

MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
OPEN SESSION immediately following
8:30 PM PUBLIC MEETING
Monday, June 22, 2009



WORK SESSION:

Councilman Arthur Zeilner	Absent	
Councilman Keith Bachmann	Present	
Councilwoman Randi Duffie	Present	
Council President Tina DeLucia	Present	(arrive 7:08)
Councilwoman Ann Subrizi	Absent	
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. Repair Shop Ordinance – Revised Draft

The Administrator reviewed the Council's comments on the ordinance from the last meeting.

Councilman Bachmann suggested that the proposed ordinance over encompasses what the Council is trying to legislate, which could very well result in another problem if the mechanics park the cars elsewhere to keep them off their lot.

Council President DeLucia said she thought the Council agreed to discuss the possibility of limiting the number of cars based upon square footage as opposed to the number of bays. Mr. Moscaritolo stated he is at a loss, without input from the Planner, as to what would be the appropriate number of cars based upon square footage.

Councilman Putrino agreed that three vehicles per bay might be too restrictive. He stated by excluding employee vehicles, allowing them to get a permit for the "hardship cases" discussed previously, and perhaps increasing the number of cars per bay, it might address some of the concerns expressed by the service shop owners and still provide relief.

Councilwoman Duffie suggested that it might be helpful to look at similar ordinances from other towns. She added that doing nothing is not an option. Mr. Moscaritolo will research ordinances from other towns and provide three examples to the Council for review.

The Mayor asked if 30 days would be sufficient for an impounded vehicle. Councilman Putrino suggested that it could be extended, if necessary, and there should be no fee for the permit. The Mayor suggested that without a fee and no limit on the number of times the

permit can be extended there would be no incentive to get the car removed from the lot. The Mayor added it is not the Council's concern on what they need to do to remove the cars; it is the Council's job to clean it up. Councilman Putrino stated that it is not just appearance; it's aesthetics, environment, and safety.

It was noted, the ordinance as written also prohibits residents from working on cars, that are not their own, on their property. Councilman Bachmann stated that there is already an ordinance that prohibits running a business out of your home and asked why the Council would want an ordinance that regulates someone's hobby. He suggested that the Council is legislating aesthetics and that it is over regulating. Council President DeLucia said that it is more than aesthetics and that it would be tough to enforce the business ordinance if someone fixes cars and claims not to accept money. Councilwoman Duffie added that it would be a nuisance to have to listen to compressors and other equipment every night, just because it was someone's hobby.

The Mayor asked the Administrator to ask the Property Maintenance Officer and Councilwoman Subrizi to forward any notes they have on this so that they could be forwarded to the Borough Attorney.

The Mayor asked for a summary of the Borough's current abandoned vehicle ordinance. Mr. Moscaritolo stated that it says any vehicle that is not licensed or registered is considered abandoned. He commented that the ordinance has not been affirmed by the court; there is difficulty in enforcing this ordinance.

2. E-Revival Contract

The Administrator stated that the provision of a tonnage report was in the original contract and it has since been removed. Councilman Putrino said the report should be provided monthly; there should be no requirement to request the report. Mr. Moscaritolo will contact E-Revival and ask for a revision.

ADMINSITRATOR:

The Administrator reported that she had received consent from all twelve of the homeowners directly affected by the Hirschfeld Flood Mitigation project.

The Administrator stated that a resolution will be placed on the July 27th agenda whereby the Council will acknowledge receipt of the audit and a review of the general comments and recommendations. In addition, a Group Affidavit must be signed so that it can be submitted to the state within 45 days of receipt of the audit. Council President DeLucia asked to have the audit comments listed for discussion on the July 27th agenda and to have the CFO attend.

The Administrator stated that the Council's policy with regard to the lawn sign has been to restrict the use to Borough business only. She stated that she continues to get requests from organizations such as the Board of Education, Little League and most recently the School Resource Officer. She asked if the Council wished to reconsider the policy. All present agreed the policy should remain intact.

The Administrator reported that the existing stationary lift at the DPW had just been red tagged as it is leaking hydraulic fluid and cannot be repaired. She stated that the 2009 Capital budget includes \$44,000 for a portable lift. The DPW said that they can forego the portable lift but that the stationary lift must be replaced at an approximate cost of \$20,000. The Administrator asked if she should reduce the Capital budget by \$24,000. The Council agreed to maintain the line at \$44,000 in case other equipment is needed in the future.

The Administrator reported that the Recreation Director had asked if the Council would be interested in co-sponsoring a movie night on July 25th with the Recreation Commission at a cost of approximately \$2,000. The Council questioned what the \$2,000 would cover; asking if Police overtime and clean-up was included in that estimate. The Council agreed that it was a good idea but that there was not enough information and it was too short notice to properly consider it. They further agreed that there would be no objection if Recreation chose to pursue it and fund it out of their own budget.

The Administrator referenced the revised paving list for the 2009 Road Program. She stated that the revisions were as a result of a more recent site inspection by the Borough Engineer and the DPW Superintendent. During the inspection it became apparent that Birchwood, which was not on the original list, suffered extensive damage over the winter and that it would need to be added to the list. As a result, Chestnut was moved to the bottom of the current paving list but the engineer is confident that we still be able to pave it this year. The Council approved the revised list.

BOROUGH ATTORNEY:

Mr. Moscaritolo referenced the proposed amendment to the cell tower lease, which would allow for a sixth carrier. He stated the Council held off on the discussion to find out if it would alleviate the coverage issues in the north end of town. He stated that he had received word from Mr. O'Scanlon that it would not necessarily eliminate those issues.

Councilman Bachmann asked if Mr. O'Scanlon had provided the information on the additional cost to accommodate the carrier and the additional revenue expected, stating that this information was needed to determine if the change was material. Mr. Moscaritolo responded that Gaelic could rent to an additional carrier at approximately \$2,600 per month, but that he had not been provided with information regarding the additional cost. Councilman Bachmann stated that he did not want to agree to the extra ten feet and then be sued by the second bidder. Mr. Moscaritolo responded that the time to sue has passed; it is only an amendment to the lease and the request to add the ten feet did not come up at any time prior to awarding the bid.

Council President DeLucia asked if Mr. Moscaritolo had a recommendation. Mr. Moscaritolo stated that he felt the Council should agree to the request thereby maximizing the return to the Borough and benefiting the taxpayers. A resolution to approve the amendment will be prepared for the July 27th agenda.

Councilman Bachmann asked to have the specific information on the cost and profit provided before that meeting. Mr. Moscaritolo will contact the attorney for Gaelic. Mayor DeBari asked why he wants the information. Councilman Bachmann responded that if the profit far exceeds the cost he believes it will increase the likelihood that the Borough would be sued.

COUNCIL:

Council President DeLucia asked to postpone the approval of the 2/9/09 minutes, noting that it indicates that she offered and seconded a motion. The Administrator suggested that it could be corrected prior to the adoption at the public meeting.

Councilman Bachmann asked to confirm that the ordinance on vice and immorality was for the purpose of tightening our own ordinance to concur with the state statute. This was confirmed.

Referencing Ordinance 2009:12, Councilman Bachmann asked if Lafayette Street ran east and west. He was informed that it runs north and south.

Councilman Putrino asked the status of the American Legion building, noting new graffiti and vandalism. The Administrator stated that there is one outstanding issue that needs to be resolved before the building can be taken down. The Mayor stated that he will speak with the person who does the asbestos inspection at the County if he will be able to certify that the building is asbestos free.

Councilman Bachmann asked to have resolutions 2009:49, 2009:50, 2009:52, and 2009:53 pulled from the consent agenda for a separate vote as they pertain to the Elks of which he is a member.

The Mayor announced that he is still looking for a volunteer for the Rent Leveling Board – Tenant position.

Council President DeLucia asked to have the Zoning Board and Planning Board agendas posted to the website prior to the meetings. Councilman Putrino stated that Maria Sapuppo has indicated that she would be interested in being able to update the website for both of those boards. The Administrator will speak with Maria about posting the agendas.

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

Mr. Gus Bachmann addressed the Council. Mr. Bachmann asked how many people had signed the consent form for the Hirschfeld Flood Mitigation. He was advised that all twelve of the directly affected homeowners had signed the consent form. Mr. Bachmann suggested that the Council should consider the possibility of the presence of mold in the American Legion building.

Mr. Martin Schenkman, 203 Center Street, addressed the Council. Mr. Schenkman stated that sometime owners turn over titles to the shop owners who then put them up for sale. He asked how this type of car would be considered in the proposed ordinance, noting that the vehicles are not licensed or registered. He was advised that as proposed you can sell one vehicle on the lot at time.

Mr. John Dapper, 430 Madison Avenue, addressed the Council. Mr. Dapper said that he keeps his motor home behind the shop and asked if he would be able to keep it there. He was advised that he can keep it. He asked if it would go against his car count. Mr. Moscaritolo responded that one of the changes already made was to exclude company and employee vehicles.

As there were no further questions from the public, Councilman Putrino made a motion to close the meeting to the public. Council President DeLucia seconded the motion. All present in favor, none opposed.

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

CLOSED SESSION:

1. Review of Closed Session Minutes – 2/9/09 and 4/27/09

Council President DeLucia made a motion to return to open session. Councilman Putrino seconded the motion. All present in favor, none opposed.

Councilman Bachmann made a motion to approve the minutes from February 9, 2009 and the April 27, 2009 closed session meetings. Councilman Putrino seconded the motion. All present in favor, none opposed. Councilwoman Duffie abstained from the approval of the February 23, 2009 closed session minutes as she had not attended the meeting.

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

PUBLIC SESSION: (Actual Start 8:32 PM)

Councilman Arthur Zeilner	Absent
Councilman Keith Bachmann	Present
Councilwoman Randi Duffie	Present
Council President Tina DeLucia	Present
Councilwoman Ann Subrizi	Absent
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 Bachmann made a motion to approve the minutes from the February 9, 2009 Work Session and the February 23, 2009 and April 27, 2009 Public Sessions. Councilman Putrino seconded the motion. All present in favor, none opposed. Councilwoman Duffie abstained from the approval of the February 23, 2009 minutes as she had not attended the meeting.

**APPOINTMENTS: RECREATION - RENEE TUFARO
THERESA CIAMBRIELLO – ALT. 1
NEIL GOULDSBURY – ALT. 2**

RENT LEVELING - ANGELO DECONGELIO (H) – Alt.

**BD. OF HEALTH – DAN HARMATZ
JOETTE WILLIAMS**

JR. FIRE DEPT. - JAMES FAVIA

Councilman Bachmann made a motion to approve all of the appointments. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

PRESENTATION: TOM MAGGI

Mr. Bob Chester came forward to address the Council. Mr. Chester presented a flag to Mr. Tom Maggi, Grand Marshall of 2009 Memorial Day parade, on behalf of the VFW Post 4290. He stated that the flag was given to the VFW by Scott Garrett and that it had flown over the Capitol on Memorial Day. The flag was given to Mr. Maggi in honor of his service during the Vietnam War.

Mr. Maggi stated that receiving the flag and serving as the Grand Marshall was a great honor and thanked all those responsible.

COUNCIL COMMITTEE REPORTS:

Councilman Arthur Zeilner

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

Absent – No report

Councilman Keith Bachmann

Ambulance Corps, Drug Alliance, Recreation

Councilman Bachmann stated that the Ambulance Corps met on June 15th. He stated that they are still looking for new members and are planning their year-end affair.

Councilman Bachmann reported on the Fishing Derby sponsored by the Drug Alliance on June 13th. He stated that it was well attended with 80+ young people in attendance. Councilman Bachmann additionally reported that at the meeting on June 17th, long serving chair, John Walsh stepped down as chairperson and Kevin McMahon was named to replace him.

Councilman Bachmann stated that the Recreation Commission had met on June 3rd but he was unable to attend as he was attending the Girl Scout awards ceremony. The second meeting scheduled for June 17th did not take place as they did not have a quorum. He noted that the summer programs are getting ready to get underway.

Councilwoman Randi Duffie

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

Councilwoman Duffie noted her attendance at the Board of Health meeting, summarizing the vital statistics for the month and reading a report from the Health Officer on the status of swine

flu in the area. She noted 125 confirmed cases in the state and eleven in Bergen County. She added that while all swine flu cases are a type of influenza not all influenzas are swine flu.

Councilwoman Duffie reported that the Rent Leveling Board is continuing its review of their ordinance and that Ira Grotsky was named as the new Chairperson to the Board.

Councilwoman Duffie stated that she contacted the Borough of Oradell on behalf of New Milford residents to discuss the condition of Milford Ave. and was advised that it is scheduled to be repaved.

Councilwoman Duffie noted her attendance at the Girl Scout Awards and congratulated the award recipients. She also noted her attendance at the Historic Commissions New Milford Birthday Event.

Council President Tina DeLucia

Chamber of Commerce, Planning Board, Library Board

Council President DeLucia stated that the Chamber of Commerce did not meet this month.

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

Council President DeLucia reported on the June 18th meeting of the Library Board. New Milford was represented at a recent event in Paramus on books and authors. Council President DeLucia also acknowledged the Girl Scouts that recently mulched the planting area that they had planted the previous year. She reported that the Library summer hours will begin on July 11th which will include four Saturdays with morning hours.

Councilwoman Ann Subrizi

Board of Education, Historic New Bridge Landing, Public Events

Absent – No Report

Councilman Michael Putrino

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

Councilman Putrino reported the in lieu of their regular meeting the Historic Commission sponsored the June 7th New Milford Birthday Celebration at which the Peetzburg banners were unveiled. He further reported that their two displays at the Library will be extended through the month of July. Next meeting – July 14th.

Councilman Putrino reported that the Fire Department did not meet in June. 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. Next meeting – September.

Councilman Putrino reported on the Shade Tree Commission meeting of June 19th. He reported that the Commission is working on its second five-year Community Forestry plan, which will be submitted to the state in July. Next meeting – July 16th.

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.

Mayor Frank DeBari
Community Development

No Report

OLD BUSINESS:

ADOPT 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

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

Mr. Jeremy Dapper, 438 Ryeside Avenue, came forward to address the Council. Mr. Dapper asked if the ordinance prohibited being drunk in your own home, stating that he heard the word private in the ordinance summary. Mr. Moscaritolo explained that the amendment is to remove “public intoxication” from the ordinance but stated that you could still be considered a disorderly person, even in a private home.

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

NEW BUSINESS:

INTRODUCE ORDINANCE #2009:12

AN ORDINANCE TO AMEND CHAPTER VII OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "TRAFFIC", THEREBY AMENDING SUBSECTION 7-3 ENTITLED "PARKING"

Councilwoman Duffie 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 as follows:

For the motion: Bachmann, Duffie, DeLucia
Against the motion: None
Abstain: Putrino

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

RESOLUTIONS:

The Mayor announced that resolutions #2009:149, 2009:150, 2009:152, and 2009:153 will be pulled from the consent agenda for a separate vote.

- 2009:147 Closed Session
- 2009:148 Payment of Bills and Vouchers
- 2009:149 Authorize 2009 Liquor License Renewals
- 2009:150 Approve Social Affairs Permit for New Milford-Teaneck Lodge #2290, B.P.O.E. Elks
- 2009:151 Approve Raffle License #2009:14 – Cross Cultural International Institute for an Off-Premise 50/50
- 2009:152 Approve Raffle License #2009:15 – New Milford-Teaneck Lodge #2290, B.P.O.E. Elks for On-Premise 50/50
- 2009:153 Approve Raffle License #2009:16 – New Milford-Teaneck Lodge #2290, B.P.O.E. for Games and Wheels
- 2009:154 Authorize Mayor to sign Solid Waste Service Agreement with the Bergen County Utilities Authority for participation in the Solid Waste Cooperative

VOTE ON RESOLUTIONS

Councilman Putrino made a motion to approve resolution #2009:149. Council President DeLucia seconded the motion. The motion passed on a roll call vote as follows:

For the motion: Duffie, DeLucia, Putrino
Against the motion: None
Abstain: Bachmann

Council President DeLucia made a motion to approve resolution #2009:150. Councilman Putrino seconded the motion. The motion passed on a roll call vote as follows:

For the motion: Duffie, DeLucia, Putrino
Against the motion: None
Abstain: Bachmann

Councilwoman Duffie made a motion to approve resolution #2009:152. Councilman Putrino seconded the motion. The motion passed on a roll call vote as follows:

For the motion: Duffie, DeLucia, Putrino
Against the motion: None
Abstain: Bachmann

Councilwoman Duffie made a motion to approve resolution #2009:153. Council President DeLucia seconded the motion. The motion passed on a roll call vote as follows:

For the motion: Duffie, DeLucia, Putrino

Against the motion: None

Abstain: Bachmann

Councilman Bachmann made a motion to approve resolutions #2009:147, 2009:148, 2009:151, and 2009:154. Councilman Putrino seconded the motion. All present in favor, none opposed.

COMMENTS FROM THE PUBLIC

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

Mr. John Dapper, 438 Ryeside Avenue, came forward to address the Council. Mr. Dapper asked if there had been any developments with the repair shop ordinance. The Mayor said the Council will continue to review the ordinance and consider some of the suggestions that had been made. Mr. Dapper commented that it reads repair shop ordinance and asked if it will encompass repairs at private residences. The Mayor stated that it will all be incorporated and it will continue to be discussed over the next few months.

Ms. Joann Prisendorf, 317 River Road, came forward to address the Council. Ms. Prisendorf read a prepared statement of which she provided copies to the Council and to the Borough Clerk. Ms. Prisendorf commented on the recent suspension of the noise ordinance to allow work at the United Water Company property. She questioned where the Mayor had the right to suspend that ordinance. She commented that the December meeting minutes were not posted the Borough's website, which precluded her from researching ordinance 2008:17. She questioned the Council's decision to advertise in the Ridgewood News and quoted the Record's circulation numbers. She discussed the hazards extra traffic would cause if the United Water Company property is developed and questioned emergency services ability to handle evacuations and the effects on the schools. She suggested the property should be acquired for open space.

The Mayor explained that the recent soil removal from the United Water property has nothing to do with the intended use of the property. He stated that United Water received a phone call from the Dept. of Homeland Security notifying them that they could not move soil at Teterboro Airport while there is an active runway; they were given a window from 11 PM to 7 AM to bring in the soil. Since they needed to move the soil at night, they contacted the Mayor to request permission. The Mayor read an email from Chief Papapietro into the record. The email stated that Teterboro Operations told the Chief that the work had to be done at night was because of Federal regulations that prohibit work within 1,000 ft. of an active runway. Given the flight load at the airport the decision was made to close the runway at night. The email also confirmed that the job has concluded. The Mayor apologized to everyone that was affected by the work.

He stated that the property is still owned by United Water and that he had a conversation with representatives of the water company more than five years ago to let them know that the Borough might be interested in obtaining the property. He added that just two months ago, he, Councilwoman Subrizi, and Councilwoman Duffie met with the water company. The purpose of the meeting was to let them know that the Borough was still interested. United Water agreed to

prepare a plot plan to outline what portion of the property could be used. Once the plot plan is obtained both United Water and the Borough will obtain appraisals and then a discussion will take place with the entire Council as to whether or not the Borough wishes to obtain the property. He suggested that the property could be developed with affordable, senior, veteran and fair market housing, in addition to a parking lot for the high school, a passive park and a new senior center, opening the old senior center up for a youth center.

Councilman Putrino stated that the Mayor neglected to mention the Borough's COAH obligation. The Mayor explained the possibility of a builder's remedy lawsuit using the Carlton Place property as an example.

Councilman Bachmann commented that he knows the reason why the Council places advertisements in the Ridgewood News, but he does not agree with it. He stated that no one has the authority to suspend an ordinance. He suggested a practical solution would have been to have the contractor truck the materials out before 10 PM and then deliver them later. He stated his real concern is the proposed 200 units and the Council already sent COAH a plan committing to the units. He noted that the property is zoned for single-family use and that the utility was preexisting in the zone.

The Mayor commented that the Twin-Boro cannot be the official newspaper because they do not meet the required circulation and because they are a free paper. The Ridgewood News meets the required circulation and is available here and at the Library.

Mr. Howard Berner, 145 North Terrace Place, came forward to address the Council. Mr. Berner identified himself as the Chairman of the Recreation Commission and asked the status of the Capital budget. He was advised that the Capital budget ordinance will be introduced at the next meeting but the Recreation Director was given the approval to purchase the lawn mower with old capital money.

Mr. Joe Steele, 377 Hoffmann Avenue, came forward to address the Council. He identified himself as a member of the Board of Education. Mr. Steele commented on the effects to the school system the proposed 200 units would pose. He suggested that there are two large apartment complexes in town and asked if it would be cheaper for the town to subsidize apartments as they become available.

Ms. Pat Coogan, 325 Jordan Road, and Ms. Eileen Leonard, 178 Trotta Drive, came forward to address the Council. Ms. Coogan identified herself as the Chairperson for the Senior Advisory Board. She asked the audience to consider the seniors that would benefit from the proposed housing and suggested that people were jumping too quickly as the property has yet to be acquired. Ms. Leonard echoed Ms. Coogan's comments and mentioned the possible benefit to veterans as well, stating that seniors do a lot for the town.

Mr. Bob Furletti, 182 Lenox Avenue, came forward to address the Council. Mr. Furletti questioned the environmental safety of developing the property. He suggested that the town should seek the opinion of an independent environmental inspector and further suggested that United Water should indemnify the town against future litigation. The Mayor responded that the New Jersey Department of Environmental Protection has completed their environmental impact study and given the property clearance. He added that whenever the property is available for

sale, whoever purchases the property will be given a "No Further Action" from the United Water Company.

Mr. Mathew Kaprielian, 115 Center Street, came forward to address the Council. He asked, is it not a liability to bring 200 families into New Milford and how will this affect the average taxpayer. The Mayor explained that it first has to be determined if the town will purchase the property and if so the developer will need to go before the Planning Board to review every detail of the development. The Mayor added that 160 to 200 units would result in tax revenue of approximately \$198,000 to \$247,000 and that it was likely that any increase in expenses would be offset by that amount tax revenue.

Ms. Ida Piazevulli, 328 Jordan Road, came forward to address the Council. She stated that she is against this large development next to the high school. She added that school enrollments are up. She stated that senior and veteran housing are not the issue and suggested that this is not the right type of development. Ms. Piazevulli then questioned the remodeling of the shopping center on the other side of the high school asking how it was approved.

Jose Camacho, 265 Eagle Avenue, came forward to address the Council. Mr. Camacho asked if the property is presently zoned for multi-family housing. The Mayor stated it is being reclassified as a multi-family townhouse zone as it is proposed in the Borough's Master Plan. Mr. Camacho asked if the water company could develop it with multi-family housing. The Mayor stated that they do not have to sell the property to the Borough; they could sell or develop it but it would all have to go through the Planning Board. Mr. Camacho commented on school crowding and the need to add infrastructure to support the additional housing. He asked if there is a statute that limits the number of kids in a classroom. The Mayor responded that he is sure that there is but that he would need to consult the Board of Education.

Mr. Terrence McMackin, Madison Avenue, came forward to address the Council. Mr. McMackin stated that there would be no way to predict the number of people who will occupy the dwellings, the classrooms that will be needed, the impact on the DPW, Police, Ambulance, and Fire Department. He suggested that this needs to be researched in order to truly assess the impact on taxpayers. He also suggested that the plan should be put to vote among the residents.

Mark Flores, 150 North Carlton Place, came forward to address the Council. Mr. Flores expressed his understanding on the need to meet the COAH requirements. He suggested that everyone would support senior housing, but asked what else would be thrown in to get the senior housing passed. He asked if there is a way to satisfy COAH while restricting it to senior and veteran housing, thereby eliminating the impact on the school system. Council President DeLucia responded that the law will not allow the town to restrict the affordable units by age. Mr. Flores stated, while not restricting eligibility, it could be targeted to specific age groups. Council President DeLucia responded that the town cannot only advertise to seniors or specifically state that they are building senior housing; that there is a certain percentage (25%) that can be allocated specifically to seniors. Mr. Flores stated by changing the ordinance the Council made it easier for developers. The Mayor clarified, the Council did not change the ordinance they revised the Master Plan to include the housing element because of the COAH obligations – state mandated, unfunded. He added, this was not the Council's choice; that they can no longer pay in lieu of the obligation. The Mayor stated, currently there is no plan, there is no purchase and it is not a done deal. Mr. Flores asked if there is no way to restrict to seniors, is

there any way to buy into any of the existing residential apartments. Council President DeLucia said that she does not know but that it is an interesting idea that should be explored. But she clarified, this is not subsidized housing.

Marilyn Cruz, 313 River Road, came forward to address the Council. Ms. Cruz expressed concern for the safety issues, the capacity at schools, and transportation issues. She asked how the Borough would finance the purchase and how it will impact residents in terms of taxes. The Mayor responded that if the decision is made to purchase the property it will be bonded and then sold to a developer who will be responsible to cover all of the Borough's expenses. Councilman Bachmann said he will vote no, which will also cost the taxpayers nothing. Ms. Cruz suggested public comment should be encouraged and suggested advertising in the Twin Boro to reach more people. She then asked for the status of Madison Plaza and the potential occupants. She was advised that the owner's intent was to square off the building and the occupants are unknown at this time. The Mayor clarified that the driveway opening next to the high school parking lot was permitted by the County Planning Board, since River Road is a County road. Ms. Cruz asked how many people sit on the New Milford Planning Board. She was advised that there are nine members.

Mr. Berner, came forward to address the Council again. Referencing the lack of open space in town, he commented that the Recreation Commission would welcome a second soccer field.

Mr. Nabil Ishkander, 211 Demarest Avenue, came forward to address the Council. Mr. Ishkander stated that he came before the Council on October 27th and at the time the Mayor said that he would contact the water company on his behalf. He stated that when he asked the Administrator the outcome he was told the Mayor could do nothing for him and he was turned away.

Mr. Tom Williams, 206 Washington Avenue, came forward to address the Council. Mr. Williams stated that he wished to remind the Council of two major flooding events that included half of the water company property.

Ms. Paige Ryan, 226 West Street, came forward to address the Council. Ms. Ryan confirmed the towns COAH obligation is 41 units today, but the more we build the greater the obligation will become. This was confirmed. Ms. Ryan asked if there is a timeline in the Master Plan to which the Borough committed. She was advised that there is no timeline. She asked if the development across from the post office has ended. She was advised that the Borough was waiting for the builder to submit a developer's agreement. Ms. Ryan asked what would happen if the Borough did not purchase the water company property; if a developer purchased what recourse would the residents have. She was advised the only recourse would be to attend Planning Board meetings. She suggested residents should receive email notifications of the meetings. She referenced the New Jersey League of Municipalities action against COAH and asked if New Milford was a part of that league. She was advised that the Borough is part of the league but not part of the lawsuit. She asked why. She was advised that participation would have cost money and New Milford will benefit if the League prevails whether we joined the suit or not. It was also noted that we had to move forward with COAH regardless of the lawsuit in order to comply with the law.

Ms. Colleen Caruso, 177 Grand Street, came forward to address the Council. Ms. Caruso commented that the property should be developed according to the residents wishes. She suggested that it should be used for the high school, which would not add to the burden for Police and Fire. She added that the town just finished building new schools and they are already full and that the town does not need another senior center. She suggested purchasing an existing apartment complex to meet COAH obligations.

Ms. Danielle Heinemann, 440 East Park Drive, came forward to address the Council. Ms. Heinemann asked if we are currently meeting any of the required 41 units. She was advised that we are not. She asked when the town was notified of the obligation and when we would have to comply. She was advised that whenever any new construction takes place the COAH obligation will need to be addressed. Council President DeLucia explained that the real obligation is 71, which was reduced by identifying homes in need of serious rehabilitation and group homes among other things. Ms. Heinemann asked if any future housing could be offered to New Milford residents first. She was advised that it cannot be restricted. She asked if there is any way that the property could be zoned as wetlands. She was advised that some of it already is considered wetlands and therefore not buildable.

Mr. Furletti came forward to again express his concerns about the environmental safety and the town's indemnification against future claims.

Mr. Bob Hayden, 349 Main Street, came forward to address the Council. Mr. Hayden asked if the property has been rezoned as multi-family. He was advised that it was identified as a possible site for multi-family townhomes in 2005 when the Housing Element was added to Master Plan. Mr. Hayden asked if was possible to overturn this decision. The Mayor responded that he was unsure.

Staci Handschuh, 289 Greve Drive, came forward to address the Council. She asked what if the town did not fulfill its COAH obligation; what is the deadline. Council President DeLucia stated that there is no timetable as of yet but that the town will not be eligible to receive state aid if we do not comply. The Mayor added that if the Gramercy developer does not build and the United Water property is not developed the 41 units will remain, but at such time as construction takes place anywhere in town a certain number of units must be reserved for affordable housing. Ms. Handschuh stated that there is not enough space to fit 41 affordable units in New Milford and suggested that there must be some other recourse.

Mr. Doug Bejian, 348 East Woodland Road, came forward to address the Council. Mr. Bejian stated that his street has ground water coming out of it. He stated that the driveway next to the CVS Plaza is unsafe. He added the dumpster is right over a drain and is close the tennis courts. He commented that when they built Canterbury the owner wanted to put ten units on vacant property and he was told he could only put five; he asked what had changed to allow twenty-eight units.

Mr. Russ Schwartz, 260 Ridge Street, came forward to address the Council. Mr. Schwartz expressed concern for the distraction that will be caused to students during construction.

Mr. Angelo DeCarlo, 783 Princeton Street, came forward to address the Council. Mr. DeCarlo asked if the Borough did not purchase the United Water property, could they sell to a developer

and then what would happen. The Mayor responded that they could sell to a developer and the proposed development would come before the Planning Board, of which Mr. DeCarlo is a member. Mr. DeCarlo stated that the Planning Board cannot just decide against an application, they must consider a number of conditions in rendering a decision. He noted that even if the Board was to deny an application, the applicant can appeal the decision and it can be overturned in Superior Court. He suggested that it would be better for the town to have control over whatever development is going to take place, rather than to be at the mercy of another developer. He added that the water company property is not condemned and that it is being made available for sale either to New Milford or a private developer. He commented that if a developer was to knock down an existing home, and the town was not satisfying their COAH obligations elsewhere, the state can step in and say that has to be an affordable house. Mr. DeCarlo clarified that the water company property has not been rezoned, but rather a recommendation to rezone was made in the Master Plan.

Councilman Bachmann asked to address the sentiment of "they're going to build it next to me." He stated the reason he believes this is not going to happen, noting that it is not profitable to knock down a house and build affordable housing, when they could build a private home and sell it for much more.

Council President DeLucia stated that it would not be developed with a one-family; it would be developed with higher density housing in a single family residential neighborhood. She added that it has already happened in other communities, referencing Tenafly as an example. She stated that the judicial position, which has been upheld thus far, if a judge believes the town is resisting affordable housing they can throw out the town's zoning law.

Councilman Putrino added that it had been recently reported in the newspaper that Fair Lawn had rejected a 200 unit development and the decision was overturned by the Superior Court as a result of a builder's remedy lawsuit. He noted a similar decision in Carlstadt where the application was rejected because of density and overturned in court. He noted that neither town had an approved affordable housing plan filed with COAH.

Ms. Prisendorf came forward and stated that there is no urgency with COAH and she would rather see taxes go up for a new ball field.

Mr. Gus Bachmann, 258 Stevens Court, came forward to address the Council. Mr. Bachmann stated his concern is for flooding. He asked when the work will begin on the Hirschfeld Flood Mitigation project. He commented that the plan has changed, that dirt for the berming will not come from the Carlton Place and Neumaier properties; he asked where soil will come from. The Administrator stated that we are waiting for the Department of Environmental Protection permit before work can begin.

Mr. Bill Zwicker, 260 Milford Avenue, came forward to address the Council. Mr. Zwicker stated he is concerned on how the traffic will be impacted by the proposed development. Mr. Zwicker added that there had been no discussion on the water company's role in previous flooding events and questioned why no one is after the water company to make improvements to the watershed system.

An unidentified member of the public suggested drafting a FAQ of the most common questions and comments to be posted on the website.

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

ADJOURNMENT

Councilman Bachmann made a motion to adjourn. Council President DeLucia seconded the motion. All present in favor, none opposed. Time 11:18 PM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Christine Demiris".

Christine Demiris
Borough Clerk