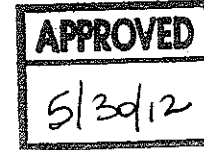


MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
OPEN SESSION immediately following
7:45 PM PUBLIC MEETING
Monday, February 27, 2012



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 (Arrived 7:25 PM)
Council President Howard Berner	Present
Mayor Ann Subrizi	Present

Also Present: Mark Madaio, Borough Attorney; Michael Calamari, Assistant Superintendent – DPW; Christine Demiris, Administrator/ Clerk

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

CLOSED SESSION:

1. Personnel – DPW Seasonal Employee

At the conclusion of the closed session Councilwoman Duffie made a motion to reopen the meeting. Council President Berner seconded the motion. All present in favor, none opposed. Mr. Calamari left the meeting following the closed session.

OPEN SESSION:

1. JIF Elected Officials – Recommended Ethics Training

The Administrator referenced the Ethics Training that was recommended during the JIF Elected Official's Training. The Council agreed to schedule the training at the March work session. Mr. Madaio will conduct the training which will begin at 6:30 PM. The Administrator will sunshine the early meeting start time.

2. Request to Waive Ordinance 2001:15 – Bonim Builders Correspondence Dated 2/24/12

The Council discussed the letter received by Bonim Builders which asked to waive the ordinance as it pertains to work on Sundays. Council President Berner said it would not set a precedent to do so; it is for religious purposes. Councilman Robalino said there should be a limit on the hours for starting and finishing. Council President Berner said that would be a

double standard; the hours should be the same as the hours for work on a Saturday. Councilwoman Duffie agreed the request should be allowed within reason. The Mayor noted the builder has already placed some restrictions on themselves according to the letter. She also suggested the relief should be for a limited duration. The Council agreed to add a resolution as 2012:81 to the agenda to allow work on Sundays from 9:00 AM through 5:00 PM for this project through June 30, 2012. The Council discussed the need to notify the neighbors; a copy of the resolution will be forwarded to the immediate/bordering neighbors.

At this time, the Administrator asked the Council if there was any objection to adding another resolution to approve a last minute raffle license request from the New Milford Little League. There was no objection from the Council; it was added to the agenda as resolution 2012:82.

3. Green Acres Property Acquisition Application – Board of Education Request

The Administrator reported she had received a call from the Board of Education Business Administrator requesting a meeting with regard to the Borough's pending property acquisition application with Green Acres. She met with the BA and Superintendent and they indicated an interest in trying to have the BOE track/football field property added to the Borough's application. The Administrator verified with Green Acres that the grant, 75% of which is coming from FEMA, is for acquisition of private property. A future grant opportunity may exist if the Borough were to identify it as an acquisition priority, however the Green Acres representative indicated it would be difficult to justify a purchase of the land as open space when it is already used primarily as open space. The Administrator also noted that Green Acres grants are a 50/50 match, so either the Borough or the BOE would be responsible for 50% of the value even if a grant was awarded. The Administrator will notify the BOE BA that we are unable to include this with the current application as it provides for the acquisition of private property only and that we will consider if for inclusion in a future open space plan.

Councilman Robalino referenced an email he received regarding a missed paper pickup on Greve Drive. The resident contacted the DPW and was assured they would be picked up the following day and they were not. The Administrator will meet with the DPW and the contractor to discuss this and any other ongoing problems.

Councilman Robalino made a motion to reconvene in the Council Chambers. Councilman Colucci seconded the motion. All present in favor, none opposed.

PUBLIC SESSION:	(Actual Start 8:00 PM)
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: Mark Madaio, Borough Attorney; Christine Demiris, Administrator/ Clerk

Mayor Subrizi called the meeting to order and read the Open Public Meeting Law and Mission Statements. The Mayor asked for a moment of silent prayer and/or reflection acknowledging the recent loss of Andy Boele of the Police Auxiliary and the Ambulance Corps and former Borough Clerk, Frank "Buddy" Kehoe. The Mayor led the flag salute and pointed out the fire exits in the Council Chambers.

PRESENTATION: NMJFL – SUPER BOWL CHAMPIONS – JUNIORS DIVISION

PROCLAMATIONS: MARIE LESNER ROELTGEN DAY

Mr. Dan Shokliss said a few words on behalf of his mother-in-law in accepting the proclamation from the Mayor.

POLICE DEPARTMENT PROMOTIONS/OATHS:

**SGT. THOMAS JOHNSON
SGT. ROBERT JONES
SGT. KEVIN KIENE**

**SGT. STEPHEN LITTLEFIELD
SGT. JOHN O'MALLEY
SGT. FRANK RAMACI**

The Sergeants were sworn in by Mayor Subrizi to the rank of Lieutenant and took the oath of office.

**PROCLAMATIONS: READ ACROSS AMERICA
(cont'd) YOUTH ART MONTH**

**APPOINTMENTS: SHAWN OPPELT – JR. FIRE DEPARTMENT
STEVE PERRONE – PUBLIC EVENTS***

Councilman Colucci made a motion to appoint Shawn Oppelt to the Jr. Fire Department. Councilman Ashley seconded the motion. All present in favor, none opposed.

Council President Berner made a motion to approve the October 12, 2011 work session minutes. Councilman Robalino seconded the motion. The motion passed on a roll vote as follows:

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

Councilman Robalino made a motion to approve the November 14, 2011 work session minutes. Councilwoman Duffie seconded the motion. The motion passed on a roll vote as follows:

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

Councilwoman Duffie made a motion to approve the October 24, 2011 work/public session minutes. Council President Berner seconded the motion. The motion passed on a roll vote as follows:

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

Councilman Colucci made a motion to approve the November 28, 2011 work/public session minutes. Councilwoman Duffie seconded the motion. The motion passed on a roll vote as follows:
For the motion: Duffie, Ashley, Robalino, Colucci, Berner
Against the motion: None
Abstain: Grant

Councilman Robalino made a motion to approve the December 12, 2011 work/public session minutes. Council President Berner seconded the motion. The motion passed on a roll vote as follows:
For the motion: Duffie, Ashley, Robalino, Colucci, Berner
Against the motion: None
Abstain: Grant

Councilman Robalino made a motion to approve the January 4, 2012 reorganization meeting minutes. Councilman Colucci seconded the motion. All present in favor, none opposed.

COUNCIL COMMITTEE REPORTS:

Councilwoman Randi Duffie

Health & Human Services, Rent Leveling/Tenants Association, Historic Preservation Commission

Councilwoman Duffie reported the Board of Health did not meet.

Councilman Duffie reported that George DePalma should be listed as a full member of the Rent Leveling Board and Doreen Ercoleno should be listed as the alternate as this position rotates on an annual basis.

Councilwoman Duffie reported she was unable to attend the Historic Preservation Commission meeting. One of the members attended a meeting in Oradell to exchange some ideas.

Councilwoman Duffie said that she has spoken with the grants consultant regarding way finding signs and whether or not they would be covered under any existing grants. She was advised that there will be a second round of grants in the summer and she hopes to have some representations the Council can review.

Councilwoman Duffie asked to have the proposal for a Beautification Committee listed for discussion at the March work session.

Councilman Austin Ashley

Garbage & Recycling, Public Events, Recreation, Shade Tree

Councilman Ashley reported on the recycling tonnage and revenue figures for the previous month.

Councilman Ashley reported that the Shade Tree Commission has applied for and has been approved for the designation of Tree City USA.

Councilman Ashley reported that Little League has received approval to use LaBarbera Field and will be starting a Sr. Little League program.

Councilman Diego Robalino

Board of Education, Drug & Alcohol Municipal Alliance

Councilman Robalino reported that thirty-eight students from the Middle School would be traveling to New Orleans to do volunteer work. He additionally reported the BOE is working on a program, "Success After School," as a replacement for summer school whereby students complete requirements during the marking period, in district.

Councilman Robalino reported the Drug Alliance has a new member who came from another town and has brought some new ideas to the group. They will be marching in the Memorial Day Parade and are planning for a table at National Night Out. The Alliance is speaking with both the Swim Club and Ascension Church in an attempt to find a suitable location for the carnival.

Councilman Dominic Colucci

Department of Public Works, Fire Department, Buildings & Grounds, Joint Insurance Fund

Councilman Colucci reported the Fire Department has worked out the discrepancy in the number of homes currently with solar panels and will be putting information in their newsletter and on the website. They are also discussing grant opportunities.

Councilman Colucci reported that he was unable to attend the JIF meeting but a resolution was passed to provide for participation in a grant program for accreditation of the police department. He additionally reported the Borough would be receiving a Safety Award at an upcoming meeting.

Councilman Colucci reported the Buildings and Grounds Supervisor is working with the DPW to address issues at FD Co. #1, including trees and sidewalks.

Councilwoman Hedy Grant

Environmental & Energy Commission, Library Board of Trustees, Ambulance Corps

Councilwoman Grant reported the Environmental Commission is looking at the issue of homeowners who are dumping leaves in the tributary. The Borough Attorney is looking at whether or not this would be best addressed with a state regulation or local ordinance. The Commission will be distributing seedlings in conjunction with the Shade Tree Commission on April 28th in honor of Arbor Day.

Councilwoman Grant reported the Library staff will be training for a new computer system that will be going into effect in December. She reported on plans for the book sale in September and a craft fair in June and September. Councilman Grant reported that the NPR Selected Shorts program has asked a Bergen County library to host an upcoming episode and New Milford is second in the running. She additionally reported the library now has a Facebook page.

Councilwoman Grant summarized the Ambulance calls for the previous month and noted they have received five new applications of which three have been accepted and two are currently being reviewed.

Council President Howard Berner

Planning Board, Chamber of Commerce, Historic New Bridge Landing

Council President Berner reported the Planning Board had recently heard testimony for the proposed addition at Woodcrest Center which includes a three story atrium; the application was approved with changes to the proposed parking. The Planning Board will continue its discussions on the sign ordinance at the meeting on February 28th.

Council President Berner reported that the Chamber of Commerce did not meet.

Council President Berner reported the Historic New Bridge Landing Commission would be meeting the following week and are expecting a guest speaker from Green Acres to discuss the development of the old Pizza Town parking lot. The Bergen County Historical Society celebrated George Washington's birthday on February 19th and is planning a lecture on the institution of slavery in Bergen County from the 17th to the 19th century on March 15th. Additional lectures on the war of outposts and the Susan B. Anthony/Elizabeth Cady Stanton Friendship will follow in the Spring and the Historic Café for the Lenape Indian New Year on April 22nd.

Mayor Ann Subrizi

Police/Police Aux., Senior Citizen Advisory, Community Development, Bergen County Open Space

The Mayor referenced the Police Department promotions made earlier in the evening and said they would begin the process of restoring the structure to the department.

The Mayor reported she was unable to attend the Senior Advisory Board meeting but was able to attend on Saturday, February 11th when the Girl Scouts came in and did arts and crafts with the seniors.

The Mayor said she had nothing to report on Community Development or Bergen County Open Space at this time.

The Mayor reported on her attendance at the February 6th meeting of the Bergen County Flood Advisory Committee at which Cindy Randazzo of the DEP was in attendance. The Mayor said it appears the DEP's position on her question regarding the lowering of the reservoir in anticipation of a rain event has softened as Ms. Randazzo indicated they are "looking into it." The Mayor referenced a resolution on the agenda asking for reservoirs to be lowered which will be forwarded to the Flood Advisory Committee and other state and federal agencies.

OLD BUSINESS:

ADOPT ORDINANCE #2011:24

AN ORDINANCE TO AMEND CHAPTER XXX OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "LAND USE REGULATIONS" THEREBY AMENDING SUBSECTION 30-2 ENTITLED "DEFINITIONS AND WORD USAGE" AND SUBSECTION 30-21.2 "ACCESSORY USES"

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

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

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

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

NEW BUSINESS:

INTRODUCE ORDINANCE #2012: 03

AN ORDINANCE TO AMEND CHAPTER X OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "BUILDING AND HOUSING" THEREBY AMENDING SECTION 10-2 ENTITLED "HOUSING CODE" TO CREATE NEW SECTION 10-2.79, "SOLAR PANEL INSTALLATION" TO REGULATE THE INSTALLATION OF SOLAR PANELS

Councilman Colucci made a motion to introduce and approve this ordinance on its first reading. Councilman Ashley 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 March 26, 2012 at 7:45 PM.

INTRODUCE ORDINANCE #2012:04

AN ORDINANCE TO AMEND CHAPTER VII OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "TRAFFIC", THEREBY AMENDING SECTION 7-6 ENTITLED "THROUGH STREETS, STOP INTERSECTIONS AND YIELD INTERSECTIONS"

Councilwoman Grant 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 March 26, 2012 at 7:45 PM.

Councilwoman Grant asked to address something under old business. She said she would like the Mayor and Council to pass a resolution to oppose the reallocation of \$500,000 from the County previously allocated to the rehabilitation of the waterworks. She noted the loss of this money could result in additional losses of \$2.9 million dollars of matching grant money. She offered to draft the resolution and deliver it to the Bergen County Freeholders at their meeting on March 21st. Councilwoman Grant made a motion to authorize the resolution. Councilwoman Duffie seconded the motion. The resolution will be on the March 12th agenda.

The Mayor noted that two resolutions had been added to the agenda; the first to allow work on Sunday for a limited period of time for a specific project and the second to approve a raffle license.

RESOLUTIONS:

- 2012:72 Closed Session
- 2012:73 Payment of Bills and Vouchers
- 2012:74 Affirm Resolution 2012:64 denouncing all forms of anti-Semitism and hateful acts
- 2012:75 Request reservoirs be lowered which affect New Milford and surrounding towns
- 2012:76 Authorize refund of duplicate tax payment – Block 1105, Lot 7
- 2012:77 Authorize Payment of \$47,907.44 on Tax Sale Certificate 11-05 to Robert Rothman
- 2012:78 Approve refund of 2009, 2010, 2011 tax overpayment as a result of State of New Jersey Tax Court Judgment – Block 501 Lot 10 in the amount of \$55,846.16
- 2012:79 Authorize Refund of Building Department Permit #1110-01 in the amount of \$46.00
- 2012:80 Appoint Full-Time DPW Laborer – Mark Hettinger, Jr.
- 2012:81 Approve request to waive Ordinance 2001:15 for a limited duration
- 2012:82 Approve Raffle License #2012:04 – New Milford Little League

COMMENTS FROM THE PUBLIC

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

Joanne Prisorndorf, 317 River Road, came forward to address the Mayor and Council. Ms. Prisorndorf asked the Council to consider a traffic study on the corner of Cooper and River Road noting the traffic on Cooper in the morning is very heavy; she asked if it could be made one-way during certain hours of the day. The Mayor said she would discuss it with Chief Papapietro.

Irene Sette, 273 Henley Avenue, came forward to address the Mayor and Council. Ms. Sette asked if it would be possible to change the Borough Hall hours to include a late night. The Mayor said it could be addressed with the Department heads but noted it might have to be done on a voluntary basis due to the collective bargaining agreements.

Nick D'Amelio, 349 Trench Drive, came forward to address the Mayor and Council. Mr. D'Amelio referenced a letter he was given prior to the meeting regarding his letter to the Council on the third phase of the Trench Drive project. He said that he felt the matter had been handled inappropriately as he had requested the opportunity to be present when the matter was discussed with the engineer. He was advised that the engineer did not speak to the Council in person but responded to a written request for information.

Terrence McMackin, Madison Avenue, came forward to address the Mayor and Council. Mr. McMackin commented that the traffic around the middle school is far worse than the traffic around the high school. Mr. McMackin asked for insight from Councilwoman Grant on what the plans are for the water company property noting that when the property was donated there was a plan to make it functioning plant. Noting its current state of complete disrepair he questioned the wisdom of spending money to rebuild it. Councilwoman Grant said it is historic both locally and nationally and that a Rutgers professor had mapped out a plan over years to raise money and preserve the property. The \$500,000 is to preserve the smoke stacks. Councilman Colucci said he has spoken with Freeholder Driscoll about allowing the Council to get into the building for a tour. The Mayor noted the property sits in Oradell and is owned by the County, noting New Milford's role is very limited.

Ulises Cabrera, 659 Columbia Street, came forward to address the Mayor and Council. Mr. Cabrera thanked the Council for considering a fence at the shooting range and for cleaning the area of woods near Columbia Street. He suggested banners, advertising local merchants, on the streetscape light poles might provide a source of revenue for the Beautification Committee. Mr. Cabrera voiced his support for the proposed athletic field.

Mary McElroy, 297 Greve Drive, came forward to address the Mayor and Council. Ms. McElroy identified herself as a member of the Field Committee and asked if anyone has yet reached out to the Board of Education to set up an initial meeting. The Mayor responded she has not but that she was meeting with the Recreation Director the following evening to discuss moving forward. Ms. McElroy asked if the \$500,000 being discussed could be allocated to a different purpose in New Milford. She was advised that it could not be reallocated to another New Milford purpose; requests for money from Bergen County Open Space would have to be in the form of a new application for funding. Ms. McElroy asked if the Borough has to borrow the money for a field what limits on borrowing exist and at what rate could the money be borrowed. She was advised that the Borough is well below its debt limit and current interest rates are under 1%. Ms. McElroy asked at what point the engineer would be brought into the discussion. She was advised it would be after a meeting between the Council and the BOE.

Mr. Cabrera returned to report that a light pole in front of the 7-11 on the Boulevard is missing.

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

VOTE ON RESOLUTIONS

A request was made to pull resolution 2012:80 from the consent agenda.

Councilman Colucci made a motion to approve resolution 2012:80. Councilman Robalino seconded the motion. The motion failed on a roll call vote as follows:

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

In casting her vote Councilwoman Duffie said she is concerned with spending and referenced the police promotions and hiring at the Senior Center.

In casting his vote Councilman Ashley said he shared similar concerns as those expressed by Councilwoman Duffie. He said the current course has been to increase spending at an alarming rate. He said he believes the borough should pursue a policy of attrition and not replace vacancies.

In casting his vote Councilman Robalino said this was not a new hire but a replacement of two full time employees who retired at a higher rate of pay. He said he does not believe the department can operate effectively with less and that the position was already accounted for in the budget. He said the borough would be saving money because the position would be filled at the first step on the pay scale. He said while he understands the objective to be careful with spending it must also be weighed against the objective to provide services.

In casting his vote Councilman Colucci said he had taken into account the advice of the department head and believed the DPW Superintendent when he said that he needed to fill this position. He also noted this was not a new position.

In casting her vote Councilwoman Grant said she echoed the sentiments from both Councilman Ashley and Councilwoman Duffie and noted her concern for where the Borough would find the money for the position.

In casting his vote Council President Berner said it is a difficult decision noting that these are difficult economic times.

Council President Berner made a motion to approve resolutions 2012:72 through 2012:79 and 2012:81 and 2012:82. Councilman Robalino seconded the motion. All present in favor, none opposed.

Councilwoman Duffie asked for a status on hiring a planner. The Administrator said the deadline to submit the RFQ is February 29th and she expected the Council would review the submissions and make a decision at the March work session.

Councilwoman Duffie asked about an issue that came up at the Planning Board in reviewing the application for Woodcrest Center. The engineer wanted the applicant to conform to the existing streetscape but the applicant had just recently spent a significant amount of money to replace the sidewalks adjacent to the property. Council President Berner said there was a discussion of a payment in lieu. Mr. Madaio said the Borough does not currently have an ordinance implementing the streetscape. He suggested the Council may wish to consider an amendment to the ordinance to require conformance to the streetscape.

ADJOURNMENT

Council President Berner made a motion to adjourn. Councilwoman Duffie seconded the motion. All present in favor, none opposed. Time 10:06 PM.

Respectfully submitted,



Christine Demiris
Borough Clerk