

**MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
Monday, January 9, 2012**



WORK SESSION:

Mayor Subrizi read the Open Public Meeting and Mission Statements.

Councilwoman Randi Duffie	Present
Councilman Austin Ashley	Present
Councilman Diego Robalino	Present
Councilman Dominic Colucci	Present
Councilwoman Hedy Grant	Present
Council President Howard Berner	Present
Mayor Ann Subrizi	Present

Also Present: Frank Papapietro, Police Chief; Mark Madaio, Borough Attorney; Christine Demiris, Administrator/Clerk

CLOSED SESSION:

Council President Berner made a motion to go into closed session. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

1. Personnel – PD Confidential Secretary – Proposed Title Change
2. Collective Bargaining – Status
3. Pending Litigation

At the conclusion of the closed session, Councilman Robalino made a motion to return to open session. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

OPEN SESSION:

1. Field Committee – Status Report

The Administrator advised the discussion has been postponed until the February Work Session.

2. Police Department Staffing Levels

Mayor Subrizi advised the topic was originally discussed at the December Work Session. Chief Papapietro provided a brief overview of the previous discussion; highlighting nine retirements since 2006. There is currently no supervision; officers are working out of title, therefore putting the Borough at risk. The Detective Bureau is currently running under a

Sergeant; whereas the job was previously run by a Lieutenant. Chief Papapietro asked that all current Sergeants be promoted to Lieutenants as soon as possible; to bring the department back to the proper level of supervision. He proposed having a total of seven Lieutenants (six to be promoted) and six Sergeants. Councilman Ashley asked what level qualifies as supervision; Chief Papapietro explained a Sergeant qualifies as street supervision and cannot make certain decisions, which must be made by a higher ranking officer. Councilwoman Grant asked if the department can make due with promoting four rather than six Lieutenants; Chief Papapietro stated legally, no. Mayor Subrizi noted without hiring new officers, promotions can be made without increasing the salary line from 2011. Councilman Ashley asked for clarification on the proposed Lieutenants duties; Chief Papapietro stated two administrative, four on the road and one detective.

Chief Papapietro stated the cost for the Sergeants exam is approximately \$2,000; and could be given at the end of February.

Councilman Ashley echoed Councilwoman Grant's question; what is the minimum number of promotions the Borough can get away with in order to see savings. Chief Papapietro stated the Borough waited until it was in crisis mode rather than doing it over time as officers retired, so he stands by his initial recommendation. Mayor Subrizi advised it was not her preference to hold off on promotions for so long, however with the number of buyouts it was not possible to promote.

Council President Berner made a motion to follow Chief Papapietro's recommendation for promotions. Councilman Robalino seconded the motion.

Councilwoman Duffie stated the Borough could realize savings; however is choking on budget restrictions and contract negotiations. She asked if the Borough could promote over two years. Council President Berner expressed concern that promoting only half of the Sergeants could trigger a grievance. Councilwoman Duffie stated what is done now will have a ripple effect going forward; Chief Papapietro disagreed noting what is not done now will also have a ripple effect, he is trying to limit the Borough's exposure. Chief Papapietro advised the test results are valid for three years; therefore promotions could be made upon retirements.

Council President Berner made a motion to promote the six Sergeants to the rank of Lieutenant effective March 1, 2012 and to authorize the test for the rank of Sergeant for eligible officers. Councilman Robalino seconded the motion. The motion passed on a roll call vote as follows:

For the motion:	Colucci, Berner, Robalino, Grant
Against the motion:	Ashley, Duffie
Abstain:	None

3. Overnight Parking – Sgt. Jones Recommendation

The Administrator referenced the memo from Sgt. Jones from October 2010. Mayor Subrizi prefers a simpler solution. The Administrator noted the ordinance, as it stands, is no longer realistic. Mr. Madaio noted nearby towns, Bergenfield and Dumont do not allow overnight parking. After much discussion, the Council decided to leave the system as is; allow residents to call in at the discretion of the police desk supervisor.

4. Web-Based Emergency Notification System

Chief Papapietro recommended Nixle in addition to reverse 911 calls; residents can voluntarily sign up to receive alerts and notifications via cell phone, email, etc. Councilwoman Duffie referenced the discussion of a siren to alert to rising water levels; Chief Papapietro stated he has not yet been unable to pursue with Boswell Engineering. Mayor Subrizi asked how much Nixle will cost; she was advised \$3,000. She noted the reverse 911 costs approximately \$17,000. The Council unanimously agreed to pursue the web-based emergency notification system.

Councilman Robalino referenced the E-ticketing system resolution on tonight's agenda. He wanted to confirm the Borough will have no issue reaching the annual minimum of 3,120 tickets; Chief Papapietro confirmed there will be no issue. Chief Papapietro explained the officer inputs the information in his vehicle, the information goes directly to the state court system; due to this change the Borough was able to change a position in our municipal court to part-time. Councilwoman Grant expressed concern that the Borough would fall below the minimum number of tickets; Chief Papapietro does not anticipate falling below 3,200. Chief Papapietro spoke to other Chiefs who noted an increase in cash flow to the courts; the tickets are easier to write and they save on the cost of the summons books.

5. Library Board of Trustees – Proposed Change

Mayor Subrizi advised the ordinance for the Library Board currently calls for nine members, consisting of seven trustees and one member from each the Council and Board of Education; however it used to call for seven members. Recently the Board has received one retirement and one resignation, leaving them with five trustees. The librarian noted five trustees are sufficient. The Mayor suggested keeping the Board at five plus two. Councilwoman Grant said she spoke with the Library Director and she would like to get the consensus of the Board prior to making a final decision; Councilwoman Grant will report their recommendation at the next meeting.

6. Contract Expiration/Renewal – Recycling (Residential/Apts.)

The Administrator explained the current situation; she noted the Borough is currently in its first option year. There have been some issues between the current hauler and the after market recycle purchaser; most of which have been resolved and she does not foresee any further problems. At the time the contract was originally awarded the bid price was extremely favorable and the Administrator expressed concern if the Borough were to go out to bid again, the pricing may not be as favorable. Mayor Subrizi asked if allowable limits of time for pick up can be added to the contract; the Administrator said the contract cannot be changed, however she could have a conversation with the vendor. The Administrator asked if the Council wishes to opt for the second year option or go out to bid; the Council was in favor of signing the second option year. The Administrator will prepare a resolution for the next meeting.

7. 1033 Steuben – Environmental Engineering Services Proposal

Mayor Subrizi asked if the Council had the chance to review the proposal. Council President Berner asked if the proposed was the Borough's cost; he was informed it is. Mr. Madaio cautioned, not to purchase the home unless the Borough was positive there were no environmental concerns. Mr. Madaio expressed concern if an underground oil tank exists. He noted the Council never signed on to remediate the property; if a tank exists the remediation falls to the seller. The Administrator will ask the Building Department if there was ever a tank removal permit; Mr. Madaio will contact the seller and question whether or not there was a tank, to the best of her knowledge. Mayor Subrizi recommended using Boswell, if the Attorney and Administrator receive no information; the Council agreed to move forward on proposed task number one with Boswell.

Councilwoman Duffie requested anything of historic value in the home, be given to the Historic Preservation Commission.

8. 2012 Road Program – Preliminary List

The Administrator provided a brief overview of the current list provided by the DPW Asst. Superintendent. The Council discussed their options and decided to move forward with one, two and three on the list for the base bid; alternates being four, six and seven. She stated the Borough should hold off on paving Holland Avenue; the Borough is awaiting grant money which would include paving. She further stated Charles Street is number one on the list and referenced a letter received from a resident suggesting the addition of speed bumps. The Administrator spoke with Chief Papapietro and he does not agree, noting speed bumps are a liability; he will increase traffic patrols in the area.

9. LOSAP – COLA Increase Request

The Administrator referenced the forthcoming notice from the Local Finance Board; said notice will include the allowable COLA percentage. However the decision whether or not to allow the increase rests with the Council. Mayor Subrizi asked if the increase would be covered within the \$75,000 budgeted; the Administrator stated it would. Councilman Colucci questioned how much has been returned by members not fully vested; the Administrator will confirm and advise. The Administrator will forward the LFN once released.

10. Hirschfeld Brook Flood Control Estimate

The Administrator advised the Borough received the permit on November 21, 2011 which will expire five years from that date. Mayor Subrizi explained \$95,000 remains from the original appropriation and referenced the engineer's estimate of \$1,696,472. She would prefer to have the project broken down; she asked if the project can be done in steps and if any grant money is available. Mayor Subrizi requested an explanation of what the estimate includes, in laymen's terms. The Administrator will discuss the questions with the engineer and grants consultant and the matter will be relisted for further discussion.

11. Trench Drainage – Status Review

The Administrator referenced the letter received from Mr. D'Amelio; then advised of the engineer's review and possible solutions. The Administrator advised the work done thus far has improved the situation; there is money left from the initial allocation, she asked how the Council wishes to proceed. The Administrator will ask the engineer whether or not the Borough achieved the level of success intended when we originally undertook the project; if not does the Borough need to do more to achieve the proposed level of success.

ADMINISTRATOR

The Administrator asked if there were any objections to holding the JIF Elected Officials Training at the February Work Session beginning at 6:30 PM; the Council had no objections.

The Administrator received the revised rate schedule from Burgis Associates; she will forward it to the Council.

COUNCIL

Councilwoman Grant was advised she cannot stay for the business portion of the Ambulance Corps meeting; and asked why that is. Mayor Subrizi noted they are a private corporation; the liaison is in place to relay any matters to do with the Borough.

Councilman Ashley was advised he cannot be present during the closed session of the Recreation Commission meeting. Mr. Madaio noted the Commission is subject to the Open Public Meetings Act; the Commission is entitled to go into closed session and has the option to invite the liaison to stay. Council President Berner advised the Commission is autonomous; the liaison is not a commissioner. The Council discussed the Commission going into closed session, minutes and the requirements to RICE personnel. Councilman Ashley will request the new chairman speak to Mr. Madaio regarding closed sessions.

INTRODUCE ORDINANCE #2012:01

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF NEW MILFORD SALARY ADOPTED AS ORDINANCE 91:01 AND AMENDED ANNUALLY BY ORDINANCE UP TO AND INCLUDING 2011:13

Councilman Colucci made a motion to introduce and approve this ordinance on its first reading. Councilwoman Duffie seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

The ordinance will be published in the Record and a public hearing will be held on January 23, 2012 at 7:45 PM.

INTRODUCE ORDINANCE #2012:02

AN ORDINANCE TO AMEND CHAPTER II OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "DEPARTMENTS" THEREBY AMENDING SECTION 2-19 ENTITLED "POLICE DEPARTMENT"

Council President Berner made a motion to introduce and approve this ordinance on its first reading. Councilman Colucci seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

The ordinance will be published in the Record and a public hearing will be held on January 23, 2012 at 7:45 PM.

RESOLUTIONS:

- 2012:36 Closed Session
- 2012:37 Payment of Bills and Vouchers
- 2012:38 Approve Raffle License 2012:01 – Off-Premise Merchandise – Hovnanian School
- 2012:39 Approve Raffle License 2012:02 – Off-Premise Tuition – Hovnanian School
- 2012:40 Approve Social Affair Permit – Church of the Ascension – February 18, 2012
- 2012:41 Approve Change Order #2 & Final – AJM Contractors
- 2012:42 Approve Change Order #3 – D&L Paving Contractors
- 2012:43 Award River Road Streetscape – Phase 4 in the amount of \$170,994.77 to Reggio Construction, Inc.
- 2012:44 Authorize Amendment to the Safe Schools Resource Officer Partnership Agreement
- 2012:45 Authorize Mayor to sign End-User License, Hardware, Setup and Support Agreement for Info-Cop E-Ticketing Turnkey System with Gold Type Business Machine
- 2012:46 Authorize Chief Papapietro to retain NJ State Association of Chiefs of Police to conduct promotion testing
- 2012:47 Approve Police Chief's recommendation for title change as per his memo dated 12/29/11

Council President Berner referenced the park and ride change order resolution; the Administrator explained the need for the gate.

COUNCIL

Councilwoman Duffie reported the sign ordinance committee has requested the task be forwarded to the Planning Board for discussion; as they will ultimately be responsible for writing the ordinance. The current ordinance is not being enforced. Mayor Subrizi asked if the committee wishes the Planning Board to review the ordinance page by page; Councilwoman Duffie stated only the issues of neon and window coverage. Council President Berner will bring the topic to the Planning Board at their reorganization meeting. Councilwoman Duffie noted when an attorney is present, the process moves faster.

Councilwoman Duffie stated the Board of Health decided to meet five times per year as opposed to ten; and then as needed. The Administrator will advertise the new meeting dates with the resolution provided by the Board of Health.

Councilwoman Duffie stated she has been approached to start a beautification committee; she has a sample ordinance from River Edge. She hopes the Council will consider it; the Administrator will forward a copy of the sample ordinance to the Council and list it for discussion at the February Work Session.

Councilman Colucci reviewed the Hekemian application and asked if it would be possible for the Borough to pursue the applicant's first offer. Mr. Madaio advised they have an active Board of Adjustment application; he is unsure if they would reconsider their first offer.

Mayor Subrizi noted the question is, if the applicant is still open to rezoning. Mayor Subrizi noted the Borough exhausted all options to purchase the property however rezoning was not fully explored; as other problems came before the Borough last year. The Council needs to put the option back on the table to discuss it at length; making a decision whether or not to pursue rezoning.

Mr. Madaio noted the current planner will review the plans recently submitted to the Board of Adjustment at length; the planner may provide the Council with additional information regarding rezoning which may or may not be covered under escrow. The Administrator will list the application and request for rezoning for discussion at the January 23rd Public Meeting.

Mayor Subrizi asked for volunteers for the Finance Committee. The Committee will be comprised of Councilman Ashley, Councilman Robalino and Mayor Subrizi.

COMMENTS FROM THE PUBLIC

Councilwoman Duffie made a motion to open the meeting for public comment. Councilman Colucci seconded the motion. All present in favor, none opposed.

John Foley, Stevens Court came forward to address the Council. Mr. Foley has come to understand that the Mayor and Council are in a difficult position with regards to United Water. He reflected upon Council President Berner's earlier comments on flooding. Council President Berner advised Mr. Foley misunderstood his earlier comments; he tried to put it into perspective a dollar amount per homeowner with regards to helping a resident on Trench Drive and those along the Hirschfeld Brook. Mr. Foley encouraged the Council to continue to strive to find solutions.

As no other member of the public wished to comment, Council President Berner made a motion to close the meeting to the public. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

VOTE ON RESOLUTIONS

Council President Berner made a motion to approve the consent agenda #2012:36 through #2012:47. Councilman Robalino seconded the motion. All present in favor, none opposed.

CLOSED SESSION

Councilman Robalino made a motion to return to closed session. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

4. Potential Property Acquisition and Legal Advice

At the conclusion of the closed session, Councilwoman Duffie made a motion to return to open session. Councilman Colucci seconded the motion. All present in favor, none opposed.

ADJOURNMENT

Councilwoman Grant made a motion to adjourn. Councilman Robalino seconded the motion. All present in favor, none opposed. Time 11:50 PM.

Respectfully submitted,



Colleen Naumov
Deputy Borough Clerk