

**MINUTES**  
**BOROUGH OF NEW MILFORD**  
**7:00 PM WORK SESSION**  
**Monday, April 12, 2010**



Councilman Arthur Zeilner	Absent
Councilman Keith Bachmann	Present
Councilwoman Randi Duffie	Absent
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 reads the Open Public Meeting and Mission Statements.

**OPEN SESSION:**

1. Planning Board – Proposed Ordinances

The Administrator referenced the Planning Board memo regarding driveway widths. She advised that two ordinances were sent back to the Planning Board for further review and additional comments. Councilwoman Subrizi interpreted the proposed ordinance to read that the DPW Superintendent may approve driveway width without a variance if the property has 75 feet or more of frontage the driveway can be 20 feet wide; if 75 feet or less the limit will be 20%. Mr. Moscaritolo noted the paragraph as written is very clear. Councilwoman Subrizi noted the ordinance is now written the way the Council intended.

Councilwoman Subrizi explained the proposed as-built ordinance requires the as-built survey prior to the placement of the roof; however the ordinance as written is unclear. Councilman Berner expressed concern that this is proposed because one homeowner did it improperly, now everyone in the future will be made to suffer. Councilwoman Subrizi questioned if section 'j' was the only addition to the current ordinance. Councilman Berner suggested the present Council wait until the Planning Board Liaison, Councilwoman Duffie is present. The Council decided to introduce the driveway ordinance on April 26<sup>th</sup> and relist the as-built survey ordinance for discussion on April 26<sup>th</sup>.

2. Introduction of 2010 Municipal Budget

Mayor DeBari questioned if any information has changed since the Auditor was here last. Council President Putrino noted the only thing that has changed was the physical document, it is updated. Mayor DeBari questioned if the Police Chief Buyout and new hires were included. The Administrator noted those numbers were not included in the budget and were only part of the initial discussion; they were never provided to the Auditor. Council President Putrino stated sheet 15 has the appropriations; the original number was over \$5 million and is now \$4,263,695. Mayor DeBari expressed concern about the Police budget; the Administrator noted no parts of previous discussions were

agreed to. The present Council and Administrator discussed the make-up of the Police salary and wages line.

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

**CLOSED SESSION:**

1. Zoning Board Litigation – Scott Sproviero
2. Insurance Audit – Follow-Up Letters
3. Review of Closed Session Minutes – February 22, 2010

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

**NEW BUSINESS:**

Council President Putrino noted the budget is being introduced with total appropriations equaling, \$17,932,727; a change of \$416,563 from 2009. He noted the Borough lost \$415,451 in state aid. The increase in the municipal portion is \$232.20; \$87.90 is due to the loss of state aid. Council President Putrino explained the reasons for the increase as well as what decreased. The Finance Committee will continue to review the budget and make its recommendations to the Mayor and Council prior to adoption.

Mayor DeBari noted it is time for the larger departments to come before the entire Council. He noted as the budget stands now, there are no layoffs, furloughs, wage freezes or reduced services.

Councilwoman Subrizi stated the increase in spending is only 2.3%, and the amount to be raised by taxes increased by 7.5% due to the loss of state aid.

Mayor DeBari was advised by the Auditor that New Milford is in better shape than many municipalities he works in.

**COMMENTS FROM THE PUBLIC**

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

Paige Ryan, 226 West Street came forward to address the Council. Ms. Ryan questioned if the pension deferral is something the Borough is making up for. Mayor DeBari advised it is a one time shot; the Borough will be caught up at this point.

Mr. Polito, CFO noted the Borough has five years going forward to make up for the deferral.

Councilman Bachmann advised the Borough had to choose deferment last year or risk being ineligible for state aid.

Ms. Ryan questioned what the reserve for uncollected taxes is for. Mr. Polito explained the Borough never has 100% collection of taxes, comparable to paying for the uninsured for car

insurance. He explained how the number is calculated. Councilwoman Subrizi stated the money must be put aside in case people do not pay their taxes.

Ms. Ryan asked what level of the budget detail will be made available to the public. The Administrator advised the introduced budget will be posted online, however it will not be listed line by line, but instead by category.

Chris Schimel, 174 Washington Avenue came forward to address the Council. Ms. Schimel questioned what happens to the money if all the taxes are paid. Mr. Polito noted the money then goes to surplus or fund balance and is closed out.

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

Councilman Bachmann made a motion to approve the closed session minutes of February 22, 2010. Councilwoman Subrizi seconded the motion. All present in favor, none opposed.

Mayor DeBari referenced the Zoning Board discussion listed in closed session; the Council invited the St. Matthew's Board of Trustees to attend the meeting. However the Council received a letter from T-Mobile's attorney claiming it is not right to contact the Board, therefore the Board declined to attend.

#### **INTRODUCE ORDINANCE #2010:07**

**BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY AND NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT IN, BY AND FOR THE BOROUGH OF NEW MILFORD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$625,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.**

Mayor DeBari noted the Council chose to do capital improvements this year as they require only 5% down payment; he summarized the improvements included within this ordinance.

Councilman Bachmann made a motion to introduce and approve this ordinance on its first reading. Council President Putrino seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

In casting her vote, Councilwoman Subrizi noted the total amount would have been \$55,000 higher had the other capital money and generator rebate money not been utilized.

The ordinance will be published in The Record and a public hearing will be held on April 26, 2010 at 8:30 pm.

## **INTRODUCE ORDINANCE #2010:08**

### **CALENDAR YEAR 2010 – AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

Council President Putrino made a motion to introduce and approve this ordinance on its first reading. Councilwoman Subrizi seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

The ordinance will be published in The Record and a public hearing will be held on May 10, 2010 at 8:30 pm.

## **COUNCIL**

Councilman Berner attended the Board of Health meeting and noted there are no flu issues; dog and cat registrations were successful last month. The Chamber of Commerce will hold a joint reception with the Greater Riverdell Chamber of Commerce at the Hiram Blauvelt Museum on April 21<sup>st</sup>.

Councilman Bachmann noted the Recreation Commission is two members light; Mr. Malone is now the Director and Ms. Ciambriello has missed four of the last six meetings. The Commission has requested two new members as these seats are vacant. Councilwoman Subrizi noted she submitted two names for the Mayor's consideration earlier this year.

Councilwoman Subrizi noted the school board and school budget election will be held April 20<sup>th</sup>; polls will be open from 2pm-9pm. She encourages everyone to get out and vote on the budget; there are three uncontested seats for the board. On April 16<sup>th</sup> Councilwoman Subrizi, Mayor DeBari and Councilwoman Duffie will meet with the Superintendent to discuss the water company property.

Council President Putrino was informed by a resident there is a lot of debris that needs to be cleared at the dead end of Berkley Street. The Administrator will contact the DPW. He noted there is a huge pothole at the corner of Hirschfeld Place and Morris Place.

Councilman Berner noted both New Jersey and Federal taxes can be filed by May 11<sup>th</sup> rather than April 15<sup>th</sup> for NJ residents due to weather related conditions.

## **ADMINISTRATOR**

The Administrator noted the schedule for planting at Warren Street Park is three to four weeks.

The Administrator stated the Fire Department is seeking approval to have Fire Awareness Day on October 14<sup>th</sup> from 6 pm – 9 pm. The Council had no objection; Mayor DeBari asked for coordination removing the vehicles normally parked overnight from the parking lot.

The Administrator referenced the request for the sandwich board on Borough property to advertise the Elks carnival in May, and asked if there were any objections; no objections noted.

The Administrator referenced the temporary budget and the \$40,000 down payment amount budgeted; the down payment line was underestimated therefore the total amount must be adjusted before the budget adoption.

The Administrator referenced an email from a resident on Columbia Street regarding paving; and noted although everyone agrees it is in need of repair it is not prioritized as the Borough is only able to pave four to six streets this year. Although the Borough has received grants for handicap ramps, it has not received enough to finish even half. She further noted the Borough is not in violation for the lack of handicap ramps if the street is not repaved. The sanitary sewer on Columbia may be clogged or broken and needs to be checked prior to paving. Mr. Calamari will advise of his findings with regards to the sanitary sewer.

The Administrator requested approval to grant overtime to the Buildings and Grounds Supervisor to complete the carpet and paint project in the upstairs Police Department area. The Council agreed he should receive comp time prior to overtime, up to the maximum allowed by the contract.

The Administrator advised the Borough spent \$18,500 on the crane service for emergency tree removal during the storm. However, it cannot be considered an emergency as the Borough has not adopted its budget. The Council can add the money to the budget when it is being amended; otherwise the amount represents 10% of the DPW operating expenses. Currently the storm incurred \$16,000 in overtime and \$46,000 in equipment costs. Chief Papapietro will attend a meeting on April 23<sup>rd</sup> at the County to see what can be covered; however the crane expense needs to be paid now. The Administrator noted the crane expense will come out of the DPW operating expenses for now.

The Administrator referenced the memo from Chief Papapietro regarding banning the North Jersey Civil Defense League from using the pistol range; does the Council wish to accept the Chief's recommendations? Councilman Bachmann thinks the Borough should listen to the Chief's recommendation. The present Council is in favor of the Chief's memo; the Administrator will issue a letter to the group no longer allowing their use of the pistol range.

The Administrator referenced the PSE&G Audit for the Direct Install Program discussed with the Council earlier in the year. As per PSE&G's letter, they have exhausted their financing for the program; however our representative noted he does not have the reports yet but the Borough is eligible for certain upgrades and they are trying to secure additional funding. The Administrator questioned if she should continue to hold off on already planned for capital replacements; at least until the Borough receives the audit report in the hopes PSE&G receives additional funding or move forward with repairs using Borough capital? Councilman Berner questioned if PSE&G will fund retroactively if the Borough fixes something on the list. The Administrator will contact PSE&G on that issue. The Council agreed to hold off until the fall on the fire house and the air conditioning unit.

The Administrator referenced a letter from Mid-Bergen Regional Health Commission describing a grant received in which New Milford is eligible to receive \$12,000 to support emergency preparedness efforts. The Administrator advised the Borough is in need of a new phone system costing approximately \$25,000; \$12,000 of which was budgeted for last year and \$13,000 is in

this year's capital budget. Mid-Bergen advised it would be willing to give New Milford the money, as long as the phone system could provide informational prompts, i.e. H1N1, etc.

The Administrator explained the Cablevision municipal franchise fee increase. The increase was effective March 17<sup>th</sup> prompted by Verizon's desire for a statewide franchise; as Verizon has 60% coverage in New Milford, Cablevision is now required to pay the same franchise fee which is passed on to the consumer. She noted although the Borough does benefit from this percentage increase, it did not pursue said increase.

The Administrator referenced the need for a Senior Van Driver; must she advertise or can the Borough choose from interested parties? Mayor DeBari said those interested should fill out an application. Councilwoman Subrizi and Council President Putrino believe the position should be properly advertised. Councilwoman Subrizi suggested advertising in the Twin-Boro and on both the website and the electronic lawn sign.

The Administrator referenced the email from Mary Ann Perrone, Recycling Coordinator regarding recycling at the High School and her discussion with Ron Stokes. The Administrator noted the High School was not included in the current recycling bid; should she look to amend the contract with Ferretti Carting to include the High School so the Borough will get the benefit of the recyclables? The Administrator noted the High School currently pays for a recycling service, yet receives no benefit. Mayor DeBari asked the Administrator to get more information from Mr. Stokes on how the High School currently recycles; then have a conversation with Ferretti Carting. Councilman Bachmann would like to know what the High School currently pays; the Administrator will find out.

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

John O'Grady, 354 Shea Drive came forward to address the Council. He stated Paige Ryan had to leave the meeting and asked Mr. O'Grady to pass on her concerns. Mr. O'Grady noted Ms. Ryan emailed two Council Members at their Borough email addresses regarding a field trip with the Girl Scouts however she received no response. He questioned if the Council use their Borough email, if not they should not be posted. Mayor DeBari noted the Council will review the email Ms. Ryan sent. Councilwoman Subrizi stated the Administrator should be copied on the email to be sure the Council receives it.

Mr. O'Grady referenced the flagpole at the Senior Center being a capital expenditure; there is a flagpole at the center of the Berkley Street circle, the flag is ripped and the light is out, he asked if that is Borough property. Council President Putrino stated it is private property. The Administrator will contact Brunetti and advise a resident complained about the flag being in disrepair and not lit. Councilwoman Subrizi questioned the large pile of dirt at the same location. Mr. O'Grady noted there is a flag at Recreation Field B that is not lit; the Administrator will advise Buildings and Grounds. Mr. O'Grady noted the Recreation Commission's Easter Egg Hunt had over 200 children in attendance and thanked the Mayor and Council members that came. Mr. O'Grady referenced the resolution passed at the last meeting authorizing the Borough Attorney to draft an ordinance restructuring the Recreation Commission; has anything been done. Mr. Moscaritolo stated it should be ready for the public meeting on April 26<sup>th</sup>, at which it will be discussed. The Administrator noted if there are no issues with the draft, it will potentially

be prepared for introduction on May 24<sup>th</sup> and possibly adopted on June 28<sup>th</sup>. Mr. O'Grady advised softball Opening Day is scheduled for Sunday, April 18<sup>th</sup> at 11:40 am beginning at Hovnanian School. Mr. O'Grady referenced the Administrator's statement in the January minutes, saying bylaws are missing from Recreation. The Administrator explained in the Mayor and Council bylaws, there were certain liaisons missing; the Council has since amended the bylaws to include the liaisons to all committees.

Ms. Schimel questioned if the bond ordinance is bundled with the County; the Administrator advised it is on our own.

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

Councilman Bachmann made a motion to authorize the Administrator to mail letters regarding the health insurance to the covered retirees. Councilwoman Subrizi seconded the motion. All present in favor, none opposed.

#### **RESOLUTIONS:**

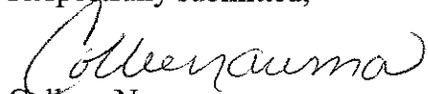
- 2010:99 Cancel Unexpended Balances – 2009 Appropriation Reserves for Garbage and Trash Removal and Recycling Costs
- 2010:100 Approve Change Order 1 & Final – Warren Street Park
- 2010:101 Closed Session
- 2010:102 Payment of Bills and Vouchers
- 2010:103 Authorize Request for Increase in Reserve for Uncollected Taxes Percentage
- 2010:104 Introduce 2010 Municipal Budget
- 2010:105 Approve Constitution of Temporary Capital Budget
- 2010:106 Introduce Bond Ordinance 2010:07 – Multipurpose – Public Improvements
- 2010:107 Approve Social Affairs Permit for Hovnanian School
- 2010:108 Approve Raffle License 2010:05 for the New Milford-Teaneck Lodge #2290  
B.P.O.E. – Games and Wheels
- 2010:109 Authorize Mayor to sign Agreement with County of Bergen – Senior Center Wellness & Nutrition Program
- 2010:110 Authorize refund of duplicate tax payment – Block 203, Lot 24
- 2010:111 Oppose Pending Petition by United Water New Jersey Inc. for Rate Increase
- 2010:112 Award One-Year Contract for the Collection, Removal and Disposal of Recycling Materials from 1-4 Family Residences to Ferretti Carting, Inc.

Councilman Bachmann made a motion to approve the consent agenda. Councilman Berner seconded the motion. All present in favor, none opposed.

**ADJOURNMENT**

Councilwoman Subrizi made a motion to adjourn. Councilman Bachmann seconded the motion. All present in favor, none opposed. Time 9:42 pm.

Respectfully submitted,



Colleen Naumov  
Deputy Borough Clerk