

MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
OPEN SESSION immediately following
7:45 PM PUBLIC MEETING
Monday, May 23, 2011



WORK SESSION:

Mayor Subrizi read the Open Public Meeting and Mission Statements.

Council President Keith Bachmann	Present
Councilwoman Randi Duffie	Present
Councilman Diego Robalino	Present
Councilman Howard Berner	Present (7:05 PM)
Councilwoman Celeste Scavetta	Present (7:21 PM)
Councilman Dominic Colucci	Present
Mayor Ann Subrizi	Present

Also present: Mark Madaio, Borough Attorney; Christine Demiris, Administrator/Clerk;
Chief Frank Papapietro

CLOSED SESSION:

The record reflects that there was no discussion in closed session.

OPEN SESSION:

1. Chief Papapietro – Request to Hire

The Chief distributed a spreadsheet that outlined the retiring officer's salary for 2011, the amount remaining in the salary budget line after the retirement, the estimated cost of overtime to cover his shifts through the end of the year, and the approximate cost to hire a new officer for the remainder of the year. According to the figures presented the approximate overtime would exceed the cost of a new hire by more than \$40,000.

Mayor Subrizi asked how many police officers are currently on the force. Chief Papapietro said excluding the retired officer, the officer on active duty, and the officer out on workman's compensation the force is currently at thirty-one. She said if we hired a new officer and the other officers returned we would be at thirty-four officers, which she said is still under the recommended thirty-six, based upon planning figures for a town of this size. The Chief said he has a State Police report from 2009 that puts the number at thirty-seven to reach county levels or thirty-eight to reach state levels.

The Mayor asked how we are faring currently on overtime. The Chief said overtime, as compared with the same period last year, is down approximately \$40,000 from last year.

Council President Bachmann asked if it is the Chief's intent to advertise for the position or if he would he work from the previous list of applicants. The Chief said he has a stack of resumes,

many of which are from PTC certified candidates. Council President Bachmann asked if it is the Chief's opinion that it would be cheaper to hire than not to hire. The Chief said in his opinion it would be cheaper to hire.

Councilman Robalino asked if there were any expected retirements in 2012. The Chief said that at least five would be eligible. Councilman Robalino asked if the force would be close to full strength if we hire someone. The Chief said it would but that he needs to also assign someone to the detective bureau.

Councilman Berner asked if the loss time goes up with vacations in the summer. The Chief confirmed that overtime rates go up during July/August and November/December.

Councilwoman Duffie asked if the remaining payout for the retiring officer must be paid by April 2012. The Chief confirmed this to be true.

Councilman Robalino asked if there is money remaining in the Police salary line for 2011 if it could be put toward the final payout. It was confirmed that it could be.

Councilman Berner made a motion to authorize the Chief to solicit for a new officer. Councilman Robalino seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

2. Tax Exempt Users – BCUA Tier II Charges

The Mayor confirmed the Council had reviewed the material provided. Councilwoman Duffie asked if a decision was made to bill tax exempt users if it would be across the board or if it could be based upon size or usage. Mr. Madaio advised it would be a decision to charge all Tier II users or not to charge all Tier II users.

Council President Bachmann said a decision to charge tax exempt users would benefit the entire base of taxpayers.

Councilman Robalino stated the budget for 2012 will be tight and the Council should consider anything that may alleviate it.

Mayor Subrizi asked if it could become effective as of January 1, 2012. The Council unanimously agreed to introduce an ordinance to bill tax exempt Tier II users effective January 1, 2012. The ordinance will be drafted for introduction at a future meeting.

3. Directional Signs – Elks Request

Councilwoman Duffie passed a catalog with samples of signs. She said that this is an opportunity to make signage at the Borough Hall complex more uniform. She said the organization signs would be more appropriately placed with the "Welcome" sign. Councilwoman Duffie spoke with the Borough's grant writer and signs can be incorporated into the streetscape application provided they are placed within the streetscape area. This would include the area by Borough Hall. She suggested the "welcome" sign near the water company could be moved closer to the improvements on Main Street and then be funded through the streetscape as well. She said it would establish an aesthetic for others to follow with any

additional signs they may wish to place. The Mayor suggested the sign pollution at River and New Bridge needs to be addressed. It was noted the area does not fall within the limits of the streetscape.

Mayor Subrizi noted the Lion's have a "lollipop" sign on the "welcome" sign on River Edge Avenue. She suggested that the Elk's sign could be placed similarly until this sign concept can be fully developed and funded. The Council agreed to temporarily allow the placement of the Elk's sign at River Edge Road and by the Borough Hall. The sign topic will continue to be listed on the agenda until a uniform way-finding sign policy can be established.

4. Fire Official Ordinance Recommendation – Fire Hydrants

The Council agreed to table this topic for discussion at the public session.

5. 992 Oxford Deed of Easement Recommendation

Mr. Madaio said the municipal court matter may have resolved the current dispute but it does not control the Borough protecting its rights. Mayor Subrizi commented that she was not sure the Mayor and Council need to intervene in a dispute between neighbors.

Council President Bachmann said that it has come up repeatedly before the Council, the police have had repeated involvement and the previous borough attorney wrote a letter that clearly told the owner to discontinue asserting their rights to borough owned property and the behavior continues.

Councilwoman Duffie stated it has gotten to the point where the Borough's arborist feels he needs a police escort to access the property to tend to a tree.

Councilman Berner suggested placing a fence on both sides of the easement. Mr. Madaio said the power of government does not include the right to divest people from their home. He said a viable remedy is to get a court order clarifying the terms, as set forth by a Superior Court Judge, which makes very clear what their rights and obligations are. Councilman Bachmann suggested the placement of signs announcing it as a public right-of-way.

The Council agreed to continue this discussion downstairs during the public session.

COUNCIL:

Councilwoman Scavetta asked for the outcome of the Council's request to have United Water come to a meeting. Mayor Subrizi said she is attempting to get them to attend the June 13th meeting and asked the Council to prepare questions and forward them to her so that she can get them to United Water prior to the meeting.

Councilman Berner reported that he had spoken to a member of the Oradell Council regarding the paving of their portion of Main Street. He was advised they were scheduled to begin when they were informed that United Water would be replacing pipes on that section of roadway so the paving has been postponed until after the pipes can be replaced.

Councilman Robalino asked about forming a committee to explore the options discussed with the 3rd party energy suppliers. Councilwoman Scavetta and Councilwoman Duffie agreed to serve with Councilman Robalino.

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

PUBLIC SESSION: (Actual Start 8:06 PM)

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

Council President 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 summarized the discussions that took place during the work session. She reported the Council approved the Chief's request to hire an additional police officer. She explained that tax exempt property owners do not pay sewer charges; she reported the Council has agreed to begin the process to start charging sewer fees to tax exempt users; this will not effect their tax exempt status. She reported the Council will be exploring different types of signage for welcoming and way-finding; the Elk's signs will be placed as requested in the meantime. She noted the Fire Official's recommendation regarding fire hydrants will be discussed later in the meeting. She reported the deed of easement was discussed and the conversation will be continued during the public session.

Council President Bachmann made a motion to approve the December 13, 2010 Public Session minutes. Councilwoman Duffie seconded the motion.

For the motion: Bachmann, Duffie, Berner

Against the motion: None

Abstain: Robalino, Scavetta, Colucci

Councilman Berner made a motion to approve the January 24, 2011, and the February 28, 2011 Public Session minutes and the January 10, 2011 and February 14, 2011 Work Session minutes. Councilman Colucci seconded the motion. All present in favor, none opposed.

APPOINTMENTS:
PETER ROONEY – FIRE CO. #2
JAMES POLBOS – FIRE CO. #2
JOSEPH LOONAM – PLANNING BOARD – ALT. 1

Councilman Colucci made a motion to approve the appointments of Peter Rooney and James Polbos. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

Mayor Subrizi announced the Mayoral appointment of Joe Loonam to the Planning Board as Alternate 1. She noted the appointment is to fill the vacancy created by the resignation of Donald Commerford.

COUNCIL COMMITTEE REPORTS:

Council President Keith Bachmann

Ambulance Corps, Recreation

Council President Bachmann reported on the May 4th meeting of the Recreation Commission. At that meeting it was decided that all scheduling for the fields will go through Recreation Director. He will also have final say as to whether a field is "playable." A decision was made to let Williams field sit for the month of July to allow the grass to regenerate for Fall soccer.

Council President Bachmann was unable to attend the Ambulance Corps meeting and had no report.

Councilwoman Randi Duffie

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

Councilwoman Duffie reported she was unable to attend the Health Department or Rent Leveling Board meeting this month.

Councilwoman Duffie reported the tree planting, being completed through a grant, has begun. Once completed, the work will be inspected by the state.

Councilwoman Duffie said she will be vigorously researching sign options in order for there to be continuity among the town signs.

Councilman Diego Robalino

Garbage & Recycling, Board of Education

Councilman Robalino reported the recycling revenues through April 30th and noted the report has been filed with the Borough Administrator.

Councilman Robalino reported that the Board of Education meeting was taking place currently. He reported on the meeting of May 11th at which time the reorganization took place. Dan Conner and Peggy Saslow were reelected in addition to write-in candidate Paige Ryan. Dan Conner was reappointed as President and Darren Drake was reappointed as the Vice President.

Councilman Howard Berner

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

Councilman Berner reported on the May 3rd meeting of the Environmental Commission. He reported that the Environmental Commission, in conjunction with the Shade Tree Commission, distributed seedlings from the tree farm on Arbor Day, April 29th. He reported that fifty new trees have been planted at the tree farm.

Councilman Berner reported on the May 5th Historic New Bridge Landing Park Commission meeting. The Master Plan has been accepted by the DEP which is the final step toward recognition as an autonomous park body. The Commission is working with the Englewood Women's Club on a \$25,000 application to the Garden Club of America which provides grants for landscaping. He reported that bids are being reviewed by the DEP to remove the parking lot next to Steuben House.

Councilman Berner reported on the May 10th meeting of the Historic Preservation Commission. The geo-caching project with New Milford High School, a GPS based hide-and-seek of historic sites in New Milford, has been put on hold until the Fall. He reported the town's 334th Birthday Celebration is scheduled for June 12th from 7 – 9 PM at the Art Center of New Milford. He reported there will be a Library display in June to celebrate the town's agricultural background. He reported the Bergen County Division of Cultural and Historic Affairs would be holding the 2011 Historic Preservation Commendation Awards Ceremony on May 26th.

Councilman Berner reported on the May 17th Planning Board meeting at which time an application for a subdivision of the United Water Company property was entertained. The subdivision was approved. He reported the Board is discussing the differences between patios and decks which effect building coverage and lot coverage.

Councilman Berner reported there is hope among some former members to resurrect the Chamber of Commerce. There is consideration to categorizing the businesses into separate efforts: restaurants, contractors, all others.

Councilwoman Celeste Scavetta

Senior Citizens Advisory Board, Public Events

Councilwoman Scavetta reported on the May 18th meeting of the Senior Citizen Advisory Board. May is Older Americans Month. Councilwoman Scavetta reported on a number of different events taking place at the Senior Center including line dancing, a speaker on travel trends, and the possibility of additional computer classes. She also forwarded a thank you for the replacement of the shrubs damaged in the recent fires. The Senior Citizen Prom at NMHS is scheduled for May 25th and there is a field trip to Lincoln Center scheduled for June 6th.

Councilwoman Scavetta reported Public Events will be opening the French Cemetery to the public on May 26th for a flag ceremony by the Boy Scouts at 7 PM. She reported the plans for the Memorial Day Parade have been finalized beginning with the 8 AM ceremony at the Fireman's Memorial at Borough Hall.

Councilman Dominic Colucci

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

Councilman Colucci reported the DPW has been given a route map of Fire Company #1's 5K and they will be hot patching the streets involved. In addition, the DPW has been keeping busy with routine maintenance.

Councilman Colucci reported on the May 16th meeting of the Fire Department. They are actively seeking grants, they are planning for National Night Out, and they are looking for new members and have lawn signs promoting their membership drive for anyone who would like one. Company

#2 has an Elvis Night scheduled for June 10th and Company #1 is finalizing the plans for the 5K scheduled for June 18th.

Councilman Colucci reported Buildings and Grounds has been busy with routine maintenance.

Councilman Colucci reported the Drug Alliance Fishing Derby is scheduled for June 18th and they have scheduled the school dances for next year. In addition he reported that Jersey Boys will donate 15% of their proceeds to the Drug Alliance for anyone that presents the Drug Alliance flyer from May 22nd through May 26th. A link for the flyer will be posted on the Borough website.

Councilman Colucci announced the Girl Scout Award Ceremony will be held on June 8th at NMHS.

Mayor Ann Subrizi

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

Mayor Subrizi thanked the Police and the Police Auxiliary for their supervision and help at the Relay for Life event. The Mayor commented on the tremendous success of the event which raised almost \$100,000.

Mayor Subrizi reported the Library will be closed the Saturday of Memorial Day weekend.

Mayor Subrizi reported that the Borough will be receiving \$83,000 for the second phase of paving on Reichelt Road through Community Development.

Mayor Subrizi said she had nothing to report from the Joint Insurance Fund.

Mayor Subrizi reported that the Borough's application for additional funding for the Kennedy Field Lighting will be discussed at the June 20th meeting of Bergen County Open Space.

The Mayor said she had been contacted by Carol Messer, the head of Historic Preservation/Cultural Affairs at the County would like to have a meeting with the full Mayor and Council of New Milford, Oradell, and River Edge to bring in experts and the Waterworks Conservancy to give an update on where they are with the building. Ms. Messer has proposed June 11th for the meeting.

Mayor Subrizi announced there will be a celebration of the 50th Anniversary of the first NMHS graduating class on June 3rd.

Mayor Subrizi acknowledged Conner Walsh who recently earned the rank of Eagle Scout.

ADMINISTRATOR:

The Administrator referenced the letter from Boswell Engineering recommending the 2010 road program work be completed as an addition to the 2011 program as opposed to completing it through the bonding company. No objection from the Council.

The Administrator reported the Background Check Ordinance, originally scheduled for discussion tonight, has been tabled to the June work session. The Recreation Director was unable to attend as the Mayor and Council meeting conflicted with the BOE meeting tonight.

The Administrator reported she had received the second to last property consent letter for the Hirshfeld Brook flood mitigation. She advised she is waiting for the letter from the homeowner who had contracted with his own engineer. Boswell had met with the engineer and the plans were revised in an attempt to satisfy the owner's concerns on some trees. The revised plans were mailed to the homeowner on May 18th with a request to sign the consent letter.

The Administrator reported the damaged bus shelter on River Road in front of the newer CVS has been removed in anticipation of the new shelter scheduled to be installed later this week.

OLD BUSINESS:

ADOPT ORDINANCE #2011:11

AN ORDINANCE SUPPLEMENTING PROVISIONS OF CHAPTER II "ADMINISTRATION", ARTICLE III "DEPARTMENTS", SECTION 2-19 "POLICE DEPARTMENT" OF THE CODE OF THE BOROUGH OF NEW MILFORD TO ESTABLISH PROCEDURES FOR THE UTILIZATION OF OFF-DUTY POLICE OFFICERS

Council President Bachmann 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.

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. Councilman Berner seconded the motion. All present in favor, none opposed.

Councilwoman Scavetta 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. All present in favor, none opposed.

NEW BUSINESS:

INTRODUCE ORDINANCE #2011:12

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 13 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "FIRE PREVENTION" TO PROVIDE FOR THE USE OF KEY BOX RAPID ENTRY SYSTEMS.

Councilwoman Duffie made a motion to introduce and approve this ordinance on its first reading. Councilwoman Scavetta 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 June 27, 2011 at 7:45 PM.

The Council agreed to carry the proposed fire hydrant ordinance for further discussion at the June 13th work session.

Councilman Berner asked to have resolution #2011:131 pulled from the consent agenda for a separate vote.

RESOLUTIONS:

- 2011:123 Closed Session
- 2011:124 Payment of Bills and Vouchers
- 2011:125 Authorize Disposition of Obsolete Office Equipment
- 2011:126 Authorize Purchases through the State's Division of Purchase and Property
- 2011:127 Acknowledge receipt and review of the 2010 Municipal Audit
- 2011:128 Authorize Support of Repeal of the Global Warming Response Act and the Regional Greenhouse Gas Initiative
- 2011:129 Authorize DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C. to Provide Client Records
- 2011:130 Authorize Opposition to Senate Bill No. 1351 – Amending the Open Public Meetings Act
- 2011:131 Recommend Appointment of Councilman Howard Berner to the Historic New Bridge Landing Park Commission
- 2011:132 Award 2011 Riverside Cooperative Road Improvement Program to Owl Contracting in the base amount of \$188,429.46; Alt. A - \$25,710.00; Alt. B - \$32,218.40; and Alt. E - \$48,750.00

COMMENTS FROM THE PUBLIC

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

Ms. Jody Seifert, 51 Bulger Avenue, came forward to address the Mayor and Council. Ms. Seifert commented she was pleased that the Council voted to authorize the hiring of an additional police officer. She commented the bus shelter on River Road was unsafe; the ordinances for the knox boxes and off duty police officers are a good idea. She said she has been clearing the fire hydrant in front of her home for sixteen years but expressed concern for seniors. She questioned why the Fire Department would be clearing the hydrants in front of the Brookchester apartments suggesting it would be better to clear hydrants for people with disabilities or other medical needs. Ms. Seifert stated she has spoken with several individuals who have had problems with the owners of the property on Oxford Lane. In addition she stated they place things in the easement that block the use and that they often park cars overnight.

Mr. Bill Morrow, 252 Eagle Avenue, came forward to address the Mayor and Council. Mr. Morrow commented that he believes the pedestrian crosswalk signs on Main Street and stop signs on Eagle, Prospect, and Summit will help to calm traffic in the area. Mr. Morrow asked if an impact study has been done with regard to the proposed development at the water company property. Mayor Subrizi stated the borough planner has been charged with this task and is scheduled to provide his report at the June public meeting. Mayor Subrizi stated many of the individual items of street widening, ingress, and egress would be part of the work that the Planning Board would do as part of the site plan review. Mr. Morrow suggested a solar energy field would have little impact on the surrounding area and would perhaps be eligible for federal funding. Mr. Madaio stated he did not believe PSE&G was willing to pay the going price for the property; the property was marketed and the purchaser was not PSE&G. Mr. Morrow suggested a field swap with the NMHS field. Mr. Madaio said it is not the Borough's property to swap.

Mrs. Nebelkopf, 360 Sheridan Court, came forward to address the Mayor and Council. Mrs. Nebelkopf read a written statement in opposition to the McMansions being built in town. She complained about listening to heavy equipment for the last year and a half. The Mayor said she would visit Mrs. Nebelkopf to see if there is anything that does not meet the code.

Ms. Josie McKeown, 186 Trotta Drive, came forward to address the Mayor and Council. Ms. McKeown referenced 992 Oxford Lane and stated a fence will not solve the problem it will just kill the natural environment. She said signs would only cause more problems encouraging people to congregate in the woods. She acknowledged the homeowners care for the property and maintain the right-of-way. She suggested they should be issued a summons every time there is a complaint.

Mr. Joseph Klimkak, 163 River Lane, came forward to address the Mayor and Council. Mr. Klimkak stated the property must be established as Borough property. He stated the owners park cars on the easement every night despite the fact that the easement prohibits parking. He said Police and Fire would not be able to access the property should there be an emergency. Mr. Klimkak said "no parking" signs had been installed but were removed because they had not been approved by the Mayor and Council. He said the removal of the signs empowered the homeowner. Mr. Klimkak said he would like the Council to enact the ordinance to install the "no parking" signs.

Ms. Marie Sercia, 536 Columbia Street, came forward to address the Mayor and Council. Ms. Sercia asked if the Council had any discussion on passing a resolution similar to the one passed by the Westwood Mayor and Council to ask for the water at the reservoir be maintained at a lower level. Mayor Subrizi noted the Westwood resolution was based on a letter from 1987; the lower level was intended for just a limited period of time. She additionally noted that Westwood is above the water unlike New Milford. Ms. Sercia asked if there is anything that can be done to help the residents. Mayor Subrizi said that she and the engineer would be continuing discussions with the water company; she outlined the water company priorities as 1) damn safety, 2) water supply, and 3) water management. She acknowledged water management would help and if they can release water they will but noted this is up to United Water; there is nothing the town can do to compel them. Mr. Madaio said the town would continue the dialogue but we have no authority to tell them what to do.

Ms. Eileen Leonard, 178 Trotta Drive, came forward to address the Mayor and Council. Ms. Leonard voiced her support for her neighbors, Ms. McKeown and Mr. Klimkak. She said she has Borough property behind her own and would never restrict anyone's access. She said she cannot understand why this property owner has been allowed to get away with disturbing the neighborhood with police involvement.

Ms. McKeown came forward to address the Mayor and Council. She said she is on the Ascension finance committee and asked what the sewer charges would cost the tax exempt users. It was explained that it is based upon actual usage.

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

VOTE ON RESOLUTIONS

Council President Bachmann made a motion to approve the consent agenda #2011:123 through #2011:130 and #2011:132. Councilwoman Scavetta seconded the motion. All present in favor, none opposed.

Council President Bachmann made a motion to approve resolution #2011:131. Councilwoman Duffie seconded the motion. The motion passed on a roll call vote as follows:

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

Against the motion: None

Abstain: Berner

ADJOURNMENT

Council President Bachmann made a motion to adjourn. Councilwoman Scavetta seconded the motion. All present in favor, none opposed. Time 9:35 PM.

Respectfully submitted,



Christine Demiris
Borough Clerk