
PUTRINO	✓			
ZELNER	✓			
<del>SACHMANN</del>	✓			
Mayor (tie)				
TOTAL				

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on September 8 2008

Christine Dennis

9/10/08 SEAL - Boswell McClave

**RESOLUTION**

No. 2008:203

Offered by: Arthur E. Zelner

Seconded by: Ramiro Delfino

**BE IT RESOLVED**, that Verizon New Jersey, is hereby granted nine (9) Street Opening Permits to place conduit and handholes for Fiber Optic Service (FIOS).

**LOCATION OF OPENINGS:**

- Grix Court, New Milford (1)
- Eagle Avenue, New Milford (2)
- Dahlia Avenue, New Milford (1)
- Pine Avenue, New Milford (1)
- Roslyn Avenue, New Milford (1)
- Wood Court, New Milford (1)
- Bliss Drive, New Milford (1)
- Kastler Court, New Milford (1)

As per the plans submitted and on file in the office of the Borough Clerk.

The work is to take place in October 2008.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Department of Public Works and the Police Department.

Member	Aye	No	Abstain	Absent
DELUCIA				✓
<del>DELUCIA</del>	✓			
SUBRIZI	✓			
<del>MURPHY</del>				
PUTRINO	✓			
ZELNER	✓			
<del>CRAMER</del>	✓			
Mayor (tie)				
TOTAL				

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on September 8 20 08

Cristine Dennis

SEAL

9/10/08 c - DPW - Chief Papagiastro

BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2008: 206

Offered by: *Arthur E. J. [Signature]*

Seconded by: *[Signature]*

**SPECIAL EMERGENCY RESOLUTION N.J.S.A. 40A:4-53**

WHEREAS, an ordinance has been adopted creating a special emergency appropriation of \$25,000 for Revisions to the Master Plan and no adequate provision was made in the 2008 budget for the aforesaid purpose, and N.J.S.A. 40A:4-53 provides for the creation of a special emergency appropriation for the purpose above mentioned, and

WHEREAS, the total amount of Emergency Appropriations created including the appropriation to be created by this resolution is.....\$25,000

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48 and 40A:4-53:

1. A special emergency appropriation be and the same is hereby made for Revisions to the Master Plan.....\$25,000
2. Total amount per ordinance is for \$25,000 and the Mayor and Council hereby requests that an exclusion from the 5% "Cap" be granted by the Director of the Division of Local Government Services in accordance with P.L. 1981 Chapter 56 in the amount of \$5,000 per year in the budgets of the next five succeeding years commencing with the budgets of 2009 in accordance with 40A:4-55 (C).
3. That a special emergency note or notes be authorized not in excess of \$25,000, the amount appropriated by ordinance as stated above.
4. Such notes are hereby authorized to be issued pursuant to the Ordinance and this resolution and shall be negotiable notes payable to bearer, and shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law, and such interest shall be payable at the maturity of such notes. The notes shall be dated on or about the date of their issuance and may be renewed from time to time, but at least 1/5 of the total amount of notes hereby authorized, and the renewals thereof, shall mature and be paid in each year, so that all notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of this resolution. The issuing officers are authorized to provide that the notes may be redeemable at the option of the Borough.
5. The Mayor and the Chief Financial Officer are hereby authorized to execute said notes, and the Borough Clerk is hereby authorized to affix the seal of the Borough to such notes and to attest such seal and said notes, and said officers are hereby authorized to issue said notes in such form as they may adopt in conformity with law and to recite therein that all requirements and conditions of law have been complied with in the issuance of said notes, and that said notes are within every debt and other limit prescribed by the Constitution or statutes of New Jersey.

BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

RESOLUTION No. \_\_\_\_\_

Offered by: Mr. Eric Jahn Seconded by: \_\_\_\_\_

- 6. The Chief Financial Officer is hereby authorized to sell said notes and any renewals thereof from time to time, at not less than par and accrued interest and to determine within the limitations prescribed by this resolution, the date, principal amount, maturity date, and denomination of said notes, and the rate of interest said notes shall bear and to deliver such notes upon receiving the purchase price to be paid therefor.
- 7. The Borough Council hereby designates the Special Emergency Notes as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"). It is hereby determined and stated that the Special Emergency Notes (1) are not "private activity bonds" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of tax-exempt obligations (other than private activity bonds) during the calendar year 2006. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, the Borough does not covenant to do so, and expressly states that a covenant is not made hereby.
- 8. That two certified copies of this resolution be filed with the Director of the Division of Local Government Services.
- 9. This resolution shall take effect immediately upon its adoption.

I, Christine Demiris, Clerk of the Borough of New Milford, County of Bergen, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Governing Body at a meeting of said Governing Body held on September 8, 2008, and said resolution was adopted by not less than a two-thirds vote of the members of the Governing Body.

Christine Demiris

Witness my hand and seal of the  
Borough of New Milford this  
8th day of September, 2008.

Member	Aye	No	Abstain	Absent
DELUCIA	✓			
DUFFIE	✓			
SUBRIZI		✓		
PUTRINO	✓			
ZEILNER	✓			
BACHMANN		✓		
Mayor (tie)				
TOTAL				

BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2008-207

Offered by: [Signature]

Seconded by: Ann Subrizi

September 8, 2008

WHEREAS, Tax Sale Certificate 07-02 on Block 1114 Lot 5 whose address is 214 Myrtle Avenue, was sold to R. Rothman on November 29, 2007; and

WHEREAS, redemption in the amount of \$17,056.31 was made on Tax Sale Certificate 07-02 and held in the Borough of New Milford Trust Account; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of New Milford, New Jersey that a check in the amount of \$17,056.31 be made payable to R. Rothman for redemption of Tax Sale Certificate 07-02.

Member	Aye	No	Abstain	Absent
DELUCIA				✓
<del>DOFFIE</del>	✓			
SUBRIZI	✓			
<del>MANN</del>				
PATRINO	✓			
ZEILNER	✓			
<del>ROTHMAN</del>	✓			
Mayor (tie)				
TOTAL				

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on Christine Demaris 20 08

September 8, 2008

9/10/08 SEAL Denise

**RESOLUTION** No. 2008:208

Offered by: [Signature] Seconded by: Ann Subrizi

**RAFFLE/BINGO LICENSE**

**WHEREAS**, the following applicant has filed an application for a raffle/bingo license, and

**WHEREAS**, a routine police investigation fails to reveal any reason for not granting this license,

**NOW, THEREFORE, BE IT RESOLVED** that the following license be issued:

- APPLICANT:** St. Joseph Council #3814 Knights of Columbus
- LICENSE TYPE:** Off-Premise 50/50 Raffle
- DATE:** December 6, 2008
- TIME:** 9:00 PM
- PLACE:** 199 River Road, New Milford, NJ 07646
- LICENSE #:** 2008:17

Member	Aye	No	Abstain	Absent
DELUCIA				<input checked="" type="checkbox"/>
<del>DEFFIO</del> DEFFIO	<input checked="" type="checkbox"/>			
SUBRIZI	<input checked="" type="checkbox"/>			
<del>PUTRINO</del>				
PUTRINO	<input checked="" type="checkbox"/>			
ZEILNER	<input checked="" type="checkbox"/>			
<del>BACHMANN</del> BACHMANN	<input checked="" type="checkbox"/>			
Mayor (tie)				
TOTAL				

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on September 8 20 08  
Christine Demus

SEAL

BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2008:210

Offered by: Arthur E. Palumbo

Seconded by: John S. Pat

**EMERGENCY RESOLUTION REQUIRING APPROVAL OF THE  
DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES**

**NJS 40A:4-48**  
**(Under 3% limitation)**

WHEREAS, an emergency has arisen with respect to an emergency generator and, no adequate provision was made in the 2008 budget for the aforesaid purpose, and N.J.S. 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of emergency appropriations created, including the appropriation to be created by this resolution is \$50,000.00 and three (3) percent of the total operating appropriations in the budget for 2007 is \$458,510.97 and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2008,

NOW, THEREFORE, BE IT RESOLVED, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with N.J.S. 40A:4-48:

1. An emergency appropriation is here by made for Buildings and Grounds - Other Expenses in the amount of \$25,000.00
2. That said emergency appropriation shall be provided for in full in the 2009 budget, and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.3c(1).
3. That two (2) certified copies of this resolution be filed with the Director of Local Government Services

I, Christine Demiris, Borough Clerk of the Borough of New Milford, County of Bergen, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Governing Body at a meeting of said Governing Body held on September 8, 2008, and said resolution was adopted by not less than a two-thirds vote of the members of the Governing Body.

Christine Demiris  
Christine Demiris, Borough Clerk

Witness my hand and seal on this  
8th day of September, 2008

Member	Aye	No	Abstain	Absent
DELUCIA				
<del>DUFFIE</del>	✓			✓
SUBRIZI	✓			
<del>PUTRINO</del>				
PUTRINO	✓			
ZELNER	✓			
<del>MAJORS</del>	✓			
Mayor (tie)				
TOTAL				



BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2008:211

Offered by Arthur E. Zelner

Seconded by: W. S. P.

WHEREAS, N.J.S.A. 40A4-54, N.J.S.A. 40A-4-46, and N.J.S.A. 40A:4-54 specifically authorizes special emergency appropriations when there is a pressing need in order to protect the public health, safety or welfare and for the cost of repairs to public property necessitated by flood; and or hurricane.

WHEREAS, the Department of Public Works must maintain an emergency generator in order to operate its equipment during periods of emergency, black outs, or during natural disasters such as hurricane and/or flood.

WHEREAS, on September 6, 2008 in preparation for Hurricane Hanna it was discovered that the DPW generator was inoperable and needed to be replaced; and

WHEREAS, the DPW emergency generator, is presently non-functioning and cannot be used in the event of an emergency until it is replaced; and

WHEREAS, the cost of replacing the emergency generator is approximately \$25,000. and the Administrator has obtained three (3) quotes from reputable and qualified contractors for the purchase and installation of a replacement generator and has recommended that the Borough accept the lowest responsible quote; and

WHEREAS, the funds needed to make the emergency repairs will be appropriated in the 2008 municipal budget.

NOW, THEREFORE BE IT RESOLVED by the Borough of New Milford in the County of Bergen (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48 that:

1. The sum of \$25,000 is hereby appropriated in order to meet the pressing need for protection of public in order to purchase and install a new DPW emergency generator; and
2. Quality Cooling, 79 Old New Bridge Road, New Milford, NJ 07646, is authorized to perform the work as outlined in their proposal on an emergency basis; and
3. That two certified copies of this resolution be filed with the Director of Local Government Services.

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on September 8 2008

Christine Demaris

SEAL

Member	Aye	No	Abstain	Absent
DELUCIA				✓
<del>DEFFIE</del>	✓			
SUBRIZI	✓			
<del>PUTRINO</del>				
PUTRINO	✓			
ZEILNER	✓			
<del>BALEMAN</del>	✓			
Mayor (tie)				
TOTAL				

