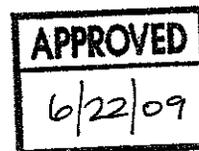


**MINUTES**  
**BOROUGH OF NEW MILFORD**  
**7:00 PM WORK SESSION**  
**OPEN SESSION immediately following**  
**8:30 PM PUBLIC MEETING**  
**Monday, April 27, 2009**



**WORK SESSION**

Councilman Arthur Zeilner	Present	
Councilman Keith Bachmann	Present	(arrived 7:18)
Councilwoman Randi Duffie	Present	
Council President Tina DeLucia	Present	
Councilwoman Ann Subrizi	Present	
Councilman Michael Putrino	Present	
Mayor Frank DeBari	Present	

Mayor DeBari reads the Open Public Meeting and Mission Statements.

**Open Session:**

1. 2009 Municipal Budget

The Finance Committee, consisting of Councilman Putrino, Councilwoman Subrizi, and Councilman Zeilner, distributed their budget recommendations, identifying the document as a roadmap for fiscal responsibility. It was noted that the recommendations span many departments and that some of the recommendations could be implemented immediately while others would be best implemented going forward. They acknowledged that the Council will need time to review it and asked for the other members to be prepared to provide feedback at a future meeting.

The Mayor asked for an overview of the specific policy issues. The format in which budgets are submitted, monthly reporting, and more departmental accountability were offered as examples. A sample monthly report was discussed. The Administrator advised that a similar report is already being generated. A copy of the Police Department's monthly report will be provided to the Council for their review.

The Mayor stated salary and wages should not be put into the budget request by the department as it is determined by the Mayor and Council.

It was suggested that before any money is transferred between the budget lines the department head should come before the Council and explain why they have exceeded their budget line. The Mayor stated that as a legislative body the Council would not have the time or resources to address every budget transfer. He added that any department that does not return their budget in the format provided by the Council should have their budget determined without their input.

The members of the Finance Committee stated that by making departments explain their transfers they would be more accountable and this would result in cost savings. Councilwoman Subrizi stated her opinion that there were far more transfers in 2008 than in previous years and that they all had come without explanation. The Mayor stated that he felt the Council made it clear to the CFO that future transfers would require an explanation.

The Council agreed to table the discussion on the recommendations until they had the chance to review the entire document.

Councilwoman Subrizi suggested discussing the Library budget recommendation. She reported the Finance Committee discussed eliminating the additional \$80,000 contribution for health insurance, which was to be offset by an increase in their budget by the same amount. They suggest keeping the Library's budget allocation at a 1/3 mil, reducing their contribution for health benefits for 2009 and gradually increasing it over the next few years until it is fully funded by the Library.

Councilwoman DeLucia stated for the record that this was not what was discussed by the Mayor and Administrator when they met with the Library. She also noted that at a time when property values are declining the 1/3 mil amount will decrease as well. Councilwoman DeLucia reiterated her concern with a plan to increase the amount the Library will be required to pay without increasing their budget in kind. She also stated that at least since the year 2000, and up until two years ago, the Council always gave the Library more than the required 1/3 mil.

The Council agreed to table the discussion until the May Work Session.

The Council discussed rescheduling the Work Session from May 11<sup>th</sup> to May 18<sup>th</sup> to accommodate a presentation by the Borough Labor Attorney. It was agreed that the meeting would be rescheduled and would begin with a closed session at 6:00 PM. The Administrator will notice the meeting change and contact the Labor Attorney to confirm.

The Administrator reported that the Borough had received the \$37,500 in Bergen County Open Space grant funds for the Mansoldo property acquisition.

The Borough Attorney reported that he was preparing the counter proposal for Damato/Greenstar and working on the auto repair shop ordinance and revisions to the shade tree ordinance. The repair shop ordinance will be listed on the work session agenda for discussion. The Borough Attorney stated that having received no comments on the proposed cell tower lease agreement, a resolution, approving the same, was on the agenda for approval.

Councilwoman DeLucia stated she had nothing to report, but that she was happy to be back.

Councilwoman Duffie asked to have the sign ordinance listed on a future agenda for discussion. It will be listed for the June Work Session.

Councilman Zeilner questioned the revision to the temporary storage ordinance; asking if the driveway was considered part of the front yard and therefore prohibited. He was advised that the driveway is excluded from the front yard.

Councilman Bachmann stated that he may have an issue with the Municipal Drug Alliance that he may need to list on the next agenda. The Administrator stated that the Council wished to have Councilman Bachmann speak on the requested position of Safety Director to the Recreation Commission, noting that it was listed on the last meeting agenda. Councilman Bachmann stated the Dr. Altman runs a safety clinic for Little League and is willing to do for the Borough as well at no cost. Dr. Altman has requested to be acknowledged by the Borough in an official capacity to provide indemnification from any potential claims. The Borough Attorney suggested that the position would need to be defined, outlining the scope of duties, so that it could be written into the ordinance. He suggested that Dr. Altman additionally provide the Council with proof of any relevant certifications he may hold. Councilman Bachmann will ask Dr. Altman to write a description and provide proof of his certifications.

Councilwoman Subrizi asked if the Mayor had any update on the replacement of the Tom Baeli sign. The Mayor stated that he had spoken with his contact but that he still needed to obtain the measurements of the previous sign.

Councilman Putrino had nothing to report.

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

**CLOSED SESSION:**

1. Pending Litigation

Council President DeLucia made a motion to go back into open session and reconvene in the Council Chambers. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

**PUBLIC SESSION:**

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: Mark Polito, CFO; Steven Wielkotz, Borough Auditor

Mayor DeBari called the meeting to order, asked for a moment of silent prayer, 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 Bachmann made a motion to approve the minutes from the November 24, 2008 Public Session and the April 8, 2009 Special Session. Councilman Putrino seconded the motion. All present in favor, none opposed.

**PUBLIC HEARING: 2009 MUNICIPAL BUDGET**

Mr. Wielkocz stated that the status of the budget has not changed since its introduction in March. He stated that the Borough has applied for extraordinary aid and the pension deferral, noting that the extraordinary aid applications will not be heard until June. He noted that the Borough received \$400,000 last year in extraordinary aid. He reported that the Local Finance Board would be hearing the Borough's application for a cash surplus cap waiver, a majority of which would go to fund the police retirement termination pay, on May 13<sup>th</sup>.

Mr. Wielkocz stated that appropriations in the 2009 budget are up a little over \$200,000 or 1.19% and the tax levy is up \$457,000 or 3.45%, noting that the proposed tax increase is equivalent to the amount of extraordinary aid received by the Borough in 2008. The increase translates into an increase of \$85.79 for the municipal portion for the average home, which he identified as one of the lowest increases in the last four to six years.

The Mayor confirmed that for each \$100,000 received in extraordinary aid the tax increase of \$85.79 would decrease by approximately \$20; that if the Borough were to receive \$300,000 in aid the municipal tax increase would be just \$25. Mr. Wielkocz confirmed this to be true.

Council President DeLucia asked the value of the average home and was advised that it is currently \$414,000.

Councilman Putrino made a motion to open the meeting to the public for comment on the 2009 Budget. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

The record reflects that no member of the public came forward to speak. Councilman Putrino made a motion to close the meeting. Council President DeLucia seconded the motion. All present in favor, none opposed.

Mr. Wielkocz suggested the Council consider the adoption of the Cap Rate Ordinance while he was still in attendance so he would be available to answer questions.

**ADOPT ORDINANCE #2009:06**

**CALENDAR YEAR 2009 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

Councilwoman Duffie made a motion to open to the public for comment on the adoption of this ordinance. Councilman Zeilner 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 Putrino seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

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

**PRESENTATION:           MAYOR FRANK DE BARI –  
                                  ELECTED OFFICIAL HALL OF FAME**

**PROCLAMATION:         MEMORIAL DAY**

**APPOINTMENTS:         IRA GROTSKY – RENT LEVELING BOARD (H)**

Councilwoman Duffie made a motion to approve this appointment. Council President DeLucia 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 stated that the Buildings and Grounds activities had been focused on the repairs in the basement of the Borough Hall as a result of the flood damage sustained earlier in the month.

He reported that the Environmental Commission celebrated the opening of the Tree Farm on April 25<sup>th</sup> and distributed approximately 300 small spruce trees.

Councilman Zeilner summarized the calls for the Police Department for the previous month.

Councilman Zeilner reported that the DPW is continuing with routine maintenance: sewers, catch basins, trees, signs. He read a resident letter into the record which complimented Assistant Superintendent Michael Calamari.

**Councilman Keith Bachmann**

Ambulance Corps, Drug Alliance, Recreation

Councilman Bachmann reported on the April 20<sup>th</sup> meeting of the Ambulance Corps at which time the proposed roof and gutter repair was discussed at an anticipated cost of \$4,000. He stated that the Ambulance Corps is still looking for more members.

Councilman Bachmann reported that he was unable to attend the Drug Alliance meeting of April 16<sup>th</sup> but that they are preparing for the annual Fishing Derby in June.

Councilman Bachmann reported that the Recreation Commission is enjoying the success of the Spring Soccer program and that they are discussing the possibility of adult contests at National Night Out.

**Councilwoman Randi Duffie**

Health & Human Services, Rent Leveling/Tenants Association, Senior Advisory

Councilwoman Duffie reported that the Rent Leveling Board did not meet.

She stated that she was unable to attend the Senior Advisory Board meeting due to work commitments.

Councilwoman Duffie stated that the Health Department report is available at the Borough Hall.

Councilwoman Duffie expressed her appreciation to the Finance Committee: Councilman Putrino, Councilwoman Subrizi and Councilman Zeilner, for all of their hard work on the 2009 budget.

**Council President Tina DeLucia**

Chamber of Commerce, Planning Board, Library Board

Council President DeLucia stated that she had been sidelined due to her injury and had been unable to attend the Chamber of Commerce and the Library Board meetings.

She stated that the Planning Board meeting had been cancelled.

**Councilwoman Ann Subrizi**

Board of Education, Historic New Bridge Landing, Public Events

Councilwoman Subrizi reported that Governor Corzine had passed legislation which will give the Historic New Bridge Landing Park Commission more autonomy over their budget and that he will be signing the bill at Historic New Bridge Landing at some future date. She stated that she will notify the Mayor and Council with as much notice as possible in advance of the signing.

Councilwoman Subrizi reported that Public Events is preparing for the Memorial Day Parade on May 25<sup>th</sup> and stated that Tom Maggi has been named as the Grand Marshall.

Councilwoman Subrizi reported that the Board of Education has just elected three new members. She thanked the three exiting members for their nine years of service. She stated that the Board will be reconvening their search for the new superintendent.

**Councilman Michael Putrino**

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

Councilman Putrino reported on the April 17<sup>th</sup> meeting of the Historic Preservation Committee. He stated that the Peetsburg banners have been printed and that they are working with PSE&G to determine the pole locations. In addition, the Commission is preparing for the town's June birthday celebration. The next meeting is scheduled for May 5<sup>th</sup>.

Councilman Putrino reported on the Fire Department meeting of April 20<sup>th</sup>. The Fire Department will be meeting with Capital Alternatives to discuss grant opportunities and they continue to work on integrating their website with the Borough's. The next meeting is scheduled for May 18<sup>th</sup>.

Councilman Putrino reported on the Shade Tree Commission meeting of April 16<sup>th</sup>. He clarified that the Commission handed out approximately 200 small trees, with some being planted in the tree nursery and the remainder being turned over to Perrone Farms for anyone who would like to obtain one. The next meeting is scheduled for May 21<sup>st</sup>.

Councilman Putrino summarized the Garbage and Recycling activity for the previous month.

**Mayor Frank DeBari**  
Community Development

Mayor DeBari reported that the signs for the Elm Street Bridge area have been ordered and will be installed upon receipt.

Councilwoman Duffie asked if the Mayor had any news on the bridge. The Mayor responded that he has heard nothing new from either the County or the Borough of Oradell.

**OLD BUSINESS:**

**ADOPT ORDINANCE 2009:04**

BOND ORDINANCE TO AUTHORIZE THE IMPROVEMENT OF BOULEVARD (SECTION 5) IN, BY AND FOR THE BOROUGH OF NEW MILFORD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$200,000 TO PAY THE COST THEREOF, 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.

Council President DeLucia 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.

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

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

**ADOPT ORDINANCE 2009:05**

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$477,000 TO PAY THE COST AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY IN, BY AND FOR THE BOROUGH OF NEW MILFORD, IN THE COUNTY THEREOF, TO APPROPRIATE BOROUGH OPEN SPACE TRUST FUND MONEYS AND A COUNTY GRANT, 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.

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

**NEW BUSINESS:**

**INTRODUCE ORDINANCE #2009:07**

BOND ORDINANCE TO AUTHORIZE SANITARY SEWER REHABILITATION IN THE VICINITY OF REICHEL ROAD, FALLER DRIVE AND BERKLEY STREET IN, BY AND FOR THE BOROUGH OF NEW MILFORD, IN THE COUNTY OF BERGEN, NEW JERSEY, TO APPROPRIATE THE SUM OF \$135,000 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.

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

The ordinance will be published in the Ridgewood News and a public hearing will be held on May 27, 2009 at 8:30 PM.

**INTRODUCE ORDINANCE #2009:08**

AN ORDINANCE TO AMEND CHAPTER XXX OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "LAND USE REGULATIONS," THEREBY AMENDING SECTION 30-3.2(g) ENTITLED "PROFESSIONAL FEES: SPECIAL MEETING"

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

The ordinance will be published in the Ridgewood News and a public hearing will be held on May 27, 2009 at 8:30 PM.

**INTRODUCE ORDINANCE #2009:09**

AN ORDINANCE AMENDING CHAPTER XXX SECTION 30-28.16 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ESTABLISHING STANDARDS FOR TEMPORARY STRUCTURES AS HEREIN DEFINED.

Councilwoman Duffie 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 Ridgewood News and a public hearing will be held on May 27, 2009 at 8:30 PM.

**INTRODUCE ORDINANCE #2009:10**

AN ORDINANCE REPEALING CHAPTER XVIII, SECTION 7 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD, AND REPLACING IT IN ITS ENTIRETY, ESTABLISHING PROCEDURES FOR THE PLACEMENT OF PORTABLE STORAGE CONTAINERS, AND SIMILAR STRUCTURES IN RESIDENTIAL ZONES.

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

The ordinance will be published in the Ridgewood News and a public hearing will be held on May 27, 2009 at 8:30 PM.

**RESOLUTIONS:**

The Mayor announced that resolution #2009:121 would be pulled from the consent agenda for a separate vote.

- 2009:108 Closed Session
- 2009:109 Payment of Bills and Vouchers
- 2009:110 Authorize Councilwoman Subrizi as Agent for Sustainable New Jersey Municipal Certification
- 2009:111 Affirm Non-Support of Ratification of Revision to the Bylaws of the Bergen County Municipal Joint Insurance Fund
- 2009:112 Authorize application to New Jersey Department of Transportation for funding under the Transportation Enhancement Program for River Road Streetscape (Phase 4)
- 2009:113 Authorize Capital Alternatives to prepare, assemble and submit application to New Jersey Trust Fund Authority for River Road Streetscape (Phase 4)
- 2009:114 Authorize Introduction of Bond Ordinance #2009:07 for Sanitary Sewer Rehabilitation
- 2009:115 Authorize Constitution of the 2009 Temporary Capital Budget to include Sanitary Sewer Rehabilitation
- 2009:116 Confirm Endorsement of the Art Center of Northern New Jersey application for Community Development Funding
- 2009:117 Authorize Mayor to sign Professional Services Agreement with County of Bergen for Employee Assistance Program
- 2009:118 Authorize Mayor to sign Lease Agreement with Gaelic Communications, LLC for Wireless Communication Tower at the New Milford DPW Yard
- 2009:119 Approve 2009 – 2011 Collective Bargaining Agreement with New Milford White Collar Employees of Local 108 (R.W.D.S.U. AFL-CIO)
- 2009:120 Approve Amendments to 2009 Temporary Budget
- 2009:121 Authorize Additional Allocation to Kauker and Kauker, LLC for assistance with COAH's review and approval of the Borough's Petition for Third Round Substantive Certification

## **COMMENTS FROM THE PUBLIC**

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

Mr. James Shaloub, 239 Woodland Road, came forward to address the Council. Mr. Shaloub stated that his neighbors leave their dogs out all day long and that the dogs bark continually. He said that he has spoken to the neighbors and to the Police and the problem persists. The Mayor commented on the Borough's ordinance with regard to noise and asked Councilman Zeilner to check with the Police Department to see if there is anything specific to the matter of dog barking. Councilwoman Subrizi suggested that the ASPCA should be contacted. Mr. Shaloub stated that they had been and their only comment was that the neighbor needs to get a doghouse.

Ms. Hedy Grant, 175 Boulevard, came forward to address the Council. Ms. Grant commented that President Bush's picture had yet to be replaced with a picture of President Obama.

Mr. John Foley, 254 Stevens Court, came forward to address the Council. Mr. Foley asked for the status of the letters to homeowner's asking for permission to access the Hirschfeld Brook through their property. He was advised that the letter was being reviewed by the Borough Attorney and that they should be going out within ten days.

Mr. Foley commented on the need to have the County come in to clean the Brook in the area of Neumaier again. He suggested that it should be scheduled for cleaning at least once per year. The Mayor stated that he had spoken with a representative of the County Mosquito Commission and that all that is required to get it scheduled is a call from the Borough's DPW Superintendent. The Administrator will have him contact the Mosquito Commission.

Mr. Foley asked if any federal stimulus money may be available for the Hirschfeld Brook project. The Mayor responded that he is not aware of any stimulus money being made available for these types of projects.

As there were no further comments from the public, the meeting was closed on a motion from Councilman Bachmann. Council President DeLucia seconded the motion. All present in favor, none opposed.

### **VOTE ON RESOLUTIONS**

Councilman Putrino made a motion to approve resolutions #2009:108 through #2009:120. Councilman Bachmann seconded the motion. All present in favor, none opposed.

Councilman Putrino made a motion to approve resolution #2009:121. Councilwoman Duffie seconded the motion. The motion passed on a roll call vote as follows:

For the motion: Zeilner, Duffie, DeLucia, Putrino

Against the motion: Bachmann, Subrizi

Abstain: None

### **ADJOURNMENT**

Council President DeLucia made a motion to adjourn. Councilwoman Duffie seconded the motion. All present in favor, none opposed. Time 9:24 PM.

Respectfully submitted,



Christine Demiris  
Borough Clerk