

MINUTES
BOROUGH OF NEW MILFORD
7:00 PM EXECUTIVE/CLOSED SESSION
8:00 PM OPEN PUBLIC SESSION
Monday, April 11, 2011

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; Chief Papapietro; Doug Doyle, Labor Attorney; Avis Thompson, Labor Attorney

CLOSED SESSION:

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

1. Personnel

At the conclusion of the closed session Council President Bachmann made a motion to back into open session. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

OPEN SESSION:

The Administrator explained the two resolutions added this afternoon. The Senior Wellness resolution authorizes Mayor Subrizi to sign the agreement between the Borough and the County.

The resolution for Pancho's Burritos authorizes the Borough Clerk and Police Chief to sign the Extension of Premises application for May 5, 2011 prior to its submission to the Division of Alcohol and Beverage Control. After discussion the Administrator will revise the resolution to add the following conditions: no service bar outside, no extension on the Prospect Street side and security must meet the Police Chief's requirements.

The Administrator referenced the High School's request to post the 50th Anniversary Celebration of the first graduating class on the Borough electronic sign. The previous Mayor and Council decided the sign should be used strictly for Borough business; she advised her office would post it on the website. Does the Council wish to change its policy with regards to the electronic sign or keep it status quo; the Council decided to remain with the current policy.

The Administrator referenced a request from college students looking to hold a fundraising bake sale at the Easter Egg Hunt; as well as the Borough's Risk Manager's recommendation. Mr. Caughlan advised if the Council allows the request, proof of insurance and hold harmless agreements must be provided; as well as a clear statement that it is a private undertaking and not a

Borough event. After discussion, all but Council President Bachmann decided to reject the request for the bake sale.

RESOLUTIONS:

- 2011:97 Closed Session
- 2011:98 Payment of Bills and Vouchers
- 2011:99 Appoint Court Administrator – Susan Stucke
- 2011:100 Approve Raffle License #2011:06 – Off-Premise 50/50 – Church of the Ascension
- 2011:101 Approve Raffle License #2011:07 – On-Premise 50/50 – NMFD Co. #2
- 2011:102 Approve Social Affairs Permit – Hovnanian School – May 14, 2011
- 2011:103 Approve Social Affairs Permit – Church of the Ascension – June 12, 2011
- 2011:104 Authorize Mayor to Sign Senior Wellness and Nutrition Contract with County of Bergen
- 2011:105 Approve Petition to Extend Licensed Premises – Pancho’s Burritos on May 5, 2011

VOTE ON RESOLUTIONS

Council President Bachmann made a motion to approve the consent agenda #2011:97 through 2011:105. Councilman Colucci seconded the motion. All present in favor, none opposed.

PUBLIC SESSION:

Mayor Subrizi calls the meeting to order, asks for a moment of silent prayer and/or reflection, and leads the flag salute. Mayor Subrizi reads the Open Public Meeting Law and Mission Statements and points out the fire exits.

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

PUBLIC SESSION:

Mayor Subrizi advised that members of the Board of Education are present; they have a quorum and have had a roll call. Mayor Subrizi made a brief opening statement; and introduced the developer and presenter.

1. The S. Hekemian Group – United Water Company Property

Andy DelVecchio represents the S. Hekemian Group for the property in question and is a member of the law firm, Beattie Padavano. Mr. DelVecchio presented the information via PowerPoint for the Council and members of the public. He advised that S. Hekemian Group is the contract purchaser for the United Water property; and referenced the challenge for the greatest use of the property and satisfying the interests of all stakeholders. Mr. DelVecchio stated the proposed plan has something for all. According to the Borough’s Master Plan, the code allows and permits fifty single family homes; as shown in the concept plan provided.

The site is important to the community and warrants extra attention; however remaining vacant is not an option for the developer. Mr. DelVecchio referenced a rendering of what could be done on the property; a mixed use of commercial, recreation and parking solely for use by the Board of Education and the municipality. The anchor development of the proposed plan is Inserra Supermarket; a benefit being the current Shop-Rite would not close 15 months for renovation. If the plan is permitted, Mr. Inserra would relinquish all variances previously approved by the Zoning Board for the original site. Mr. DelVecchio stated the plan as proposed contains a family restaurant, Shop-Rite, a bank, neighborhood retail, a graded field for athletics, and a 145 car parking lot; 30% of the property would be dedicated to municipal use at no cost to the Board of Education or municipality. Mr. DelVecchio explained the analysis of local costs and revenues chart; as well as the benefits of implementing a business zone. Mr. DelVecchio noted with the existing zoning the Borough would lose \$228,594; however the proposed zoning would bring in revenue equaling \$456,134.

COMMENTS FROM THE PUBLIC

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

Denise Laviola, Mack Place came forward to address the Mayor and Council. Ms. Laviola questioned if the property is designated wetlands; Mr. DelVecchio stated the DEP issued a Letter of Interpretation stating there are no wetlands. Ms. Laviola expressed concerns of flooding, traffic and quality of life; she noted the town does not offer anything to keep homeowners here. Mr. DelVecchio explained the drainage requirements of new developments; there must be less water post development than prior.

Mary McElroy, 297 Greve Drive came forward to address the Mayor and Council. Ms. McElroy asked if the proposed athletic field is in the flood zone; Mr. DelVecchio advised the field is not, the berm on the property demarks the flood zone. Ms. McElroy feels the parking lot and athletic field is the easy way out for the developer. She feels much of the flooding is due to mismanagement by United Water. Ms. McElroy asked if the Mayor and Council had done a feasibility study on the cost to develop the property.

Council President Bachmann provided his own financial analysis for the Borough to raise \$9 million; it would cost each homeowner approximately \$2,679.55 additional. The bottom line is not everyone would want to write a check for the additional amount; he said the proposed plan is financially responsible.

Councilman Berner added the \$9 million is merely to purchase the property; additional money would be needed to develop said property. It would be a huge financial impact on the residents. Mayor Subrizi added the tax ratable loss must be considered as well.

Nick D'Amelio, 349 Trench Drive came forward to address the Mayor and Council. Mr. D'Amelio stated according to the existing land use map, the athletic field is in the 100 year flood plain. Mr. DelVecchio noted the map is an aerial shot and footage cannot be determined accurately from that height; he noted Hekemian has done a metes and bound description and is comfortable to represent the flood hazard area is off the field.

Lori Barton, 399 Roslyn Avenue came forward to address the Mayor and Council. Ms. Barton questioned if the proposed plan is best for Inserra Supermarkets or New Milford; and what will happen to the existing Shop-Rite property. Ms. Barton said she doubts Hekemian would be interested in building 50 single family homes if the property is not rezoned. She feels United Water has not been a good neighbor and hopes the Borough can still negotiate. Mayor Subrizi reminded those present that Mr. DelVecchio does not represent United Water.

John Rutledge, 335 River Road came forward to address the Mayor and Council. Mr. Rutledge noted the proposed supermarket would be considered a superstore; he referenced the traffic pattern and pollution it would cause. He noted the proposed athletic field was not presented as fully developed and noted the Borough would incur the cost to develop.

Michael Hart, who owns 229 Milford Avenue and is a Councilman in Oradell, came forward to address the Mayor and Council. Mr. Hart stated the proposed plan makes more financial sense than developing 50 single family homes. He noted any development will affect adjoining towns. The developer has been generous in reaching out to the community; however there is a lack of area for teens. Mr. Hart hopes drainage improvements in the area will be considered.

Joe Loonam, 343 Shea Drive came forward to address the Mayor and Council. Mr. Loonam noted the developer can change the plans without approval, once the zoning is changed to commercial; he said that is why Planning and Zoning Boards are in place, to approve variances. When reexamining the Master Plan, the Planning Board would have changed the zoning if it were best. Mr. DelVecchio advised when zoning is changed it is normally more restrictive; controls are put into the ordinance to hold a developer to the agreement. A change in zoning does not negate the requirement to go before the Planning Board to seek site plan approval. Mr. Loonam asked if River Road would require widening; Mr. DelVecchio noted they are in the process of finishing a traffic study and the engineer will make recommendations on how to improve traffic flow. Mr. Loonam referenced the loss in ratables at the current Shop-Rite site; Mr. DelVecchio advised the current Shop-Rite site is to remain retail only. Mr. Loonam implored the Mayor and Council to make Hekemian follow the proper channels and go before the Boards; not to change the zoning of the property.

Joanne Prisendorf, 317 River Road came forward to address the Mayor and Council. Ms. Prisendorf stated she has always been against the development of the property; she thanked Council President Bachmann for the financial analysis and noted she would write a check today. Ms. Prisendorf stated currently there are 78 homes for sale in New Milford; we do not need an additional 50.

Anthony Carbone, 724 Berkley Street came forward to address the Mayor and Council. Mr. Carbone is a current student at the High School; he said a multipurpose field would be better than a soccer field.

Scott Petrie, 413 Hegi Drive came forward to address the Mayor and Council. Mr. Petrie stated the field is a good start; however he does not like the balance of the plan. He referenced the opportunity to bond the money for the purchase price and spread it out over a number of years to phase in the project. Mr. Petrie noted a United Water representative should have been present at this meeting. Council President Bachmann stated to bond the property would be mortgaging our future; he referenced grant opportunities, however grants limit the use of the property.

Mary Penser, 336 Birchwood Road came forward to address the Mayor and Council. Ms. Penser asked if the numbers provided by Mr. DelVecchio included the taxes paid by Inserra Supermarkets. Mr. DelVecchio advised he measured the fiscal impact solely and exclusively for the proposed site.

Mike (last name inaudible) Hasbrouck Blvd, Oradell came forward to address the Mayor and Council. He noted open space adds value to the town; more information should be provided to the residents and not just the dollar amount needed to be raised by taxes. He questioned why United Water is not giving the other corner for passive open space. He noted the town can declare the area an area in need of redevelopment; thereby giving the town a chance to reassess the best use of the property.

Fr. Hadodo, 303 Cedar Road came forward to address the Mayor and Council. Fr. Hadodo stated bonding raises taxes. He stated the developer has brought forth a plan that looks good if done correctly; we need to be open minded. He stated Inserra Supermarkets is the town's largest employer.

Ulisses Cabrera, 659 Columbia Street came forward to address the Mayor and Council. Mr. Cabrera expressed concern over additional piping running downstream; it will adversely affect those in the flood zone. He suggested a referendum asking the taxpayers if they are willing to spend additional money.

Jose Camacho, 265 Eagle Avenue came forward to address the Mayor and Council. Mr. Camacho lives near the proposed site and noted it is ideal for open space; but the residents need to be realistic as not every taxpayer is willing to spend the additional money. Mr. Camacho noted United Water is not going to donate the property. The developer is not here to do New Milford a favor; New Milford needs to leverage to get the most benefit.

Al Alonso, 45 Clover Court came forward to address the Mayor and Council. Mr. Alonso is a land use attorney and noted rezoning is the cheapest and fastest way to get approval. He noted the Zoning Board is taken out of the equation if the property is rezoned; he said suggesting development with 50 single family homes is for shock value. The developer is the contract purchaser; however Mr. Alonso asked if there were contingencies. Mr. DelVecchio advised the contract is covered by a confidentiality agreement and the use variance Mr. Alonso referenced is not appropriate under the law. He said a property of this size requires rezoning under the Municipal Land Use Law.

George Adelung, 723 Berkley Street came forward to address the Mayor and Council. Mr. Adelung noted he cannot tell the developer what to do with the property; however he wants what is best for the children in town. If the town cannot afford the property; then they must do something to make the town better for the children. New Milford does not provide our children with what surrounding towns do; we have substandard fields.

Alicia McMahon, Steuben Avenue came forward to address the Mayor and Council. Ms. McMahon asked what is proposed for the top left corner of the property. Mr. DelVecchio advised that is not part of the property under contract for purchase; United Water or the County will maintain it. Ms. McMahon echoed Mr. Adelung's statement regarding the fields; they are an embarrassment. If the developer's plan comes to fruition; the added revenue must go to fix the existing areas.

Peter Marion, 100 Grand Street came forward to address the Mayor and Council. Mr. Marion expressed concern over the traffic moving from the center of town to the north end; the traffic will increase on Main Street. Mr. Marion implored the Council to look into acquiring the property.

Mark Flores, 150 N. Carlton Place came forward to address the Mayor and Council. Mr. Flores is not in favor of any development. If the Borough does not have the financial resources to acquire the property, then use the property for what it is, leverage. The High School field is an embarrassment; there is no reason for our children to play on fields covered in geese feces. Mr. DelVecchio reiterated the

developer proposes to build a parking lot, level area for a field and bring in utilities. Mr. Flores suggested a turf field with a surrounding track and walking paths.

Tom Cabrera, 728 Berkley Street came forward to address the Mayor and Council. Mr. Cabrera moved here from Hoboken and noted New Milford has fields that need to be better maintained; he stated the town is in need of a recreation center as the children have no where to go.

Joan McCann, 217 McKinley Avenue came forward to address the Mayor and Council. Ms. McCann noted the strip mall proposed at the back of the field is not needed; the Borough already has a strip mall to the left of the High School with vacancies. She suggested the area be used for a food hut and restrooms; she suggested a compromise asking the developer to donate that whole side of the property.

Ms. Prisendorf stated a co-worker found the 1970 Master Plan for New Milford; and it stated the property in question should be reserved for open space.

John Podesta, 263 River Road came forward to address the Mayor and Council. Mr. Podesta resides directly across from the subject area and believes the Borough can do better than what is proposed.

Richard Penser, 336 Birchwood Road came forward to address the Mayor and Council. Mr. Penser asked if the sale can be delayed long enough to allow the Mayor and Council to act. The Borough Attorney advised the Borough has nothing to do with the sale; the Borough does not have the ability to stop private sales among private parties. The rezoning of the property could be delayed to allow the Borough Planner to review; as well as to allow the developer to modify the plan. Mr. Penser echoed others' comments regarding the condition of our fields and the embarrassment it brings.

Tom Docchio, 776 Walnut Street came forward to address the Mayor and Council. Mr. Docchio noted no one has expressed concern about the senior citizens of this town. He cannot afford to have his taxes doubled; if the town were to buy the property we will need more emergency services as well as DPW employees.

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

Mayor Subrizi explained the two resolutions that were added and approved earlier.

ADJOURNMENT

Council President Bachmann made a motion to adjourn. Councilwoman Duffie seconded the motion. All present in favor, none opposed. Time 10:23 PM.

Respectfully submitted,



Colleen Naumov
Deputy Borough Clerk