

**MINUTES
BOROUGH OF NEW MILFORD
MAYOR AND COUNCIL
JANUARY 4, 2010
7:00 PM**



Mayor DeBari called the meeting to order, asked for a moment of silent prayer and/or reflection, and led the salute to the flag. Mayor DeBari pointed out the fire exits in the Council Chambers.

Mayor DeBari read the Open Public Meeting and Mission Statements.

Roll Call of 2009 Council

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

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

Mayor DeBari welcomed the audience and wished everyone a Happy New Year.

OLD BUSINESS:

Unfinished business for the year 2009.

The Mayor presented Council President DeLucia with a plaque to thank her for her many years of service to the Borough. Council President DeLucia thanked the Mayor and Council and the borough residents.

A motion is made by Councilwoman Duffie, seconded by Councilman Putrino to close the meeting. All present in favor, none opposed. SINE DIE.

NEW BUSINESS:

The Borough Clerk announced the receipt of the Certificates of Election for Councilman Keith Bachmann and Councilman Howard Berner.

Councilman Bachman was sworn in by Municipal Judge Joseph Jones.

Councilman Berner was sworn in by NJ attorney Adam Brown.

Mayor DeBari convened the new 2010 Council and Roll Call was conducted.

Councilman Art Zeilner	Present
Councilman Keith Bachmann	Present
Councilwoman Randi Duffie	Present
Councilman Howard Berner	Present
Councilwoman Ann Subrizi	Present
Councilman Michael Putrino	Present
Mayor Frank DeBari	Present

A motion is made to nominate Council President.

Councilman Zeilner made a motion to nominate Councilman Putrino for Council President. Councilwoman Duffie seconded the motion.

Councilman Bachmann made a motion to nominate Councilwoman Subrizi for Council President. Councilman Berner seconded the motion.

The Mayor asked for a roll call vote on the motion to nominate Councilman Putrino. The motion passed on a roll call vote as follows:

For the motion: Zeilner, Duffie, Purino, DeBari

Against the motion: Bachmann, Berner Subrizi

Abstain: None

Mayor DeBari announced that the Council Committee Assignments:

Councilman Art Zeilner	Building and Grounds, Environmental, Police/Police Aux., Public Works
Councilman Keith Bachmann	Ambulance Corps, Drug Alliance, Recreation
Councilwoman Randi Duffie	Library Board, Planning Board Rent Leveling/Tenants Association
Councilman Howard Berner	Senior Citizen Advisory Board, Chamber of Commerce, Health & Human Services
Councilwoman Ann Subrizi	Board of Education, Historic New Bridge Landing, Public Events
Councilman Michael Putrino	Fire Department, Historic Preservation, Shade Tree, Garbage & Recycling
Mayor Frank DeBari	Community Development Joint Insurance Fund

Mayor DeBari reported the Fire Department held their reorganization on January 1st and the new officers were sworn in as follows:

Chief Terry Lawler, Assistant Chief Ralph Leonardi, Deputy Chief James Tufaro, Capt. Co. #1 Tony Castella, Capt. Co. #2 Jerry Nolan, Lieutenant Co. #1 Dave Stormer, Lieutenant Co. #2 Tom Ryan. .

Mayor DeBari announced "All standing committees and special committees are dissolved and all individual appointments are terminated and relieved of their offices and duties, and indeterminate appointments dissolved."

The Mayor asked if the Council would be willing to vote a consent agenda for the professional appointments. Councilman Bachmann asked for a separate vote on the appointments for Auditor, Planner, and Risk Manager.

Councilwoman Subrizi asked why Councilwoman Duffie was named as the liaison to the Library Board rather than Councilman Berner. The Mayor responded, Councilwoman Duffie asked to be made the liaison to the Library Board.

<u>POSITION</u>	<u>TERM</u>	<u>APPOINTEE</u>
BOROUGH ATTORNEY	1 Yr.	S. Gregory Moscaritolo, Esq.
LABOR ATTORNEY	1 Yr.	Mark Ruderman, Esq.
BOND COUNSEL	1 Yr.	Steve Rogut, Esq.
RENT LEVELING ATTORNEY	1 Yr.	Lisa Aljian, Esq.
TAX APPEAL ATTORNEY	1 Yr.	William J. Bailey, Esq.
PUBLIC DEFENDER	1 Yr.	Dan McNerney, Esq.

Councilman Zeilner made a motion to accept the appointments of Borough Attorney through Public Defender. Council President Putrino seconded the motion. All present in favor, none opposed.

BOROUGH AUDITOR	1 Yr.	Steven Wielkocz of FWC&C
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Councilman Zeilner made a motion to accept the appointment of Steven Wielkocz as Borough Auditor. Council President Putrino seconded the motion.

The Mayor asked if anyone wished to discuss the appointment.

Councilman Zeilner stated that during his past five years on the Council he has had the opportunity to work with Mr. Wielkocz and finds him to be very professional and knowledgeable of the borough's finances. He stated that Mr. Wielkocz has worked well with the CFO and was very responsive to all of the questions from the Finance Committee. He acknowledged additional fees charged to the Borough over the course of the year but stated the fees were for things that needed to be done for the Borough that were voted upon unanimously by the Council. He concluded saying, given the current economic conditions, he did not think it would be a good time to change from someone who has a history with the Borough's finances.

Councilman Bachmann stated he believed the budget Mr. Wielkocz helped the Mayor and Council prepare reflected a \$35,000 or \$37,000 fee. He stated, Mr. Wielkocz knew when the Borough's bonds would come due and what would have to be done in the upcoming year but as of the end of September it was reported he had \$79,000 in fees. Councilman Bachmann stated that if he did something in his home and the contractor charged two and a half times the price quoted he would not hire the contractor again.

Councilwoman Subrizi referenced the fee summary, noting it covered only the period from January 26th through September 28th, and stated it contained only two billings for the 2008 audit, noting her expectation of additional outstanding billing. She agreed Mr. Wielkocz worked well with the Finance Committee but commented that perhaps every time he did help the Borough was charged. Councilwoman Subrizi, wishing to be fair, added there was a \$22,000 charge for the sale of bonds, which was work in addition to what was originally requested. She suggested the cost of doing business with Mr. Wielkocz may be extraordinary and that it may be to the Borough's benefit to shop around.

Council President Putrino stated as the third member of the Finance Committee, what Mr. Wielkocz quoted for the audit was exactly what was paid for the audit. He said, any additional fees were for the additional services the Council asked him to do and voted for him to do including the \$22,000 bond sale; stating it should be no surprise the bill is higher than \$35,000 for just an audit. He added, if he hired someone to do his lawn for \$200 and they gave him a bill for \$300 he wouldn't pay it, but if he hired someone to do his lawn and then asked him to plant a tree he would pay the additional money for the additional service. He continued, noting each year Mr. Wielkocz provides the Council with a letter outlining his fees for all services; he came to a meeting and discussed the bond sale and the Council voted unanimously to proceed; he questioned why anyone would be complaining about it now.

The Mayor stated he compared the fees from 2008 vs. 2009. After eliminating the \$22,000 for the bond sale and the \$1,700 for the cap waiver, the 2009 fees would be \$55,000 which is only a 3.4% increase over the 2008 fees. He stated that Mr. Wielkocz does not make the decision on whether or not to sell the bonds, he comes before the Council, makes a presentation and then the Council decides. He noted he felt it was a good decision because the money the Borough will save in selling the bonds far exceeds the fee charged for the sale.

The Clerk reread the motion from Councilman Zeilner to accept the appointment of Steven Wielkocz as Borough Auditor. It was noted Council President Putrino seconded the motion. The motion passed on a roll call vote as follows:

For the motion: Zeilner, Duffie, Putrino, DeBari

Against the motion: Bachmann, Berner, Subrizi

Abstain: None

PROSECUTOR	1 Yr.	Thomas Sarlo, Esq.
GRANTS CONSULTANT	1 Yr.	Capital Alternatives
HEALTH OFFICER	1 Yr.	Sam Yanovich, Mid Bergen
FIRE AND POLICE PHYSICIAN	1 Yr.	Dr. Griggs
FIRE BD. & ALARM BUREAU	1 Yr.	Determined by Fire Officer
BERGEN COUNTY JIF & MEL	1 Yr.	Mayor Frank DeBari
BLOOD BANK	1 Yr.	Lorraine Palma, RN
BOROUGH PHOTOGRAPHER	1 Yr.	Brett Dzadik
CLEAN COMMUNITIES COORDINATOR	1 Yr.	Mary Ann Perrone
DOMESTIC VIOLENCE RESPONSE TEAM	1 Yr.	Confidential – Contact NMPD Domestic Violence Liaison Officer Det. Brian Long

Councilman Bachmann made a motion to accept the appointments of Prosecutor through Domestic Violence Response Team. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

BOROUGH PLANNER	1 Yr.	Kauker & Kauker, LLC
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Councilwoman Duffie made a motion to accept the appointment of Kauker & Kauker, LLC as the Borough Planner. Council President Putrino seconded the motion.

The Mayor asked if anyone wished to discuss the appointment.

Councilman Bachmann stated he wasn't in favor of complying with the COAH obligation most of all because the League of Municipalities advised against compliance because they expect the rules will just be changed again. He stated that over his negative vote the

Council voted to pay Mr. Kauker \$25,000 to prepare the application and bring the Borough through this third round of COAH. He noted at the one meeting he missed the Council voted to pay an additional \$15,000 to Mr. Kauker to finish the job. He stated that if you look at it from the perspective that he did not know what it would take to finish the job, he shouldn't have been doing the work. If you look at it from the perspective that extra work had to be done, that should have been part of the contract price. He stated the Borough has paid 60% more than the contract price and he feels we have wasted the money. He noted that he received price quotes from two other planners, both of which advised against moving forward with the third round compliance, who quoted \$17,000 and \$16,000 for the work. He said instead the Council decided to pay Mr. Kauker \$25,000 and then another \$15,000 and stated he does not think this is what the taxpayers elected the Council to do.

Councilman Backmann acknowledged the memo from the Planning Board indicating their confidence in Mr. Kauker but stated the Mayor appointed everyone on the Planning Board and used to serve on it himself. He stated he would like to see a resolution from the taxpayers, noting his confidence that they would not unanimously agree to hire this contractor who billed us 60% more than his contract price. He concluded stating this is why he is opposed to appointing him again.

Councilwoman Duffie stated she does not think it is appropriate to shop around for a Planner who agrees with your stand on COAH. She stated that Mr. Kauker operated under the guidance of the Planning Board and within the Mayor and Council's desire to comply with state law, which has been the guiding force throughout the entire frustrating event. She stated Mr. Kauker has proven his competency on this issue and his devotion to the taxpayers of this town. She acknowledged it cost more than anticipated, stating COAH is unfathomable in the amount of time and money that has been required. She further stated she does not think it is appropriate to pay another planner to reinvent the wheel when we already have it. She stated it is not for the taxpayers to decide it is for the Mayor and Council to decide; having been voted to the position, it is the Mayor and Council's task to make the appointment.

Councilwoman Subrizi stated that when Assemblywoman Vandervalk came before the Council she stated that the Council on Unfunded Mandates gives the Council the right not to do anything about COAH if the municipality has not collected any fees. She stated her belief that New Milford had not yet collected any fees. Councilwoman Subrizi stated she believes the COAH conversation can end until the town has money to pay the people who are making the plan.

Mayor DeBari read into the record a memo from Angelo DeCarlo, Planning Board Chair; a recommendation for the appointment of the Planner for 2010, noting that Planning Board members voted unanimously to reappoint Michael Kauker of Kauker & Kauker, LLC. The Mayor added that the Mayor and Council also passed a resolution in opposition to COAH; to go on record unanimously that although we needed it to comply with state law, the Council does not believe in COAH as it exists today and would like them to look at revising it.

The Clerk reread the motion from Councilwoman Duffie to accept the appointment of Kauker & Kauker as Borough Planner. It was noted Council President Putrino seconded the motion. The motion passed on a roll call vote as follows:

For the motion: Zeilner, Duffie, Putrino, DeBari

Against the motion: Bachmann, Berner, Subrizi

Abstain: None

RISK MANAGER

1 Yr.

Nelson Patterson, Art Caughlan

Council President Putrino made a motion to accept the appointment of Risk Manager. Councilwoman Duffie seconded the motion. The motion passed on a roll call vote as follows:

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

Against the motion: None

Abstain: Bachmann

The Mayor asked if the Council would be willing to approve the remaining committee/commission appointments as a consent agenda by page. Councilwoman Subrizi asked to be considered for the liaison to the Historic Preservation Commission. The Mayor asked if the discussion could be held until after the board appointments.

DRUG AND ALCOHOL MUN.

ALLIANCE COMMITTEE - 1 Year

**Jill Allison
Kristin Becker
Joseph Binetti
Theresa Carbone
Michell Cartwright
Hannah Hashash
Michelle Hayden
Margaret Hliboki
Gul Kahn
Dalila Kharmandarian
Jenny Lenge
Mary McElroy
Kevin McMahan
Dona McNaughton
Debbie O'Brien
Michelle Roth
John Thomsen
Cheryl Tormo
Karen Tyler
John Walsh
P.O. Keith Wester**

ENVIRONMENTAL & ENERGY COMMISSION – 3 Years

	12/31/12	Elizabeth Kennedy
(Unexpired)	12/31/11	Art Castronova
	12/31/12	Lynn Torpie
	12/31/12	Karl Schaffenberger
Alt. 1 – 2 Yr.	12/31/11	Ralph Mastrangelo
Alt. 2 – 1 Yr.	12/31/10	Steve Perrone

GARBAGE AND RECYCLING - 1 Year

	12/31/10	Robert Chester
	12/31/10	Norman Krause
	12/31/10	Ralph Mastrangelo
	12/31/10	George Senftinger
	12/31/10	Mary Ann Perrone

HISTORIC PRESERVATION COMMISSION - (9 members)

1 Class A, 3 Class B, 5 Class C - all 4 year terms

2 Class C Alt. - 2 year term

	Class B	12/31/13	Michael Corrado
(Unexpired)	Class C	12/31/11	Viola Carter
	Alt. 1C	12/31/11	Thea Sirocchi Hurley
	Alt. 2C	12/31/10	Hedy Grant

JUVENILE CONFERENCE COMMITTEE **Provided by Bergen County Court**

Councilman Bachmann made a motion to accept the appointments of the Drug and Alcohol Municipal Alliance through the Juvenile Conference Committee. Councilman Zeilner seconded the motion. The motion passed on a roll call vote as follows:

For the motion: Zeilner, Bachmann, Duffie, Berner, Subrizi, Putrino

Against the motion: None

Abstain: None

Councilman Bachmann asked for the official newspapers to be pulled for a separate vote.

LIBRARY BOARD – 5 Years	12/31/14	Norman Frolow
	12/31/10*	Randi Duffie

PLANNING BOARD

Class I – 1 Yr.	12/31/10	Tina DeLucia
Class II – 1 Yr.	12/31/10	Art Castronova
Class III – 1 Yr.	12/31/10	Randi Duffie
Class IV – 4 Yr.	12/31/13	Pat Santino
	12/31/13	Hedy Grant
Alt. #1 – 2 Years	12/31/11	Donald Commerford

PUBLIC EVENTS (1 Year)	12/31/10	Austin Ashley
	12/31/10	Marie Dunbar
	12/31/10	Terry Limaxes
	12/31/10	Darlene Minko
	12/31/10	Gina Plotino
	12/31/10	Laure Schroeder

RECREATION COMMISSION		
(Unexpired)	06/30/12	Neil Goldsbury
(Unexpired)	06/30/13	Tammy DeSena
(Unexpired) Alt. #2	06/30/12	Ralph Keefe

RENT LEVELING (1 Year)	12/31/10	George DePalma (L)
	12/31/10	John DeSantis (T)
	12/31/10	Ira Grotsky (H)
	12/31/10	Gordon Lockwood (T)
	12/31/10	Doreen Ecorleno (L)
Alt.	12/31/10	Frank Cortazzo (T)
Alt.	12/31/10	Angelo Decongelio (H)
Alt.	12/31/10	Anthony Lauro (L)

SCHOOL CROSSING GUARDS 12/31/10 Provided by Police Department

Councilman Bachmann made a motion to accept the appointments of Library Board through School Crossing Guards. Councilwoman Duffie seconded the motion. The motion passed on a roll call vote as follows:

For the motion: Zeilner, Bachmann, Duffie, Berner, Subrizi, Putrino

Against the motion: None

Abstain: None

In casting her vote, Councilwoman Subrizi brought forth the name of Stan Newman for the Environmental Commission so he might be considered for the next vacancy.

OFFICIAL NEWSPAPERS	12/31/10	The Record
		Ridgewood News

Councilwoman Duffie made a motion to accept the appointment of the Official Newspapers. Councilman Zeilner seconded the motion. The motion passed on a roll call vote as follows:

For the motion: Zeilner, Bachmann (for The Record only), Duffie, Berner, Subrizi (for the Record only), Putrino

Against the motion: Bachman, Subrizi (on the recognition of the Ridgewood News as an official newspaper)

Abstain: None

SENIOR CITIZEN ADVISORY BOARD

RESIDENT MEMBERS	12/31/11	Arthur Simone
(2 Years)	12/31/11	Ellen Kozlowsky
(Unexpired)	12/31/10	Frank Papay
	12/31/11	Eileen Leonard

SENIOR CLUB

REPRESENTATIVES	12/31/10	Jane Emanuel -St. Joseph's Leisure Club
(1 Year)	12/31/10	Rev. Anthony Iovine-St. Matthew's Church Group
	12/31/10	Peggy Saslow-NMJC Senior Group
	12/31/10	Joan Kane-Ascension Church Group
	12/31/10	Frank Moriarty-NM Baptist Senior's Group
	12/31/10	Gus Bachmann-Gloria Dei Church Senior Group
	12/31/10	Betty Martin - Presbyterian Senior Group

SHADE TREE COMMISSION (5 Years)

	12/31/14	Austin Ashley
Alt. 1	12/31/14	Lauren Maerhlein

ZONING BOARD OF ADJUSTMENT

	12/31/13	Lou Denis
Alt. 2	12/31/11	Ami Sela

Councilman Zeilner made a motion to accept the appointments of Sr. Advisory Board through the Zoning Board of Adjustment. Council President Putrino seconded the motion. The motion passed on a roll call vote as follows:
For the motion: Zeilner, Bachmann, Duffie, Berner, Subrizi, Putrino
Against the motion: None
Abstain: None

In casting her vote, Councilwoman Subrizi brought forth the names of Marge Sellan for the Shade Tree Commission and Diego Robalino for the Zoning Board of Adjustment so they might be considered for the next vacancies.

After some discussion the Council agreed the following resolutions would be voted upon separately: 2010:01, 2010:08, 2010:09, 2010:10, and 2010:22.

COMMENTS FROM THE PUBLIC

Councilwoman Duffie made a motion to open the meeting for public comment. Council President Putrino seconded the motion. All present in favor, none opposed.

The record reflects that no member of the public wished to comment.

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

RESOLUTIONS:

- 2010:01 Approve Temporary Budget
- 2010:02 Appoint Borough Attorney - S. Gregory Moscaritolo, Esq.
- 2010:03 Appoint Labor Attorney – Mark Ruderman, Esq.
- 2010:04 Appoint Bond Counsel – Steve Rogut, Esq.
- 2010:05 Appoint Grants Consultant – Capital Alternatives: Marlene Casey
- 2010:06 Appoint Tax Appeal Attorney – William J. Bailey, Esq.
- 2010:07 Appoint Rent Leveling Attorney – Lisa R. Aljian, Esq.
- 2010:08 Appoint Borough Auditor – Steven Wielkotz, Ferrioli, Wielkotz, Cerullo & Cuva
- 2010:09 Appoint Risk Manager – Arthur Caughlan, Nelson Patterson Agency
- 2010:10 Appoint Borough Planner – Michael Kauker, Kauker & Kauker, LLC.
- 2010:11 Appoint Special Commercial Tax Appraiser – Robert McNerney, MAI, SRA, McNerney & Associates
- 2010:12 Appoint Appraiser for Residential and Added/Omitted Assessments – Appraisal Systems
- 2010:13 Appoint Borough Prosecutor – Thomas Sarlo, Esq.
- 2010:14 Appoint Borough Public Defender – Dan McNerney, Esq.
- 2010:15 Appoint Health Officer - Sam Yanovich, Health Officer - Mid Bergen
- 2010:16 Appoint Fire Marshall – Alan Silverman
- 2010:17 Designate Public Agency Compliance Officer – Christine Demiris
- 2010:18 Appoint Health Department Child Health Conference Doctor – Terry Smith
- 2010:19 Appoint Alternate Prosecutor – Ronald Dario, Esq.
- 2010:20 Adopt By-Laws and Code of Ethics
- 2010:21 Fix rate of interest charged for non-payment of taxes
- 2010:22 Approve designated banks as official depositories of Municipal Funds and approve signatories
- 2010:23 Approve signatories for Medical, Prescription & Vision Reimbursement Account
- 2010:24 Approve Twin-Borough Cover-up and Assistance Program with Haworth
- 2010:25 Approve Twin-Borough Cover-up and Assistance Program with Dumont
- 2010:26 Approve Tri-Borough Cover-up and Assistance Program with River Edge and Oradell
- 2010:27 Approve Twin-Borough Cover-up and Assistance Program with Bergenfield
- 2010:28 Approve Mutual Aid Agreement with Bergen County Hazardous Materials Response Association (BCHMRA)
- 2010:29 Authorize participation in the Volunteer Tuition Assistance Program
- 2010:30 Adopt Official Notice of Claim Form
- 2010:31 Approve additional handicap parking spaces for 2009

VOTE ON RESOLUTIONS

Councilman Bachmann made a motion to approve resolutions 2010:02 through 2010:07, 2010:11 through 2010:21, and 2010:23 through 2010:31. Councilman Zeilner seconded the motion. The motion passed on a roll call vote as follows:

For the motion: Zeilner, Bachmann, Duffie, Berner, Subrizi, Putrino

Against the motion: None

Abstain: None

Councilwoman Subrizi made a motion to approve resolution 2010:01. Council President Putrino seconded the motion. The motion passed on a roll call vote as follows:
For the motion: Zeilner, Bachmann, Duffie, Berner, Subrizi, Putrino
Against the motion: None
Abstain: None

Councilman Zeilner made a motion to approve resolution 2010:08. Council President Putrino seconded the motion. The motion passed on a roll call vote as follows:
For the motion: Zeilner, Duffie, Putrino, DeBari
Against the motion: Bachmann, Berner, Subrizi
Abstain: None

Councilwoman Duffie made a motion to approve resolution 2010:09. Council President Putrino seconded the motion. The motion passed on a roll call vote as follows:
For the motion: Zeilner, Duffie, Berner, Subrizi, Putrino
Against the motion: None
Abstain: Bachmann

Councilwoman Duffie made a motion to approve resolution 2010:10. Council President Putrino seconded the motion. The motion passed on a roll call vote as follows:
For the motion: Zeilner, Duffie, Putrino, DeBari
Against the motion: Bachmann, Berner, Subrizi
Abstain: None

It was noted that Bank of New York would be removed from resolution 2010:22 as an official depository. Councilman Bachmann made a motion to approve resolution 2010:22 as amended. Councilwoman Subrizi seconded the motion. The motion passed on a roll call vote as follows:
For the motion: Zeilner, Bachmann, Duffie, Berner, Subrizi, Putrino
Against the motion: None
Abstain: None

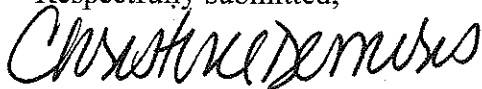
The Mayor announced the Work Session is scheduled for January 11th.

The Mayor referenced the Town Planner Calendar and explained that it is not sanctioned or funded by the Borough. He added the Borough Attorney will advise as to whether or not the Borough has any recourse.

ADJOURNMENT

Councilman Bachmann made a motion to adjourn. Councilman Berner seconded the motion. All present in favor, none opposed. Time 7:55 PM.

Respectfully submitted,



Christine Demiris
Borough Clerk