MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
OPEN SESSION immediately following
7:45 PM PUBLIC MEETING
Monday, April 23, 2012

APPROVED
9/24/12

WORK SESSION:

Mayor Subrizi reads 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: Mark Madaio, Borough Attorney; Gary Higgins, Borough Auditor (arrived 7:20); Christine Demiris, Administrator/ Clerk

CLOSED SESSION:
The Mayor said although there was nothing listed for closed session she had three items to discuss in closed session. She suggested holding the closed session for later in the meeting.

OPEN SESSION:
1. Mid-Bergen Regional Health – State Inspections
   The Administrator recapped the events to date: the resignation of the previous Health Inspector, the Health Officer's suggestion of an additional charge to the Borough for the previously supplied state inspections, my objection and request for clarification, and the Health Officer's memo of April 9th outlining services provided that are not being charged to the Borough. The Health Officer was scheduled to attend this meeting to explain his position to the Mayor and Council but has since notified the Administrator that Mid-Bergen will cover the State inspections for 2012 at no additional charge.

2. Main Street Grill – ABC Violation
   The Administrator reported she had contacted the State Division of the ABC regarding the arrest for underage drinking for clarification on the responsibility of the local ABC with regard to a hearing or disciplinary action. She was advised by Susan Dolan of the Enforcement Bureau that the matter is still with the State Investigation Unit. As it has yet to be forwarded to the Enforcement Bureau no formal charges on the license have yet been filed. She said the local board should not act because the proofs of the case are with the state. The Administrator asked about imposing conditions on the renewal and was advised that in order to impose conditions the town needs to make a case and since this incident has not been fully adjudicated it could not be used. She was further advised that unless the licensee is a problem license with repeated problems, conditions on the renewal would not be warranted.

3. Beautification Committee Ordinance – 4/20/12 Revision
   Councilman Colucci referenced the section on "Duties and Responsibilities" on page 2 and asked if "aesthetics of the Borough" should read "Borough public properties." Mayor Subrizi asked if, as a committee, an ordinance is required; noting that other Borough committees exist without an ordinance. Mr. Madaio said an ordinance is not required but as the draft was created from an existing ordinance, he drafted it as an ordinance. Councilwoman Duffie asked if an ordinance would protect it from being disbanded altogether if opinions change. Mr. Madaio said the ordinance could be rescinded. Councilwoman Duffie said rescinding the ordinance would involve the public. As there were no further comments, final revisions will be made and the ordinance will be prepared for introduction at the meeting on May 14th.

4. Free For All – RX Card
   The Administrator reported on a conversation she had with Jim Donachie of Free for All in addition to a conversation she had with the Borough Auditor regarding his discussion with Tina Zappichi of the State Division of Local Government Services. Mr. Donachie explained the town's role is to act as a conduit for distribution of the card; making sure the card is accessible and branding it with the town's sponsorship. There would be no further commitment or responsibility for the town as the service includes a fully staffed customer service department. The Council discussed whether or not the town would want to sponsor this program. Mr. Madaio questioned whether or not there would be any issue with sponsoring one card over another. The Council agreed to table to the matter to allow the attorney additional time to review the material and associated issues.

5. Barton Correspondence dated 4/19/12
   The Mayor referenced correspondence received from a resident in which the resident asked if the issue would be added to the Mayor and Council meeting agenda. The Mayor expressed concern that there could be many other similar requests from residents; asking to have matters listed on the agenda. She asked if anyone else shared this concern. Councilman Robalino agreed that the Council should not allow anyone to dictate what should be on an agenda. Councilman Colucci noted that any member of the public can come forward to comment at a meeting. Councilwoman Grant said there have been other resident letters that have been addressed as agenda items. It was agreed that other issues, brought forth by a resident letter, have been listed and discussed as agenda items but it was not as a result of the resident requesting to be on the agenda, but rather because a determination was made that it should be listed. Council President Berner stated agenda setting is a function of the Council President and suggested the request should come to him and that he and the Borough Clerk should be consulting on the agenda on a bi-weekly basis. The Mayor asked if the Council would like to list the resident's concern for discussion at the next work session. Council President Berner said he would not be inclined to do so, suggesting the resident could raise the question whenever a meeting is open to the public.

ADMINISTRATOR:

The Administrator noted the last minute receipt of a raffle application for Fire Company #1 and asked to add resolution 2012:150 to approve the application. The Council unanimously agreed to add this resolution.

The Administrator referenced resolution 2012:144. She was notified by Capital Alternatives that there is additional discretionary aid available through the DOT with applications due by April 30th.

The Grant Consultant suggested applying for the balance of the River Road Streetscape which would cover both sides of River Road to Henley Avenue, handicapped curb cuts on the four corners of River Road and Henley Avenue and one side of Henley Avenue down to the park-and-ride for sidewalks, curbs, pavers, and lights. The amount of the application is $225,000. The resolution to authorize the application is on the agenda for the Council's consideration.

Councilwoman Grant asked about resolution 2012:147. She was advised it is the resolution to authorize the multi-purpose improvement bond.

Mayor Subrizi asked about resolution 2012:149, noting it differed from the $2.5 million dollar Tax Anticipation Note (TAN) she signed. She was advised this is for a Bond Anticipation Note (BAN); it is a renewal of an existing BAN as they are only valid for one year.

Mr. Higgins reported the introduced budget was reviewed by the State and there are no technical issues to be addressed. He advised the amendment was reviewed and accepted without issue as well.

Council President Berner said the proposed budget draws significantly on surplus. He asked if there is any way to tell how this will affect the Borough's rate to borrow. Mr. Higgins said we would only have a real indication after being downgraded and having a bond sale. He said most downgrades are as a result of low surplus.

Councilman Ashley asked if using $140,000 in surplus has a bigger impact on the bond rating than adding a $1,000,000 in debt. Mr. Higgins said rating agencies would rather have you raise taxes than use reserves.

Councilwoman Duffie said she believes the cost of the reassessment could be spread over five years. Mr. Higgins said that in order for a reassessment to be spread over multiple years it needs to be ordered by the County Board of Taxation. Councilwoman Duffie said she believes there are other towns doing it. Mr. Higgins said it may have been ordered for other towns; noting that in the past some towns did it without it being ordered but the Attorney General has ruled this practice to be illegal. He then quoted the State statute that prohibits this from being done. Mr. Higgins said he is working with two Assemblymen to try to amend the statute, 48:4-53, to delete those five words "ordered by the State taxation" and they are working on this legislation currently.

Mr. Higgins noted the 2011 Audit is underway and asked if anyone on the Council had any area they would like for them to focus on. Councilwoman Duffie asked if Recreation is included in the audit. She was advised that they are. She suggested, in light of the possibility of large expenditures for fields, it might be a good idea to review this area carefully.

Councilman Colucci referenced money put aside for the Fire Department years prior for construction. Mr. Higgins said it would have been in a capital ordinance. The Administrator said she believes there was $25,000 allocated in a previous ordinance. Mr. Higgins said it could have been cancelled by now. Councilman Colucci asked what would have happened to it then. He was advised that it could have gone to capital surplus, been re-appropriated, brought in as a budget revenue or, if it was never funded/bonded it was cancelled on paper – the money did not yet exist.

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

PUBLIC SESSION:	(Actual Start 8:01 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; Gary Higgins, Borough Auditor; Christine Demiris, Administrator/ Clerk

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.

PRESENTATIONS: **BERGEN TRAVEL BASKETBALL LEAGUE CHAMPIONS**

SHADE TREE COMMISSION – TREE CITY USA

APPOINTMENT: **ANDREW LIGNOS – JR. FIRE DEPARTMENT**

Councilman Colucci made a motion to appoint Andrew Lignos to the Jr. Fire Department. Council President Berner seconded the motion. All present in favor, none opposed.

PROCLAMATION: **NEUROFIBROMATOSIS AWARENESS MONTH**

PUBLIC HEARING: **2012 MUNICIPAL BUDGET**

2012:134 Resolution to Waive the Reading in Full of 2012 Municipal Budget

Councilman Robalino made a motion to approve resolution 2012:134. Councilman Colucci seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

Councilman Colucci made a motion to open the meeting to the public for a hearing on the 2012 Municipal Budget as introduced. Council President Berner seconded the motion. All present in favor, none opposed.

The record reflects no member of the public wished to comment on the 2012 Municipal Budget as introduced. Council President Berner made a motion to close to the meeting public. Councilman Robalino seconded the motion. All present in favor, none opposed.

Mr. Higgins reported the Division of Local Government Services reviewed the introduced budget and has given the Borough the go ahead to adopt that budget. The Council has opted to deliver an amendment to the introduced budget. The amendment has been sent to the State along with the introduced budget and has also been approved. The amendment must be advertised and there must be a hearing on the amendment at a future meeting. Taking into account the amendment the tax rate will go from 72.1 cents to 73.4 cents or an increase of 1.3 cents per $100 of assessed valuation. On

a home assessed at $410,000, which is the average assessed value, the increase for municipal purposes only will be a $54 increase. He noted a few additional highlights: the tax levy is only up $126,061 which is less than one percent over last year's levy which is only 50% of what the state would authorize. He said this is before adjustments; with adjustments the budget could go up an additional $440,000 with regard to the allowable tax levy. The appropriation caps could go an additional $606,000. He noted the governing body has opted not to utilize either of these options. He explained the COLA ordinance which he said does not authorize spending it just permits the Borough to bank an additional 1% for the next two years for CAP purposes. If it is not used in the next two years it is lost; it just goes away. The Mayor noted the amendment will be published and a hearing will be held on May 14th for any public questions or comments on the amendment.

The Mayor asked for a motion on resolution 2012:135 to amend the 2012 municipal budget. Councilman Robalino said he was absent from the last meeting and therefore was not able to vote on the Council's decision to reduce the surplus. He said it is his opinion the surplus should be restored. He acknowledged this would reflect a slight increase in taxes but said he is not comfortable maintaining less than 1% in surplus. The Mayor said what Councilman Robalino is asking is for the Council restore the surplus which would increase the budget by $143,000 and the amount on the average home from $54 to about $75. Councilman Robalino said it would mean there would be about 2% surplus of the overall budget, for which the need cannot be predicted. He likened to a homeowner not knowing when a boiler would go or when a roof is going to start leaking.

Council President Berner said he would second the motion.

Councilwoman Grant said it was not presented in the form of a motion and that she does not believe it is appropriate for it to be brought up again.

Councilman Ashley asked how the Borough would go about funding an emergency. Mr. Higgins said it would be funded through an emergency appropriation but if the Borough does not have cash on hand it would have to be borrowed in the form of an emergency note. He said having surplus on hand would eliminate an emergency note. Councilman Ashley asked in the event of an emergency note it would be paid through a tax increase in the following year. He said he would rather avoid a tax increase this year, noting the additional $143,000 would not find its way back to taxpayers in the event the emergency did not happen.

Council President Berner asked how much it would cost to float a bond or note for an emergency. Mr. Higgins said there would be administrative costs in addition to whatever interest rate is attached to the note.

The Mayor reviewed the history of the Borough's surplus since 2006: 2006 - $882,000; 2007 - $685,000; 2008 - $828,000; 2009 - $1,117,000; 2010 – $550,000; 2011 - $335,000. She noted the amount proposed by the amendment being discussed would put surplus for 2012 at $171,000. She noted as a frame of reference the Hurricane Irene emergency appropriation was in the amount of $127,000.

Councilman Robalino asked Mr. Higgins to explain the reasons why the Borough's rating was dropped by Moody's the previous November. Mr. Higgins said although he did not have the report to reference he believes one of the reasons was a decrease in surplus balances. The Mayor added some of the other items, which are not in the Borough's control, were the prevailing economic

conditions and real estate values. Council President Berner said bond ratings affect the cost to borrow money; lower bond ratings lead to higher interest costs. He noted interest costs do not just affect the current year as the interest continues for five or ten years over the life of the bond or note.

Councilman Robalino said he wished to make a motion to amend the amendment.

There was discussion on whether or not the amendment could be amended at this time. Mr. Higgins explained the proposed amendment could be changed currently, noting the amendment before the Council has not done anything with yet; they could discard this amendment and start over if they wished. He said this amendment can be modified prior to it being introduced tonight. Mr. Madaio said the proposed amendment has not been acted upon. Mr. Higgins said the amendment is technically a draft until it is acted upon.

Councilman Robalino clarified his motion saying he wished to reduce the amount of surplus anticipated in the budget to $130,088; reducing it by $143,000. Council President Berner seconded the motion. The motion passed on a roll call vote as follows:

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

When casting her vote, Councilwoman Duffie referenced the review of surplus over the last five years and commented that anyone reviewing their household finances over the same period of time would see decreases and the Borough is reflecting those situations as well. The public has asked for something to be done about taxes.

When casting his vote, Councilman Ashley said the Council missed a real opportunity to mitigate the ever increasing taxes.

When casting his vote, Councilman Robalino said it was for all of the reasons previously explained.

When casting his vote, Councilman Colucci said he felt the difference of $21 taxes per year weighed against the possibility of putting the town in jeopardy over the long run with bond issues was the best course.

When casting her vote, Councilwoman Grant said she feels it is good government to save the taxpayer's money. She said this particular item will not affect services or the standard of living; it is a onetime expense that can easily be taken from surplus and that it is not at all clear that surplus will affect the Borough's bond rating or interest rates.

When casting his vote, Council President Berner said he is mostly concerned with being prepared to deal with catastrophes noting the costs involved with those recovery efforts. He said he has heard that individuals should have three to six month's salary sitting in a savings account and he believes $171,000 in surplus may not be adequate to cover the potential expense of multiple catastrophes. He does not believe it is prudent or smart to wipe out the Borough's savings to save $21 per household.

When casting her vote, Mayor Subrizi said she believes the Borough needs a solution to surplus issues, noting she thinks it should be static, fixed year to year, at a percentage of the budget. She said she does not think $171,000 is enough of a cushion to provide for possible emergencies. She

said by restoring $143,000 to surplus there would be a total of $314,000 which is not quite 2% of the budget. She said in her estimation the right amount is between two and three percent.

Mr. Higgins summarized the changes to the resolution 2012:135 as follows:

* Surplus anticipated going from $130,088 to $273,088 is now deleted
* Subtotal of the general revenues which went from $3,319,733 to $3,535,656 will be reduced by $143,000 to $3,392,656
* Amount to be raised by taxation which was going from $14,605,685 to $14,279,477 will be modified to $14,422,477
* The total amount to be raised by taxation which was going from $15,251,592 will go to $15,068,384

He said it will all be revised and provided to the Borough Clerk so that this amendment can be published on April 26th with a public hearing on the amendment scheduled for May 14th. Following the public hearing he advised the Council can proceed to amend further or proceed to adopt.

2012:135 Resolution to Amend 2012 Municipal Budget

Councilman Robalino made a motion to approve resolution 2012:135 as revised. Councilman Colucci seconded the motion. The motion passed on a roll call vote as follows:

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

OLD BUSINESS:

ADOPT ORDINANCE #2012: 05

CALENDAR YEAR 2012 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK N.J.S.A. 40A-4-45.14

The Mayor asked Mr. Higgins to explain this ordinance. Mr. Higgins said the cap bank is a provision under the local budget law which allows you to go up to 3.5% of the prior year inside the cap appropriations. The COLA (cost of living adjustment) was set at 2.5%. This ordinance allows the Borough to go the extra 1% to bank for further use if needed. If it is not spent in 2012 it can be carried to 2013 and 2014 and would only be utilized if it is included as an appropriation in those budgets. If it is not used by 2014 it goes away. It is a safety net; it does not authorize the expenditure of funds.

Council President Berner made a motion to open to the public for comment on this ordinance. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

The record reflects no member of the public came forward to comment on this ordinance. Council President Berner made a motion to close to the public. Councilman Colucci seconded the motion. All present in favor, none opposed.

Councilwoman Duffie 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 as follows:

For the motion: Duffie, Ashley, Robalino, Colucci, Grant, Berner

Against the motion: None
Abstain: None

ADOPT ORDINANCE #2012:06

AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE IIIOF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "SUBDIVISION AND SITE PLAN REVIEW" "PRELIMINARY SITE PLAN" TO MANDATE COMPLIANCE WITH STREETSCAPES.

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

Bob MacNish, 473 Marion Avenue, addressed the Mayor and Council. Mr. McNish asked to have the ordinance explained. Mr. Madaio referenced the process of site plan review and explained that a requirement to comply with the existing streetscapes has been added to this review. It will require applicant's submitting plans within the parameters of an existing streetscape to follow the design of the streetscape.

As there were no further comments, Councilwoman Duffie made a motion to close to the public. Council President Berner seconded the motion. All present in favor, none opposed.

Councilwoman Duffie made a motion to adopt this ordinance on its second and final reading. Councilwoman Grant seconded the motion. The motion passed on a roll call vote as follows:
For the motion: Duffie, Ashley, Robalino, Colucci, Grant, Berner
Against the motion: None
Abstain: None

NEW BUSINESS:

INTRODUCE ORDINANCE 2012:07

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF NEW MILFORD IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF $925,450 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION, TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS AND TO AMEND BOND ORDINANCE NO. 2009:13 ADOPTED ON AUGUST 24, 2009.

Councilman Robalino 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: Duffie, Robalino, Colucci, Grant, Berner
Against the motion: Ashley

Abstain: None

When casting his vote Councilman Ashley commented while he supports many of the things in this capital budget he believes many of the items could have waited or may not be necessary, suggesting by not adding $925,000 of debt the Borough could improve its credit rating.

When casting his vote Council President Berner noted that Councilman Ashley had asked the Auditor earlier in the evening if this level of borrowing would impact the financial status of the town. The Auditor said the Borough is well within safe limits and for this reason he believes it is misleading to tell the public that not providing the things we need for the residents is a smart thing to do. Council President Berner added the Borough also pays back approximately $900,000 per year in bond principal. He said he believes it is absolutely necessary to continue to be able to provide the people in town with the services they expect.

The Mayor noted the department heads submitted requests for over $1.9 million in capital expenditures; there were a great number of items that had to be cut and she believes the Council cut them as responsibly as possible while maintaining the things that were immediately necessary such as fire equipment, radios for police, and road repaving.

The ordinance will be published in the Record and a public hearing will be held on May 14, 2012 at 7:45 PM.

INTRODUCE ORDINANCE 2012:08

CAPITAL ORDINANCE TO APPROPRIATE THE SUM OF $325,000 FOR THE INSTALLATION OF LIGHTING AT KENNEDY FIELD IN, BY AND FOR THE BOROUGH OF NEW MILFORD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM A COUNTY GRANT AND FROM THE OPEN SPACE TRUST FUND OF THE BOROUGH.

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

The ordinance will be published in the Record and a public hearing will be held on May 14, 2012 at 7:45 PM.

INTRODUCE ORDINANCE 2012:09

AN ORDINANCE TO AMEND CHAPTER II OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "ADMINISTRATION," THEREBY AMENDING SECTION 2-52 ENTITLED "OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND."

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

The ordinance will be published in the Record and a public hearing will be held on May 14, 2012 at 7:45 PM.

INTRODUCE ORDINANCE 2012:10

AN ORDINANCE TO AMEND CHAPTER VIII OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "PARKING AND PARKING LOTS" THEREBY AMENDING SECTION 8-3 ENTITLED "HANDICAPPED PARKING ON PUBLIC STREETS"

Councilman Colucci made a motion to introduce and approve this ordinance on its first reading. Councilman Robalino seconded the motion. The motion passed on a roll call vote as follows:

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

The ordinance will be published in the Record and a public hearing will be held on May 14, 2012 at 7:45 PM.

COUNCIL COMMITTEE REPORTS:

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

Councilwoman Duffie stated the Historic Preservation Committee will be celebrating the Borough's birthday on June 10th at the Library. She noted they will be reviewing the collection of historic artifacts and meeting on May 8th to plan and install the exhibit.

Councilwoman Duffie said it has come to her attention through the Borough's Grants Consultant New Milford, River Edge, and Oradell would be able to apply for a grant to replace the fire whistles in all three towns. She additionally commented that at the post Irene meeting the Police Chief mentioned an early warning system for flooding and noted this grant could cover this as well. She advised applications are due very shortly on May 1st. She asked for the Council's approval to proceed. Councilman Colucci noted the Fire Department is speaking with the Consultant currently and as there is no fee a Council resolution is not required. As a precaution, the Council decided to add resolution 2012:151 to authorize Capital Alternatives to draft a joint application with Boroughs of Oradell and River Edge for a fire warning system.

Councilman Austin Ashley
Garbage & Recycling, Public Events, Recreation, Shade Tree

Councilman Ashley said he had been unable to attend the Public Events meeting.

Regarding Recreation, Councilman Ashley reported the playgrounds are being re-mulched and some individuals have been performing community service providing painting, raking and general cleanup. He reported more than 200 people attended the annual Eggstravaganza.

Councilman Ashley reported the Shade Tree Commission would be meeting the following Wednesday. He congratulated them again on their outstanding work and recognized Norman Krause from the DPW as well.

Councilman Ashley reported on the total recycling tonnage for 2011.

Councilman Diego Robalino
Board of Education, Drug & Alcohol Municipal Alliance

Councilman Robalino reported on the Board of Education meeting of March 27th at which the Superintendent reported on capital facility improvements. He noted 100% of the new hires were in the top 10% of their graduating class. There were twenty-four new courses added at the high school in 2011 and there will be four new courses in 2012. Honors classes will begin in eighth grade. In addition, the 2012-2013 budget was introduced at the meeting. He then reported on the BOE meeting of April 16th. He reported on the DARE graduation at Berkley School and the Teachers of the Year Awards. He noted BOE member Mechler had resigned; anyone interested should submit an application by May 14th, the seat will be appointed on May 21st. There will be three BOE seats up for election in November.

Councilman Robalino reported on the Drug Alliance meeting of April 19th. He said the carnival is confirmed for the week prior to National Night Out for four nights with plans for fireworks on the Friday.

Councilman Robalino recapped the Council's participation with NJSEM for a third party supplier of energy. He reported the NJSEM went out to bid on April 4th. He said there was no bid below the strike price for general light and power, but there were bids below strike on street lighting. As a result the Borough can expect a 20.8% reduction in cost for the year of approximately $20,000. The NJSEM went back out to bid on April 19th and again there were no bids below the strike for general light and power. Representatives of the NJSEM met with the three bidders and negotiated a deal with Reliant Energy for 11% less than the lowest month in 2011. This could result in an additional $20,000 savings.

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

Councilman Colucci acknowledged John Lignos, noting his son Andrew was inducted into the Jr. Fire Department earlier in the evening.

Councilman Colucci reported on his attendance at the Joint Insurance Fund meeting on April 19th.

He reported Buildings and Grounds has been performing normal maintenance and the DPW has been working on field maintenance. He noted the sewer camera is back and functional and that tree issues have been dispensed quickly.

Councilman Colucci reported he attended a meeting for fire education on April 16th and the Department's Bi-Annual newsletter and fundraising letters will be out soon. The Northern Valley Chief's Parade is scheduled for October 6th in Demarest. Fire Awareness Day is scheduled for October 7th. The Fire Department will be participating in National Night Out and recruitment signs

will be going out soon. The Fire Department is actively pursuing grants for equipment and construction. The 3rd Annual 5K is scheduled for June 16th and volunteers are needed.

Councilman Colucci said he had attended the DARE graduation and noted there will be a Walkathon on April 29th for Nephcure, which supports research for childhood kidney disease. He noted his son had arranged the walkathon as a part of his graduation project.

Councilwoman Hedy Grant
Environmental & Energy Commission, Library Board of Trustees, Ambulance Corps

Councilwoman Grant reported the Ambulance Corps met on April 16th at which time they announced two new members in addition to four new applications.

Councilwoman Grant reported on the Environmental Commission meeting of April 3rd. They will be working with the Shade Tree Commission on April 28th to distribute seedlings in honor of Arbor Day.

The Library Board met on April 19th and plans are underway to honor longtime trustee Dan Harmatz on June 10th. The Library staff is learning how to use a number of different tablets in order to help patrons learn as well. An Eagle Scout has been given permission to build a bench for the Library.

Council President Howard Berner
Planning Board, Chamber of Commerce, Historic New Bridge Landing

Council President Berner reported the Chamber of Commerce did not meet and he was unable to attend the Historic New Bridge Landing Park Commission meeting.

Council President Berner reported the Planning Board met on April 17th and memorialized a resolution accepting the application of the Woodcrest Center to allow for a three-story porch and additional parking. The April 24th and May 15th meetings have been cancelled. The next meeting is scheduled for May 22nd. The Planning Board has created a subcommittee to look into LED lighting.

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

The Mayor summarized the Police Department quarterly report regarding calls and hours. She noted the PD overtime expenditure is currently on track at $97,000, which is exactly a quarter of what has been budgeted for the year. She reported on the April 9th decision of the Public Employee Retirement System Commission regarding the Police Department arbitration which overturned the ruling of the arbitrator.

The Mayor reported on her attendance at the Passaic River Flooding Mitigation meeting of April 12th at which it was reported the Pompton Dam worked as intended. An offer was made to address individual concerns to the DEP and Mayor Subrizi has asked to get together with a small committee of Bergen towns along the Hackensack River to meet with the DEP regarding specific questions on Hackensack River flooding.

The Mayor reported on her attendance at the Senior Advisory Commission and noted a full calendar of upcoming events.

RESOLUTIONS:

2012:136 Closed Session
2012:137 Payment of Bills and Vouchers
2012:138 Approve Partial Refund of Application Fee for Raffle License #2012:06
2012:139 Pledge Support to the Employment Initiative Program of NJ Employer Support Guard and Reserves
2012:140 Oppose Bergen County Freeholder Resolution 27-2012
2012:141 Oppose S-1451 and S-1452 as currently drafted
2012:142 Appoint Miller-Rinaldi & Co. to perform property appraisals as outlined in 4/16/12 proposal
2012:143 Approve Change Order #3 & Final – Improvements at Hardcastle Pond
2012:144 Authorize Capital Alternatives Corporation to prepare, assemble and submit the application for River Road Streetscape, Phase V to the New Jersey Trust Fund Authority, Local Aid Infrastructure Trust
2012:145 Approve Extension of Premise Permit – Pancho's Burritos for May 5, 2012
2012:146 Establish Temporary 2012 Capital Budget
2012:147 Introduce Bond Ordinance 2012:07 – Multi-Purpose Public Improvements/Acquisitions
2012:148 Introduce Capital Ordinance 2012:08 – Kennedy Field Lighting
2012:149 Designate a $2,773,000 Bond Anticipation Note dated April 19, 2012 and payable April 19, 2013 as a "Qualified Tax-Exempt Obligation"
2012:150 Approve Raffle License #2012:12 – NMFD Co. #1
2012:151 Authorize CAC for Joint Application with Boroughs of Oradell and River Edge for Fire Warning System ***Void***
2012:152 Authorize Boswell to perform PERC test at Middle School Field at a cost not to exceed $5,000

COMMENTS FROM THE PUBLIC

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

Nick D'Amelio, 249 Trensch Drive. Mr. D'Amelio referenced an article in the Patch regarding illegal sewer hookups and asked if there will be a fee to inspect. He was advised it would be done as part of the Continued Certificate of Occupancy inspection for resale for which a fee has already been established. Mr. D'Amelio asked if it would be permissible for any development in his neighborhood to connect to the storm drain behind his property. He was referred to the Building Department to confirm this would be permissible.

George Adelung, 723 Berkley Street. Mr. Adelung asked for the status of the Field Committee recommendation. The Administrator reported on the Engineer's estimate to complete a percolation test at the Middle School. The Mayor suggested adding a resolution authorizing the percolation test at a cost not to exceed $5,000. Mr. Adelung expressed concern regarding the need to know specifics about what and where things will be placed on the property in order to get accurate results. Mr. Adelung asked what the next step would be following the percolation test and whether or not the Field Committee could do any of the legwork to keep it moving forward. Mr. Madaio said the

results of the test will help determine the budget; whether the field will cost $5 or $8 per square foot. At that point it would be possible to draft a preliminary budget. Councilwoman Grant asked if it would be possible to get the BOE to contribute to the cost of the percolation test. The Mayor said that would only delay things further but eventually the Borough would form a Memorandum of Understanding with the BOE. Mr. Madaio asked if Councilwoman Grant was suggesting the resolution to proceed with the percolation test should be held until it could be worked out with the BOE. The Mayor suggested in the interest of moving forward associated costs could be split retroactively. Councilman Ashley made a motion to authorize the percolation test at the Middle School at a cost not to exceed $5,000. Council President Berner seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

Judy Freemantle, 424 Florence Street. Ms. Freemantle asked if anyone had looked into redoing the existing field rather than disturbing the entire neighborhood on Marion. She was advised that unfortunately, the whole conversation on locating a field was borne out of the fact the High School field floods. Ms. Freemantle said the Middle School field floods as well.

Peter Rebsch, 147 North Terrance Place. Mr. Rebsch suggested notifying the neighbors prior to proceeding with digging at the Middle School to complete the percolation test.

Jeff Howes, 358 Stuart Place. Mr. Howes stated his concerns are primarily financial. He suggested the field behind Borough Hall has the infrastructure, it is dry, and has new lighting on the way which might save some money and avoid destroying a neighborhood.

Mary McElroy, 297 Greve Drive. Ms. McElroy commented the flooding is driving the discussion on the field. Ms. McElroy explained the Field Committee used Field Turf as a source because they have built hundreds of fields. The Committee did seven or eight months of research and made what they thought was the best recommendation of the best location for the field. She said the Mayor and Council and the BOE have been responsive and she hopes to continue to move forward by determining whether or not the Middle School field can be utilized.

Tom Schreck, 214 Ridge Street. Mr. Schreck noted his participation on the Field Committee and said there is a lot of misinformation out with regard to the field. He asked the public to reserve comment, hear the facts, and maintain an open mind. He said he lives near a field in town and has not had any issue with traffic and noise.

Bob MacNish, 473 Marion Avenue. Mr. MacNish said he lives across the street from the new field of dreams. He said he knows there is a tremendous amount of noise, traffic, and rubbish associated with a field. He said he bought his home on a dead end and it is quiet with the small amount of use the current field sees. He said he cannot imagine what it will be like with a large field/stadium. He also commented on an article regarding turf and the toxic metals and carcinogens released.

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

VOTE ON RESOLUTIONS

Councilman Colucci made a motion to approve the consent agenda, resolutions 2012:136 through 2012:146 and 2012:148 through 2012:152. Councilman Robalino seconded the motion. All present in favor, none opposed.

Councilman Robalino made a motion to approve resolution 2012:147. Councilman Colucci seconded the motion. The motion passed on a roll call vote as follows:

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

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

CLOSED SESSION:

1. Property Acquisition – FEMA Flood Prone Properties
2. Legal Advice – Music License Agreement
3. Legal Advice – Rezoning

At the conclusion of the closed session Councilwoman Grant made a motion to return to open session. Council President Berner seconded the motion. All present in favor, none opposed.

ADJOURNMENT

Councilwoman Duffie made a motion to adjourn. Council President Berner seconded the motion. All present in favor, none opposed. Time 11:22 PM.

Respectfully submitted,

Christine Demiris
Borough Clerk