

**MINUTES**  
**BOROUGH OF NEW MILFORD**  
**7:00 PM WORK SESSION**  
**OPEN SESSION immediately following**  
**8:30 PM PUBLIC MEETING**  
**Monday, May 24, 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	Absent (business)
Mayor Frank DeBari	Present (7:28)

Also present: Tom Sarlo, Prosecutor for S. G. Moscaritolo, Borough Attorney (7:30); Christine Demiris, Administrator/Clerk

Councilwoman Subrizi read the Open Public Meeting and Mission Statements.

**OPEN SESSION:**

The Administrator reminded the Council that they must decide whether or not to allow St. Matthew's Church to use the Borough Hall parking lot on September 18<sup>th</sup> to distribute maps for the town wide garage sale. Councilwoman Subrizi noted the Borough typically allows the Jewish Center to do so. The Council agreed to allow the use of the parking lot.

The Administrator advised there is a resolution on tonight's agenda to approve the solid waste service agreement with the BCUA. She reported the Borough used to pay \$82.00 per ton, the new contract is \$67.50 per ton; reflecting an approximate savings of \$15.00 per ton. The Administrator noted the BCUA awarded the contract to a different contractor and Waste Management has contested the award; if the court agrees, the Borough would have the option to opt out of the agreement with the BCUA or to continue the BCUA contract with Waste Management. Councilwoman Subrizi questioned if the budget would be affected; it would be beneficial to the taxpayers if the budget can be reduced in any way. The Administrator will confirm with Mary Ann Perrone, the amount budgeted in the garbage dumping line.

The Administrator noted the homeowner of 455 W. Park Drive sent further correspondence regarding the water drainage onto the street from his property, due in part to runoff from the neighbor's property. She noted this is not what she had witnessed on her visit to the property; she read the recent memo from Jill Scarpa, Health Inspector regarding the issue. The Council discussed the matter again and reiterated there is no further action required on the Borough's part. Councilman Bachmann stated if this is the homeowner's defense, he can make it in Municipal Court.

The Administrator advised the Council of a recent email that suggested honoring returning veterans on the lawn sign and asked if the Council had any objections to the idea. Councilwoman Subrizi stated she could be the contact person on behalf of the Public Events Committee via the website. In doing so all the names could be collected and honored at the next Memorial Day Parade Ceremony.

Councilwoman Duffie referenced the tax appeal memo from the Tax Assessor and noted Councilwoman Subrizi had questioned if the amount was reflected in the budget. Councilwoman Subrizi spoke with the CFO and was advised the \$91,000 will be reflected at the end of the year in reserve for uncollected taxes; if that amount is not enough to cover, then the Borough would need to go into surplus.

The Administrator advised she has the affidavit for the audit for the Council to sign and reminded them it only acknowledges they have read the general comments provided. Councilwoman Subrizi requested the Administrator speak with the CFO and ask why recurring problems continue to come up.

Councilman Berner noted some members of the senior community commented at a Senior Advisory Board meeting that during the defeated school budget meetings some were made to feel that the senior citizens have a reputation of being takers rather than givers. They suggested the senior volunteers be recognized, possibly at a Council meeting. Councilwoman Duffie believes it is a good idea, however all our volunteers should be recognized, not just one group. Councilman Bachmann questioned how much the volunteer dinner cost the Borough; the Administrator stated it cost approximately \$1,000. Councilman Zeilner suggested possibly bringing back the dinner once things turn around. Councilwoman Subrizi stated the dinner was always paid out of the Public Events budget; and advised there is not enough budgeted this year. Councilman Zeilner highlighted the fact during the budget preparation; the seniors are normally the last to be cut, because the Council does appreciate them. They may feel they go unrecognized, but usually their full budget is approved. Councilwoman Duffie suggested certificates could be presented to all volunteers at a Council meeting; the Administrator added a small reception could be held in conjunction with said meeting. Councilwoman Duffie asked if there is a National Volunteer Week; possibly the acknowledgement can coincide with that. The Administrator will research that option and report back.

Councilman Bachmann advised there are two new members of the Drug Alliance; Denise and Joe Erba. He noted the Alliance requests Mayor DeBari to appoint both.

Councilman Bachmann questioned on behalf of the Recreation Commission when construction on the Sutton Place tennis courts will begin. The Administrator advised the plans are underway; however the Borough has not gone out to bid yet. Councilman Bachmann questioned if Recreation can use Warren Street Park; the Administrator responded affirmatively.

Councilman Bachmann questioned why the auditor is paid to review LOSAP; the Administrator advised it is required to have LOSAP audited. He asked why recycling would purchase pens, pencils and key chains; the Administrator advised it is part of the welcome packets and is taken from the clean community fund.

Councilman Zeilner asked if the budget placemat was sent to the departments; the Administrator advised she has not yet received it. Councilwoman Subrizi advised she will send it immediately to

the Administrator and CFO. The Administrator will send a memo along with the placemat to all departments advising them this is their budget as introduced; it may change but will not increase.

Mayor DeBari asked when the estimated tax bills will be mailed; the Administrator will confirm with the Tax Collector and advise.

Councilman Berner questioned if Ferretti Carting has the resources to handle the workload. Mayor DeBari stated that was the reason the Borough signed a one year contract; to be sure he could handle the job.

**CLOSED SESSION:**

Councilman Berner made a motion to go into closed session. The motion was seconded by Councilwoman Duffie. All present in favor none opposed.

1. Collective Bargaining – PBA Arbitration Interpretation

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

Councilwoman Duffie made a motion to reconvene in Council Chambers. Councilman Bachmann seconded the motion. All present in favor none opposed.

**PUBLIC 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	Absent (business)
Mayor Frank DeBari	Present

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.

Council Zeilner made a motion to approve the minutes from the January 25, 2010 Public Session. The motion was seconded by Councilman Bachmann. All present in favor none opposed.

**PRESENTATION:                    BOSWELL ENGINEERING – HENLEY PARK & RIDE**

Margita Batistic, Borough Engineer summarized the proposed plan. She highlighted the resurfacing of the existing paved area, striping, as well as installing sidewalks to connect to the developed portion of Columbia Street and up to River Road.

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

Pepi Andres, 647 Columbia Street came forward to address the Council. Mr. Andres asked if any parking is proposed on Columbia Street. Ms. Batistic advised no parking has been proposed; only the addition of a walkway and lighting on Columbia Street. Mr. Andres asked if Columbia Street residents will see any tax benefits from the project; Mayor DeBari noted there would be no tax benefit, this was a grant from the Department of Transportation for Park and Rides and Columbia Street was the only street that is close to the train and bus stations. Mr. Andres asked if the potholes would be repaired; Mayor DeBari noted this grant does not cover paving Columbia Street. Mr. Andres stated that he bought his home because it was a dead end street; this project will reduce the value of his property. Ms. Batistic advised this project does not affect the fact that it is a dead end street, the street will remain as such.

Luis Viant, 625 Columbia Street came forward to address the Council. Mr. Viant noted just because the Borough received a grant for a project, it does not mean it must proceed; the Columbia Street residents do not benefit and he noted users will be trespassing down his street. Mayor DeBari corrected Mr. Viant's statement, noting it is not trespassing as it is a public street. Mayor DeBari further noted the Council has discussed a project such as this for over ten years because New Milford residents have to go into a lottery and pay to park in River Edge and Hackensack. Mr. Viant confirmed anyone can park in the lot; Mayor DeBari advised him yes. Mr. Viant noted some residents on Columbia do not have sidewalks.

Mayor DeBari noted this is the first project the Council has brought before the public for feedback before proceeding.

Ms. Batistic informed the residents that any missing sections of sidewalk will be installed.

Mr. Viant advised there is already enough vehicular traffic on the street due to commuter pick-up; he cannot enter his own street at times. Mayor DeBari noted the Borough could restrict parking; however that will affect the residents as well. Mr. Viant noted those signs are already there and he has notified the police. Councilwoman Subrizi stated maybe the additional parking will lessen the crowding. Mayor DeBari suggested painting the corner curb yellow to prevent parking.

Mr. Viant questioned why now; the Administrator advised the application was made in 2008. Mayor DeBari noted the State requires the parking to be open to all commuters only for the first year; after that it may be limited to New Milford residents only.

Councilman Bachmann suggested making it a no drop off/pickup zone; essentially making it better for the residents. Mr. Viant agreed that would be an improvement as long as the car traffic issue is resolved.

Councilwoman Duffie stated perhaps Henley Avenue can become the pickup area.

Councilman Zeilner noted the additional spots may alleviate some of the congestion naturally.

Councilman Berner noted he works in an industrial area with a nearby school; there is a gate on a one-way street that is opened from 11:30 am – 2 pm to allow access to town. Is it possible to make Columbia Street one-way during commuter hours, by paving the unimproved portion and opening the gate during that time only? Councilman Zeilner and Councilwoman Subrizi agreed there would be many more comments from Columbia Street residents if it is made one-way.

Councilman Bachmann asked how many lights are proposed; Ms. Batistic noted five.

Councilman Berner questioned if there is sufficient light for safety for travel; Ms. Batistic noted there is enough lighting.

Mayor DeBari thanked the residents for coming forward and requested they let the Borough know of anything else moving forward.

Gus Bachmann, 258 Stevens Court came forward to address the Council. Mr. Bachmann questioned if the grant completely covers the costs involved; the Administrator advised it is fully funded. Mr. Bachmann questioned if there are any oversights or flaws in the design, will the taxpayers be responsible to pay for it. Ms. Batistic explained only road resurfacing, sidewalks and lighting is being done at this location; the Administrator advised the grant is in conjunction with the Main Street paving project. Councilwoman Duffie questioned if the additional sidewalks are included in the grant; Ms. Batistic advised it would fall into the estimate. Mr. Bachmann questioned who is responsible for repair of the newly installed sidewalks; Mayor DeBari advised it would become the homeowner's responsibility once the project is complete.

John Foley, 254 Stevens Court came forward to address the Council. Mr. Foley questioned if the permits were in a flood zone. Ms. Batistic advised the plans were sent to the DEP, however it is considered permit by rule, the Borough is not changing the grade and not adding streets.

As there were no further comments from the public on this matter, Councilwoman Subrizi made a motion to close the meeting to the public. Councilman Bachmann seconded the motion. All present in favor none opposed.

**APPOINTMENTS:**                    **DAVID GERITY – JR. FIRE DEPT.**  
   **DENISE ERBA – DRUG ALLIANCE**  
   **JOSEPH ERBA – DRUG ALLIANCE**

Councilman Bachmann made a motion to appoint David Gerity to the Junior Fire Department. Councilman Zeilner seconded the motion. All present in favor, none opposed.

Councilman Bachmann made a motion to appoint Denise and Joseph Erba to the Drug Alliance. 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 Buildings and Grounds is currently working on capital projects.

Councilman Zeilner was unable to attend the Environmental Commission and Police Auxiliary meetings. However he noted the Environmental Commission purchased 396 trees for Arbor Day; they distributed 78 to residents and will give the remainder to the elementary kindergarten classes.

Councilman Zeilner summarized the police calls for the previous month.

Councilman Zeilner reported the DPW is performing basic maintenance throughout the Borough. He read two letters into the record, both commending the DPW for their hard work.

**Councilman Keith Bachmann**

Ambulance Corps, Drug Alliance, Recreation

Councilman Bachmann attended the Ambulance Corps meeting on May 17<sup>th</sup>; at which time they held sensitivity training. He happily reported they have had five or six new members since the beginning of the year.

Councilman Bachmann attended the Recreation Commission meeting on May 19<sup>th</sup>, and advised they are reviewing the summer recreation program and salaried positions. The meeting on May 5<sup>th</sup> was adjourned due to no quorum. He noted there are still two vacancies on the Commission.

Councilman Bachmann attended the Drug alliance meeting on May 20<sup>th</sup>. They had a movie night on May 14<sup>th</sup> for fifth and sixth graders in the High School auditorium. The Fishing Derby is scheduled for June 19<sup>th</sup> at Hardcastle Pond.

**Councilwoman Randi Duffie**

Library Board, Planning Board, Rent Leveling/Tenants Association

Councilwoman Duffie was unable to attend the Rent Leveling Board on May 13<sup>th</sup>, as it conflicted with the meeting between the Council and Board of Education. She noted they continue to review the ordinance and will meet again on June 3<sup>rd</sup>.

Councilwoman Duffie attended the Planning Board meeting on May 18<sup>th</sup> to review the Master Plan. A draft has been sent to the County Planning Board as well as surrounding towns. The May 25<sup>th</sup> meeting is adjourned; the Board will meet in June after said copies are verified as received from those Boards.

Councilwoman Duffie attended the flag service at the Elks Club on May 16<sup>th</sup>, and noted it was an enjoyable service which she recommended highly.

Councilwoman Duffie commended the Mayor and Council on how it conducted itself with the difficult task with the Board of Education budget meetings.

**Councilman Howard Berner**

Chamber of Commerce, Health & Human Services, Senior Advisory

Councilman Berner attended the Board of Health meeting on May 5<sup>th</sup> and reported the H1N1 and seasonal flu season is over. Sam Yanovich, Health Officer is researching new vaccines. Councilman Berner summarized the Health Department reports from the previous month.

Councilman Berner attended the Senior Advisory Board meeting on May 20<sup>th</sup>, the same day as the spring fling luncheon at Woodcrest Center. The Senior Center will host an international buffet on

June 24<sup>th</sup>. He noted the lecture series continues. He read comments from a County representative who attended the center on a Saturday morning into the record; all comments were very positive.

Councilman Berner will attend the Chamber of Commerce breakfast on May 26<sup>th</sup>; there was no meeting last month in lieu of the network gathering.

**Councilwoman Ann Subrizi**

Board of Education, Historic New Bridge Landing, Public Events

Councilwoman Subrizi will attend the June 3<sup>rd</sup> meeting of the Historic New Bridge Landing Park Commission; she has been unable to attend the past two meetings. She did report the fence is down around the junkyard and 99% of the saw shop has been removed.

Councilwoman Subrizi reported the Public Events Committee finalized the plans for the Memorial Day Parade and she thanked Darlene Minko for her hard work.

Councilwoman Subrizi reported the Board of Education passed a resolution on May 17<sup>th</sup> to accept the amount recommended by the Mayor and Council to cut from the school budget. She advised the total amount cut was \$126,000. The Board of Education will now meet on the first and third Wednesdays to coordinate with the Council meetings on the second and fourth Wednesdays. She reviewed the minutes from the May 17<sup>th</sup> Board of Education meeting; the next two meetings are June 7<sup>th</sup> and June 21<sup>st</sup>. On Friday, June 11<sup>th</sup> there will be a barbecue at the High School from 4-6pm.

**Council President Michael Putrino**

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

Absent – No report.

**Mayor Frank DeBari**

Community Development

No report.

**OLD BUSINESS:**

**ADOPT ORDINANCE #2010: 09**

AN ORDINANCE TO AMEND CHAPTER XVIII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "STREETS AND SIDEWALKS" THEREBY AMENDING SUBSECTION 18-4.6 ENTITLED "CONSTRUCTION OF DRIVEWAYS"

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

As there were no comments from the public, Councilman Bachmann 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.

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

### **ADOPT ORDINANCE 2010:10**

AN ORDINANCE TO AMEND CHAPTER X OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "BUILDING AND HOUSING" TO INCLUDE PART XVI, "SUBMISSION REQUIREMENTS FOR CONSTRUCTION OF RESIDENTIAL BUILDINGS."

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

Jody Siefert, Bulger Avenue came forward to address the Council. Ms. Siefert questioned if the two houses on Ridge Street fall into this category. Councilwoman Subrizi noted they are not required to conform to this ordinance; however she noted they fall within height restrictions. Councilwoman Duffie advised the intent of the ordinance is to make contractors and/or homeowners adhere to the specifications.

Nick D'Amelio, 349 Trench Drive came forward to address the Council. Mr. D'Amelio noted a Certificate of Occupancy cannot be issued before the final inspection.

As there were no further comments from the public, Councilman Bachmann 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 Bachmann seconded the motion. The motion passed on a roll call. All present in favor, none opposed.

### **RESOLUTIONS:**

- 2010:125A Closed Session
- 2010:126 Payment of Bills and Vouchers
- 2010:127 Approve amendments to 2010 Temporary Budget
- 2010:128 Authorize Tax Collector to Prepare and Mail Estimated Tax Bills
- 2010:129 Authorize Mayor to Sign Agreement with County of Bergen – 2010-2012 Snow Plowing Program
- 2010:130 Authorize Mayor to Sign Solid Waste Service Agreement with Bergen County Utilities Authority
- 2010:131 Acknowledge receipt and review of the 2009 Municipal Audit
- 2010:132 Award One-Year Contract for the Collection, Removal and Disposal of Recycling Materials from the Apartment Complexes and New Milford High School and the David E. Owens Middle School to Ferretti Carting, Inc.

## 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.

Nick D'Amelio, 349 Trench Drive came forward to address the Council. Mr. D'Amelio noted he was away when the Board of Education budget conclusion came. He noted a bit of disappointment, but overall he felt the Mayor and Council did an outstanding job. The time constraints brought about by the State, made it very difficult for review. Mr. D'Amelio noted he read an article which stated Ms. Keshishian, a math teacher, is on leave from New Milford High School system to work for the NJEA. Is she supposed to reimburse for her health coverage? Councilwoman Subrizi noted the teacher's union is fully responsible for her salary; not the New Milford Board of Education. However, she is not aware of who pays her health benefits. Councilwoman Subrizi will check with the Board of Education at the next meeting and report back. Mr. D'Amelio felt there was an adversarial relationship between the Board of Education and the Mayor and Council; the Board of Education did not put all their cards on the table and certainly did not volunteer any information.

John Foley, 254 Steven Court came forward to address the Council. Mr. Foley requested an update on the Hirschfield Brook Mitigation. The Administrator advised the Borough does not have permits yet; Boswell has had additional meetings with the DEP. Mayor DeBari advised the Borough is trying and is committed to the project; however they are having difficulty with the DEP.

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

## VOTE ON RESOLUTIONS

Councilman Subrizi made a motion to approve the consent agenda consisting of resolutions 2010:125A through 2010:132. Councilman Zeilner seconded the motion. All present in favor none opposed.

## ADJOURNMENT

As there was no further business before the Council, Councilman Zeilner made a motion to adjourn. Councilman Berner seconded the motion. All present in favor, none opposed. Time 9:57 pm.

Respectfully submitted,



Colleen Naumov  
Deputy Borough Clerk