

**MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
Wednesday, January 10, 2011**

WORK SESSION:

Councilman Diego Robalino	Present
Council President Keith Bachmann	Present (7:03)
Councilwoman Randi Duffie	Present
Councilman Howard Berner	Present
Councilman Dominic Colucci	Present
Mayor Ann Subrizi	Present



Also present: Mark Madaio, Borough Attorney; Doug Doyle, Labor Attorney; Christine Demiris, Administrator/Clerk

Mayor Subrizi reads the Open Public Meeting and Mission Statements.

CLOSED SESSION:

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

1. Collective Bargaining – Labor Attorney – 7:00 PM
2. Collective Bargaining – Labor Union Representatives – 7:15 PM
3. Review of April 5, 2010 Closed Session Minutes

Council President Bachmann made a motion to go into open session. Councilman Berner seconded the motion. All present in favor, none opposed.

OPEN SESSION:

1. United Water – Tom Herten/Mary Campbell/Jim Glozzy/Lynn DeCarlo – 7:30 PM

Mayor Subrizi introduced and welcomed the United Water representatives. Ms. DeCarlo noted there were two phases of work that had to be done on the property. The first phase was the soil remediation, which has been completed for which the DEP terminated the permit in the fall of 2010; and the second phase was for the small area of soil containing an oily substance, which received a “No Further Action” letter in March 2010. She noted the “No Further Action” letter applied only to this portion of the property and was not applicable to the soil remediation. United Water recently applied to the DEP for permits for the restoration of the berm along the riverside, necessitated by the removal of the sludge. Ms. DeCarlo advised the project should begin in the spring and should take approximately three months. Mr. Herten stated the permits requested are not in anticipation of any development.

Councilman Berner asked for a brief introduction of the United Water representatives as well as their titles. The UW representatives introduced themselves: Tom Herten, Outside Council, Mary Campbell – Corporate Council, Lynn DeCarlo – Environmental, Jim Glozzy – Vice President.

Council President Bachmann asked what portion is still contaminated. Ms. DeCarlo responded, none, noting the permit had been closed following the satisfactory clean-up of the residuals in the soil. Ms. Campbell noted only a small portion of the land was actually contaminated.

Councilman Berner asked if wells were dug up and if they came up clean. Ms. DeCarlo stated when digging they hit the groundwater table and performed all required testing; after that the no further action letter was given.

Council President Bachmann questioned why United Water would put the berm back. Ms. Campbell stated the berm is there to protect the property.

Mayor Subrizi asked if the Borough can see United Water's test results; Ms. Campbell advised the entire remediation file is on a disk, which she will provide.

Councilwoman Duffie asked if anything was being stored on the site; Ms. DeCarlo noted there is a small diesel tank secondarily contained.

Council President Bachmann made a motion to open the meeting to the public for comment on the United Water property only. Councilman Berner seconded the motion. All present in favor, none opposed.

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

Council President Bachmann made a motion to close the meeting to the public. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

CLOSED SESSION:

Councilman Berner made a motion to go into closed session to discuss possible property acquisition. Councilman Robalino seconded the motion. All present in favor, none opposed.

4. Potential Property Acquisition

Council President Bachmann made a motion to back into open session. Councilman Colucci seconded the motion. All present in favor, none opposed.

2. School Resource Officer Program – Chief Papapietro

Mayor Subrizi provided a brief background of the program; noting it was a shared cost between the Board of Education and the Borough, however the Board of Education chose not to fund it this year.

Chief Papapietro distributed statistical handouts to the Council and noted the years at the middle school are the most important; the officers really know the children by the time they get to high school. Whenever there is a problem with a juvenile, the SRO is the first officer called upon; they provide invaluable information. Chief Papapietro is passionate about the school security because he and members of the Intelligence Committee believe the next

target of terrorism will come through the schools. He is prepared to keep the program as is; providing he loses no more police officers on the bottom.

Mayor Subrizi agrees; there is a desire to keep the program intact.

Chief Papapietro referenced the \$130,000 the Borough spends on crossing guards' salaries and unemployment for the off months. The Administrator questioned why the Borough is responsible for the crossing guards, they are for the schools. Mayor Subrizi noted the Board of Education has put the Borough in an awkward situation; the Board of Education is able to offer the crossing guards a ten month contract whereas the Borough is not. Councilwoman Duffie asked if the Board of Education has been approached regarding the crossing guards; Mayor Subrizi advised it is time for a discussion. Mayor Subrizi will present the topic to the Board of Education and report back to the Council.

3. C4 Collection System Sewer Operator – Mike Calamari/John Pampaloni

Mr. Calamari, Asst. DPW Superintendent stated every municipality is required to have a sewer license holder; Rapid Pump has held the license for the Borough for many years. John Pampaloni lives and works in Bergenfield and will do it for \$395 per month; Rapid Pump charges \$495 per month. A member of New Milford's DPW, Steve Demauro, is currently pursuing his license; however it will take approximately two years. Council President Bachmann asked what the license holder does. Mr. Pampaloni stated the license owner is responsible for operations of the sewer system through the DPW; if there is a problem, the DEP will go after the licensee. Council President Bachmann questioned if insurance is needed to cover the licensee; if so Rapid Pump might be better covered. Mr. Pampaloni advised the Borough should have a spill overflow plan and an operations manual on file. Mr. Pampaloni holds the license for Teaneck, Tenafly, Haworth, Dumont and Bergenfield. Mr. Calamari clarified that Rapid Pump would still be responsible for maintaining the pump station; however would no longer hold the license. The Administrator will prepare a resolution to appoint Mr. Pampaloni as the C4 operator effective February 1, 2011. Council President Bachmann would like to know what the surrounding towns pay; the Administrator will research and advise.

Mayor Subrizi advised that Councilman Colucci will be the liaison to the DPW.

Council President Bachmann made a motion to approve the closed session minutes from April 5, 2010. Councilwoman Duffie seconded the motion. All present in favor, with the exception of Councilman Colucci and Councilman Robalino who both abstained.

APPOINTMENTS:

COUNCIL VACANCY

MARK GROSSBARD – FIRE CO. #1

HOWARD BERNER – PLANNING BOARD CLASS III

Mayor Subrizi read the letter from the Republican County Committee with their three recommendations for the Council vacancy; Peter Rebsch, Celeste Scavetta and John Thomsen. Council President Bachmann asked for Mayor Subrizi's recommendation; Mayor Subrizi said she would lean toward replacing a woman with a woman, she noted however, they are all qualified. Councilman Colucci made a motion to nominate Celeste Scavetta. Councilman Robalino seconded

the motion. Councilman Berner made an alternate nomination for Peter Rebsch. The record reflects no second to the motion. Councilman Robalino noted the Council could not go wrong with any of the candidates.

The motion to appoint Celeste Scavetta to fill the vacancy left by Mayor Subrizi passed on a roll call vote as follows:

For the motion: Robalino, Bachmann, Berner, Colucci

Abstain: Duffie

Ms. Scavetta will be sworn in at the January 24th meeting.

Councilman Colucci made a motion to appoint Mark Grossbard to Fire Company #1. Council President Bachmann seconded the motion. All present in favor, none opposed.

Mayor Subrizi stated she was advised that the Planning Board Class III member is not a Mayoral appointment, but a Council appointment. As such she brought it before the Council. Council President Bachmann made a motion to appoint Councilman Berner to the Planning Board as a Class III member. Councilman Robalino seconded the motion.

The motion passed on a roll call vote as follows:

For the motion: Robalino, Bachmann, Duffie, Colucci

Abstain: Berner

NEW BUSINESS:

INTRODUCE ORDINANCE #2011:01

AN ORDINANCE TO REPEAL ORDINANCE 2010:12, CODIFIED AS NEW MILFORD BOROUGH ORDINANCE 2-31 AND ENTITLED "DEPARTMENT OF RECREATION" AND, SUBJECT TO REVISION OF TERMS, REVIVING BOROUGH ORDINANCE 1968 CODE 23; ORDINANCE NO. 74:11, CODIFIED AS NEW MILFORD BOROUGH ORDINANCE 2-31 AND ENTITLED "BOARD OF RECREATION COMMISSIONERS"

Council President Bachmann made a motion to introduce and approve this ordinance on its first reading. Councilman Berner seconded the motion. The motion passed on a roll call as follows:

For the motion: Robalino, Bachmann, Berner, Colucci

Against the motion: Duffie

In casting her vote Councilwoman Duffie noted during the initial vote to restructure the Commission into a Department, she felt very strongly and was concerned about many issues, mainly accountability. The Recreation Department was never given a chance to succeed.

In casting his vote Councilman Berner stated he wants to restore checks and balances, which a department run by one individual does not have.

The ordinance will be published in the Record and a public hearing will be held on January 24, 2011 at 7:45 PM.

COUNCIL

Councilwoman Duffie asked if there is a Recreation Director at this time; Council President Bachmann stated there is not. Councilwoman Duffie asked who would advertise for the position; Mayor Subrizi advised the Administrator. Council President Bachmann advised if the Commission is restored, they would be responsible for hiring a Director.

The Administrator advised the previous Director handed everything in to her today i.e. vouchers, checkbook, unprocessed bills, etc. The Administrator advised the Council of some pricing to advertise in the local newspapers; the Council agreed to advertise in the Twin-Boro News, the website and on the Borough lawn sign.

Councilwoman Duffie asked who will be the new OEM Director; Mayor Subrizi advised she will serve at no cost to the Borough and deputize the Chief of Police and a Patrol Officer.

Councilman Berner advised the Historic New Bridge Landing Commission would like the barrier replaced with something that would better represent the time period; the Administrator advised there is no money for the Borough to do so.

Councilman Colucci stated the DARE dance was canceled on Friday due to the snowstorm, it has not been rescheduled as of yet.

Councilman Robalino stated he would read the recycling report at the next meeting.

Mayor Subrizi stated Council members are needed for the Finance Committee. She and Councilman Berner will serve; she requested Councilwoman Duffie to be a member. Councilwoman Duffie explained as a business owner she would be reluctant to commit to something she may be unable to do; she stated she would advise the Council of her decision tomorrow. Councilman Robalino agreed to serve if Councilwoman Duffie is unable.

Mayor Subrizi advised she wants to stop the practice of Borough employees driving to and from work in Borough owned vehicles. She requested a list of employees who do so to be sent to her; the Administrator will provide the list. The topic will be listed for discussion on the next agenda.

ADMINISTRATOR

The Administrator stated Oradell has requested our Senior Van services for a resident on Mondays, Wednesdays and Fridays for dialysis; they are willing to compensate for the service. Council President Bachmann felt it would be problematic because it would take time and our driver from our Borough residents. Mayor Subrizi stated on an ongoing basis it would be impractical since our resources are already stretched.

The Administrator questioned if the Borough should renew the recycling contracts with Ferretti or go out to bid; she recommended renewal. Mayor Subrizi suggested the Borough should go out to bid again; however the current renewal option needs to be protected.

The Administrator referenced the discussion of flagmen vs. Police Department; the Engineer advised it is the decision of the Mayor and Council and is included in bid specifications. The

Borough has always opted for Police in the past. The Council opted to discuss it on a case by case basis.

The Administrator asked for comments regarding the former Planner's recommendation regarding COAH to have the Borough Attorney file a motion for a ten month stay of the processing of the Borough's third round petition pending approval of the new rules. Mr. Madaio will contact the Administrator tomorrow to discuss it further.

The Administrator reminded the Council the JIF Elected Officials Training will be at the February 14th Work Session; is it necessary to start early and if so does she need to advertise the early start. The Borough Attorney advised advertising the early start is not necessary.

The Administrator asked if United Water should be on the February 14th agenda for discussion; Mayor Subrizi agreed it should be.

The Administrator referenced Margaret Healey's letter regarding the property at 1033 Steuben Avenue; she asked if there were any objections to her being invited to the March 14th Work Session, no objections noted.

The Administrator stated the Council photos will be taken on January 24th at 6:40 PM.

The Administrator asked if Patch.com should be linked to the Borough website. Mayor Subrizi believes it is a good resource; Councilman Berner suggested finding out more about the company to assure there are no conflicts. Mr. Madaio stated all requestors should be treated equally. Council President Bachmann suggested the Council think it over before the next meeting.

The Administrator asked if the January 19th meeting should be canceled; Mayor Subrizi stated the meeting can be cancelled.

The Administrator referenced a Libertarian Party letter regarding loitering. Mr. Madaio would imagine the amount of loitering tickets written in the Borough is minimal; the ordinance may provide something to plead down to. The Council agreed with the Mr. Madaio, it is not cost effective to change the current ordinance at this time.

Councilman Robalino referenced the Ridgewood claim for emergency snow removal; he will forward to the Borough Attorney for review.

RESOLUTIONS:

- 2011:38 Closed Session
- 2011:39 Appoint Alternate Public Defender – Loredana Pantano, Esq.
- 2011:40 Authorize Mayor to sign Bergen County Department of Health Services Agreement for Public Health Shared Services
- 2011:41 Authorize refund of 2010 tax overpayment as a result of Property Tax Exemption for a Disabled Veteran as of 11/22/10 for Block 402, Lot 12 in the amount of \$982.00

COMMENTS FROM THE PUBLIC

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

Joanne Prisendorf, 317 River Road came forward to address the Council. Ms. Prisendorf asked if she can send an email regarding the open Recreation Director position; Mr. Madaio advised the Council has no position on her personally corresponding with friends.

Debbie Yager came forward to address the Council. Ms. Yager referenced the Borough Attorney's statement regarding a Recreation Commission being more highly trained than a Committee; she questioned what the qualifications are. Mr. Madaio advised training with the JIF is normally required because a Commission is generally held more liable. The Borough will contact the JIF and DCA to find out what if any training is required. Ms. Yager asked how one applies for the Commission; she was advised a letter of interest should be sent to the Borough Clerk. Ms. Yager asked when the ordinance will be adopted; she was advised it was scheduled for adoption at the next meeting.

Gus Bachmann, Stevens Court came forward to address the Council. Mr. Bachmann asked for the status of the Hirschfeld release letters. The Administrator advised there are still four or five outstanding; she will reach out to those homeowners, however one has indicated he will not sign the release. Mr. Bachmann asked what the Borough's recourse is and can the homeowners be forced to sign. Mr. Madaio stated the Borough can employ eminent domain for a short term construction easement. Mr. Bachmann stated the drawings provided with the release letters are very difficult to read and understand and noted that may be a reason for some homeowners not signing. Council President Bachmann questioned if the homeowner who has refused to sign could be made aware of those who have and how his decision will affect them.

Ms. Prisendorf suggested the homeowners be advised of the adverse affects of flooding compared to the deed restriction; highlighting the adverse affect it will have on their property values.

As there were no other members of the public wishing to comment, Council President Bachmann made a motion to close the meeting to the public. Councilman Colucci seconded the motion. All present in favor, none opposed.

VOTE ON RESOLUTIONS

Council President Bachmann made a motion to approve the consent agenda 2011:38 through 2011:41. Councilman Berner seconded the motion. All present in favor, none opposed.

ADJOURNMENT

Council President Bachmann made a motion to adjourn. Councilman Berner seconded the motion. All present in favor, none opposed. Time 10:42 PM.

Respectfully submitted,



Colleen Naumov
Deputy Borough Clerk