

MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
OPEN SESSION immediately following
7:45 PM PUBLIC MEETING
Monday, March 14, 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

Mayor Subrizi read the Open Public Meeting and Mission Statements.

ADMINISTRATOR

The Administrator noted as part of our contract, Atlantic Coast Fibers will provide a free shred day to New Milford residents. The last date available in the spring is May 7th or we could hold off until the fall. The Council agreed to have it May 7th, at the DPW building rather than the Borough Hall parking lot due to recreation programs.

CLOSED SESSION:

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

1. Potential Acquisition of Real Property – Margaret Healey

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

OPEN SESSION:

1. Fire Official Ordinance Recommendations – Alan Silverman

Alan Silverman stated the issue of snow removal from fire hydrants was brought to his attention by the Fire Department. The Borough has 353 hydrants, it would be impossible for the department to clear them all. Fire progresses rapidly and it takes time to shovel out the fire hydrant. Leniency can be given to senior citizens who are unable to shovel. The fire code does not cover one and two family dwellings; if there is no local ordinance it cannot be enforced. Mayor Subrizi expressed concern that the ordinance would only affect the 353 homeowners with hydrants in front of their homes. Mayor Subrizi noted the purpose of an

ordinance is to issue summonses for non-compliance. She believes residents will comply without an ordinance if you educate them. Councilman Colucci asked if the Jr. Fire Department can assist; Mr. Silverman advised there is a bill before the Senate to allow the Jr. Fire Department to help more, as it stands now, if they are injured the Borough is liable.

Mr. Silverman advised although the Borough does not have a Knox-Box ordinance, he has always recommended the boxes to business owners. Mayor Subrizi asked what the box costs; Mr. Silverman advised approximately \$240. Mr. Madaio asked if Mr. Silverman agreed with how the proposed ordinance is written; Mr. Silverman advised it should read from this point forward.

Council President Bachmann raised the following questions, comments and concerns regarding the fire hydrants; the state code obligates commercial and multi-family for approximately 100 hydrants, if a resident refuses to shovel the hydrant and pays the fine who is liable, enforcement costs, an exemption in ordinance if DPW buries the hydrant once its been cleared, how will the Borough notify residents of the new responsibility, when the deed changes how will the Borough notify new owners, residents on vacation or away for the winter, and finally, can the DPW shovel the hydrants?

Mr. Silverman stated he is not looking to give out summonses; he is looking for compliance.

2. Capital Alternatives – Marlene Casey

Ms. Casey advised grants are still available; however the time frame is short and the money must be spent as quickly as possible. Ms. Casey introduced Al Maiocchi and noted he worked for the DOT for over 36 years. Mr. Maiocchi discussed some of the DOT grant opportunities available to New Milford. He gave examples that Cedar Road would have a low rating as it is strictly residential; however Center Street would be rated high due to the church, firehouse, school, etc. Ms. Casey stated it is the Council's decision which roads they want to make application for; there is no cost to the Borough for a DOT application. Ms. Casey referenced a DOT discretionary application for Holland Avenue; further noting the DOT has set aside special funds for culvert replacements. Mayor Subrizi advised there is another culvert around Martin Place; where the French Brook runs under the Boulevard. Ms. Casey will assess which will be better for the application. Ms. Casey discussed the opportunities for Fire Department grants. Councilman Berner questioned if grants are available through Open Space for the water company property. Ms. Casey advised it is possible to purchase it in stages with grant money; it would require a leap of faith to bond and pay it back over three years with grant funds. Council President Bachmann noted the grants are limited to the amount the Green Acres appraiser says its worth; there may be a contract buyer willing to pay more. Ms. Casey agreed; she provided a strategy should the Council wish to attempt a negotiation with United Water.

3. Hirschfeld Flood Mitigation – Next Steps

The Administrator updated the Council on the flood mitigation letters; she noted the second round of letters was mailed. She stated some of the properties no longer require a deed restriction. Mayor Subrizi requested the paperwork for those who had not responded; she will visit the unresponsive residents personally. Councilman Berner asked if the mitigation will affect the homeowners downstream; the Administrator advised the plan is designed to

not affect said homeowners. Councilman Berner questioned if the plan takes Dumont's cleanup into affect; Mayor Subrizi advised Dumont's engineer must assure there are no downstream effects.

4. Police Traffic Director Ordinance

The Administrator explained the reasoning for the ordinance; the Borough receives payment for police overtime from contractors after the completion of the work. She stated the Division of Local Government Services and the Borough Auditor recommend holding money in escrow. Mayor Subrizi questioned if the money paid to the officers is pensionable. Mr. Madaio will draft an ordinance.

5. Sign Ordinance

Councilwoman Duffie stated it is a fine ordinance; she would like to see it enforced. She referenced items in the ordinance currently not being enforced. Councilwoman Duffie suggested the ordinance should include LED lights. Councilwoman Duffie stated there are pockets of commercial properties mixed in with residential; there is no uniformity everything is unique. The Zoning Officer is responsible for enforcement. Councilman Colucci suggested referencing the ordinance in a letter to be sent to businesses. Councilwoman Duffie noted the letter should state the ordinance will be strictly enforced and they have 30 days to comply.

6. Repair Shop Ordinance

Mayor Subrizi summarized the discussions that have taken place previously. Councilwoman Duffie continues to receive complaints. The Mayor and Council have considered ordinances from other towns and are trying to be fair. Council President Bachmann stated the Borough has an ordinance outlining the permissible home businesses. Councilwoman Duffie stated the amount of vehicles and junk goes against the look of the neighborhood. Council President Bachmann referenced an earlier discussion regarding a customer who does not pay the mechanic and therefore the car remains in the yard; he stated the customer should be fined, not the mechanic. Mayor Subrizi referenced existing ordinance 3-2.2 regarding abandoned vehicles. Mr. Madaio suggested the Council review the ordinance and revisit the discussion.

Council President Bachmann made a motion to approve minutes from the July 26, 2010 Public Session. Councilman Berner seconded the motion. The motion passed on a roll call vote as follows:

For the motion: Bachmann, Duffie, Berner
Against the motion: None
Abstain: Robalino, Scavetta, Colucci

ADOPT 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 open to the public for comment on the adoption of this ordinance. Councilman Berner 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. Councilman Berner 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

Abstain: None

Council President Bachmann requested resolution 2011:83 be pulled for a separate vote.

COUNCIL

Councilwoman Duffie advised she will attend the Shade Tree Commission meeting tomorrow; and asked if the Council wanted her to relay anything. Mayor Subrizi advised of two resident's concerns; Councilwoman Duffie will bring the Mayor's concerns to the Commission.

Councilwoman Scavetta asked if the Commission can provide foliage for the Senior Center to mask the recent fire damage. Councilwoman Duffie questioned if the damaged Peetzburg banners will be replaced; Councilman Berner advised they will be. Councilwoman Duffie noted the company should honor them as they did not hold up well.

Councilman Colucci advised some 9/11 steel is coming to the Borough through the Fire Department; they may have a dedication prior to the 5K run. The Administrator advised the Fire Department requested June 18th as the date for the 5K run; the Council had no objection to the date. Due to budget constraints and taking into account that many employees agreed to a zero percent increase, it was the consensus of the Council that the Fire Department must pay for the Police overtime.

Council President Bachmann noted the requested location for the motorcycle run will not work as many recreation activities are scheduled that day; the date is acceptable although a different location may work better. The Administrator will confirm with the Borough Risk Manager whether or not an insurance certificate is required. Council President Bachmann proposed adopting a no Army truck ordinance i.e. multi axle trucks. Mr. Madaio will research the topic. Council President Bachmann proposed a use it or lose it ordinance with regards to zoning; the Administrator advised the Borough currently has a tolling ordinance. The Administrator will forward the tolling ordinance to the Borough Attorney for his review.

Councilman Berner spoke with the Mayor of Woodcliff Lake regarding their Borough's garbage pick-up and its effectiveness. He was advised the costs for labor and dumping were \$300,000 for approximately 1,900 homes. It was a five day operation, which allowed for once per week garbage pick up for all homeowners; however there is no curbside recycling pick up. Councilman Berner believes it is worthwhile to investigate this method.

Councilman Robalino proposed keeping the recycling schedule as is; but change garbage pick up to every other week in the winter and weekly in the summer. This could possibly save 30%. The Administrator advised the Borough is currently under a five year contract for solid waste disposal. Councilman Robalino advised there are third party providers for public utilities that could save the Borough money. He requested the January and July bills from PSE&G from the Administrator. The Administrator advised she has been approached by some third party providers and is currently looking into it as a cooperative.

ADMINISTRATOR

The Administrator brought forth residents traffic concerns in the neighborhood of Demarest Avenue. Chief Papapietro and Sgt. Jones recommended stop signs at the end of Prospect, Eagle and Summit due to the volume of traffic. She asked if the ordinance should be prepared for introduction on March 28th; no objections noted.

The Administrator referenced the requests for the Softball and Little League parades; Mayor Subrizi questioned why the parades could not be combined. Council President Bachmann stated after each parade is Opening Day, therefore parking and field use would be a concern. After much discussion, the Council agreed the softball parade will be April 10th with an April 17th rain date and the Little League parade will be April 9th with an April 16th rain date. The Little League rain date would require a later start due to the Easter Egg Hunt.

The Administrator referenced an email from Select Wellness asking to make a presentation to the Borough employees; she advised of other towns who have participated. Mayor Subrizi stated they may send information to be distributed, but they should not be granted a captive audience on Borough time.

The Administrator would like to list the ordinance for Criminal History Background checks for discussion at the April Work Session. She received a letter from the Megan Kanka Foundation offering to fully fund fingerprint background checks; the Administrator will forward said letter and the current ordinance to the Council for review.

The Administrator asked if the Fire Department ordinances should be relisted on a future agenda; Mr. Madaio will revise the draft and forward it to the Administrator for distribution.

The Administrator referenced a request from the Fire Department to switch LOSAP companies. The Council requested Lincoln Financial's ranking as well as the Risk Manager's opinion. The Administrator will put George Saigh in touch with the Borough Risk Manager.

COUNCIL

Mayor Subrizi referenced the Gooney Birds' request for a carnival; the Administrator advised they have been given permission to hold the carnival the second week in August.

Mayor Subrizi recapped on the status of Borough vehicles being driven home; she is looking into one more from the Police Department and then will approach the Fire Department.

Mayor Subrizi referenced the Capital Budget; and noted the requests for each department. The Administrator advised since the Capital Budget is currently over \$800,000, the Borough must

increase the down payment amount. Mayor Subrizi advised the Operating Budget does not have an additional \$5,000 to put towards the down payment. After much discussion the Council decided to reduce the legal line of the Operating Budget from \$90,000 to \$85,000; in order to raise the down payment amount for the bond.

Councilman Berner was advised by veteran's at the Senior Center that the flag is not lit at night as it should be; either it must be lit at night or it must be lowered everyday. The Administrator will discuss the concern with the Buildings and Grounds Superintendent.

Councilman Colucci noted the Drug Alliance would like to get involved with the carnival in August; Mayor Subrizi noted the VFW/Gooney Birds and Drug Alliance used to hold a mutual carnival; however the Drug Alliance had to stop due to low membership. Council President Bachmann stated the field is a Borough owned field; the VFW/Gooney Bird should be reminded of how it was done in the past.

COMMENTS FROM THE PUBLIC

Councilman Berner made a motion to open the meeting to the public. Councilwoman Scavetta seconded the motion. All present in favor, none opposed.

Peter Rebsch, 147 N. Terrace Place came forward to address the Council. Mr. Rebsch referenced the third party gas and electric discussion earlier; and cautioned the Mayor and Council to read the fine print.

Ray Sullivan came forward to address the Council. Mr. Sullivan advised his parents' property at 154 Washington Avenue recently flooded again. He expressed concern that any United Water development would displace water downhill on Washington and Lenox Avenues. He referenced Green Acres/Open Space grant money for the purchase of homes within the flood zone. His parents' home is unlivable; he had approached the Mayor and Council about purchasing the property.

Mayor Subrizi reminded the Council the Sullivan house was one of four houses on a flood mitigation list for a FEMA grant; however it was turned down. Another opportunity required documentation of the Sullivan's losses; which they could not produce.

As the Sullivan's remain willing sellers, the discussion will be listed on the April Work Session in closed.

Mary McElroy, 297 Greve Drive came forward to address the Council. Ms. McElroy requested the date which the United Water discussion will be rescheduled. The Administrator stated United Water indicated they would be willing to attend either the March 28th or April 10th meeting. Ms. McElroy is in favor of keeping the property as recreational and proposed a public relations campaign.

John Dapper, 430 Madison Avenue came forward to address the Council. Mr. Dapper asked if United Water pays property taxes; the Administrator stated yes. He noted the Borough would lose revenue if the property was purchased by the Borough through Green Acres. Mr. Dapper requested a copy of the draft automobile repair shop ordinance; Mr. Madaio advised he can request the document under OPRA.

Charlie Siefert, 51 Bulger Avenue came forward to address the Council. Mr. Siefert referenced the SRO conversations and asked if the issue had been resolved. Mayor Subrizi advised the Board of Education has decided not to fund their portion; however Chief Papapietro feels the program is too important and it has been fully funded in the Borough's Police Department budget.

Councilwoman Duffie stated the Police Chief should be required to cut from another area in his budget; as the rest of the Borough Hall has made cuts.

Jodie Siefert, 51 Bulger Avenue came forward to address the Council. Ms. Siefert noted the School Superintendent is very willing to put money towards the United Water property but not fund the SRO program. Mayor Subrizi corrected Ms. Siefert; the Superintendent had listed possible uses for the property, however he does not want to pay for it.

Martin Shenkman, 203 Center Street came forward to address the Council. Mr. Shenkman agreed with Council President Bachmann's recommendation to support the mechanics who do not receive payment from vehicle owners who have abandoned their cars.

Ms. McElroy noted she disagreed with the Council's recommendation not to hire a Director of Curriculum. Mayor Subrizi stated she apologized to the Director after learning of all the programs she had brought to the town. Councilman Berner stated it was not the Council's recommendation to not hire a Director; it was their recommendation to not hire at such a high salary.

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

RESOLUTIONS:

- 2011:74 Closed Session
- 2011:75 Payment of Bills and Vouchers
- 2011:76 Approve emergency appropriations to the 2011 temporary budget
- 2011:77 Award Hardcastle Pond Phase II to M.J. D'Arminio in the amount of \$122,923.00
- 2011:78 Authorize Support of S-2402 Capping Attorney Fees in Litigation Against Public Entities
- 2011:79 Authorize the Support of the Elimination of Sick Leave Injury Programs
- 2011:80 Authorize Support of A-3431 to Amend Title 59 Granting Immunity to Public Entities for Sidewalk Injuries
- 2011:81 Authorize Support of A-3430 to Amend Title 59 by Strengthening Weather Immunity
- 2011:82 Reappoint Plumbing Sub-Code Official – Michael Sestanovich
- 2011:83 Approve Raffle License #2011:04 – New Milford-Teaneck Lodge #2290, BPOE for Off-Premise Merchandise Draw

VOTE ON RESOLUTIONS

Mr. Madaio stated resolution #2011:84 will be added to the consent agenda as the Council intends on going into another closed session this evening.

Councilwoman Duffie made a motion to approve the consent agenda, resolutions #2011:74 through #2011:82 and #2011:84. Councilwoman Scavetta seconded the motion. All present in favor, none opposed.

Councilwoman Duffie made a motion to approve resolution #2011:83. Councilwoman Scavetta seconded the motion. The motion passed on a roll call vote as follows:

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

Against the motion: None

Abstain: Bachmann

CLOSED SESSION:

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

1. Potential Acquisition of Real Property - United Water Property

Councilman Berner made a motion to go back into open session. Councilwoman Duffie seconded the motion. All present in favor none opposed.

ADJOURNMENT

Councilman Berner made a motion to adjourn. Councilman Colucci seconded the motion. All present in favor, none opposed. Time 12:06 AM, March 15, 2011.

Respectfully submitted,



Colleen Naumov
Deputy Borough Clerk