

MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
OPEN SESSION immediately following
8:30 PM PUBLIC MEETING
Monday, December 13, 2010



WORK SESSION:

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

Also present: S.G. Moscaritolo, Borough Attorney; Christine Demiris, Administrator/Clerk; Art Caughlan, Risk Manager; Steve Wielkotz, Borough Auditor; Councilman Elect Colucci, Councilman Elect Robalino

Mayor DeBari reads the Open Public Meeting and Mission Statements.

OPEN SESSION:

1. Flooding Sign on New Bridge Road

Sanzari's New Bridge Inn contacted Mayor DeBari requesting flood notification signs be erected in the area; advising people during heavy rains there is a potential for flooding. Mayor DeBari asked the DPW to erect the signs; he did not realize it would create such havoc. Councilwoman Subrizi stated the neighbors were not happy about the signs; some are trying to sell there houses. The Administrator noted some of the signs are currently down; she was advised to not have them reinstalled. The Council decided no signs should be erected as there is no parking allowed on the street.

2. SGM Billing

Mr. Moscaritolo advised his laptop is not yet fixed; he submitted a voucher based on the last conversation with the Council. The voucher was based upon previous average billing with a ten percent discount. Mr. Moscaritolo thanked the Council stating it was an honor serving as the Borough Attorney for the past eight years. Councilman Bachmann noted the Council is fully aware that Mr. Moscaritolo did the work; and the benefit is the Borough saved some money.

3. Chapter 2, P.L. 2010 – Health Benefits for Newly Elected Officials

Mr. Moscaritolo reviewed the entire legislation; he noted the 1.5% deduction applies to everyone; however the minimum hourly requirements apply only to those in the State Health Benefits Plan. Councilwoman Subrizi noted if the requirements do not apply to the Borough of New Milford, she would prefer to continue with past practice; the present Council agreed.

4. Friends of Recreation – Snack Stand Operation

Mayor DeBari referenced three pieces of correspondence regarding the snack stand operation; and noted the first letter was nerve racking as it was one of the Council's concerns. Councilman Berner noted another email contained receipts showing what was purchased with the stand funds; and further noted the Friends of Recreation are not part of Recreation nor are they using Borough funds. Mayor DeBari looked at it from the Joint Insurance Fund perspective, anytime there is quasi business being conducted, a resolution should be in place to back it up; the Recreation Commission should have blessed the Friends with a resolution. Mayor DeBari noted the Friends should be a 501 (c) 3 non-profit organization, although it may not be necessary. Councilwoman Subrizi noted everything should be vouchered; the Friends should be running under the auspices of the Recreation Commission. Councilwoman Duffie stated the problems are always with Recreation; you never hear about the Friends of the Library or the Athletic Boosters for the High School. Councilman Bachmann stated parents question why they can get a snack at the Little League Field, but not the Recreation fields; that is when well meaning parents try to accommodate. Councilwoman Duffie noted the Director should be handling these issues. The Administrator expressed frustration; her office cannot get the Commission to use the voucher system for items they are supposed to, they purchase items and voucher months later. Every time the Director changes, the problems begin all over again.

Mr. Moscaritolo noted the voucher system will not address the snack stand. Going forward there should be a paper trail; and a sign should be erected stating the stand is run by the Friends of Recreation. He agreed there should be a resolution authorizing the use of the snack stand on certain days and hours; as well as an insurance certificate.

Councilwoman Subrizi stated the Little League snack stand is the model in which the Friends of Recreation should follow. She stated it may be best to voucher the money raised, back out; leaving a paper trail. Councilman Berner stated a conversation needs to be had with the Friends of Recreation.

ADMINISTRATOR

The Administrator asked if there were any objections to her adding the resolution for independent contractor overtime rates to the agenda; she noted the rates are paid by the independent contractors for police overtime. She was advised by Chief Papapietro the last time the overtime rates were raised was 2008; the record reflects no objections from the Council.

The Administrator asked if she should forward a contract to the Board of Education for the 2011 School Resource Officers allowing them to respond in writing whether or not they plan to participate. She prepared a resolution approving the agreement under the same terms and asked if there were any objections to adding it to tonight's agenda; the record reflects no objections from the Council.

The Administrator noted United Water sent their correspondence to the Borough on November 22nd; as there were 10 copies enclosed it was mistakenly filed by an employee with the incoming RFQ's. In speaking with Ms. Campbell of United Water, the Administrator discovered what had happened. The Administrator advised Tom Herten of United Water that tonight's agenda was full; she asked if

there were any objection to United Water being listed on the January 10th agenda; the record reflects no objections from the Council.

Councilwoman Subrizi made a motion to form an RFQ review committee to discuss professional appointments before the sine die meeting. Councilman Bachmann seconded the motion. All present in favor, none opposed. Councilwoman Subrizi requested Councilwoman Duffie be included in the committee; Councilwoman Duffie would like to however it would need to meet after Christmas. Councilwoman Subrizi advised that would not be possible; Councilwoman Subrizi and Councilman Bachmann will be the committee members and meet on December 14th.

The Administrator referenced her memo regarding the collective bargaining agreements and asked if there were any comments. The Council requested the union representatives be invited to the January 10th meeting.

The Administrator reported she mailed 13 consent letters to the affected homeowners near the Hirschfeld Brook with a return request of December 6th; to date she has received seven completed. She and the Engineer have spoken to some of the other homeowners, one indicated they will not sign the request; the Administrator asked said homeowner to put that in writing. Altogether three letters have gone unanswered.

The Administrator referenced the memo from Michael Calamari regarding the recommendation for the sewer operator; she asked if the topic should be listed on the January 10th agenda and asked if Mr. Calamari should attend. Councilman Bachmann questioned how much it would cost and the amount of times per year the service would be required. The Council decided to list the topic for discussion at the January 24th meeting; the Administrator will ask whether or not any of the newer DPW employees would be interested in getting their certificate.

The Administrator advised the typographical error on the Shop Rite developer's agreement was corrected.

The Administrator showed the Council the sketch of potential lots on the United Water property provided by the Engineer; she will request additional copies for the Council. Mr. Moscaritolo advised any discussion regarding property development should be done in closed session.

COUNCIL

Councilman Berner referenced a letter received from a New Milford Village resident and asked if the Borough should get involved. Councilwoman Duffie will bring the concern to the Rent Leveling Board and Councilman Berner will advise the Board of Health.

Councilman Berner noted the developer's agreement refers to exhibits which were not included; he requested copies of said exhibits.

Council President Putrino questioned how closed session minutes from the current Council will be handled when the new Council is sworn in. Councilman Bachmann stated the new members can listen to the tape and vote whether or not it is a fair representation of what was stated. Mr. Moscaritolo stated the motion passes with a majority of eligible votes.

CLOSED SESSION:

Council President Putrino made a motion to go into closed session. Councilman Bachmann seconded the motion. All present in favor, none opposed.

- 1. Personnel – Police Dept.
- 2. Personnel – DPW

Councilman Bachmann made a motion to go into open session and reconvene in Council Chambers. Councilman Zeilner seconded the motion. All present in favor, none opposed.

PUBLIC SESSION:

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

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.

COURT ROOM DEDICATION – WILLIAM J. KLINGER

Mayor DeBari read some excerpts from Bill Klinger’s obituary. Mayor DeBari introduced artist Phillip Smallwood and read his bio. Mr. Smallwood read some acknowledgements and then invited Shaaron Klinger to help unveil his painting of Bill Klinger. Mayor DeBari invited everyone into the lobby for the courtroom dedication and unveiling of the sign.

CIVILIAN RECOGNITION:

- Paul DeSavino
- Mary Beth Hubbard
- Steven Hill & Juan Morales
- Christopher Denis
- Luis Carrillo

Chief Papapietro made his opening remarks and stated he was honored to recognize those civilians that go above and beyond.

FIRE DEPARTMENT SERVICE AWARDS:

- Alan Silverman – Outgoing Fire Chief
- Terrence Lawler – 20 Years of Service
- Ralph Leonardi – 20 Years of Service
- George Saigh – 50 Years of Service

Mayor DeBari presented each of the abovementioned firemen with their service awards.

APPOINTMENTS: ROBERT BYRNES – FIRE INSPECTOR

Council President Putrino made a motion to appoint Robert Byrnes as Fire Inspector. Councilman Zeilner 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 Building and Grounds Supervisor facilitated the smoke detector installation, Fire Co. #2 storm repairs and the Borough Hall interior holiday decorations.

Councilman Zeilner read the police report summary for the previous month.

Councilman Zeilner attended the Police Auxiliary meeting at which they discussed holiday events.

Councilman Zeilner reported the DPW is performing regular maintenance and leaves are being picked up in preparation for snow.

Councilman Keith Bachmann

Ambulance Corps, Drug Alliance, Recreation

Councilman Bachmann reported the Drug Alliance will meet on December 16th and the Ambulance Corps will meet on December 20th.

Councilman Bachmann was unable to attend the Recreation meeting on December 1st due to personal reasons.

Councilwoman Randi Duffie

Library Board, Planning Board, Rent Leveling/Tenants Association

Councilman Duffie reported the Library Board has begun its budget process.

Councilman Duffie stated the Planning Board forwarded their real estate sign ordinance recommendations to the Mayor and Council; the ordinance is up for adoption tonight.

Councilwoman Duffie reported the Rent Leveling Board continues to review its ordinance.

Councilman Howard Berner

Chamber of Commerce, Health & Human Services, Senior Advisory

Councilman Berner noted the Chamber of Commerce did not meet in November; he noted the 7-11 store on River Road had their grand opening celebration on November 13th.

Councilman Berner stated the Senior Advisory meeting will be December 16th; they will have their holiday party on December 14th at Chez Madeline.

Councilman Berner noted the Board of Health meeting on December 1st was canceled due to inclement weather; he summarized the Health Department statistics for the month of November.

Councilwoman Ann Subrizi

Board of Education, Historic New Bridge Landing, Public Events

Councilwoman Subrizi attended the Historic New Bridge Landing Park Commission meeting on December 2nd; the Assistant Director of Parks for the State of NJ visited. Councilwoman Subrizi stated the parking lot near the Steuben House was removed December 6th; the Pizzatown lot will be striped with 100 parking spots for the new site. The Commission wished to thank the County and Mayor DeBari for getting the heat fixed at the Campbell Christie House. It was requested that New Milford DPW handle the replacement of the barricades with bollards; possibly in conjunction with Teaneck. On behalf of the Commission, Councilwoman Subrizi asked Chief Papapietro if a handicapped accessible spot could be added in front of the saw shop.

Councilwoman Subrizi thanked all that helped with the Holiday Tree Lighting.

Councilwoman Subrizi noted she has been unable to attend the Board of Education meetings. She noted the Borough received the Board of Education's share of the SRO Officers for the second half of this year. Councilwoman Subrizi advised of the Council's decision to add a resolution to the agenda to continue as always with the SRO program. Although the Board of Education has indicated they do not wish to continue paying, the Borough hopes they will reconsider.

Councilwoman Subrizi referenced the developer's agreement for Shop-Rite and noted she disagrees with the parking spaces variance they were granted. She noted however, that she will vote affirmatively to authorize the Mayor to sign said agreement.

Council President Michael Putrino

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

Council President Putrino noted the Historic Preservation Commission, Fire Department and Shade Tree Commission have not met since his last report. He did note the Fire Department holiday toy drive was down 30%. He was provided a monthly report from the Fire Department that he read into the record. He advised the new officers of the Fire Department will be sworn in on January 1st at 1:00 pm.

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

Mayor Frank DeBari

Community Development

No report.

Mayor DeBari advised Mr. Ix resigned from the Zoning Board effective December 15th.

Mayor DeBari read three emails regarding the Friends of New Milford Recreation into the record; two from Colleen Sailer and the last from Laura O'Grady. The emails from Ms. Sailer questioned how much money is collected from the snack stand and how it is spent; Ms. O'Grady advised that as the President of the Friends of New Milford Recreation she keeps accurate records including a

spreadsheet; she would have provided said records to Ms. Sailer had she been asked. Mayor DeBari stated this is one of the reasons why some members of the Council wanted it to be a Committee; that way all funds would go through the Borough Hall. Mayor DeBari was advised that Mayor Elect Subrizi will look into these concerns in the upcoming year.

Mayor DeBari advised that resolutions 2010:263 and 2010:264 were added to the agenda.

OLD BUSINESS:

ADOPT ORDINANCE #2010:15

AN ORDINANCE TO AMEND CHAPTER XXX OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "LAND USE REGULATIONS" THEREBY AMENDING SUBSECTION 30:29 ENTITLED "SIGNS AND AWNINGS"

Councilwoman Duffie made a motion to open to the public for comment on the adoption of this ordinance. Councilman Bachmann seconded the motion. All present in favor, none opposed.

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

Councilwoman Duffie made a motion to close to the public. Councilman Berner seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

Councilwoman Duffie made a motion to adopt this ordinance on its second and final reading. Councilman Zeilner seconded the motion. The motion passed on a roll call. All present in favor, none opposed.

NEW BUSINESS:

INTRODUCE ORDINANCE #2010:16

AN ORDINANCE TO REPEAL ORDINANCE 2010:12, CODIFIED AS NEW MILFORD BOROUGH ORDINANCE 2-31 AND ENTITLED "DEPARTMENT OF RECREATION" AND, SUBJECT TO REVISION OF TERMS, REVIVING BOROUGH ORDINANCE 1968 CODE 23; ORDINANCE NO. 74:11, CODIFIED AS NEW MILFORD BOROUGH ORDINANCE 2-31 AND ENTITLED "BOARD OF RECREATION COMMISSIONERS"

Councilman Bachmann made a motion to introduce and approve this ordinance on its first reading. Councilman Berner seconded the motion. The motion failed on a roll call vote as follows:

For the motion: Bachmann, Berner, Subrizi

Against the motion: Zeilner, Duffie, Putrino, DeBari

In casting his vote, Councilman Zeilner stated he understands it is inevitable but it goes against his beliefs that the Borough should have more control over finances. In casting her vote, Councilwoman Duffie stated the idea of a department was to hold them accountable just as the other Borough departments. In casting his vote, Council President Putrino believes over time, the department structure would prove to be better. In casting his vote, Mayor DeBari stated he was

planning to make an easier transition for the new administration; however in light of the three emails he read earlier he voted no.

RESOLUTIONS:

- 2010:250 Closed Session
- 2010:251 Payment of Bills and Vouchers
- 2010:252 Approve Raffle License #2010:16 for Hackensack University Medical Center
- 2010:253 Approve 2010 Appropriation Budget Transfers
- 2010:254 Authorize Refund of Duplicate Tax Payments – Various Blocks and Lots Totaling \$30,499.15
- 2010:255 Authorize Refund of Duplicate Tax Payments – Various Blocks and Lots Totaling \$954.18
- 2010:256 Approve refund of 2008 tax overpayment as a result of State of New Jersey Tax Court Judgment – Block 113 Lot 6
- 2010:257 Authorize Refund of Duplicate Tax Payments – Various Blocks and Lots Totaling \$243.50
- 2010:258 Approve Tax Refunds – Various Blocks and Lots as a result of Reduced Assessments by County Board Judgment
- 2010:259 Approve 2010 Senior Citizen and/or Veteran's credits at various locations
- 2010:260 Approve cancellations of credit balances under \$10.00 at various locations
- 2010:261 Approve cancellations of uncollectible balances under \$10.00 at various locations
- 2010:262 Authorize Mayor to Execute Developer's Agreement for Block 501, Lots 9 and 10, commonly known as 814 River Road
- 2010:263 Authorize increase of contractor rate for police protection and traffic control
- 2010:264 Approve amendment to Safe Schools Resource Officer Partnership Agreement with the Board of Education

COMMENTS FROM THE PUBLIC

Councilman Bachmann made a motion to open the meeting to the public. The motion was seconded by Council President Putrino. All present in favor, none opposed.

Theresa Ciambrello, 330 Main Street came forward to address the Council. Ms. Ciambrello stated the committee members' appointments end December 31st, and asked would they be extended. Mayor DeBari advised at the reorganization meeting, all committees, boards and commissions are disbanded; Mayor Elect Subrizi may choose to hold over the appointments for 30 days while decisions are made. Ms. Ciambrello advised at numerous Recreation meetings she asked about the funds from the Friends of Recreation, and never received an answer. The only reason the Council was made aware is because as a committee, the Director answers to the Mayor and Council.

Councilwoman Subrizi advised moving forward it is a top priority to try to rectify all problems.

Councilman Bachmann questioned at what meetings Ms. Ciambrello requested the information; he does not recall reading her request in any minutes over the past four years. He assured everyone the committee will revert back to a commission; the Director will answer to the commissioners.

Debbie Yager, 57 Summit Avenue came forward to address the Council. Ms. Yager wanted to clarify that with regards to the Friends of Recreation; policies were put in place and approved by the

Recreation Commission in August 2007. The policies and procedures already exist however the problems continue to arise. She noted the snack stand is open for the soccer program and not just for softball. She has volunteered her time as well as donated food. Ms. Yager stated the reports provided by the Friends were only for 2009-2010; she questioned where 2007 and 2008 were. Ms. Yager stated she asked for these records at the September meeting of the Recreation Department; and asked if Councilman Bachmann remembered her inquiry, he did not. Ms. Yager echoed Ms. Ciambrello's comment; the question of funds has been raised many times and never answered. She noted it may be better for public perception to have distance between the people running both organizations. Under the auspices of a Commission, the Director does not have the authority to speak of the snack stand. Ms. Yager stated regardless if it is a Committee or Commission, it should be run correctly. She stated the problems did not just begin, the problems have been occurring for many, many years. Ms. Yager read a letter dated October 1, 2008 from Howard Berner, then Recreation Chairperson, into the record.

Angelo DeCarlo, Princeton Street came forward to address the Council. Mr. DeCarlo thanked the Mayor and Council for their confidence in the Planning Board to amend the sign ordinance as adopted tonight.

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

Councilwoman Duffie referenced Councilwoman Subrizi's concern regarding the developer's agreement for Shop-Rite; she noted the Zoning Board Chairperson is present and asked if he wished to comment. Mr. Shaffenberger had no comment.

VOTE ON RESOLUTIONS

Council President Putrino made a motion to approve the consent agenda resolutions 2010:250 through 2010:264. Councilman Zeilner seconded the motion. All present in favor, none opposed.

Mayor DeBari wished everyone a Happy Holidays and stated the reorganization meeting will be Wednesday, January 5, 2011 at 7:00 PM.

ADJOURNMENT

Councilwoman Duffie made a motion to adjourn. Councilman Berner seconded the motion. All present in favor, none opposed. Time 10:12 PM.

Respectfully submitted,



Colleen Naumov
Deputy Borough Clerk