

**MINUTES**  
**BOROUGH OF NEW MILFORD**  
**7:00 PM WORK SESSION**  
**OPEN SESSION immediately following**  
**8:30 PM PUBLIC MEETING**  
**Monday, October 25, 2010**



**WORK SESSION:**

Council President Putrino read the Open Public Meeting and Mission Statements.

Councilman Arthur Zeilner	Present
Councilman Keith Bachmann	Present
Councilwoman Randi Duffie	Present
Councilman Howard Berner	Present
Councilwoman Ann Subrizi	Present
Council President Michael Putrino	Present
Mayor Frank DeBari	Present (7:12 PM)

Also Present: S.G. Moscaritolo, Borough Attorney; Christine Demiris, Administrator/Clerk;  
Chief Frank Papapietro

Councilman Zeilner made a motion to go into closed session. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

**CLOSED SESSION:**

1. Military Leave – Personnel
2. PD Comp Time Buy down

At the conclusion of the closed session, Councilwoman Subrizi made a motion to go back into open session. Councilman Bachmann seconded the motion. All present in favor, none opposed.

The Administrator stated there is approximately \$30,000 in the 2009 Police Salary and Wage line left after the retroactive salary increases are made; therefore \$30,000 and \$116,000 can be used toward the compensation buyout to be paid on a percentage basis to all who had requested the buyback. She asked for the Council's consent to move forward as described. All present in favor, none opposed.

**OPEN SESSION:**

1. United Water Company Appraisal

The Council discussed the appraisal obtained by the Borough from Appraisal Systems for the water company property. Councilman Bachmann stated he did not believe the Council had enough information with just the appraisal. He noted the report states 40% of the property is encumbered by wetlands and stated this would affect the value and reduce the number of buildable lots. He suggested the Borough should engage its own professional to identify where the wetlands are to determine if there are actually fifteen buildable lots. Councilman Bachmann also suggested the appraiser's value of a buildable lot is high and does not account for sewers,

streets and curbs. Councilwoman Duffie noted the appraiser offered to come in to present his findings and asked if the Council would be taking him up on this offer. The Mayor stated this is what is up for discussion; what is the Council's next step. Councilwoman Subrizi said Boswell may already have information on the wetlands. She stated she had questions for the appraiser as well. Councilwoman Duffie stated there are zoning discrepancies as well; she asked to have the zoning limiting schedule provided to the Council. The Administrator will ask Boswell and the DEP to provide information regarding the wetlands and will ask the appraiser and the borough engineer to attend the November 8<sup>th</sup> Work Session.

2. NJ DEP application from BC Dept of Parks for a Letter of Interpretation

The Administrator stated both this and the following item were listed on the agenda at the request of Councilwoman Subrizi. Councilwoman Subrizi said she had questions on this and the following item, but would hold them to the public portion since the work session was running late. She stated that one of the questions she is planning to ask is why Mayor DeBari signed as the owner on this document along with someone from the Bergen County Parks Department when most of Van Buskirk Island is in Oradell and if Mayor DeBari was only signing for the New Milford portion, why did the Oradell Mayor not sign it as well. She noted this was not her only question on this application.

3. Application submitted by United Water Comp for Block 1309 Lot 1

4. Bid Results – Charles Street Drainage/Sutton Place Tennis Courts

The Administrator reported on the bid results for both of these projects and stated, barring objection from the Council, she would be preparing resolutions to award both jobs at the following meeting.

She explained the tennis courts were bid with a base bid for the tennis courts alone, an Alternate A for an acrylic finish, and an Alternate B for lighting. She stated that the budget would not allow for an award of the Base and both Alternates and the decision of what will be awarded will determine the low bidder. The Council agreed to forego the lighting as proposed because the courts are situated very close to residents' backyards. Councilman Berner stated his concern in eliminating all of the lighting; he would like to see something to deter loitering. The Recreation Director suggested low voltage lighting behind the courts. The Administrator will speak with PSE&G to explore the possibility of adding a light directed toward the court to light the area in the rear with the least disruption to the residents. The Council agreed to award the Base bid and the Alternate A.

## **ADMINISTRATOR**

The Administrator reported on the budget overage for dumping. She explained that the Recycling Coordinator requested \$450,000 for the year and only received \$402,000. She noted the cost per ton is contractual.

The Administrator reported she had received approval from the DARM for the destruction of the records identified by the Concorde Group as part of the records reorganization, labeling, and

purging project. A list of records to be purged was provided to the Council; she advised any objections to the destruction of these records must be brought to her attention by October 27<sup>th</sup>.

The Administrator reported that two sidewalk slabs were damaged during Fire Awareness Day and will be replaced at a cost of \$475.

The Administrator reminded the Council of the 7-11 Grand Opening scheduled for Saturday, November 13<sup>th</sup> at which time a check will be presented to the New Milford Goodwill Fund.

The Administrator referenced the memo received from Chief Papapietro regarding overnight parking and asked for the Council's consent to list it for discussion at the next work session. The Council agreed.

The Administrator asked for the Council's consent to relist the Shade Tree vs. Sidewalks issue for discussion at the next work session. The Council agreed.

The Administrator briefed the Council on a discussion with the owner of 101 Henley Avenue. The owner is extremely unhappy with the installation of the Columbia Avenue pathway and the newly installed park-and-ride at the end of Henley Avenue. He is concerned for the potential damage to his property and reported an already existing problem of vandalism. The owner asked for the installation of a fence to separate his property from the Borough property. The Administrator stated she has asked the engineer to get some pricing and to find out if the expense would be covered by the DOT grant which is being used to fund this project. It was the Council's consensus that there should be no improvements to 101 Henley at the Borough's expense.

The Administrator stated she had an update on the Hirschfeld Flood Mitigation project from Boswell. The Council asked to have the update reported at the public meeting.

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

**PUBLIC SESSION:** (Actual Start 8:54 PM)

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.

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

Councilman Berner made a motion to approve the minutes from the May 11<sup>th</sup> and June 14<sup>th</sup> Work Sessions, the May 24<sup>th</sup> Work/Public Session and the May 13<sup>th</sup> and October 7<sup>th</sup> Special Sessions. Councilwoman Duffie 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 the DPW is performing regular maintenance.

Councilman Zeilner reported on the success of Clean Communities Day noting about 190 people participated. He also reported the Environmental and Energy Commission is discussing solar energy opportunities for the Borough.

Councilman Zeilner stated he did not receive a report for the Buildings and Grounds Department or the Police Department.

Councilman Zeilner reported the Police Auxiliary is in the process of reviewing their procedures and are preparing for Cabbage Night.

### **Councilman Keith Bachmann**

Ambulance Corps, Drug Alliance, Recreation

Councilman Bachmann reported on the Recreation Committee meeting that took place on October 6<sup>th</sup>. He stated a number of ideas were discussed but no action was taken.

Councilman Bachmann stated he was unable to attend the meetings of the Ambulance Corps or the Drug Alliance due to work commitments and he has not received reports from either organization.

### **Councilwoman Randi Duffie**

Library Board, Planning Board, Rent Leveling/Tenants Association,

Councilwoman Duffie stated she was unable to attend the Rent Leveling Board meeting but noted the Board is continuing to review the Rent Leveling ordinance.

Councilwoman Duffie reported on the success of the recent Friends of the Library book sale. She advised that the New Milford Library Director has been named as the BCCLS President for 2011. With regard to the painting and carpeting of the Children's Room, Councilwoman Duffie reported that asbestos was found under the old carpet tile and the room will be closed until the abatement can be completed. They hope to reopen the room by November 15<sup>th</sup>.

### **Councilman Howard Berner**

Chamber of Commerce, Health & Human Services, Senior Advisory

Councilman Berner reported the Chamber of Commerce meeting of September 29<sup>th</sup> was very lightly attended and they are reviewing whether or not there is enough interest to continue with the Chamber going forward. The Chamber also discussed the increase in LED lights throughout the Borough noting it is not presently covered in the sign ordinance. They have asked that the Planning Board look at the use of LED lights. The Chamber also discussed the difficulties with vandalism and asked for it to be addressed by the Police Department.

Councilman Berner reported the Board of Health Statistics for the month. He reported the Health Department is prepared for flu season and notice of flu clinics will follow.

Councilman Berner reported on the upcoming fall schedule at the Senior Center noting in particular an Atlantic City Bus trip scheduled for October 26<sup>th</sup> and the Halloween Party scheduled for October 29<sup>th</sup>. He announced a tentative date of November 22<sup>nd</sup> for their Thanksgiving dinner and a Holiday Party at Chez Madeline scheduled for December 14<sup>th</sup>. He additionally reported that 55 New Milford residents attended the Bergen County Department of Parks Sr. Picnic in September.

**Councilwoman Ann Subrizi**

Board of Education, Historic New Bridge Landing, Public Events

Councilwoman Subrizi noted the receipt of the Board of Education Annual report which included a district report on violence, vandalism and substance abuse and reflects a decrease in all of these items from last year. Councilwoman Subrizi reported on her attendance and receipt of minutes from the meetings of 9/7, 9/21, and 10/12. She stated that the previously reported issue of the dividing line for the elementary schools has been resolved without any children having to change schools.

Councilwoman Subrizi stated the Public Events committee is preparing for their Veteran's Day celebration on November 11<sup>th</sup>.

Councilwoman Subrizi stated she was unable to attend the October meeting of the Historic New Bridge Landing Committee but general clean-up of the property continues.

Councilwoman Subrizi noted the receipt of two reports by the Borough for which she had questions. The first was from United Water. She expressed confusion, noting the Borough's receipt of a "No Further Action" letter and then the receipt of this application which states they will be completing bank stabilization. Councilwoman Subrizi then read the project description into the record. The Council discussed the matter at length and it was agreed the Administrator would send a letter to United Water referencing the "No Further Action" letter and asking for clarification.

The second application also concerns water company property, specifically Van Buskirk Island. She noted the applicant was the Bergen County Department of Parks. Councilwoman Subrizi questioned the property owner certification which asked four questions. She stated she was not sure questions three and four were answered correctly. She noted that question three referenced property owned by Green Acres and it was answered "no" when in fact the property opposite the waterworks is Green Acres. Question four, she noted, references a historic determination, it was also answered "no" and in fact the pump house is on the national register. Councilwoman Subrizi also noted the application was signed by the Mayor of New Milford and the Department of Parks; she noted the absence of the signature of the Mayor of Oradell. She also noted that Block 1309, Lot 1 is listed as part of Van Buskirk Island and she does not believe any of that block and lot are part of Van Buskirk Island. Mayor DeBari said he will speak with the County Landscape Architect who signed the application and ask for clarification on all of these questions.

**Council President Michael Putrino**

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

Council President Putrino stated he was unable to attend the Historic Preservation meeting but noted the application period is open for the Bergen County Historic Grant program. Next meeting – November 9<sup>th</sup>.

Council President Putrino reported he attended the Fire Department meeting of October 18<sup>th</sup> and Fire Awareness Night which was held October 21<sup>st</sup> and was well attended. He noted the Fire Department continues to look for interested volunteers. Next meeting – November 15<sup>th</sup>.

Council President Putrino stated he was unable to attend the Shade Tree Commission meeting as it conflicted with Fire Awareness Night. He reported on the tree removal and trimming that took place the previous month. Next meeting – November 15<sup>th</sup>.

Council President Putrino summarized the Garbage and Recycling activity for the previous month.

**Mayor Frank DeBari**

Community Development

No Report

**NEW BUSINESS:**

The Mayor stated Resolution 2010:234 had been added to the agenda to amend New Milford's Policies and Procedures to include military leave.

Councilman Berner referenced an article in the Twin Boro News regarding soil contamination at the Dumont Swim Club. Noting its proximity to the Hirschfeld Brook he asked to have the Borough's Engineer determine if this will have any effect on the brook. The Administrator will contact the Engineer.

Councilwoman Duffie reported that she had spoken to the County Engineer, Joe Femia, with regard to the Elm Street Bridge. He advised that plans are underway and he was hopeful that construction could begin by the middle of next year. He further advised that the character of the bridge would remain it would just be two feet wider. He assured Councilwoman Duffie that the County would be moving forward with this project.

**COMMENTS FROM THE PUBLIC**

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

Mr. John Thomsen, 205 Demarest Avenue, came forward to address the Council. Mr. Thomsen noted the receipt of a letter from the water company notifying the residents of the proposed work. He noted it was not specific in the "what, when, where and how long." He asked the Council to keep the neighboring residents informed on what they can expect.

Mr. Nabil Ishkander, Demarest Avenue, came forward to address the Council. Mr. Ishkander stated he has had problems with his property since the water company did the digging. He stated the Mayor told him he would find out what was going on but never got back to him. He stated he has cracks in his foundation and the ground has collapsed. The Mayor reminded Mr. Ishkander that when it was discussed previously he was told that he would need to obtain the services of an attorney and pursue it privately with the water company.

Councilman Bachmann commented that the Shade Tree Commission requires a permit to cut trees and asked if a permit had been issued for those in the new application. Council President Putrino stated the water company had an application for the original work and stated he did not know if these trees were part of the original request. The Administrator will mention the need for a permit to remove trees in the letter that will be sent.

Ms. Theresa Ciambriello, 330 Main Street, came forward to address the Council. Ms. Ciambriello stated she had requested documents, in the form of player evaluations, at a Recreation meeting and was told they would be provided and then later told the records no longer exist. The Borough Attorney stated that all records requests should be submitted through the Borough Clerk.

Mr. Ken Malone, 269 Henley Avenue, came forward to address the Council. Mr. Malone stated he was asked at the Recreation meeting if the records were available and he advised that he did not know and asked the coordinator to look into their availability. The coordinator later advised the records were no longer available.

The Council discussed the maintenance of the records and questioned if there are clear and consistent directions for the coordinators on how the records should be maintained. Mr. Malone stated it is not in writing but it could be if it is the pleasure of the Council. The record retention requirements were also discussed and it was noted that the records in question would probably not fall within the retention requirements of the State. The Clerk will forward the State Records Retention Schedule to the Recreation Director.

Mr. Joe Ciambriello, 330 Main Street, came forward to address the Council. Mr. Ciambriello stated that the Recreation Commission claimed his wife tried to use her influence to get her daughter on a team and noted the reason she requested the documents was because a Councilperson's child was put on a team without a tryout.

Mr. Bill Morrow, 252 Eagle Avenue, came forward to address the Council. Mr. Morrow presented the Council with a petition regarding the crosswalks on Main Street; he stated a high percentage of drivers do not stop for pedestrians in the crosswalks. Mr. Morrow suggested the stand-up figures at crosswalks as reminders to drivers to stop. The Administrator will pass the petition along to the Chief of Police for his review and recommendation.

Mr. John Bigger, 325 William Street, came forward to address the Council. Mr. Bigger identified himself as the former Recreation Director. Mr. Bigger stated in the past, it was the directive of the Recreation Commission to shred the evaluation sheets once the sport season was over. He stated they keep the list of those who tried out but destroy the evaluation sheets. He also stated the sport coordinator would keep the evaluation sheets; the Director never saw them.

Mr. Peter Rebsch, 147 North Terrace Place, came forward to address the Council. Mr. Rebsch said there is nothing that he is aware of that is written with regard to the coordinator position, no job

description, just instructions passed down from the previous coordinator to the next. Mr. Rebsch expressed concern that a private individual would be entitled to the records when even a coach has not been granted access. He said the records are shredded to protect the children. He said he was never told not to destroy the records.

Mr. John Thomsen came forward to address the Council. Mr. Thomsen commented with a price tag of three quarters of a million dollars he believes the project at United Water must be substantial.

Ms. Eileen Leonard, 178 Trotta Drive, came forward to address the Council. Ms. Leonard commented on the beauty of a recently spotted herd of deer in her backyard and reminded everyone to drive carefully. Ms. Leonard referenced the Sunshine Law and commented she has not seen minutes posted recently on the Borough website. The Administrator stated the minutes are posted after approval by the Mayor and Council.

As there was no further public comment, the meeting was closed on a motion from Councilman Bachmann. The motion was seconded by Councilman Zeilner. All present in favor, none opposed.

Councilwoman Subrizi asked the Administrator to report on the status of the Hirschfeld Brook Flood Mitigation Project. The Administrator read an email from the engineer into the record reporting that Boswell has notified the DEP of the Borough's intent to file the application and to send letters to affected residents to obtain riparian buffer easements. The DEP visited the site to verify that there are no wetlands present, letters are now be drafted to the owners and the plans are being completed for submission to the DEP.

## **RESOLUTIONS:**

Council President Putrino asked to have resolution 2010:230 and 2010:231 pulled for a separate vote. He stated he was not present at the meetings when the candidates were interviewed and wished to abstain from the votes.

- 2010:227 Closed Session
- 2010:228 Payment of Bills and Vouchers
- 2010:229 Authorize Mayor to sign Employment Agreement with Chief Papapietro
- 2010:230 Appoint Brian Carlino as a Police Officer effective December 1, 2010
- 2010:231 Appoint Derek Mattessich as a Police Officer effective December 1, 2010
- 2010:232 Approve Social Affairs Permit for Hovnanian School for December 19, 2010
- 2010:233 Authorize participation in the Bergen County Cooperative Pricing System for the Purchase of Natural Gas
- 2010:234 Approve Amendment to Personnel Policies and Procedures Manual with regard to Military Leave

## **VOTE ON RESOLUTIONS**

Councilman Bachmann made a motion to approve the consent agenda consisting of resolutions #2010:227 through 2010:229 and #2010:232 through 2010:234. Councilwoman Subrizi seconded the motion. All present in favor, none opposed.

Councilman Zeilner made a motion to approve resolution #2010:230. Councilwoman Duffie seconded the motion. The motion passed on a roll call vote as follows:

For the motion: Zeilner, Bachmann, Duffie, Berner, Subrizi  
Against the Motion: None  
Abstain: Putrino

Councilman Zeilner made a motion to approve resolution #2010:231. Councilman Berner seconded the motion. The motion passed on a roll call vote as follows:

For the motion: Zeilner, Bachmann, Duffie, Berner, Subrizi  
Against the Motion: None  
Abstain: Putrino

Councilwoman Subrizi confirmed the new officers would be sworn in at the November Public Meeting and start work on the 1<sup>st</sup> of December.

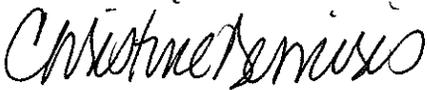
Councilman Bachmann asked to note that United Water is being very careful in determining where the wetlands are.

The Mayor reminded everyone to vote on November 2<sup>nd</sup> and noted the polls will be open from 6:00AM to 8:00 PM.

#### **ADJOURNMENT**

Councilman Berner made a motion to adjourn. Council President Putrino seconded the motion. All present in favor, none opposed. Time 10:16 PM.

Respectfully submitted,



Christine Demiris  
Borough Clerk