

**MINUTES**  
**BOROUGH OF NEW MILFORD**  
**7:00 PM WORK SESSION**  
**OPEN SESSION immediately following**  
**7:45 PM PUBLIC MEETING**  
**Monday, February 28, 2011**

**WORK SESSION:**

Council President Keith Bachmann	Present
Councilwoman Randi Duffie	Present
Councilman Diego Robalino	Present
Councilman Howard Berner	Present
Councilwoman Celeste Scavetta	Present
Councilman Dominic Colucci	Present
Mayor Ann Subrizi	Present



Also present: Mark Madaio, Borough Attorney; Christine Demiris, Administrator/Clerk; Gary Higgins, Borough Auditor (7:37 PM)

Mayor Subrizi read the Open Public Meeting and Mission Statements.

**CLOSED SESSION:**

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

1. Personnel – P/T Receptionist/Clerk
2. Potential Acquisition of Real Property
3. Proposed Amendment to Collective Bargaining Agreement
4. Pending Litigation – Cell Tower Appeal\*

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

**OPEN SESSION:**

1. MEL/JIF Resolution Recommendations

The Administrator asked if the Council had any objections to her preparing the resolutions as recommended by the MEL/JIF; the Council agreed to prepare the resolutions for all but the Boardwalk.

2. Fire Official Ordinance Recommendation

The Borough Attorney prepared draft ordinances from the Fire Marshal's recommendations for clearing fire hydrants of snow and key entry boxes for commercial locations.

### 3. No-Parking Sign Request – Perrone

The Administrator stated the sign requests are for private property; it is strictly a formality that it comes before the Mayor and Council. Mayor Subrizi stated the sign should include the proper ordinance number.

### **BUDGET INTRODUCTION – Gary Higgins, Borough Auditor**

Mr. Higgins advised the tax levy cap was reduced from 4% to 2%. The tax rate increase will raise taxes \$112 on the average home assessed at \$414,000 in 2011 for municipal purposes only. The Administrator confirmed the CAP Rate Ordinance is on the agenda; to increase the rate from 2% to 3.5% in appropriation spending. Mr. Higgins noted the ordinance is needed to balance the budget. Mr. Higgins explained the need for the resolution on the computation for the reserve for uncollected taxes and noted it is also on the agenda.

Councilwoman Duffie stated the topic of junkyards needs to be revisited at a future meeting; without a Property Maintenance Officer, the matter will get worse. She would also like to discuss the sign ordinance and neon signs again. Council President Bachmann stated not having a Property Maintenance Officer makes no difference; having one did not help the matter last year.

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

### **PUBLIC SESSION:**

Council President Keith Bachmann	Present
Councilwoman Randi Duffie	Present
Councilman Diego Robalino	Present
Councilman Howard Berner	Present
Councilman Dominic Colucci	Present
Councilwoman Celeste Scavetta	Present
Mayor Ann Subrizi	Present

Also present: Mark Madaio, Borough Attorney; Christine Demiris, Administrator/Clerk; Gary Higgins, Borough Auditor

Mayor Subrizi called the meeting to order, asked for a moment of silent prayer and/or reflection, and led the flag salute. Mayor Subrizi read the Open Public Meeting Law and Mission Statements and pointed out the fire exits in the Council Chambers.

### **BUDGET INTRODUCTION**

Mr. Higgins advised the tax levy cap was reduced from 4% to 2%. The budget also remains within the 3.5% appropriation cap. The tax rate increase will raise taxes \$112 on the average home assessed at \$414,000 in 2011 for municipal purposes only. Mr. Higgins advised the public hearing will be March 28<sup>th</sup>.

Mayor Subrizi noted the complete budget document will be available on the Borough website upon introduction. Mayor Subrizi commended the DPW, Library and Borough Office staff for opening

their contracts and agreeing to a zero percent increase in salary this year to avoid layoffs or furloughs. In 2012 there will be similar constraints and there will be no where left to cut. Mayor Subrizi added the Borough was granted a zero percent increase in medical premiums, which is unheard of. Shared services are something that the Borough will need to look at going forward.

Councilman Berner made a motion to approve resolution 2011:72 to introduce the 2011 municipal budget. Councilman Robalino seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

Mr. Higgins explained resolution 2011:71, which lowers the reserve for uncollected taxes.

Councilman Berner made a motion to approve resolution 2011:71, to authorize the calculation for the reserve for uncollected taxes. Councilwoman Scavetta seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

### **INTRODUCE ORDINANCE #2011:05**

#### **CALENDAR YEAR 2011 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK**

Mr. Higgins explained the ordinance allows the municipality to increase the appropriation cap, what can be spent, to 3.5%. Councilman Robalino 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 vote. All present in favor, none opposed.

The ordinance will be published in the Record and a public hearing will be held on March 28, 2011 at 7:45 PM.

Council President Bachmann made a motion to approve the minutes of the June 28, 2010 and August 23, 2010 Public Session Minutes. Councilwoman Duffie seconded the motion. All present in favor, with the exception of Councilman Robalino who abstained.

### **PROCLAMATION:            YOUTH ART MONTH                                       JANE EMANUEL DAY**

Mayor Subrizi read the proclamations into the record. Ms. Emanuel stood to be recognized. The Administrator will forward the proclamation for Youth Art Month to the Board of Education.

### **APPOINTMENT:    BRENTON PRISENDORF – JR. FIRE DEPARTMENT**

Councilman Colucci made a motion to nominate Brenton Prisendorf to the Jr. Fire Department. Councilman Berner seconded the motion. All present in favor, none opposed.

## **COUNCIL COMMITTEE REPORTS:**

### **Council President Keith Bachmann**

Ambulance Corps, Recreation

Council President Bachmann advised the Recreation Commission held its Reorganization meeting on February 16<sup>th</sup>; John O'Grady was elected Chairperson. The Commission's next meeting will be March 2<sup>nd</sup> at which time they will discuss hiring a Director. The Administrator was made aware this afternoon that the March 2<sup>nd</sup> meeting of the Recreation Commission will begin at 8:30 PM.

Council President Bachmann attended the annual dinner for the Ambulance Corps at Season's on February 12<sup>th</sup>. Mayor Subrizi attended the dinner as well and advised the Ambulance Corps presented the Mayor and Council with a plaque which will be added to the courtroom wall.

### **Councilwoman Randi Duffie**

Health & Human Services, Shade Tree, Rent Leveling/Tenants Association

Councilwoman Duffie stated there was no Board of Health meeting in February due to inclement weather.

Councilwoman Duffie reported the Shade Tree Commission is currently working on implementing the stimulus grant received for planting. The stimulus grant money does not allow the planting to be done by the DPW; the Commission is receiving quotes. Councilwoman Duffie stated she will attend core training in April.

Councilwoman Duffie reported the Rent Leveling Board continues to review its ordinance. The Board is planning an evening discussion on increases relating to those on a fixed income.

Councilwoman Duffie asked Council President Bachmann why the Ambulance Corps is not a member of the NJ First Aid Association; Council President Bachmann will check and report back.

### **Councilman Diego Robalino**

Garbage & Recycling, Board of Education

Councilman Robalino stated the recycling report for the previous month is on file with the Borough Clerk.

Councilman Robalino was unable to attend the Board of Education meetings due to conflicts with the Mayor and Council meetings. He reported that he met with the Superintendent, Director of Curriculum and the Mayor to discuss the Academies of New Milford. The Academies are open to all High School students; there will be a Junior Academy at the Middle School. Councilman Robalino referenced the articles published in the Record regarding state aid to schools, cost per pupil and median teacher salaries.

**Councilman Howard Berner**

Planning Board, Chamber of Commerce, Environmental & Energy Commission, Historic Preservation, Historic New Bridge Landing

Councilman Berner noted the Environmental meeting was canceled on February 1<sup>st</sup> due to the snowstorm; the next meeting will be March 1<sup>st</sup>.

Councilman Berner attended the Historic New Bridge Landing Park Commission meeting on February 3<sup>rd</sup>; at which they discussed the rehabilitation of the Campbell Christie House. Councilman Berner listed the upcoming historical events; and advised more information is available at [www.bergencountyhistory.org](http://www.bergencountyhistory.org).

Councilman Berner stated he was late to the Historic Preservation meeting due to Mayor and Council OEM training. He advised Mike Perrone finished the farm map project. The Commission is looking to host Random Acts of History for National Night Out.

Councilman Berner attended the Planning Board meeting on February 15<sup>th</sup>; after much discussion the Board appointed Dennis Kirwan their Planner. The Board discussed building and impervious coverage with regards to decks and patios; they are looking to standardize the ordinance.

Councilman Berner reported the Chamber of Commerce did not meet in January or February; and he has heard nothing for March.

**Councilwoman Celeste Scavetta**

Senior Citizens Advisory Board, Public Events

Councilwoman Scavetta attended the Senior Advisory Board meeting on February 17<sup>th</sup> and advised of the upcoming events. She stated there was a small fire at the center caused by a cigarette; it damaged the siding and a plant. They are seeking to update their ordinances to include no smoking near municipal buildings. The Board raised a concern of parking on both sides of the one-way, narrow street. Councilwoman Scavetta suggested looking into classes for seniors for basic cell phone use, computers, etc. as well as using patch.com for event listings.

Councilwoman Scavetta advised of the upcoming schedule for Public Events. She advised May 1<sup>st</sup> is Loyalty Day at the VFW; there is still no decision on July 4<sup>th</sup> fireworks.

**Councilman Dominic Colucci**

Department of Public Works, Fire Department, Drug & Alcohol Municipal Alliance

Councilman Colucci stated the DPW continues with snow and ice removal and routine maintenance. Councilman Colucci read a letter from a Voorhis Avenue resident thanking the DPW for a tremendous job with snow plowing and removal.

Councilman Colucci reported that Buildings and Grounds is performing general maintenance.

Councilman Colucci was unable to attend the Drug Alliance meeting on February 17<sup>th</sup>; he was advised the turnout for the last dance was low.

Councilman Colucci advised the Fire Department meeting was rescheduled for tonight. Councilman Colucci provided the Clerk with the letter requesting their annual 5K run.

Mayor Subrizi referenced an email thanking the Police Department, Fire Department and DPW for their actions with a down tree on Cypress Street.

Councilman Robalino quickly mentioned the Board of Education announced their teachers of the year for each of the schools; the overall district winner was from Berkley Street School.

**Mayor Ann Subrizi**

Police/Police Aux., Library Board, Community Development, Joint Insurance Fund, Bergen County Open Space

Mayor Subrizi stated the Police Auxiliary meeting was canceled due to inclement weather; she will attend their next meeting tomorrow night.

Mayor Subrizi summarized the police calls for the previous month. She noted the Mayor and Council attended the OEM training on February 8<sup>th</sup> and are now in full compliance.

Mayor Subrizi was unable to attend the JIF meeting; Borough Risk Manager, Art Caughlan was in attendance and reported for New Milford.

Mayor Subrizi was unable to attend the Community Development meeting; however she was assured it was only for reorganization.

Mayor Subrizi noted the Library will have help for filing taxes at no charge, by appointment only.

Mayor Subrizi referenced the solar panels being installed by PSE&G in New Milford and around the state. She noted New Milford has no say in their installation.

Mayor Subrizi stated the money received from the DOT Municipal Aid program for River Road Streetscape Phase IV is for sidewalks, trees and lighting, not road resurfacing.

**REVISIT OPEN WORK SESSION:**

1. MEL/JIF Resolution Recommendations

Mayor Subrizi summarized the proposed resolutions from the MEL/JIF, all of which will reduce municipal liabilities. Mayor Subrizi requested the proposed resolutions be added to the next agenda. Councilwoman Duffie confirmed that worker's compensation is supported by a doctor's recommendation. Mayor Subrizi stated yes, however taxes are not taken from worker's compensation; therefore employees are taking home more while injured than at work. The Administrator stated there is no incentive for them to come back to work.

2. Fire Official Ordinance Recommendation

Mr. Madaio summarized the proposed ordinances provided by the Borough Fire Marshal explaining that residents would be required to shovel the snow around the hydrants and key boxes would be required for commercial properties to allow entry in an emergency.

Mayor Subrizi would rather handle the shoveling of snow around a fire hydrant the neighborly way first. Councilwoman Duffie feels the unspoken neighborly way will not work; it needs to be made specific. Councilwoman Duffie suggested younger Fire Department members or those in need of community service. Councilman Colucci will bring the Council's concerns to the Fire Department.

Mayor Subrizi asked if the key box being proposed is only for commercial properties; Mr. Madaio confirmed it is for commercial or buildings with fire suppression. It was suggested the Council Liaison could get more information; Council President Bachmann suggested the Fire Marshal be invited to a Work Session meeting.

3. No-Parking Sign Request – Perrone

The Administrator explained the sign request; and added another request came in to her office today from Wesley Estates. Councilman Robalino suggested the ordinance number be added to the signs. Councilwoman Scavetta suggested the shape of the sign be changed; it resembles the shape of a stop sign. Councilwoman Duffie stated the matter should be referred to the Police Department as well; the Administrator stated the Police Department is required to sign off on the signs as well.

4. NJLM Resolution Request – Market Competition and Consumer Choice Act

Mr. Madaio summarized the proposed resolution; urging legislation to allow municipalities the ability to negotiate with cable companies during franchise renewal. The Administrator will prepare the resolution for March 28<sup>th</sup>.

5. NJLM Letter Request – Community Development Block Grant Funding

Mayor Subrizi asked if there were any objections to her signing a letter requesting the Community Development Block Grant Funding be maintained at the current level; no objections noted.

6. Salary Ordinance – Recreation Coordinator

Mayor Subrizi noted Recreation Coordinators have not been included in the salary ordinance in the past; legally they should be included as they collect a stipend/salary. Councilwoman Duffie asked for the salary range of the Recreation Director; she was advised \$22,000-\$28,000. Councilwoman Duffie asked why the Director is included in the salary ordinance if the Borough is not responsible for hiring the Director; the Administrator advised the Borough is responsible for paying the Director and as such it must be included in the ordinance.

**OLD BUSINESS:**

**ADOPT ORDINANCE #2011:02**

AN ORDINANCE TO AMEND CHAPTER VII OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "TRAFFIC," THEREBY AMENDING SUBSECTION 7.9 ENTITLED "BUS STOPS"

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

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

Council President Bachmann made a motion to close to the public. Councilwoman Scavetta seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

Council President Bachmann made a motion to adopt this ordinance on its second and final reading. Councilwoman Scavetta seconded the motion. The motion passed on a roll call vote.

### **ADOPT ORDINANCE #2011:03**

#### **AN ORDINANCE TO REPEAL ORDINANCE 2-14 ENTITLED PROPERTY MAINTENANCE/RECYCLING ENFORCEMENT OFFICER**

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

Ms. Hedy Grant, 175 Boulevard came forward to address the Council. Ms. Grant questioned why the position was eliminated. Mayor Subrizi advised the job was previously handled by various departments and it can be done as efficiently and will also save money.

Ms. Tina DeLucia, 417 Hegi Drive came forward to address the Council. Ms. DeLucia asked which department should be contacted if the need arises. She was advised to contact the Clerk's Office or the Building Department.

As there were no further comments Councilwoman Scavetta 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.

Councilman Colucci made a motion to adopt this ordinance on its second and final reading.

Councilman Berner seconded the motion. The motion passed on a roll call as follows:

For the motion: Bachmann, Robalino, Berner, Scavetta, Colucci

Against the motion: Duffie

Abstain: None

In casting his vote, Council President Bachmann stated he voted against creating the position; it will save on salary, vehicle and cell phone, it worked efficiently for years prior to creating the position.

In casting her vote, Councilwoman Duffie respectfully disagreed; stating it is a quality of life issue to have ordinances properly enforced. The elimination of the position was never discussed at the Council level. The position was created because the various departments were at capacity; she felt it was political.

In casting his vote, Councilman Robalino stated the enforcement done by the Property Maintenance Officer was weak to begin with and the funds saved can be more effectively disbursed.



In casting her vote, Councilwoman Scavetta stated it is fiscally responsible to the taxpayers.

In casting his vote, Councilman Colucci agreed it is fiscally responsible and there is no reason it cannot be done as it was in the past.

Mayor Subrizi stated by ordinance the position is at the pleasure of the Borough Administrator and does not require a Council vote. A discussion was had with the person involved prior to any Mayor and Council discussion.

#### **NEW BUSINESS:**

#### **INTRODUCE ORDINANCE #2011:04**

**AN ORDINANCE TO AMEND ORDINANCE 2011:01, 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 Colucci seconded the motion. The motion passed on a roll call vote as follows:  
For the motion: Bachmann, Robalino, Berner, Scavetta, Colucci  
Against the motion: Duffie

The ordinance will be published in the Record and a public hearing will be held on March 14, 2011 at 7:45 PM.

Councilwoman Duffie received letters of those requesting placement on the Commission in her last packet; she asked if there were more. Mayor Subrizi advised she received approximately 20 letters; however she appointed both new and old members. Councilwoman Duffie asked if the Borough will receive more reports from the Commission, or will it be strictly through the Council liaison. Mayor Subrizi stated the primary contact will be through the liaison, however it has been made clear to the Chairman there needs to be communication between the Commission, the Director and the Borough Hall. Council President Bachmann stated it is an independent commission; Councilwoman Duffie is aware of the history and is looking for accountability. Moving forward she said she would like to discuss the snack stand money.

#### **RESOLUTIONS:**

- 2011:64 Closed Session
- 2011:65 Payment of Bills and Vouchers
- 2011:66 Approve Raffle License #2011:03 for the Friends of the New Milford Public Library for an On-Premise Merchandise Draw
- 2011:67 Authorize refund of duplicate tax payment – Various Blocks and Lots
- 2011:68 Appoint Part-Time Receptionist Clerk – Patricia Supino
- 2011:69 Approve Street Opening Permit – Columbia Avenue and Dilworth Road
- 2011:70 Approve cancellation of old outstanding checks
- 2011:71 Authorize Calculation for the Reserve for Uncollected Taxes
- 2011:72 Introduce 2011 Municipal Budget
- 2011:73 Approve Appropriation Transfers from Reserves for Budget Year 2010\*

## COMMENTS FROM THE PUBLIC

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

Hedy Grant, 175 Boulevard came forward to address the Council. Ms. Grant questioned the validity of the Recreation appointments if the ordinance was not in conformity with state statutes. The Administrator confirmed the appointment dates were incorrect, she advised the Council at the previous meeting and the appointment letters contained the correct dates. Mr. Madaio stated the appointments were in accordance with state statutes and we are confirming the procedure in the ordinance matches the state statute.

Ms. Grant believes less comprehensive minutes are a step in the wrong direction; she urged to the Council to reconsider.

Ms. Josephine McKeown, 184 Trotta Drive came forward to address the Council. Ms. McKeown stated there is a large tree behind her property in the Borough right-of-way; she is very fearful of the tree falling on her house. She has spoken to Norman Krause at the DPW; he advised the roots were compromised. Ms. McKeown requested the tree be removed. Mayor Subrizi will request a report from Norman Krause. Ms. McKeown is unable to attend the next Shade Tree Commission meeting; she provided the Administrator and Councilwoman Duffie with a letter.

Ed Hollander, 994 Oxford Lane came forward to address the Council. Mr. Hollander echoed Ms. McKeown's concerns. Some trees were removed when the Batton home was built; however this one remained and has shifted over time.

Mr. Hollander referenced the earlier conversation regarding fire hydrants and snow removal; he suggested the snowplow drivers could cut in and clean out the hydrants.

Mr. John Foley, 254 Stevens Court came forward to address the Council. Mr. Foley asked for an update on the Hirschfeld Brook project. The Administrator explained the status and advised the Borough is waiting on three consent letters.

Mr. Bill Morrow, 252 Eagle Avenue came forward to address the Council. Mr. Morrow referenced the petition submitted in October regarding crosswalks on Main Street; he asked for the status. The Administrator stated Chief Papapietro ordered signs; she will follow up on the status.

Mr. Russ Schwartz, 260 Ridge Street came forward to address the Council. Mr. Schwartz asked if the committee reports have to be done at the meeting or if they could be provided in the minutes. Mayor Subrizi explained the importance of the liaison's report; perhaps they can be shortened. Mr. Schwartz questioned the criteria for picking Recreation Commission members. Mayor Subrizi advised there is no job description, no pay; people with interest step forward

Vincente Puentes, 257 Eagle Avenue came forward to address the Council. Mr. Puentes lives near Mr. Morrow and supports pedestrian calming on Main Street. He suggested speed limit signs or children at play signs be erected on Demarest, Eagle and Prospect Avenues between River Road and Boulevard.

Mr. Peter Rebsch, 147 N. Terrace Place came forward to address the Council. Mr. Rebsch said he has been involved in Recreation for 15 years; it was working fine and he does not want to see more changes. He referenced the Knox-Box in the proposed Fire Department ordinance; he has it at his business and he receives an insurance deduction. The business owners do not have a key to the box; only the Fire Department.

Mr. Gus Bachmann, 258 Stevens Court came forward to address the Council. Mr. Bachmann stated his church has the Knox-Box; it is easily installed and not too expensive. The Fire Department is helpful with suggestions on installation.

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

### **VOTE ON RESOLUTIONS**

Councilman Berner made a motion to approve resolution 2011:67. Councilwoman Scavetta seconded the motion. All present in favor, with the exception of Council President Bachmann who abstained.

Council President Bachmann made a motion to approve resolution 2011:73. Councilman Berner seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

Council President Bachmann made a motion to approve consent agenda resolutions 2011:64 through 2011:66 and 2011:68 through 2011:70. Councilman Colucci seconded the motion. All present in favor, none opposed.

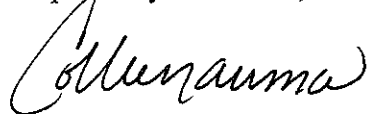
Mr. Madaio explained the need for a resolution to cancel old checks; the Administrator stated the money goes into reserves.

The Administrator referenced the Gooney Birds request for use of the Borough field for a carnival; the Council decided the second week in August would be best; the first week is National Night Out.

### **ADJOURNMENT**

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

Respectfully submitted,



Colleen Naumov  
Deputy Borough Clerk