

MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
Monday, March 8, 2010



Councilman Arthur Zeilner	Present
Councilman Keith Bachmann	Absent
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

Mayor DeBari read the Open Public Meeting and Mission Statements.

OPEN SESSION:

1. Fire Department – 5 K Run

Council President Putrino introduced Dale Christensen from Fire Company #1. Mr. Christensen reviewed the itinerary and layout for the annual 5K run in New Milford. He requested the roads be closed from 8:30 am through 10:15 am, for the activities. Mr. Christensen noted there may be entertainment afterwards.

Councilman Zeilner questioned if they have been in contact with the Police Chief; Council President Putrino answered yes and informed the Council four officers are needed for the event, for a total of 16 hours overtime to be paid by the Borough.

Councilwoman Duffie questioned if it is a fundraiser; Mr. Christensen noted it is for Fire Company #1, however he hopes the turnout will be good enough to split the proceeds with a charity next year.

Councilman Berner questioned if fliers will be out to promote the event; Mr. Christensen noted they would have fliers in addition to promoting on running websites.

Mr. Christensen stated the 5K pre-registration fee will be \$20 and \$25 on race day; the walk will be \$12 with a shirt, \$5 without a shirt, kids' dash is free.

Councilman Berner confirmed the course will be certified; Mr. Christensen stated it would.

Council President Putrino noted affected residents will be notified regarding parking and street closures prior to the event; possible overflow parking at St. Matthew's Church.

Councilwoman Duffie questioned how many people are expected; Mr. Christensen is hoping for 200-250 people. Councilwoman Duffie noted parking is definitely a concern.

Councilwoman Subrizi noted the date of the Fishing Derby may conflict; maybe they can change the date.

Councilman Berner stated the Recreation Commission could do an e-mail blast to help promote the event to families.

Mr. Christensen stated the event will be held rain or shine.

Councilwoman Duffie asked the Finance Committee if the \$1,600 in police overtime is doable. Councilman Zeilner stated they will know more on Saturday, when the committee meets again.

Councilman Berner made a motion to allow Fire Company #1 to hold the 5K run, as proposed, on June 19th. Council President Putrino seconded the motion. All present in favor none opposed.

2. Auxiliary Police – Klinger Memorial

Councilman Zeilner referenced his e-mail forwarded to the Council regarding the Police Auxiliary's request to have a memorial for Bill Klinger. Council President Putrino suggested naming the courtroom after Mr. Klinger as he was the only Court Officer for the last 20 years. Mr. Moscaritolo suggested creating a community garden and naming it after Mr. Klinger. Councilwoman Subrizi noted the courtroom is more permanent. Mr. Moscaritolo will research if there are any ethical issues with naming a courtroom after a member of law enforcement. Mayor DeBari does not believe it should require any research. Councilman Zeilner made a motion to dedicate and rename the courtroom in Mr. Klinger's memory. Council President Putrino seconded the motion. All present in favor none opposed.

3. 2010 Road Resurfacing Program

The Administrator referenced the current list she e-mailed the Council; she then explained she needs the Council's monetary commitment for the program. The Riverside Coop is soon requiring a list of streets. Councilman Zeilner suggested the same amount as last year to be used, roughly \$150,000 to \$200,000. He drove the streets with the Assistant Superintendent of the DPW, and prioritized streets; he will provide the list for the Council. He noted New Bridge Road is a shared road with Teaneck; the Administrator will discuss sharing costs with Mr. Broughton in Teaneck. Councilman Zeilner questioned if the paving of Graphic Boulevard from Cherry Street to Bergenfield could be done through DOT; she will check with the Grants Consultant and Engineer. The Administrator will confirm with the Engineer the cost per linear foot of paving.

4. Capital Requests – Police Department/DPW

Councilman Zeilner explained the new carpet stopped at the door of the Police Department; mold has been found in the Detective Bureau. The carpet is stained, dirty and old; it is need of replacement. Since the carpet in the Detective Bureau will be replaced, Councilman Zeilner suggested replacing the rest of the carpet upstairs in the Police Department. Councilman Zeilner stated the DPW building is in need of an additional toilet. Councilman Zeilner noted there is money left in the Building and Grounds 2005 capital account; this money can be used for the children's room carpet tile request at the Library in addition to the Detective Bureau and DPW toilet.

Mayor DeBari questioned the current capital request for Buildings and Grounds; Councilman Zeilner stated \$68,000 and reviewed the items requested. Council President Putrino noted there is additional money needed for repairs to the building at Fire Company #1. Mayor DeBari stated the entire carpet job should be bid together i.e. Library and Detective Bureau; the Administrator stated the Detective Bureau is a small area at a cost of approximately \$1,100 and is an emergency due to health hazards. After much discussion the Council decided to get separate estimates on the carpet projects and then decide whether or not to just do the Detective Bureau.

5. Recreation – Review of Ordinances from other towns

Mayor DeBari noted Mr. Moscaritolo reviewed recreation ordinances from other towns. Councilwoman Subrizi asked for the matter to be tabled for a meeting Councilman Bachmann could attend. The Council decided to discuss the matter, knowing a decision would not be made tonight. Mayor DeBari noted although the topic came before the Council years ago, the Administrator has asked the Council for assistance.

Councilman Berner had a conversation with Chairman John O'Grady and voiced the Administrator's concerns about the Commission; Mr. O'Grady is willing to provide more formal written information including the list of referees. Councilman Berner, as the former Chairman noted there is a lack of communication between the Council and the Commission; if the Council wants to receive information from the Commission all they need to do is ask. The Administrator appreciated Councilman Berner's assistance; her other concern is the employee who does not answer to the Borough.

Councilman Zeilner stated the Council has been through this before with the Commission; the Council was assured there would be no more problems. Councilman Zeilner expressed concern over the Commission's right to increase salaries for which the Borough is responsible for providing; he noted that is what the Council was elected to do, not the Commission.

Council President Putrino expressed concern over the Recreation Director's accountability. The Council was recently made aware of the Friends of the Recreation Commission running the snack stand, a group not registered with the Borough. Councilman Zeilner questioned where the revenue goes. Mayor DeBari questioned if they

are a 501c3; Director, Ken Malone was in the audience and answered they are 501c3. Mayor DeBari asked who the president is, Mr. Malone noted Laura O'Grady. Councilman Zeilner noted the children will not be affected; no changes are proposed to scheduling or sports. The proposed change involves accountability that is all. He made an example stating the Chief of Police must come before the Mayor and Council before giving increases, unless contractual. Councilman Zeilner believes it can run the same with no additional costs.

Councilwoman Subrizi stated the Commission has run on its own for over forty years. There will always be issues when dealing with children, parents and sports; however this time it is more of a financial issue. She suggested eliminating the Commission's trust account and all money come through the Borough. However, referees want to be paid right away; a system must be put in place to make that happen. Councilwoman Subrizi noted if it were to be departmentalized, the Council would deal with more than just financial issues.

Councilwoman Duffie, Councilman Zeilner and Mayor DeBari agreed the system may have worked forty years ago, but it is not working now and the Council must listen to its Administrator.

Councilman Berner noted given the number of people involved in the Recreation system, having two complain to the Mayor and Council seems minimal.

Councilwoman Duffie urged Councilwoman Subrizi to read the provided ordinances from other towns utilizing a Recreation Department and Advisory Board.

Mr. Moscaritolo noted he has had difficulty with the Commission from a legal perspective. He has provided them with legal opinions; however they have no obligation to accept it as they are autonomous. At times they request his legal opinion, but only listen when it is what they want to hear otherwise he is informed he does not represent them. At the last hearing, he was able to review their Policies and Procedures and found them to be inconsistent with the Borough's.

Councilwoman Subrizi noted many of the same issues occur with the Library Board.

Council President Putrino stated the Borough is seeking structure and accountability.

Councilman Zeilner acknowledged that he is willing to hold for further discussion when Councilman Bachmann is present. However a few years back the Council agreed to give the Commission another chance; they are before the Council yet again and he is ready to go forth and ask the Borough Attorney to draft an ordinance to change the structure of the Commission.

Council President Putrino agreed with Councilman Zeilner. He would like to see a draft ordinance, which will be discussed a number of times and Councilman Bachmann will be there to discuss at that time.

Councilman Zeilner made a motion for the Borough Attorney to draft an ordinance to restructure or change the Commission.

Councilwoman Duffie noted the proposed draft should include the functions of an Advisory Board, Director and part-time employees.

Mr. Moscaritolo pointed out common points within the recreation ordinances he provided.

Mayor DeBari asked if the Council wishes to wait for Councilman Bachmann before voting on the motion for the Borough Attorney to draft an ordinance; Councilman Berner would prefer to wait and Councilwoman Subrizi would like to hear from the public on the matter.

COMMENTS FROM THE PUBLIC

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

Ken Malone, 269 Henley Avenue came forward to address the Council. Mr. Malone was formally hired as the Recreation Director this past Wednesday. He understands the Administrator's concerns and believes them to be valid. He has spoken with members of the Council and agreed there is a need for accountability. Going forward he will do what it takes to inform the Council. Mr. Malone agreed with Councilwoman Subrizi, that more parents will attend Council meetings if the structure were to change. As the Director, he has a plan where he would like to see the Commission go and would be happy to provide the Council with any information they request. Mayor DeBari noted with no disrespect, it is the Commission's decision whether or not to provide information, not the Director.

Jody Siefert, 53 Bulger Avenue came forward to address the Council. Ms. Siefert felt it was disrespectful to discuss the Recreation matter at such length, after Councilwoman Subrizi requested it be tabled for a meeting at which Councilman Bachmann could attend.

Mayor DeBari respectfully disagreed; explaining the Council acts on a majority and at times has given the liaison a courtesy to hold the discussion. However if a decision needed to be made this evening it would be made. He further noted it has nothing to do with Councilman Bachmann being here or not.

Ms. Siefert stated she has been to most Council meetings over the past four years and has seen many things tabled before; Mayor DeBari reiterated no decision has been made.

Ms. Siefert noted adding personnel, adds dollars and cents to the taxpayer's bill. Councilman Zeilner stated as discussed this evening, there are no changes or increases being proposed. He further noted the secretary, coordinators, referees and director are currently being paid, and again nothing would change.

Ms. Siefert stated the Director is willing to work with the Borough on financial issues, why not give it a six month trial before changing anything. Council President Putrino noted there is no binding procedure that requires the Commission and/or Director to report to the Borough; Directors and Commissioners change. His other concern is the Borough has no control over salaries.

Councilwoman Subrizi stated the nature of the Recreation Commission is ever-changing, and will always have turnovers.

Councilwoman Duffie reiterated, nothing will change it is merely restructuring; the Administrator and Borough Attorney brought concerns to the table. The plan was never to disturb the program; the structure inside is crumbling. The Commission was given a chance to fix it over two years ago, however they are before the Council again.

Councilman Berner stated there is a lack of communication between the Council and the Commission; he was Chairman for years and never had any requests for information and was never told the Commission should not grant increases.

The Administrator noted when she began this position; she was informed she has no input on the Recreation Commission and no right to their information.

Council President Putrino noted if the Borough hired the Director there would be no disconnect.

Marilyn Bachmann, 258 Stevens Court came forward to address the Council. Ms. Bachmann questioned if it is an emergency and must be decided tonight; it may be annoying however not an emergency. The liaison should be present.

Mr. Malone noted three years ago the Commission came before the Council and stated the problem would be fixed. The problem was fixed there are financial controls in place; there are no financial improprieties. He suggested some things may need to be tweaked to run more efficiently.

Councilman Zeilner questioned what the Director's fears are in changing the structure. Mr. Malone chose not to comment as he does not want it to be interpreted wrong by one side or the other.

Debbie Yeager, 57 Summit Avenue came forward to address the Council. Ms. Yeager worked for the Recreation Commission in some capacity for the past 19 years; six different Directors and 21 Commissioners. She noted whether it is a Commission or a Committee, she would not leave her job because she does it for the children. She understands both sides. Ms. Yeager is paid by the Borough, however she is hired by the Commission; she asked who she answers to. At times it puts her in a difficult situation; she feels as though she is in the middle.

Councilwoman Subrizi questioned why any issue would not be brought to the Director's attention. Ms. Yeager explained it is the Director's job to bring it to the attention of the Commission, not to solve the problem; therefore she remains involved. Ms. Yeager gave an example of the Recreation Director's approval being overturned by the Commission.

John Bigger, 325 William Street came forward to address the Council. Mr. Bigger noted he has coached in town for 15 years, and was the Director for two years and 10 months. Mr. Bigger noted he too is a taxpayer. He made the Borough aware before, during and after being the Director, issues should be brought to the person paid to run the town. He stated the Administrator gets dragged into situations she has no say over; every other employee answers to her, why not the Director. He noted the Director does not have the power that some people present believe him to have. He said the structure needs to be restructured; what is the difference between it being called a Commission or Committee. As a taxpayer, he believes it makes more sense that a \$160,000 budget is answerable to the Borough Administrator. Residents come to the Council meetings regarding recreation issues; unfortunately the Council is unable to help. Mr. Bigger stated a decision must be made one way or the other; stop talking for hours at Council meetings. If you are here to serve the people of New Milford, what difference does it make what you're called? Mr. Bigger further noted a full-time Director is required to be accredited through the State; whereas part-time is not.

As there were no further comments from the public on this topic, the meeting was closed on motion from Council President Putrino. Councilman Berner seconded the motion. All present in favor none opposed.

The discussion will be tabled to the next meeting. Council President Putrino noted the Council intends to vote at the next meeting regardless of who is present.

6. United Water Property Appraisal

Mayor DeBari brought the estimate for appraisal of the United Water property, for discussion whether there is interest in purchasing the property. There are 168 statewide Green Acres approved appraisers. Maison Helmstetter stated it will cost approximately \$3,000 but no more than \$5,000 to do said appraisal; Appraisal Systems quoted the Borough \$2,500. The Council must decide whether or not to approve spending up to \$5,000 for the appraisal. United Water used Robert McNerney Associates to appraise the property.

Councilwoman Subrizi referred to the January 22nd email from the Superintendent's secretary to the Mayor regarding the making of a committee between the Superintendent and some Council members regarding the property in question. She noted a committee would be a good idea to find out the Superintendent's position on the property.

Councilwoman Duffie stated the committee should meet; however an appraisal is vital.

Councilwoman Subrizi is concerned the proposed appraisal fee is a lowball figure to bring in business; Councilman Berner disagreed, stating it is a reasonable price.

Councilwoman Subrizi requested the committee meet with Superintendent before making a decision; Mayor DeBari agreed.

7. Budget Update

Councilwoman Subrizi summarized earlier budget discussions had by the Finance Committee; and requested information of the Administrator. Councilwoman Subrizi noted the financial benefit of centralized purchasing. Mayor DeBari stated there is a storage issue. She questioned why some professional service bills from Planning and Zoning were not taken from applicant's escrow.

COUNCIL

Mayor DeBari noted with the recent passing of Bill Klinger, Mike Perrone would like to serve on the Historic Commission in his spot. Council President Putrino stated Mr. Klinger and Mr. Perrone were working on a farm project map, Mr. Perrone has offered to continue the project. Council President Putrino made a motion to appoint Mr. Perrone to the Historic Commission. Councilwoman Subrizi seconded the motion. All present in favor none opposed.

Council President Putrino noted to the Borough Attorney that Gaelic Communications needs to be contacted when the time comes for the fire horn to be relocated. The Fire Department has an older model of the same horn if the company needs to use that to check placement on the tower. Mr. Moscaritolo will e-mail the company to discuss.

COMMENTS FROM THE PUBLIC

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

Joe Klimcak, 163 River Lane came forward to address the Council. Mr. Klimcak referred to an incident he had with another resident regarding right-of-way; he spoke with the Borough Attorney regarding this after the last Council meeting. Mr. Klimcak requested a copy of the letter sent from the Borough Attorney to the other resident. Mr. Moscaritolo noted once the Administrator and Council have seen and been briefed on the letter, he will sign and send it out. At that time Mr. Klimcak is welcome to a copy, available through the Borough Clerk's office.

Dominic Collucci, 223 Bergen Avenue came forward to address the Council. Mr. Collucci suggested George Batterson Jr. may be able to help with the farm project map, as he drove him around town and received a wonderful history of the town through his eyes. Mr. Collucci will put Council President Putrino in contact with Mr. Batterson; as he is a wealth of knowledge of the history of New Milford.

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

VOTE ON RESOLUTIONS

Council President Putrino made a motion to approve the consent agenda, resolutions #2010:81 through 2010:88. Councilman Zeilner seconded the motion. All present in favor none opposed.

BOROUGH ATTORNEY

Mr. Moscaritolo reviewed the file regarding the right-of-way issue at 992 Oxford Lane, and explained his findings to the Council. He stated the owners have no right to obstruct access, the owner thought it was exclusively theirs, which is not the case; the general public can walk down the driveway. Mr. Moscaritolo's letter will inform the residents of 992 Oxford Lane of his findings.

CLOSED SESSION:

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

1. PBA Negotiation
2. Review of Closed Session Minutes – November 23, 2009

At the end of the closed session, Councilman Zeilner made a motion to go into open session. Council President Putrino seconded the motion. All present in favor none opposed.

Council President Putrino made a motion to approve the closed session minutes from November 23, 2009. Councilwoman Duffie seconded the motion. The motion passed as follows:

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

ADJOURNMENT

Councilman Zeilner made a motion to adjourn. Councilman Berner seconded the motion. All present in favor, none opposed. Time 10:43 PM.

Respectfully submitted,



Colleen Naumov
Deputy Borough Clerk