

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



**WORK 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: S. G. Moscaritolo, Borough Attorney; Christine Demiris, Administrator/Clerk

Mayor DeBari read the Open Public Meeting and Mission Statements.

**OPEN SESSION**

1. Tri-Borough Solid Waste and Recycle Feasibility Study – Robb Willis, AVR Resource Group, Inc.

Mr. Willis explained that the study was completed through a grant that was awarded to the Boroughs of New Milford, River Edge, and Oradell almost four years ago. He stated that the grant requested three tasks: first a centralized trash, solid waste, and recycle program; second a decentralized program spread out over the three municipalities; and third optimization of the current waste collection.

AVR found the first two options to be cumbersome and not feasible. The first would require five acres of land and would entail zoning issues; the second would be extremely difficult from a management perspective. Mr. Willis outlined the specific study findings for each of the options, providing information on the required manpower and budget for each. For all three options, automated front loading trucks prove to be most cost efficient. He noted however that the efficiencies would be lost if one municipality, the size of New Milford, were to take on the upfront costs of purchasing the vehicles, etc. He suggested that through a joint purchasing agreement, with a number of municipalities – more than just two or three – a 30% savings could be realized.

Councilman Bachmann asked why a front loader is twice as efficient as the rear loader. Mr. Willis stated that the front loader takes one-half the time as the rear loader to pick up the same amount of trash.

Council President DeLucia asked how bulk items would be handled. Mr. Willis responded that most bulk items can be picked up, but that certain unusual items would be radioed in for a separate pick-up.

Councilwoman Subrizi asked about hazardous materials. Mr. Willis stated that the driver has a full view of what is being dumped and would be able to pull out a can of paint or a computer monitor. Mr. Willis added that the DVD supplied to the Council addresses both bulk items and hazardous materials.

Councilwoman Duffie asked about the need for more than three municipalities to participate in order for efficiencies to be realized. Mr. Willis responded that it would require 20,000 – 25,000 residential units in order for it to work most efficiently. It was suggested that other member towns of the Riverside Cooperative may be interested in participating in a joint purchasing agreement.

With regard to the apartment reimbursements, Mr. Willis suggested that by picking up their trash we could eliminate the reimbursement and save money. Councilwoman Subrizi asked how this would be a cost savings. Mr. Willis explained that the apartments are paying as if the dumpsters are full one-hundred percent of the time. He said based upon the information he reviewed, he believes that those dumpsters are only half full upon pick-up. He added that they are paying approximately \$17 per unit per month and the town could do it for about \$8.

The Mayor asked what the next steps would be for the town. Mr. Willis suggested that one municipality needs take the lead and discuss the idea with other potential member towns. He offered to meet with the group to layout what steps would be necessary start to finish at no obligation to the towns.

## 2. No Parking Recommendation – Madison Avenue (emailed 5/20/09)

The Administrator referenced the memo from Sgt. Jones. The Mayor asked how this is any different than any of the other locations where buses idle for fifteen minutes at a time. He noted the state law that prohibits vehicles, with the exception of emergency vehicles, from idling for more than three minutes at a time.

Council President DeLucia stated that the curbing and sidewalk, as presently installed, is counter to the recommendation of the Planning Board. Councilwoman Duffie stated her recollection that the sidewalks and curbing were required by the County.

The Mayor suggested that the Council is entertaining a no parking ordinance for this particular location when the problem exists throughout town. It was noted that it was identified as a safety issue on Madison Avenue and the question was raised as the Council's responsibility if they were to choose not to act. The Borough Attorney stated that the standard is whether or not the Council's decision to not act would be considered palpably unreasonable. If so, the Borough would be liable.

Chief Papapietro concurred that similar situations exist at all of the strip malls in town and suggested that not enough information has been supplied to ascertain the safety issues.

Council President DeLucia asked why the idling law is not being enforced. The Chief responded that it was addressed with a similar situation on another street and it was determined that there is a DEP regulation that permits idling for up to ten minutes.

Councilwoman Subrizi stated that bus idling is a separate issue from the parking issue that has been raised. She said that the Council should pass the ordinance as recommended by Sgt. Jones, noting that it could be reversed at a later date.

The Council agreed that more attention should be paid to the idling issue. The Chief will review the DEP regulations and advise the Council.

Council President DeLucia made a motion to introduce an ordinance to add this section of Madison Avenue to the existing "No Parking" Ordinance. Councilwoman Subrizi seconded the motion. All present in favor, none opposed. It will first be confirmed that this is not already part of the ordinance and if not, it will be prepared for introduction in June.

### 3. No Parking Signs – James, Elizabeth, Lafayette, Concors, Williams

The Mayor reported on his discussion with the County Engineer, who advised that alternate side of the street parking needs to alternate at midnight. He suggested removing the time from the sign, leaving just no parking odd/even and it would be understood that it would change at midnight. A second suggestion: no parking 7AM to midnight odd/even, however there would be a "grey" area between midnight and 7 AM, in addition to a problem during those periods when overnight parking restrictions are waived. This would also undermine the purpose of the ordinance, which is to make it possible for emergency vehicles to access the area.

The Administrator stated that Chief Papapietro continues to recommend prohibiting parking on one side of each of these streets. She noted however that if the Council prefers to maintain the alternate side of the street scenario another suggestion would be to limit parking to one side of the street Sunday 8PM through Thursday 8AM and to the other side of the street Thursday 8AM through Sunday 8PM.

Councilman Zeilner asked if this suggestion would work for the Chief. He responded "if it has to" but continued to maintain that the best suggestion would be to limit parking to one side of the street permanently.

Councilman Bachmann suggested alternating parking on an odd/even basis by year.

Councilwoman Duffie, Councilwoman Subrizi, and Councilman Bachmann agreed with the Chief to limit parking to one side of the street on a permanent basis. Councilman Zeilner and Council President DeLucia disagree with that suggestion. Councilman Putrino abstained from the decision. Based upon the majority, the ordinance will be

revised to prohibit parking on one side of the street on a permanent basis. It will be prohibited on the side of the street with the fire hydrants. The Administrator will ask the Police Department to confirm which side of each street will have the prohibition. The ordinance will be prepared for reintroduction at the June meeting.

4. 2009 Capital Budget (emailed 5/20/09)

The Council agreed to table the discussion of the 2009 Capital Budget until the June 8<sup>th</sup> work session.

Councilman Putrino asked the Administrator to distribute copies of the e-Revival contract to the Council and to list it for discussion on the June 8<sup>th</sup> agenda.

The Administrator reported that she had received confirmation of receipt of the Hirschfeld Flood Mitigation consent forms from 11 of the 12 homeowners and had received consent from 7 of 12 homeowners.

The Administrator referenced the request from the Fire Department to close recycling yard on Saturday, August 8<sup>th</sup> for the Wet Down. The Council concurred; the closure will be posted on the lawn sign, the website, and in New Milford Nuggets.

The Administrator referenced the invitation from the Historic Commission for the New Milford Birthday Party at the Garden Café on June 7<sup>th</sup>. She asked that the Council RSVP to Marlene Casey.

The Administrator stated that she had been informed by the Recreation Director that he was advised by the Finance Committee that his Capital Request for an \$18,000 lawn mower would be approved and that the funds would be available in May. She advised the Council that she informed the Recreation Director that the capital budget is generally not approved until August. Based upon the cost of \$180 to mow the field each time, it will cost \$2,160 for the next twelve weeks. The Administrator asked for confirmation that the expense had in fact been approved, and if so, if there was a way that it could be funded prior to the adoption of the capital budget. The Mayor said that the Council will discuss it on June 8<sup>th</sup> and will then advise the Recreation Director.

The Administrator referenced the BCUA Notice of Municipal Requirement Violation received that day. The Borough Attorney will review the Notice and respond.

The Administrator reported that she had approved a request from the Girl Scouts for permission to use the gazebo on Sunday, June 7<sup>th</sup> for a bridging ceremony. She noted that a valid Certificate of Insurance is on file.

Councilman Putrino asked if the damage to the Borough Hall basement was reimbursable through insurance. He was advised that everything with the exception of the Borough's \$1,000 deductible would be reimbursed.

Councilman Putrino requested a photocopy of the detail from the Xtel long distance bill.

Council President DeLucia referenced resolution #2009:135 and asked if the veteran's exemption being paid from the date the assessor was notified is consistent with past practice. She was advised that it was.

Council President DeLucia referenced resolution #2009:136 and suggested that the obsolete equipment should be listed specifically in the resolution.

The Administrator stated that resolution #2009:141 was being added to authorize the Mayor to sign the application for the DEP permit for the Hirschfeld Brook Flood Mitigation. She stated that it had only been received that day, but that it needed to be executed as soon as possible.

Councilwoman Subrizi asked to have a copy of resolution #2009:141 once it had been drafted.

**CLOSED SESSION**

The record reflects that no Closed Session took place.

Council President DeLucia made a motion to reconvene in the Council Chambers. Councilman Zeilner seconded the motion. All present in favor, none opposed.

**PUBLIC SESSION** (Actual Start 8:47 PM)

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: S. G. Moscaritolo, Borough Attorney; Christine Demiris, Administrator/Clerk

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 Putrino made a motion to approve the minutes from the December 15, 2008 Public Session and the April 13, 2009 Work Session. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

**PRESENTATION OATH OF OFFICE**

**POLICE AUXILIARY: SHANT TASHJIAN  
CARLOS MORALES  
DANIEL PEGUERO**

**POLICE DEPT. CIVILIAN AWARDS: JO ANN FALCONE  
JANET OBERLIK  
CYNTHIA SHERLOCK**

## PROCLAMATIONS

## MYASTHENIA GRAVIS FOUNDATION MONTH SCLERODERMA AWARENESS MONTH

### COUNCIL COMMITTEE REPORTS

#### **Councilman Arthur Zeilner**

Building and Grounds, Environmental, Police/Police Aux., Public Works

Councilman Zeilner stated that he had been ill and was therefore unable to attend the recent meetings of the Police Auxiliary and the Environmental Commission. Referencing minutes from the Environmental Commission meeting, he noted that the Commission is undertaking a battery recycling program in conjunction with the Board of Education and the private schools in town.

Councilman Zeilner thanked the Department of Public Works and the Police Department for all of their work in support of the Memorial Day Parade.

Councilman Zeilner reported that the DPW is continuing with routine maintenance: sewers, catch basins, trees, signs. He summarized the calls for the Police Department for the previous month. He reported that Buildings and Grounds activities involved routine maintenance and repairs throughout the Borough buildings.

#### **Councilman Keith Bachmann**

Ambulance Corps, Drug Alliance, Recreation

Councilman Bachmann reported that he was unable to attend the Ambulance Corps meeting of May 18<sup>th</sup>; he noted that he had spoken with one of the officers and was told that there was nothing to report.

Councilman Bachmann stated that the Recreation Commission had met on May 6<sup>th</sup> and May 20<sup>th</sup> and that he had attended the meeting on May 20<sup>th</sup>. He noted that the Recreation building is scheduled to be repainted.

Councilman Bachmann stated that the Drug Alliance had met on May 21<sup>st</sup> at which time plans for the Fishing Derby, scheduled for June 13<sup>th</sup>, were finalized. Councilman Bachmann additionally reported that the Drug Alliance, in conjunction with the Police, Board of Education and municipal emergency service organizations is planning a mock DWI accident reenactment at the High School on June 5<sup>th</sup>.

#### **Councilwoman Randi Duffie**

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

Councilwoman Duffie reported that the Rent Leveling Board did not meet during the previous month, but noted the addition of a new member, Ira Grotzky.

Councilwoman Duffie stated that she had been unable to attend the Senior Advisory Board meeting.

Councilwoman Duffie noted her attendance at the Board of Health meeting, summarizing the vital statistics for the month and reporting on the five year inspection cycle of the apartments. She noted that swine flu awareness was also discussed and that the Health Department is following the directives of county and state.

**Council President Tina DeLucia**

Chamber of Commerce, Planning Board, Library Board

Council President DeLucia reported on the May 20<sup>th</sup> meeting of the Chamber of Commerce at which the Captain of the New Milford Police Auxiliary, Andy Boehle, was the guest speaker.

Council President DeLucia stated that the Planning Board has no current applications and therefore did not meet.

Council President DeLucia reported on the May 21<sup>st</sup> meeting of the Library Board. She stated that Sunday hours would be discontinued through the end of September, noting however that they are considering Saturday morning hours for six Saturdays throughout the summer. Council President DeLucia referenced a June 14<sup>th</sup> BCCLS event scheduled to take place at the Paramus Library.

**Councilwoman Ann Subrizi**

Board of Education, Historic New Bridge Landing, Public Events

Councilwoman Subrizi stated that she had no report from the Historic New Bridge Landing Parks Commission.

Councilwoman Subrizi reported on a number of items recently reported in the Board of Education minutes including the passage of the 2009–2010 school budget and the election of three new members to the Board of Education. In addition to the newly elected members, she reported that interviews were held on April 27<sup>th</sup> to fill the unexpired term that came about as a result of Mr. Mintz's resignation. Councilwoman Subrizi reported that the unexpired term will be filled by Judith Rabinowitz McSweeney. Councilwoman Subrizi reported that the search for a Superintendent has recommenced and that the Board of Education has hired a firm, at a cost of \$6,000, to assist with the hiring process.

**Councilman Michael Putrino**

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

Councilman Putrino reported on the May 5<sup>th</sup> meeting of the Historic Preservation Committee. He stated that the Peetzburg banners are expected to be hung within the next two weeks. He reminded those in attendance of the town's upcoming birthday celebration scheduled for June 7<sup>th</sup>. Councilman Putrino reported that the HPC will have two displays at the Library for the month of June: Peetzburg and Farming in New Milford. Next meeting - June 9<sup>th</sup>.

Councilman Putrino reported on the Fire Department meeting of May 18<sup>th</sup>. He reported that the Fire Department has submitted two applications for AIG (firefighter) grants for 2009; one for the tri-boro fire training site, in conjunction with River Edge and Oradell, and the other for

equipment. Councilman Putrino reported that the Fire Department is continuing to work on integrating their website with the Borough's. Next meeting – June 15<sup>th</sup>.

Councilman Putrino reported on the Shade Tree Commission meeting of May 21<sup>st</sup>. He reported that the Commission is working on its second five-year Community Forestry plan, which is required by the state of New Jersey. Next meeting – June 18<sup>th</sup>.

Councilman Putrino summarized the Garbage and Recycling activity for the previous month. He noted that twice per week garbage pick-up will commence in June. Councilman Putrino reported that the Council was in the process of contracting with E-revival for the recycling of old computer/electronic equipment.

Council President DeLucia asked to have a moment to thank everyone who participated in the Memorial Day Parade and complimented the Public Events Committee on an outstanding job. She expressed her pleasure at being able to take part.

**Mayor Frank DeBari**  
Community Development

**OLD BUSINESS**

**ADOPT ORDINANCE #2009:07**

BOND ORDINANCE TO AUTHORIZE SANITARY SEWER REHABILITATION IN THE VICINITY OF REICHELDT 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.

Council President DeLucia made a motion to open to the public for comment on the adoption of this ordinance. Councilwoman Subrizi seconded the motion. All present in favor, none opposed.

Councilwoman Subrizi asked, and it was confirmed, that this project is being completed with Community Development money.

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

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

Councilwoman Subrizi 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 #2009:08**

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

**ADOPT 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 open to the public for comment on the adoption of this ordinance. Councilwoman Subrizi 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. Councilwoman Subrizi 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 vote. All present in favor, none opposed.

Councilwoman Duffie asked if there would be a grace period for anyone with an existing temporary structure. She was advised that there would be no grace period; the ordinance would become effective upon publication, which is scheduled for June 5, 2009.

**ADOPT 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 Subrizi 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 Subrizi 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.

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.

## **NEW BUSINESS**

### **INTRODUCE ORDINANCE #2009:11**

AN ORDINANCE REVISING CHAPTER III SECTION 8 "VICE, IMMORALITY DRUNKENNESS AND DISORDERLY CONDUCT" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD

Councilman Zeilner 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 June 22, 2009 at 8:30 PM.

## **RESOLUTIONS**

- 2009:131 Closed Session
- 2009:132 Payment of Bills and Vouchers
- 2009:133 Approve Social Affairs Permit for Fire Co. #1 for August 8, 2009  
(Rain date August 9, 2009)
- 2009:134 Approve Raffle License #2009:13 for New Milford Volunteer Fire Co #1
- 2009:135 Approve Cancellation and Refund of Taxes for Block 1507 Lot 7 in the amount of \$1,954.40
- 2009:136 Authorize Disposal and Destruction of Obsolete Office Equipment
- 2009:137 Appoint Scott Sproviero as Special Counsel on Omnipoint V. Zoning Board of Adjustment of the Borough of New Milford
- 2009:138 Appoint Arthur Neiss as Special Counsel on Dorchester Manor LLC v. Zoning Board of Adjustment of the Borough of New Milford
- 2009:139 Authorize Payment of \$33,233.66 on Tax Sale Certificate 08-04 to Crusader Lein Services
- 2009:140 Authorize Refund of Duplicate Tax Payments, Various Blocks and Lots
- 2009:141 Authorize Mayor to sign DEP Permit Application for the Improvement of Hirschfeld Brook

## COMMENTS FROM THE PUBLIC

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

Ms. Hedy Grant, 175 Boulevard, came forward to address the Council. Ms. Grant thanked the Administrator for getting the picture President Obama placed in the Borough Hall. Ms. Grant then stated that she felt that the unnamed Hirschfeld Brook Tributary should be officially named. The Mayor responded that he would speak with the Borough Engineer to find out what would need to be done to have it named officially.

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

## VOTE ON RESOLUTIONS

Councilman Bachmann made a motion to approve resolutions #2009:131 through #2009:141. Council President DeLucia seconded the motion. All present in favor, none opposed.

## ADJOURNMENT

Council President DeLucia made a motion to adjourn. Councilwoman Subrizi seconded the motion. All present in favor, none opposed. Time 9:30 PM.

Respectfully submitted,



Christine Demiris  
Borough Clerk