

262

July 28, 2008

**MINUTES  
BOROUGH OF NEW MILFORD  
7:00 PM WORK SESSION  
OPEN SESSION immediately following  
8:30 PM PUBLIC MEETING  
Monday, April 28, 2008**

Councilman Arthur Zeilner	Present
Councilman Keith Bachmann	Present
Councilman Joseph Murray	Present (arrived 7:10)
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.

**Closed Session:**

The record reflects that there was no discussion in closed session.

**Open Session:**

1. Fire Official

The Administrator recommended Alan Silverman be permanently appointed to the position of Fire Sub-Code Official. Councilman Putrino asked for the compensation for the position. He was advised that all of the sub-code officials are compensated at a rate of \$8,500 annually.

2. Website

The Administrator announced that the website was ready to go "live" as of May 1<sup>st</sup> and asked for any last comments and/or suggestions from the Council.

3. Administrator's Report

The Administrator reported that she had confirmed with the Borough Auditor that the COAH work discussed with the Planner at the last meeting can indeed be financed over five years as it is an element of the Master Plan.

Regarding the Tax Anticipation Note memorialized at the last meeting, the Administrator reported that the amount of the TAN was comprised of: Police Buyouts at \$413,000; a JIF payment of \$125,000; the School Board payment of \$640,000; Pensions in the amount of \$885,000; in addition to three payrolls that would be due prior to the start of next tax quarter.

Councilwoman Subrizi and Councilman Bachmann questioned the timing of the notice to the Council on the need for the TAN. Councilman Bachmann stated his belief that someone had to have been consulted and agreed to the TAN in order for the sale to have been planned. He further stated that he did not think that the decision should have



been made without the Council. Councilwoman DeLucia stated that the Council has hired executives and that they need to give them the leeway to do their jobs noting that if the CFO and Administrator have determined that a TAN sale is necessary for the Borough to meet its obligations she believes that the Council should rely on their recommendation.

The Administrator confirmed that the Council received the State's decision to accept a fine in lieu of suspension for Shukla & Sons, DBA New Milford Liquors. She advised that if the Council wished to impose any special conditions on the license, the best time to do so is at the time of renewal. There were no requests for special conditions to be imposed.

The Administrator reported that the Tax Assessor had asked if she could accept a free piece of office furniture, the only cost to the Borough would be in transporting it. The Council decided that they did not wish to incur the liability of moving the furniture.

The letter from Congressman Scott Garrett, requesting an opportunity to meet with constituents on a monthly basis, was discussed. The Council agreed that it would be valuable for residents and further agreed that it should be located at the Library. The Administrator will contact the Library Director to ask for her cooperation.

The Administrator asked if the Council wished to acknowledge the Cub Scout Troop that recently completed a clean-up of Warren Street Park. The Council agreed that certificates should be presented at the next public meeting.

The Administrator reported on the review of the gas usage and fleet inventory. She stated that the DPW Secretary was in the process of completing an inventory of all of the gas keys and expected to have all of the keys identified shortly. It was also reported that the system can only accommodate a limited amount of information, so a six month history would not be possible. A summary of the usage for the last two weeks was provided instead. Councilwoman Subrizi stated that her goal in asking for the information was to identify any abuses because she has seen New Milford vehicles being used privately. She stated that she wants to be sure that town vehicles and town gas are only being used for town purposes. The Administrator asked if Councilwoman Subrizi could identify anyone specifically that is using a car for their own personal use. She said that she could but preferred to do it in closed session because it involved personnel.

The Administrator reported that the Borough engineer believed that verifying the height calculations of a private engineer on new construction could present a conflict. The Borough engineer also stated that it is not done in any of the other towns that they represent. Councilwoman Subrizi reviewed the example of a sealed as-built and asked what would be the purpose of the Borough getting someone else to do it as well. Councilman Zeilner stated that there would be no conflict because we would be eliminating the other engineer and having the Borough engineer to do it instead. The Council asked to have the Borough engineer attend the next meeting to explain her comments.

The Administrator referenced the memo from the Electrical Subcode Official, noting that temporary electric is not required during construction by the State. The Subcode Official additionally stated that he would not recommend it, as current codes are being enforced efficiently and that homeowners and contractors continue to operate safely. Councilman Zeilner asked if the Borough can require temporary electric even if the state does not, stating his belief that there are safety concerns. Councilman Bachmann stated his agreement with Councilman Zeilner. The Mayor suggested that we check with the League of Municipalities to see if anything exists regarding temporary electric and water.

The Administrator reported that the remainder of the Boulevard would be milled and paved the following week, weather permitting. She further reported that the DOT approved the Borough's request to change the parameters of Section 4 to Fulton Avenue to the Oradell border.

The Administrator reported that work has begun on the three phase drainage project on Webster and Trench noting that the field work, specifically the base map, is complete and it has been determined that the first phase will not effect or be effected by the Hirschfield Brook Flood Mitigation. Plans and bid documents will be prepared for the first phase.

Councilwoman Subrizi asked about the construction on Knierim Place noting that the portion of the Hirschfield Brook that used to run behind the property by Gibbs School, appears to be gone. She asked to have the engineer check on it and comment.

The Administrator clarified that Policies and Procedures would apply to volunteers specifically with regard to the items of harassment, discrimination, no tolerance, whistle blowing and the complaint procedure. She noted that it was primarily for volunteer services such as fire, ambulance, and police auxiliary and that it would not be distributed to committee volunteers.

The Administrator reported that she had received confirmation from the Record reporter that a correction would be forthcoming regarding the vote on the cap waiver.

Councilman Bachman stated that he contacted two municipal planners regarding the previous meeting's COAH discussion. He reported that both planners felt that it was unnecessary to act at this time, on the new COAH regulations since they will not be promulgated until June and will more than likely be appealed. He further reported that he received estimates ranging from \$10,000 to \$18,000 for the work proposed by the Borough Planner.

The Borough Attorney explained that we have submitted Round 1 and 2 with our Round 3, which has not been approved. This means that we do not have an approved plan and we would not be immunized against a builder's remedy suit. He further explained that municipalities with approved Round 1 and 2 plans are "grandfathered" and would be protected while their 3<sup>rd</sup> Round applications are considered.

Councilman Bachmann asked why we are not soliciting bids when there are other planners willing to do the job for less. Council President DeLucia responded that she is

not convinced that they have enough information to make their estimates accurate and that there is a learning curve to picking the job up in the middle.

It was additionally noted that the Borough has appointed Kauker & Kauker as the Borough Planner and that his estimate was introduced as a worst case scenario.

The Council agreed that this resolution would be pulled out for a separate vote.

Councilwoman Subrizi asked if the River Edge resolution on New Bridge Landing could be adapted as a New Milford resolution. The Council agreed. It will be prepared for the next meeting.

Councilman Putrino stated that Fire Marshall Alan Silverman had received a request to place clothing bins to benefit the New Jersey/New York Fireman's Association. Councilman Bachmann stated that the D.A.R.E.'s request was tabled and they are a New Milford organization. He stated that he had no problem with a bin being placed for the NJ/NY Fireman's Association but that they should not get precedence over the D.A.R.E. The Administrator will ask the DPW to inventory the collection bins in town and identify where they are currently located.

Councilman Putrino reported that the Fire Department 5K Run has been put on hold until next Spring.

Councilman Putrino referenced the letter received, from the Historic Preservation Commission, regarding the River Walk. He stated that he will be reading it into the record during the public portion of the meeting.

### **Mayor and Council 8:30 PM Public Session**

Councilman Arthur Zeilner	Present
Councilman Keith Bachmann	Present
Councilman Joseph Murray	Present
Council President Tina DeLucia	Present
Councilwoman Ann Subrizi	Present
Councilman Michael Putrino	Present
Mayor Frank DeBari	Present

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 Statement and pointed out the fire exits in the Council Chambers.

The minutes from the January 14<sup>th</sup> and February 12<sup>th</sup> Work Sessions were approved on a motion from Councilwoman Subrizi. The motion was seconded by Councilman Putrino. All present in favor, none opposed.

**PROCLAMATION:           AUTISM AWARENESS MONTH  
MOTORCYCLE AWARENESS MONTH**

**CORRESPONDENCE:**

A letter from Shaaron and Bill Klinger, regarding the Borough's recent purchase of their farm's development rights, was read into the record.

A letter from the VFW, inviting all interested parties to Loyalty Day on May 4<sup>th</sup> at 1:00 p.m., was read into the record.

A letter from the Borough Auditor, regarding the recent defeat of the cap waiver ordinance and its effect on the 2008 budget, was read into the record.

The Mayor made a statement regarding the defeat of the cap waiver. Councilman Bachmann asked to be informed as to when he could be heard on the matter.

**PRESENTATION:           RIVER WALK – CTY EXECUTIVE REPRESENTATIVES  
Brian Hague – Chief of Staff  
Kevin Funabashi – Asst. County Counsel – Parks  
John Biale – Construction Manager - Parks**

The Mayor announced that the County was present to make a second presentation on the proposed walkway and to take comments from the public. He introduced John Biale, Brian Hague and Kevin Funabashi.

Mr. Biale stated that he was here to share with the public, the County's vision for the Hackensack River Pathway. The vision is to create a very unobtrusive pathway while being as sensitive to the surrounding area as possible. He stated that it is intended to be a passive recreation walkway through the Borough that would go from the Oradell Waterworks all the way south to Little Ferry. He stated that the Hackensack River is the most underutilized main river in the metropolitan area.

Mr. Biale said that the first mile of the walkway has been completed and spans from Johnson Park in Hackensack to the south side of the Route 4 Bridge. He stated that the next phase would take the path underneath the Route 4 Bridge to the back of Riverside Square. He stated that the entire build has been and will continue to be built under the supervision of the Department of Environmental Protection. He said that the New Milford portion would not be built until approximately 2010.

Mr. Biale said that he hoped to form a committee to work with the County to relay concerns so that they can be considered in incorporating the plan. He said that the County had no plans to push something on the town that they do not want. He added the walkway would be 10' wide not 22' as had been rumored and would follow the natural path along the river. He stated that trees would not be removed and that if it was necessary to remove a tree, two would be replanted in its place.

Mr. Biale said that the walkway would serve as a buffer preventing future development and would provide the river with an opportunity to clean itself because people will not dump over the pathway. He said that it will be a lit walkway and that the more it is used the safer it will become. Maps were passed out to the audience. Brian Hague commented on the County Executive's vision to work with everyone concerned.

Bill Sheehan, the Hackensack Riverkeeper, came forward and commented on the importance of projects like this noting that once people come the water's edge they would take ownership of it. He stated his belief that the river would become fishable and swimmable and expressed his support.

Mr. Sal Trolongo, 627 Columbia Street, came forward to speak. Mr. Trolongo commented on the issues of public domain through private property, lighting, flooding, and the cost to the taxpayers, first to build and then to repair in the event of future flooding.

Mr. Howard Berner, 145 North Terrace Place, came forward to speak. Mr. Berner commented on the issues of littering, police protection, and emergency services access to the walkway and the corresponding cost to the taxpayers.

Ms. Jackie Olsen, 107 Arlington Road, came forward to speak. Ms. Olsen commented on the river's current accessibility stating that a walkway and lights are not necessary to enjoy the river.

Mr. Victor Verdaio, 551 Columbia Street, came forward to speak. Mr. Verdaio commented on the issues of increased traffic, crime and police protection, stating that the decision should be made by the people who will be most affected.

Elizabeth Moscaritolo, 196 Madison Avenue, came forward to speak. Ms. Moscaritolo spoke in favor of the walkway as an avid runner and resident of the town.

Ulysses Cabrera, 659 Columbia Street, came forward to speak. Mr. Cabrera commented on the level of debris already existing and the town's lack of effort to clean up the woods that lead to the river. He commented on the need to pave Columbia Street.

Mr. Eric Martindale came forward to speak. Mr. Martindale stated that he is not a resident of New Milford but a friend of the Riverkeeper and a longtime environmentalist. He stated that he worked on the pathway project in 1993. He spoke on the history of the project and stated that he feels the project should move forward in a way that is sensitive to the environment and the residents of New Milford. Mr. Martindale clarified that he was not appearing on behalf of any group but that he had served on an advisory committee of the county in 1993.

Mr. Rodney Beckford, 1081, Linwood Avenue, came forward to speak. Mr. Beckford commented on the litter, lighting, quality of life, and the effects of the walkway on wildlife.

Mr. Ron Grossinger, 679 Mabie Street, came forward to speak. Mr. Grossinger commented on the benefit of bike riding to the environment and added that the walkway would help to stop development.

Ms. Maryann Trolongo, 627 Columbia Street, came forward to speak. Ms. Trolongo stated that it is an ugly river and questioned the ongoing upkeep to an area that is currently not maintained, noting the silt and the shopping carts that are part of the river.

Mr. Biale reiterated the County's desire to obtain resident feedback and input, noting that the project is in the planning phase.

Ms. Trolongo noted that the area is flood prone and asked if any consideration was given to alleviating the flooding prior to constructing the walkway.

Councilwoman Subrizi asked for a description of stone dust and asked if it would withstand a flood. Mr. Biale stated that it is crushed stone that is compacted and is almost as solid as concrete. He noted that it is porous and will not get washed away by flooding.

Mr. Art Ledowski, 826 Berkley Street, came forward to speak. Mr. Ledowski commented on the liability associated with the walkway and asked who would be responsible. He was advised that county property would be a county liability.

Mr. Trolongo stated that the project is ill conceived plan without basis to make a decision. He said that no one could be convinced that it would not exacerbate the flooding and suggested the County return with a solid proposal.

Council President DeLucia asked that the blue and green lines, depicted through the New Milford Woods on the map, be identified. She was advised that the green line is the walkway and that the blue lines represent future scenic loops. She stated that the area was deed restricted for passive recreation only.

Mr. Rick Mide, 660 Columbia Street, came forward to speak. Mr. Mide spoke very emotionally about the effects of flooding in the area and stated that the walkway will only serve to exacerbate the situation.

Mr. Alan McAllister, 1139 Steuben Avenue, came forward to speak. Mr. McAlister asked how the plan proposes to get past New Bridge Road. He also commented on the liability noting that Steuben Avenue goes through his property according to his deed, so the walkway would go through his property as well.

Mr. Biale responded that the engineering has not been done for this part of the project, it is just a proposal and that they came for resident input.

Mr. Karl Schaffenberger, 173 North Park Drive, came forward to speak. Mr. Schaffenberger referenced a number of points from Mr. Biale's presentation. He identified himself as a member of the Environmental Commission for the past twenty years and stated that the Commission has always been vehemently opposed to the walkway. He stated that he does not live in a flood zone but that he was flooded both during Floyd and the April Nor'easter because the river is being encroached upon.



Mr. Hague acknowledged the sentiment of the residents but asked to continue the discussion so that both the County and the town can come to a consensus, recognizing that the consensus may be to not proceed with the walkway.

Mr. Verdaio asked where the Council stands on the walkway.

Councilwoman Subrizi stated that she is against the walkway.

Councilman Bachmann stated that he is against the walkway.

Mr. Verdaio suggested that the County dredge the River to garner support for the project. He was advised that it is not up to the County; it is up to the Federal Government, the Army Corps. of Engineers, to dredge the river.

Mr. Bob Leonard, 178 Trotta Drive, came forward to speak. Mr. Leonard commented that according to the map, 90% of the walkway is not on the River and questioned why it is being called a "river walk."

Ms. Trolongo asked the County representatives to visit her house on Columbia Street, to see the area being discussed.

Ms. Marlene Casey, 618 River Road, came forward to speak. Ms. Casey identified herself as a resident of New Milford and stated her resentment of people from out of town expressing their opinions on the project. As a representative of the Historic Commission she stated the commission's vehement opposition to the project stating that according to archeological surveys the river may be eligible to be placed on the National Register of historic sites. She said that the project will be stopped because state, federal and county funds cannot be used to infringe upon a historical site. She also commented on the extent of flooding in the area during the last two floods, noting that the area was under fifteen feet of water.

Mr. Biale assured the audience that the Historical and Cultural Division is part of the Bergen County Parks Division and that all of the necessary paperwork was completed during phase one and they would continue to work with the Historical and Cultural Division as the project progresses.

Councilman Putrino read a letter from the Historic Commission, opposing the walkway, into the record. A copy of the letter was provided to the County representatives.

Ms. Diane Cardinali, 191 River Lane, came forward to speak. Ms. Cardinali identified herself as part of the group that helped to preserve the Alfis property noting the promise that it was to remain a nature reserve. Ms. Cardinali commented on the cutting of trees, the lighting, flooding, and the potential for littering, loitering, and drug use.

Mr. Scott Gifford, 654 Columbia Street, came forward to speak. Mr. Gifford commented that he would welcome anything that would alleviate the flooding and this project does not seem to do that. Mr. Gifford expressed concern over potential criminal activity, increased traffic, parking problems, and littering.

Ms. Mary Ann Krasnow, 579 Columbia Street, came forward to speak. Ms. Krasnow said that the north part of Columbia Avenue is used as a cut-through by speeding motorists looking to avoid the traffic light at River Edge Avenue and River Road. She stated that a bike path would be extremely dangerous. She urged the County to do whatever they can to help prevent the homes on Columbia Street from being flooded ever again and stated that this project will not help.

Mr. Schaffenberger stated that he appreciated Mr. Leonard's comments, noting that most of the walkway is not on the river.

Mr. Cabrera commented on the volunteer effort and questioned why the DPW is not cleaning the woods at the dead end of Columbia Street. Councilman Zeilner will contact the DPW. Mr. Cabrera commented that in addition to needing to be paved there are no handicap ramps on Columbia Street. He also commented on the walkway's effect on resale of the homes in the area.

Ms. Josie McKeown, 184 Trotta Drive, came forward to speak. Ms. McKeown commented on the effects of flooding and the buffer zone behind the properties on Trotta Drive. Ms. McKeown commenting on the State of New Jersey's fiscal shortfalls, questioned how money was available for this project, and suggested that extra money should be given back to homeowners to reduce taxes.

Mr. Steven Calandra, 1052 Roosevelt Avenue, came forward to speak. Mr. Calandra stated that he was also representing the Pezzuto's of 1041 Steuben Avenue. Mr. Calandra commented on the filth of the river, stating that it needs to be dredged and that the County should work on cleaning the river before spending money to beautify the edges.

Mr. Verdaio stated that he too was concerned with safety.

Mr. Lawrence Delaney, 1105 Steuben Avenue, came forward to speak. Mr. Delaney asked to clarify who would be responsible for cleanup in the area noting that the County representative said that it would be the County's property not the County's problem.

Ms. Susan Cooperman, 1135 Steuben Avenue, came forward to speak. Ms. Cooperman stated that she bought her home because she loved the area, the road, the trees, and the animals. She stated that she was told that Steuben Avenue could not be paved. She questioned how she will have access to her house if the river walk is in her front yard. She questioned why, if everyone is saying they don't want it, there should be any further discussion.

Ms. Hilda Devlin, 551 Columbia Street, came forward to speak. Ms. Devlin stated that she shares the same sentiments as everyone at the meeting and stated that she is against the river walk.

Ms. Margaret Willem, 1125 Steuben Avenue, came forward to speak. Ms. Willem asked how it would be possible to build the river walk through private property. Ms. Willem stated her opposition to the project.

Mr. Mide asked for the Mayor's opinion of the project as a resident of New Milford.

Ms. Moscaritolo stated that not everyone opposes the walkway and suggested that those that are opposed reframe their reference from drug dealers to kids on bikes, noting that it could be a great place for kids to play.

Mr. Edward Vargas, 674 Columbia Street, came forward to speak. Mr. Vargas stated that he chose to live on a dead end street which is now going to be opened up to cars and/or bike traffic.

Ms. Casey asked for the County representatives to take a message back to the County Executive. She stated that this project stems from a federal earmark which came from a federal transportation bill, which came from a Congressman asking for a specific project. She stated that a Congressman can change a federal earmark. She suggested that the eight million dollars slated for this project be transferred to New Milford's flood control project which will cost three million dollars.

Ms. Amelia Melarchek, 650 Columbia Street, came forward to speak. Ms. Melarchek commented that she is still recovering from the effects of the last flood.

Ms. Dolores Weisenbach, Washington Avenue, came forward to speak. Ms. Weisenbach stated that she lives at the other end New Milford near the water company. Ms. Weisenbach stated that she and her neighbors are opposed to the walkway and they do not want anyone walking through their backyards.

Mr. Hague made some closing remarks stating that the County does not want to proceed without the town's consent.

Mr. Biale thanked the residents for listening and assured them that their comments were heard and will be taken back to County.

Mike Kilmurray, 641 Columbia Street, came forward to speak. Mr. Kilmurray stated that of the approximate 9,000 voters in New Milford, only 200 came out to comment. He suggested that the 9,000 voters would need to speak out against the walkway in order for the comments to really be heard.

Ms. Cardinali stated that while flooding is an important issue, wildlife preservation and personal privacy should also be considered priorities.

Councilman Zeilner stated his opposition to the walkway.

Council President DeLucia stated that she is not in favor of the walkway and is particularly concerned about the New Milford Woods, stating that even if they try to proceed they may fail legally.

Councilwoman Subrizi stated that she already stated her position as being totally against the walkway. Councilwoman Subrizi then encouraged everyone to attend the Pinksterfest on May 18<sup>th</sup> at New Bridge Landing.

Councilman Putrino stated that river walks can be a great thing in the right place. He further stated that he does not believe that New Milford is the right place. He referenced historic and

environmental concerns and the costs associated with the DPW and Police to maintain the walkway. He then stated that he is against the walkway.

Councilman Bachmann asked to address the Mayor's comments with regard to the auditor's letter. He stated that they (the audience) elected him to vote the way that he thought that he should.

Councilwoman Subrizi commented on the statement as well, clarifying what she said at the time of the vote.

### **COUNCIL COMMITTEE REPORTS:**

The Council agreed to forego Council Committee Reports.

### **OLD BUSINESS:**

#### **ADOPT ORDINANCE 2008:02**

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF NEW MILFORD SALARY ADOPTED AS ORDINANCE 91:01 AND AMENDED BY ORDINANCE 91:21, 92:07, 93:01, 94:13, 95:07, 96:05, 97:11, 98:05, 99:04, 2000:07, 2001:11, 2002:15, 2003:10, 2004:13, 2004:15, 2005:16, 2006:09 AND 2007:12.

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.

Council President DeLucia 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 Murray 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 2008:04**

AN ORDINANCE REPEALING CHAPTER II, ARTICLE II, SECTION 2-12 ENTITLED OFFICE OF JOINT MUNICIPAL TAX ASSESSOR AND REPLACING IT WITH "TAX ASSESSOR"

Councilman Zeilner 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 Zeilner 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. Councilman Bachmann seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

## **NEW BUSINESS:**

### **INTRODUCE ORDINANCE 2008:05**

AN ORDINANCE TO AMEND CHAPTER VII OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "TRAFFIC," THEREBY AMENDING SECTION 7-9 ENTITLED "BUS STOPS"

Councilman Zeilner made a motion to introduce and approve this ordinance on its first reading. Councilman Bachmann 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 29, 2008 at 8:30 PM.

### **INTRODUCE ORDINANCE 2008:06**

AN ORDINANCE TO AMEND CHAPTER XXX OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "LAND USE REGULATIONS," THEREBY AMENDING SECTIONS 30.2 ENTITLED "DEFINITIONS AND WORD USAGE" AND 30-21.6 ENTITLED "HEIGHT"

Councilman Murray 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 29, 2008 at 8:30 PM.

## **RESOLUTIONS:**

The Mayor announced that resolution #2008:115 would be pulled from the consent agenda for a separate vote.

2008:113 Closed Session

2008:114 Payment of Bills and Vouchers

2008:115 Authorize Kauker and Kauker LLC to revise COAH application

2008:116 Appoint Fire Official – Alan Silverman

2008:117 Authorize Change Order #1 for Hardcastle Pond Improvements

- 2008:118 Appoint Deputy Clerk to assist Administrator in implementing personnel practices  
2008:119 Adopt revised Policies and Procedures Manual and Supervisory Supplement

### COMMENTS FROM THE PUBLIC

The meeting was opened to the public on a motion from Council President DeLucia, which was seconded by Councilman Putrino. All present in favor, none opposed.

Ms. Randie Duffie, 120 California Avenue, came forward to address the Council. Ms. Duffie stated that both Councilwoman Subrizi and Councilman Bachmann seemed surprised by the effect that their vote had on the cap waiver ordinance. She asked what cuts Councilwoman Subrizi and Councilman Bachmann were proposing.

Councilwoman Subrizi stated that she did know the ramifications of the vote and that given the opportunity, she would vote the same way. She said that she had some ideas for cuts but that she would not share them publicly until they could be discussed with the council.

Councilman Bachmann expressed surprise at Ms. Duffie's ability to know what he was thinking.

Ms. Duffie stated that she observed his response.

Council President DeLucia stated that defeating the cap waiver prevents the Council from using surplus and that it is not just a matter of simply raising or cutting taxes.

Councilman Putrino stated that he did not feel that it was appropriate to say that voting for the cap waiver was voting to raise taxes because in the event of an emergency we will be unable to finance it.

Ms. Weisenbach asked why the Borough did not participate in the state plan for health benefits. She was advised that the Borough's Risk Manager reviews the insurance options annually and that the Borough participates in the one that is the most advantageous.

Mr. Ira Grotzky, 180 Trotta Drive, came forward to address the Council. Mr. Grotzky stated that although he applauds the efforts of Councilman Bachmann and Councilwoman Subrizi in wanting to reduce taxes, he feels that it was an injustice to not vote for the cap waiver because if an emergency arises we will not be able to get additional money.

Councilman Bachmann stated that he was elected to make the decisions that he believes are right.

Councilman Zeilner stated that voting against the cap is not going to lower taxes; taxes are still going to increase. He added that the entire Council voted to introduce the budget including the funds provided for with the cap waiver and now, two weeks later, the Council is no longer in agreement.

Councilman Bachmann stated that what was agreed to was that the Council would hold each department to what was spent in 2007 and that the numbers in the introduced budget are not actual 2007 expenditures.

Council President DeLucia stated that 2007 spending levels would not account for contractual increases in salaries or health benefits. She reiterated that when the budget was introduced at a level supported by the adoption of the cap waiver, it was introduced unanimously by the Council. She further stated by not adopting the cap waiver the introduced budget was now illegal.

Ms. Marilyn Bachmann addressed the Council. She referenced a quote in the newspaper stating that Recreation and Senior Services would be cut. She asked why each department would not be cut.

Ms. Bachmann was advised that each department will be reviewed and that cuts were possible throughout each department.

Mr. Gus Bachmann addressed the Council. He asked if it was the professional's responsibility to foresee any problems and advise the Council on the vote required.

Councilman Putrino stated that the number of votes required was not relevant because Councilwoman Subrizi and Councilman Bachmann have stated that regardless of the number of votes required they would vote the same way.

Mr. Bachmann suggested that had Councilman Putrino known the number of votes required perhaps he would not have left the meeting to attend a funeral.

Councilman Putrino responded that as the budget was introduced unanimously he had no reason to believe that the cap waiver ordinance would be defeated.

The Clerk added that we do not ever discuss the number of votes required for anything that goes before the Council. She added that had the question been asked at the time of the vote it would have been answered but that it was never asked.

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**

Council President DeLucia made a motion to approve resolutions #2008:113, #2008:114, and #2008:116 through #2008:119. Councilman Bachmann seconded the motion. All present in favor, none opposed.

Council President DeLucia made a motion to approve resolution #2008:115. Councilman Putrino seconded the motion.

The motion passed on a roll call vote as follows:

For the motion: Zeilner, DeLucia, Subrizi, Putrino

Against the motion: Bachmann

Abstain: Murray

Councilman Bachmann stated that he voted against the motion for the reasons expressed upstairs earlier, specifically that two other professionals, with significantly lower estimates, recommended that the Borough hold off on performing the work.

Prior to casting her vote Council President DeLucia asked if Councilman Bachmann had obtained written quotes and if they included the scope of the work. Councilman Bachmann responded that the quotes were not in writing and did not include the scope of the work. Council President DeLucia stated that she did not believe that Councilman Bachmann had a full understanding of the background of the town's COAH obligation, and that she did not believe the professionals that he spoke to could have a full understanding of the scope of the work involved. She stated that Mr. Kauker has been the Borough's planner for a number of years and knows the history.

Prior to casting her vote Councilwoman Subrizi stated that in fact it may cost less than \$25,000 as the resolution states "at a cost not to exceed \$25,000." She added that she has faith in Mr. Kauker's ability and knowledge of the Borough's COAH history.

Prior to casting his vote Councilman Putrino stated that he wished to echo Councilwoman Subrizi's comments adding that Mr. Kauker's knowledge of New Milford is very important.

#### ADJOURNMENT

Councilman Murray made a motion to adjourn. Councilman Bachmann seconded the motion. All present in favor, none opposed. Time 11:46 PM.

Respectfully submitted,



Christine Demiris  
Borough Clerk



BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

## RESOLUTION

No. 2008:113

Offered by: ~~Thomas P. ...~~Seconded by: *Robert E. Zeilner*

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss:

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW, THEREFORE BE IT RESOLVED that the public be excluded from this meeting.

Member	Aye	No	Abstain	Absent
DELUCIA	✓			
<del>DAFF</del>				
SUBRIZI	✓			
MURRAY	✓			
PUTRINO	✓			
ZEILNER	✓			
<i>Beckman</i>	✓			
Mayor (tie)				
TOTAL				

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on April 28 2008

SEAL

BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

## RESOLUTION

No. 2008:114

Offered by:.....

*[Signature]*

Seconded by:.....

*[Signature]*

**WHEREAS**, the claims and accounts listed below, having been authorized by the CFO, and found correct.

**THEREFORE, BE IT RESOLVED**, that the Mayor and Council hereby authorize the payment of these claims, and that warrants be drawn therefore when funds are available in the aggregate amount of  
\$ 1,491,317.14.

Member	Aye	No	Abstain	Absent
DELUCIA	✓			
<del>DAY</del>				
SUBRIZI	✓			
MURRAY	✓			
PUTRINO	✓			
ZEILNER	✓			
<i>[Signature]</i>	✓			
Mayor (tie)				
TOTAL				

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on April 28, 2008

*[Signature]*

SEAL

**BOROUGH OF NEW MILFORD****279****Bill list**  
**APRIL 28, 2008**

<b><u>Vendor</u></b>	<b><u>Amount</u></b>	<b><u>Description</u></b>	<b><u>Account</u></b>	<b><u>Check #</u></b>
GEORGE LETSIOS	50.00	REFUND APPLICATION FEE	BOROUGH	46041
NEW MILFORD BOARD	640083.09	3RD (FINAL 1/3) MARCH	SCHOOL	46042
BERGEN CTY	0.00	2ND QTR 2008	LIABILITY	46043
BERGEN CTY	62149.08	2ND QTR 2008.	LIABILITY	46043
BERGEN CTY	63353.90	2ND QTR 2008	WORKMANS	46043
BERGEN CTY	4448.00	OCT, NOV & DEC. 2007	INSURANCE	46044
EDIE RYERSON	65.00	REC MEETING 3/5/08	RECREATION	46045
EDIE RYERSON	65.00	REC MEETING 3/19/08	RECREATION	46046
KATHLEEN	113.12	REIMB. MILEAGE (32	MUNICIPAL	46047
MICHAEL CALAMARI	65.98	PETTY CASH	PUBLIC	46048
MICHAEL CALAMARI	20.00	PETTY CASH	PUBLIC	46048
MICHAEL CALAMARI	17.56	PETTY CASH	PUBLIC	46048
MICHAEL CALAMARI	0.00	PETTY CASH	UTILITIES	46048
MICHAEL CALAMARI	70.00	PETTY CASH	UTILITIES	46048
TERRI L. SMITH,	850.00	CHC 3/11/08 4 HRS AND	BOARD OF	46049
PROVIDENZA CERTO	145.00	REIMBURSE CHINESE	SENIOR	46050
MARY BETH HUBBARD	360.00	8 SESSIONS WELLNESS	SENIOR	46051
ROBERT ALBOHN	50.00	REIMB. 4/12/08 WEDDING	MAYOR &	46052
ILEEN LEONARD	30.00	SHADE TREE MEETING	SHADE TREE	46053
ILEEN LEONARD	30.00	SHADE TREE MEETING	SHADE TREE	46054
MICHAEL	125.13	1ST QTR 2008	CODE	46055
JAMES TAORMINA	125.13	1ST QTR 2008-MILEAGE	CODE	46056
ROBERT PLANKER	125.13	1ST QTR 2008	CODE	46057
ROBERT PLANKER	125.00	REIMB.	CODE	46058
NEW MILFORD FIRE	33.00	REIMB. EQUIP.MAINT,	FIRE	46059
NEW MILFORD FIRE	0.00	REIMB. EQUIP.MAINT,	FIRE	46059
NEW MILFORD FIRE	265.92	REIMB. EQUIP.MAINT,	FIRE	46059
NEW MILFORD FIRE	205.71	REIMB. EQUIP.MAINT,	FIRE	46059
NEW MILFORD FIRE	113.33	REIMB. EQUIP.MAINT,	FIRE	46059
NEW MILFORD FIRE	289.50	REIMB. EQUIP.	FIRE	46060
FORD MOTOR CREDIT	1413.42	PAYMENT NO.	POLICE	46061
FORD MOTOR CREDIT	1646.93	PAYMENT NO.	POLICE	46062
TREASURER, STATE OF	550.00	1ST QUARTER 2008	MARRIAGE	46063
TREASURER, STATE OF	2386.00	1ST QUARET 2008 DCA	STATE	46064
NEW MILFORD	9473.00	WRESTLING REFS &	RECREATION	46065
UNITED STATES	1000.00	POSTAGE	MUNICIPAL	46066
WARP DRIVE	59.95	ACCT. 1040 DOMAIN	MUNICIPAL	46067
VERIZON	23.89	261-7436 4/5-5/4/08	UTILITIES	46068
VERIZON	22.31	261-7436 3/5-4/4/08	UTILITIES	46069
VERIZON	25.41	967-5190 3/28-4/27/08	UTILITIES	46070
VERIZON	121.24	265-1712, 265-1631	UTILITIES	46071
VERIZON	25.78	201-986-1705	UTILITIES	46072
VERIZON	2861.82	967-5044 2/28-3/27/08	UTILITIES	46073
VERIZON	2529.92	967-5044 3/28-4/27/08	UTILITIES	46074
NELSON-PATTERSON	1141.80	APRIL FIREMEN'S LIFE	INSURANCE	46075
FLAGSHIP HEALTH	152.38	APRIL 2008	INSURANCE	46076
DELTA DENTAL PLAN	8865.15	APRIL 2008 GROUP	INSURANCE	46077

<u>Vendor</u>	<u>Amount</u>	<u>Description</u>	<u>Account</u>	<u>Check #</u>
280 SHOP RITE OF NEW	285.69	2/2-2/216 CUSTOMER	SENIOR	46078
PAVERS DIARY &	84.00	INV.550569824 1	MUNICIPAL	46079
WESTWOOD LINCOLN	1263.56	INV.LICS84016,84083,84	PUBLIC	46080
INTERSTATE CAPITAL	2275.75	INV.119246 MARCH 2008	RECYCLING	46081
INTERSTATE CAPITAL	13055.57	INV.118224 CUST.2101	RECYCLING	46082
RELIANCE STANDARD	1217.12	APRIL PREMIUM STD G	INSURANCE	46083
CABLEVISION	0.00	MARCH 2008 REC, DPW,	MUNICIPAL	46084
CABLEVISION	178.99	MARCH 2008 REC, DPW,	MUNICIPAL	46084
CABLEVISION	94.90	MARCH 2008 REC, DPW,	PUBLIC	46084
CABLEVISION	59.95	MARCH 2008 REC, DPW,	RECREATION	46084
CABLEVISION	0.00	APRIL 2008	MUNICIPAL	46085
CABLEVISION	172.08	APRIL 2008	MUNICIPAL	46085
CABLEVISION	94.90	APRIL 2008	PUBLIC	46085
CABLEVISION	59.95	APRIL 2008	RECREATION	46085
B & C	102.00	INV.08-95972 SERVICE	FIRE	46086
B & C	291.80	INV.08-95979	POLICE	46087
I.D.M. MEDICAL	75.50	INV.85934 REFILL OXY	POLICE	46088
CROWN TROPHY	60.20	INV. RE21232 PLAQUE	POLICE	46089
MINERVA CLEANERS	253.00	INV.426 REPAIR & CLEAN	FIRE	46090
PALMERS HOME	223.42	11 INVOICES	PUBLIC	46091
PALMERS HOME	27.64	INV.596340,596814	PUBLIC	46092
MAIN AUTO SUPPLY	249.19	INV.606459,606460,6064	PUBLIC	46093
MAIN AUTO SUPPLY	192.37	INV.605977,605976,6059	PUBLIC	46094
MAC TOOLS	444.97	INV.30499	PUBLIC	46095
VERIZON WIRELESS	435.63	ACT#282454029-00001 &	UTILITIES	46096
VERIZON WIRELESS	735.31	ACT#782393890-00001	UTILITIES	46097
VERIZON WIRELESS	39.93	WIRELESS	UTILITIES	46098
ERIZON WIRELESS	435.63	INV.1844106770	UTILITIES	46099
M. INGANNAMORTE &	7350.00	INV. 2505 211 LINDEN	PUBLIC	46100
AMERICANWEAR	80.60	JAN,FEB. & MARCH	PUBLIC	46101
AMERICANWEAR	606.00	ACCT.2174-FEB. DPW	PUBLIC	46102
AMERICANWEAR	32.00	ACCT.2174 FEB.	RECYCLING	46103
FIRE & SAFETY	898.18	INV.108-1393	FIRE	46104
ALLIED OIL COMPANY	2231.60	INV.701631	UTILITIES	46105
ALLIED OIL COMPANY	1678.74	INV. 702469	UTILITIES	46106
ALLIED OIL COMPANY	1737.24	INV.833572 3/5-3/12/08	UTILITIES	46107
ARROW ELEVATOR	185.00	MARCH 2008 MAINTENANCE	PUBLIC	46108
RACHLES/MICHELE'S	2547.37	2/26/08 810 GALLONS	UTILITIES	46109
RACHLES/MICHELE'S	2654.26	3/10/08 TICKET#70525	UTILITIES	46110
SCOTT GRAPHICS	435.00	INV.7239 1/29/08 500	SHADE TREE	46111
THE BANK OF NEW	545.00	INV.1244865 GENERAL	DEBT	46112
C & C TIRE, INC.	70.00	INV.47323 TICKET#11087	PUBLIC	46113
C & C TIRE, INC.	72.00	INV.47376	PUBLIC	46114
SHAMROCK PRINTING	539.66	INV.12323 FIRE	FIRE	46115
JOHN E. REID &	395.00	INV.90667 CUST.134908	POLICE	46116
NORTH JERSEY MEDIA	30.89	AD#2217564	ZONING	46117
NORTH JERSEY MEDIA	52.72	AD#2263815	PLANNING	46118
NORTH JERSEY MEDIA	704.13	FEB.	MUNICIPAL	46119
NORTH JERSEY MEDIA	25.00	AD#2263538 TAX SALE	COLLECTION	46120
FFICE DEPOT, INC.	414.92	INV.421579352001	PUBLIC	46121
GUARD LINE FIRE &	972.85	INV.49174	FIRE	46122
PREMIER SUPPLIES	394.90	INV. 659534 10 BOXES	POLICE	46123
GALL'S INC.	63.00	INV.5912737200031	POLICE	46124
GALL'S INC.	204.00	INV.5928479100015	POLICE	46125
GALL'S INC.	45.50	INV.5928476100018	POLICE	46126

<u>Vendor</u>	<u>Amount</u>	<u>Description</u>	<u>Account</u>	<u>Check #</u>
GALL'S INC.	105.00	INV.5930154400017	POLICE	46127
CENTRALPACK	714.10	INV.2093-100745,209310	PUBLIC	46128
TRICO EQUIPMENT	1307.83	INV.ST13242 REPAIR	PUBLIC	46129
CODED SYSTEMS	2586.20	1/17/08 SUPPLEMENT NO.	MUNICIPAL	46130
ELDON QUARRY	308.77	INV.3006696 ACCT.	PUBLIC	46131
& E AUTO SERVICE	250.00	INSTALL REMOTE START	FIRE	46132
LEXIS NEXIS	159.00	INV.0802256690 FEB.	UTILITIES	46133
LEXIS NEXIS	159.00	INV.0803257243 MARCH	UTILITIES	46134
TOWER CLEANING	90.00	JAN, FEB. MARCH	RECREATION	46135
TOWER CLEANING	550.00	INV.80352687 MARCH	SENIOR	46136
NORTHEAST GAS	119.35	INV.54626	PUBLIC	46137
NORTHEAST GAS	64.00	FEB. INV. #3080	PUBLIC	46138
COOPER ELECTRIC	66.60	INV.2647676.001	PUBLIC	46139
AUTOMOTIVE BRAKE	234.91	INV.41246,41325	PUBLIC	46140
METROPOLITAN	93.80	HOSE FOR TRUCK #64	PUBLIC	46141
JET-VAC INC.	331.00	INV.C14806	PUBLIC	46142
DELTA PRODUCTS	265.17	INV.158828	PUBLIC	46143
IRON MOUNTAIN	125.00	INV. LD65182 ACCT.2194	MUNICIPAL	46144
INDUSTRIAL	51.95	INV. 4396 DIESEL FUEL	PUBLIC	46145
ACTION OFFICE	33.20	INV. I63705 BADGE	MUNICIPAL	46146
GANN LAW BOOKS	931.75	INV.D381547 10 GANN	ZONING	46147
GANN LAW BOOKS	120.00	INV.D381538 2008 TITLE	MUNICIPAL	46148
ONE CALL SYSTEMS,	30.58	INV. IVC0120638 FEB.	UTILITIES	46149
LORCO PETROLEUM	292.50	INV.P107830	PUBLIC	46150
RAPID PUMP & METER	590.00	INV.73039R, 7292OR	PUBLIC	46151
MORRIS INTERNET	2400.00	INV.1019 NEW MILFORD	MUNICIPAL	46152
STATE LINE	36.00	INV#61670 8W BI-PIN	PUBLIC	46153
COMMERCE	569.31	LEASE #40011611 5/1/08	DEBT	46154
ELDMAN BROTHERS	392.14	INV.578803,578971	PUBLIC	46155
DELTA PRODUCTS	382.99	INV.158977	PUBLIC	46156
Z-A AUTO ELECTRIC,	125.00	ALTERNATOR-VAC ALL	PUBLIC	46157
RUTGERS UNIVERSITY	550.00	FIN. ADMIN COURSE	MUNICIPAL	46158
W.B. MASON CO.,	182.00	INV. SRB919 COPY PAPER	MUNICIPAL	46159
W.B. MASON CO.,	0.00	INV. SRB919 COPY PAPER	POLICE	46159
W.B. MASON CO.,	208.95	INV. SRB919 COPY PAPER	POLICE	46159
NORTH JERSEY MEDIA	19.50	#51003344 1 YR.	MUNICIPAL	46160
KEYSTONE RIDGE	115.00	INV. 8723 CUST.8408	RECYCLING	46161
AMERICAN MESSAGING	53.78	INV.N3521739ID	UTILITIES	46162
DE MAURO TOWING	240.00	INV.30130,31865,3644,3	PUBLIC	46163
DEL GADO	225.00	INV.32751 2/18/08	MUNICIPAL	46164
DEL GADO	0.00	INV.32750	MUNICIPAL	46165
DEL GADO	320.00	INV.32750	MUNICIPAL	46165
DEL GADO	160.00	INV.32750	MUNICIPAL	46165
STATE OF NEW	150.00	DOCKET# IA-2008-070	LEGAL	46166
HOME DEPOT CREDIT	75.25	INV.#5016887 MISC	PUBLIC	46167
JOHNSON & SONS,	81.50	INV.629250	PUBLIC	46168
STAPLES INC.	52.82	4/18/08 OFFICE	MUNICIPAL	46169
STEWART	190.80	ACCT#151832 MARCH 08	MUNICIPAL	46170
AN TRAVEL INC.	825.00	INV. 9134 .AC TRIP	SENIOR	46171
TNEY-BOWES	651.00	ACCT#2233922 RENTAL	MUNICIPAL	46172
PAYCHEX	771.16	MARCH INV.61892,63303	MUNICIPAL	46173
OLD NATIONAL BANK	301.62	APRIL COPIER	MUNICIPAL	46174
OLD NATIONAL BANK	150.82	APRIL COPIER	COLLECTION	46174
OLD NATIONAL BANK	150.82	APRIL COPIER	ASSESSMENT	46174
OLD NATIONAL BANK	150.82	APRIL COPIER	CODE	46174

<u>Vendor</u>	<u>Amount</u>	<u>Description</u>	<u>Account</u>	<u>Check #</u>
282 OLD NATIONAL BANK	452.46	APRIL COPIER	POLICE	46174
OLD NATIONAL BANK	0.00	APRIL COPIER	PUBLIC	46174
OLD NATIONAL BANK	150.82	APRIL COPIER	PUBLIC	46174
OLD NATIONAL BANK	150.82	APRIL COPIER	BOARD OF	46174
OLD NATIONAL BANK	150.82	APRIL COPIER	MUNICIPAL	46174
SIPERSTEIN PAINT	8.59	BAL. OF INV.27840	PUBLIC	46175
TIMMERMAN	422.00	INV.185775 4/3/08	RECYCLING	46176
CERTIFIED	351.64	INV.369622 3/19/08	PUBLIC	46177
XTEL	217.74	ACCT#9910 MARCH LONG	UTILITIES	46178
HOLY NAME HOSPITAL	60.00	INV.81309280200802OH	PUBLIC	46179
HOLY NAME HOSPITAL	90.00	2/19/08 ACCT.	PUBLIC	46180
WINE & ROSES, INC.	93.99	INV.473515 FARMLAND	MUNICIPAL	46181
WINE & ROSES, INC.	100.00	INV.471828 2/29/08	SENIOR	46182
WINE & ROSES, INC.	340.00	3/10/08 EASTER	RECREATION	46183
DART COMPUTER	4806.00	INV.949273 3/26/08 2	POLICE	46184
SUPPORT CENTRAL	129.75	APRIL-SEPT. 2008 REC	RECREATION	46185
SPORTS TIME	560.00	INV.818186,718084	RECREATION	46186
THE TERRE COMPANY	1368.00	INV.67212 120 BAGS MVP	RECREATION	46187
J.E. RODGERS	288.00	INV.3280 6 STOP SIGNS	POLICE	46188
ALL POINTS	75.00	3/7/08 CAR 362	PUBLIC	46189
BOSWELL MCCLAVE	226.50	INV.25950 1/30/08	PLANNING	46190
BOSWELL MCCLAVE	234.00	INV.26182 2/13/08	PLANNING	46191
BOSWELL MCCLAVE	312.00	INV.26176 2/13/08	ENGINEERING	46192
MILFORD ARMS	1136.19	GARBAGE REFUND 1ST QTR	GARBAGE &	46193
BROOKCHESTER	45500.00	JAN-JUNE 2007 GARBAGE	GARBAGE &	46194
CANTERBURY VILLAGE	2576.50	REIMB. UNITED WATER	FIRE	46195
SERVPRO OF	5205.38	1/2/08 329 HOFFMAN	INSURANCE	46196
UNITED WATER NEW	11915.63	FEB. 2008 HYDRANT	FIRE	46197
UNITED WATER NEW	1381.27	JAN & FEB. 2008 WATER	UTILITIES	46198
RELIABLE WOOD	24875.00	2,500 YDS LEAF	RECYCLING	46199
WASTE MANAGEMENT	30281.04	FEB. RESIDENTIAL	GARBAGE &	46200
WASTE MANAGEMENT	765.10	INV.855393-1374-3	GARBAGE &	46201
PUBLIC SERVICE	10199.10	FEBRUARY 2008	UTILITIES	46202
PUBLIC SERVICE	0.00	FEBRUARY 2008	UTILITIES	46202
PUBLIC SERVICE	12069.46	FEBRUARY 2008	UTILITIES	46202
PUBLIC SERVICE	9997.79	MARCH 2008 ELECTRIC	UTILITIES	46203
PUBLIC SERVICE	0.00	MARCH 2008 ELECTRIC	UTILITIES	46203
PUBLIC SERVICE	14748.00	MARCH 2008 ELECTRIC	UTILITIES	46203
EDIE RYERSON	65.00	2/4/08 ENVIRONMENTAL	ENVIRONMENT	46204
SHOP RITE OF NEW	187.86	MARCH INVOICES	SENIOR	46205
RACHLES/MICHELE'S	2742.94	INV.71305 3/24	UTILITIES	46206
NATURES CHOICE	120.00	2/12/08 10.0 YARDS	RECYCLING	46207
NATURES CHOICE	356.00	40 YARDS BRUSH 2/15/08	RECYCLING	46208
NATURES CHOICE	510.00	30.00 YARDS LOG	RECYCLING	46209
RELIABLE WOOD	5970.00	REMOVAL LEAVES 600.0	RECYCLING	46210
CHRISTINE DEMIRIS	306.40	REIMB. 4/22 & 23	MUNICIPAL	46211
PAYROLL	833.33	4/16 -4/30/08 PAYROLL	GENERAL	46212
PAYROLL	8312.00	4/16 -4/30/08 PAYROLL	MUNICIPAL	46212
PAYROLL	7910.94	4/16 -4/30/08 PAYROLL	COLLECTION	46212
PAYROLL	1124.75	4/16 -4/30/08 PAYROLL	ASSESSMENT	46212
PAYROLL	583.33	4/16 -4/30/08 PAYROLL	ASSESSMENT	46212
PAYROLL	5293.30	4/16 -4/30/08 PAYROLL	CODE	46212
PAYROLL	146.77	4/16 -4/30/08 PAYROLL	RENT	46212
PAYROLL	854.65	4/16 -4/30/08 PAYROLL	POLICE	46212
PAYROLL	4747.22	4/16 -4/30/08 PAYROLL	POLICE	46212

<u>Vendor</u>	<u>Amount</u>	<u>Description</u>	<u>Account</u>	<u>Check #</u>
PAYROLL	4305.18	4/16 -4/30/08 PAYROLL	POLICE	46212
PAYROLL	19770.17	4/16 -4/30/08 PAYROLL	POLICE	46212
PAYROLL	123939.72	4/16 -4/30/08 PAYROLL	POLICE	46212
PAYROLL	90.00	4/16 -4/30/08 PAYROLL	UNIFORM	46212
PAYROLL	421.81	4/16 -4/30/08 PAYROLL	UNIFORM	46212
PAYROLL	646.08	4/16 -4/30/08 PAYROLL	PUBLIC	46212
PAYROLL	51815.85	4/16 -4/30/08 PAYROLL	PUBLIC	46212
PAYROLL	500.00	4/16 -4/30/08 PAYROLL	PUBLIC	46212
PAYROLL	1750.41	4/16 -4/30/08 PAYROLL	RECYCLING	46212
PAYROLL	2963.57	4/16 -4/30/08 PAYROLL	PUBLIC	46212
PAYROLL	4117.64	4/16 -4/30/08 PAYROLL	BOARD OF	46212
PAYROLL	668.02	4/16 -4/30/08 PAYROLL	RECREATION	46212
PAYROLL	2141.67	4/16 -4/30/08 PAYROLL	RECREATION	46212
PAYROLL	3119.60	4/16 -4/30/08 PAYROLL	SENIOR	46212
PAYROLL	19058.92	4/16 -4/30/08 PAYROLL	LIBRARY	46212
PAYROLL	0.00	4/16 -4/30/08 PAYROLL	SENIOR	46212
PAYROLL	1002.98	4/16 -4/30/08 PAYROLL	SENIOR	46212
PAYROLL	3526.92	4/16 -4/30/08 PAYROLL	POLICE	46212
PAYROLL	258.04	4/16 -4/30/08 PAYROLL	MUNICIPAL	46212
PAYROLL	5935.80	4/16 -4/30/08 PAYROLL	MUNICIPAL	46212
PAYROLL	7959.71	4/16 - 4/30/08 FICA	PENSIONS &	46213
PAYROLL	3619.25	4/16 - 4/30/08	PENSIONS &	46214

**Total 1351073**

**Total Bill List: 1351072.60**

**BOROUGH OF NEW MILFORD****Bill list****APRIL 28, 2008 CAPITAL**

<b><u>Vendor</u></b>	<b><u>Amount</u></b>	<b><u>Description</u></b>	<b><u>Account</u></b>	<b><u>Check #</u></b>
WAYSIDE FENCE CO.	3245.00	PART PAYMENT FENCE	2005	4199
BOSWELL MCCLAVE	351.00	INV.27904 3/31/08	2007	4200
BOSWELL MCCLAVE	312.00	INV.27862 3/31/08	2005	4201
BOSWELL MCCLAVE	2106.00	INV.27879 3/31/08	2007	4202
BOSWELL MCCLAVE	6124.50	INV.27903 3/31/08	2007	4203
BOSWELL MCCLAVE	3360.00	INV.28090 4/10/08	2007	4204
BOSWELL MCCLAVE	78.00	INV.28089 4/10/08	2006	4205
BOSWELL MCCLAVE	1629.00	INV.28088 4/10/08	HARDCASTLE	4206
BOSWELL MCCLAVE	2559.00	INV.28091 4/10/08	2005	4207
LET IT GROW	84626.72	CERT. NO.2 & CHANGE	HARDCASTLE	4208
LET IT GROW	0.00	CERT. NO.2 & CHANGE	2005	4208
LET IT GROW	27026.64	CERT. NO.2 & CHANGE	2005	4208

**Total 131418****Total Bill List: 131417.86**





286

BILL LIST FOR MEETING OF:				
APRIL 28, 2008				
ESCROW ACCOUNT				
<b>VENDOR</b>	<b>ACCOUNT</b>	<b>CHECK NO.</b>	<b>AMOUNT</b>	
BOSWELL MC CLAVE ENGINEERING	BEDKAS	1207	\$246.00	
BOSWELL MC CLAVE ENGINEERING	CORPORATE DEVELOPMENT	1208	\$1,053.00	
DENNIS J. OURY, ESQ. LLC	GRAMERCY	1209	\$175.00	
BOSWELL MC CLAVE ENGINEERING	GRAMERCY	1210	\$2,038.50	
BOSWELL MC CLAVE ENGINEERING	LUCERNE	1211	\$741.00	
BOSWELL MC CLAVE ENGINEERING	LUCERNE	1212	\$1,014.00	
DENNIS J. OURY, ESQ. LLC	PATEL	1213	\$387.50	
		TOTAL	\$5,655.00	



BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

## RESOLUTION

No. 2008: 115

Offered by: Christine Kerkus Seconded by: John S. M.

**WHEREAS**, the New Jersey Council on Affordable Housing (COAH) voted to revise its Third Round Regulations; and

**WHEREAS**, the proposed Third Round Regulations have been substantially revised and will require significant revisions/amendments to the Borough of New Milford's Third Round Plan as submitted; and

**WHEREAS**, the Borough Planner, Kauker and Kauker, LLC has submitted a proposal outlining the steps necessary to revise the plan to conform with the Third Round Regulation revisions/amendments; and

**WHEREAS**, Kauker and Kauker, LLC has requested that an additional \$25,000 be allocated to cover the projected cost to revise the Borough of New Milford's application to conform to the new Third Round Revised Substantive Regulations;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of New Milford hereby authorize Kauker and Kauker, LLC to revise the Borough's application to conform to the new Third Round Revised Substantive Regulations, as outlined in the Municipal Action Plan submitted March 11, 2008, at a cost not to exceed \$25,000;

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to Michael F. Kauker, Kauker & Kauker, LLC, 356 Franklin Avenue, Wyckoff, NJ 07481.

Member	Aye	No	Abstain	Absent
DELUCIA	✓			
DAY				
SUBRIZI	✓			
MURRAY			✓	
PUTRINO	✓			
ZEILNER	✓			
Mayor (tie)		✓		
TOTAL				

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on April 28, 20 08

Christine Kerkus

SEAL

C-M. Kauker

BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

209

RESOLUTION

No. 2008: 116

Offered by:

*Geria DeLucia*

Seconded by:

*Richard P. ...*

**WHEREAS**, a vacancy has occurred in the position of Fire Subcode Official in the Borough of New Milford; and

**WHEREAS**, Alan Silverman, licensed through the State of New Jersey Department of Community Affairs as a Fire Subcode Official under License #7462, has served as the Fire Subcode Official for an interim term commencing January 15, 2008 and expiring April 30, 2008;

**WHEREAS**, it is necessary for the Borough of New Milford to make a permanent appointment to fill the position of Fire Subcode Official;

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of New Milford hereby appoint Alan Silverman as Fire Subcode Official in the Borough of New Milford, for a four year term commencing on May 1, 2008 and expiring on April 30, 2012 at a yearly salary of \$8,500.00.

**BE, IT FURTHER RESOLVED** that a copy of this resolution be forwarded to Alan Silverman, the Building Department, and Mr. Henry Riccobene, Office of Regulatory Affairs, Department of Community Affairs, 101 South Broad Street, PO Box 818, Trenton, NJ 08625-0818.

Member	Aye	No	Abstain	Absent
DELUCIA	✓			
<del>DAY</del>				
SUBRIZI	✓			
MURRAY	✓			
PUTRINO	✓			
ZELNER	✓			
<i>Bockmann</i>	✓			
Mayor (tie)				
TOTAL				

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on April 28 2008

*Christine Remus*

SEAL

2 - Alan S., Bldg. Dept., H. Riccobene  
Trenton, NJ

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BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2008:117

Offered by...

*Frank De Lucia*

Seconded by...

*Ann V. Subrizi*

**CHANGE ORDER #1  
Hardcastle Pond Improvement  
Let It Grow, Inc.  
50 Ackerson Street  
River Edge, NJ 07646**

**WHEREAS**, it has been determined that a Change Order #1 is necessary in connection with the above project; and

**WHEREAS**, the reason for the Change Order is as follows:

Amount of Original Contract	\$172,565.00
Less Reductions (Change Order #1)	-1,513.24
Amended Contract Amount	\$171,051.76

**NOW, THEREFORE, BE IT RESOLVED** that Change Order #1 in the decreased amount of \$1,513.24.00 be approved by the Mayor and Council of the Borough of New Milford.

Member	Aye	No	Abstain	Absent
DELucIA	✓			
<del>DAY</del>				
SUBRIZI	✓			
MURRAY	✓			
PUTRINO	✓			
ZEILNER	✓			
<i>Backmann</i>	✓			
Mayor (tie)				
TOTAL				

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on April 28 2008

SEAL

*Christine Kemmels*

290A

Change Order No. \_\_\_\_\_  
 Date 4/16/2008  
 Job No. MN-401

## CHANGE ORDER

BOSWELL McCLAVE ENGINEERING  
 330 PHILLIPS AVENUE  
 SOUTH HACKENSACK, NJ 07606  
 (201) 641-0770

<u>Let It Grow, Inc.</u> CONTRACTOR  <u>50 Ackerson Street, River Edge, NJ 07646</u> ADDRESS	<u>Hardcastle Pond Improvement</u> PROJECT & JOB NUMBER  <u>Borough of New Milford</u> OWNER/COUNTY
--	---

Gentlemen:

In accordance with the provisions of the specifications for the above project, you are hereby advised of the following changes in the contract quantities or in the case of Supplementary work, you agree to its performance by your firm at the prices stated.

Location of Proposed Change: Within Project Limits

Nature and Reason of Change: As-Built Quantities

ITEM NO.	ITEM	PAY UNIT	QUANTITY (+/-)	UNIT PRICE	TOTAL
2	Unclassified Excavation	CY	-15	\$80.00	-\$1,200.00
3	DGA Base Course, 4" Thick	SY	-150	\$10.00	-\$1,500.00
4	Porous Open-Graded Hot Mix, 3" Thick	TON	-8	\$136.00	-\$1,088.00
5	9 x 18 Concrete Vertical Curb	LF	-22	\$50.00	-\$1,100.00
6	Concrete Sidewalk 4" Thick	SY	-13	\$95.00	-\$1,235.00
8	Detectable Warning Surfaces	SY	-0.9	\$400.00	-\$360.00
13S	Grade Changes	LS	1	\$3,469.76	\$3,469.76
14S	6' Chain Link Fence with Gate for Electric Pannel Enclosure	LS	1	\$1,500.00	\$1,500.00

Amount of Original Contract <u>\$172,565.00</u>	Supplemental <u>\$4,969.76</u>
Change Order No. 1 <u>(\$1,513.24)</u>	Extra _____
Adjusted Contract Amount <u>\$171,051.76</u>	Reduction <u>(\$6,483.00)</u>
	Net Amount <u>(\$1,513.24)</u>

Recommended for Approval Dean Lapinski  
 Approved Christine Demus  
 Accepted Raf P. Miller

BOSWELL McCLAVE ENGINEERING  
 OWNER  
 CONTRACTOR

4-18-08  
 DATE  
4/18/08  
 DATE  
04/17/08  
 DATE





BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

291

RESOLUTION

No. 2008: 118

Offered by:

Tena DeLucia

Seconded by:

Ann Subrizi

**WHEREAS**, the Borough of New Milford is required by the Municipal Excess Liability Joint Insurance Fund to update its Policies and Procedures Manual and Supervisory Supplement; and

**WHEREAS**, Policies and Procedures identifies the Deputy Clerk to assist the Borough Administrator in implementing personnel practices;

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of New Milford hereby appoint the Deputy Clerk to assist the Borough Administrator in implementing personnel practices as outlined by the Borough of New Milford Personnel Policies and Procedures Manual.

Member	Aye	No	Abstain	Absent
DELUCIA	✓			
<del>DE</del>				
SUBRIZI	✓			
MURRAY	✓			
PUTRINO	✓			
ZEILNER	✓			
<del>Bachmann</del>	✓			
Mayor (tie)				
TOTAL				

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on April 28, 20 08

Christine Demus

SEAL

292

BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

RESOLUTION No. 2008:119

Offered by Gina De Lucia

Seconded by: Ann Subrizi

**WHEREAS**, the Borough of New Milford is required by the Municipal Excess Liability Joint Insurance Fund to update its Policies and Procedures Manual and Supervisory Supplement; and

**WHEREAS**, the Borough Administrator has worked with the Borough Labor Attorney to review and revise the manual to meet current requirements; and

**WHEREAS**, the Borough Administrator has recommended approval of the revised Policies and Procedures Manual and the Supervisory Supplement as it applies to all employees, both full and part-time, and all volunteers;

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of New Milford hereby approve the Policies and Procedures Manual and Supervisory Supplement as of April 28, 2008.

**BE, IT FURTHER RESOLVED** that the Mayor and Council hereby authorize the Borough Administrator to provide a copy of the revised Policy and Procedures Manual to every Borough employee and volunteer, and a copy of the Supervisory Supplement to all supervisors.

Member	Aye	No	Abstain	Absent
DELUCIA	✓			
<del>DELUCIA</del>				
SUBRIZI	✓			
MURRAY	✓			
PUTRINO	✓			
ZEILNER	✓			
<del>Badham</del>	✓			
Mayor (tie)				
TOTAL				

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on April 28 20 08

SEAL

Christine Demusis