

MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
7:45 PM PUBLIC MEETING
Monday, July 25, 2011



WORK SESSION:

Mayor Subrizi reads the Open Public Meeting and Mission Statements.

Council President Howard Berner	Present
Councilwoman Randi Duffie	Present
Councilman Diego Robalino	Present
Councilman Peter Rebsch	Absent (Excused Vacation)
Councilwoman Celeste Scavetta	Present
Councilman Dominic Colucci	Present
Mayor Ann Subrizi	Present

Also present: Mark Madaio, Borough Attorney; Dennis Kirwan, Borough Planner;
Christine Demiris, Administrator/Clerk

OPEN SESSION:

1. Dennis Kirwan – Follow-Up to Rezoning Study

Council President Berner referenced the demise of COAH and asked where it leaves the Borough in terms of the proposed development. Mr. Kirwan said the mechanisms are still in place to operate under the Round 3 rules although there are issues with the collection of fees. He said he spoke to the Director that day and COAH is in effect until further notice. He said that it is possible the Borough may incur fines if at some future date the numbers are in place and the Borough has not amended its plan. He recommends amending the plan and looking at other sites to locate the obligation such as quasi governmental sites; noting there is only forty-three units that need to be located.

The Mayor said the obligation that has been “parked” on the water company site would need to be planned for elsewhere if the Council were to vote to rezone that property.

Councilwoman Duffie asked the Planner to explain how the Borough would address the request from the developer and based upon the decisions that are made what we will have to do with regard to COAH. Mr. Kirwan responded the action of amending the COAH plan is not something that would need to be done immediately; the act of rezoning the property will trigger the creation of the ordinance for the rezoning effort and then the amendment of the COAH plan.

Council President Berner asked if the Council were to rezone the property would they risk a developer buying four or six houses and presenting a plan for a five-story building. Mr. Kirwan said if the Borough were to designate specific property to meet the obligation the Borough would be protected from a builder’s remedy lawsuit.

Mr. Madaio asked if it is the Planner's opinion that the COAH obligation can be relocated. Mr. Kirwan said he believes the Borough can have both the commercial ratable the rezoning would create and still meet the COAH obligation by relocating the units in smaller groups to two or three other sites in town.

The Council discussed some of the other possible locations in town and it was noted that at the time the COAH obligation was placed at the United Water property it was not even for sale; there are other potential locations that are not for sale currently but may become available. Mr. Madaio said private property would result in a greater number of units to cover the costs of affordable housing; public property offers an opportunity to join with other agencies to build just affordable units.

Mr. Madaio reviewed the options: rezone commercial; leave as is (residential) resulting in either thirty-eight single family houses consistent with the zoning or two-hundred units (high density housing to satisfy the COAH obligations) consistent with the Master Plan which they will claim is an inherently beneficial use. Councilwoman Duffie said she had asked if the developer would consider some mixed use to include some COAH housing; it would only be considered at the expense of the land gift to the Borough.

Councilwoman Duffie asked if the Council were to approve the rezoning would they have to accept the plan as presented. Mr. Madaio said the rezoning would be defined specifically by the Mayor and Council; deciding how much retail space, how many principle uses, what are the permitted uses. The Council indicated that they wished to discuss and agree upon these items prior to voting on the rezone and thought it would be beneficial for the Council as a whole to meet with the developer prior to a vote.

Council President Berner disclosed a potential conflict of interest as he works for a real estate developer who has expressed interest in the property; he will recuse himself from the rezoning discussion. Councilman Robalino said he favored the rezone but objected to the strip mall. Councilman Colucci expressed strong reservations with regard to ingress/egress, specifically on River Road. He too objects to the strip mall and wants to limit signage. Councilwoman Scavetta favors commercial zoning but does not agree with the placement of the bank. She would also like to see the proposed borough parking used differently. She expressed continued concern for stormwater management. Councilwoman Duffie said she is conflicted; she would prefer residential but acknowledges the school crowding concerns. She is concerned about flooding, traffic, proximity to the school and the Borough's COAH obligation.

The Administrator will contact the developer to schedule a meeting with the Council for either August 23rd or 24th.

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

PUBLIC SESSION: (Actual Start 8:22 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 read the Open Public Meeting Law and Mission Statements and pointed out the fire exits in the Council Chambers.

Council President Howard Berner	Present
Councilwoman Randi Duffie	Present
Councilman Diego Robalino	Present
Councilman Peter Rebsch	Absent (Excused Vacation)
Councilwoman Celeste Scavetta	Present
Councilman Dominic Colucci	Present
Mayor Ann Subrizi	Present

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

OPEN SESSION: (cont'd)

2. Fire Co #2 – Structural Evaluation

It was noted that a proposal to complete a structural evaluation of Fire Co. #2 has been provided by the Borough Engineer and a resolution to authorize them to complete the work is on tonight's agenda. There were no objections from the Council.

3. Swim Club – Request to Allow Concessions

The Swim Club has made a request to the Council to modify their lease with the Borough to allow for the sale of concessions. Councilman Robalino said the intent was to outsource the concessions with one company for the season. The Council discussed some of their concerns, most notably where the cooking would be done and the potential for increased littering. The Council asked to have a member of the Swim Club Board come to a meeting to discuss the details of the proposal. The Administrator will contact the Swim Club and relist the matter for discussion at the September work session.

4. Holy Name Medical Center – BLS Stipend

The Mayor explained the history of how Holy Name Hospital became involved with the Ambulance service in New Milford. As the service is staffed strictly with volunteers coverage, particularly during the day, became an issue. HNH provides back-up service to the Borough. The Borough pays a stipend to HNH to cover residents without insurance. The stipend was based on an estimate at the inception of the program. Now that there is a history, HNH can evaluate their costs more accurately and have increased the stipend from \$8,800 annually to just under \$11,000. The increase will go into effect in 2012. The Council discussed the \$26,000 stipend paid to the Ambulance Corps in addition to what is paid to HNH and it was suggested that the stipend to HNH could come from the Ambulance Corps stipend. The Administrator also advised that some towns allow HNH to bill residents for the amount not covered by insurance. The Mayor will ask Councilman Rebsch to meet with HNH and the Ambulance Corps to discuss alternatives.

5. Sign Ordinance – Letters to Businesses

The Council discussed the letter drafted by the Zoning Officer. Barring any objections from the Council the letter will be sent to all of the businesses in town. It was suggested the date for compliance should be changed to September 1st. As there were no objections from the Council the letter will be sent with a compliance date of September 1st.

6. Permit Fees for Sidewalk Repair – Damage Due to Borough Trees

The Mayor stated the Borough frequently receives letters from residents who have to replace sidewalk slabs due to damage caused by borough trees. It has been suggested the Borough should waive the permit fee in these instances. She said she has spoken with the Building Department and they do not feel it would cause excessive burden to the department if the fees were to be waived. She said it would require a resolution from the Council. The Administrator noted a resolution would be required annually; an ordinance would provide for the fee to be waived going forward.

Councilwoman Duffie noted there would be two inspections and questioned if a reduced fee would be more appropriate. Councilwoman Scavetta, Councilman Robalino, and Councilman Colucci are in favor of waiving the fee entirely. Councilwoman Duffie would like to consider something different. Council President Berner is not in favor of waiving the fee. The matter will be relisted on the next agenda for further discussion.

7. Liquor License Fees

The Administrator reviewed her previous report to the Council, noting that fees have not been increased since 2006 and advising the statute allows for increases annually provided they do not exceed twenty percent. As the current fees are significantly lower than the permitted maximums, she suggested a four year phase in and outlined the proposed increases. There was no objection from the Council. The ordinance will be drafted for introduction on August 22nd.

8. Senator Doherty's School Funding Resolution

The Council discussed Senator Doherty's letter which calls upon the state to distribute school funding in a fair manner. Councilman Robalino said he would like the Council to consider the resolution to show support of this proposal. He noted the Senator has proposed a five to ten year phase in. The resolution will be listed on the next agenda for the Council's consideration.

Councilwoman Duffie asked when the Repair Shop Ordinance would be relisted for discussion. The Mayor said she is still waiting for information from the Police Department. The matter will be listed on the August 22nd agenda for discussion.

Council President Berner made a motion to approve the May 9, 2011 and June 13, 2011 Work Session minutes and the May 23, 2011 Public Session minutes. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

APPOINTMENTS: KEVIN WASP – FIRE CO. #2

Councilman Colucci made a motion to appoint Kevin Wasp to Fire Co. #2. Councilman Robalino seconded the motion. All present in favor, none opposed.

The Mayor noted two appointments on the consent agenda for one full-time and one seasonal DPW employee. She acknowledged Joseph Taylor in the audience who is being appointed to the full-time position.

COUNCIL COMMITTEE REPORTS:

Council President Howard Berner

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

Council President Berner reported the Planning Board welcomed a new member, Joe Loonam, at their meeting on June 28th. They are reviewing/refining the definitions of a home office, a family, patio, and deck and will be bringing a recommendation to the Council for their approval. Next meeting – July 26th.

Council President Berner reported the Environmental Commission is planning for Clean Communities Day in October and that the tree farm is in need of weeding if anyone is interested in volunteering their time.

Council President Berner reported the Historic New Bridge Landing Commission continues to work toward becoming an autonomous body and is specifically working on the issue of funding. He noted the Steuben House recently hosted the swearing in of new U.S. citizens. He noted all upcoming events can be found at their website www.bergencountyhistory.org.

Council President Berner reported neither Historic Preservation nor the Chamber of Commerce met during the previous month but both will have tables at National Night Out.

Councilwoman Randi Duffie

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

Councilwoman Duffie reported the Board of Health did not meet; the Registrar's report is on file with the Borough Clerk.

Councilwoman Duffie reported the Rent Leveling Board met on July 15th and will not meet again until September. She noted the passing of long time member Gordon Lockwood and stated there are now two tenant vacancies on the Board.

Councilwoman Duffie reported the trees planted by the Shade Tree Commission with state funding have been inspected in accordance with the terms of the grant.

Councilman Diego Robalino

Garbage & Recycling, Board of Education

Councilman Robalino reported the Board of Ed did not meet on July 18th as scheduled but met instead on July 19th. He was not notified of the date change and therefore did not attend the meeting. He referenced the recently announced additional state aid in the amount of \$288,000; the Board will discuss the use of the money at the meeting on August 15th. He said they can use it to reduce the tax levy in either this year or next year or they can opt to appropriate the money in the current budget. He said perhaps they would consider using some of it to offset the cost of the SRO program.

Councilman Peter Rebsch

Ambulance Corps, Recreation

Absent – No report.

Councilwoman Celeste Scavetta

Senior Citizens Advisory Board, Public Events

Councilwoman Scavetta reported that Public Events did not meet during the month of July. Their next event is Veteran's Day on November 11th.

Councilwoman Scavetta reported on past events including weekly line dancing and the "picnic" that was held indoors. She noted that she and Mayor Subrizi were at the Senior Center on Saturday, July 9th and spoke with the seniors on current issues in town. She reported on upcoming events including an Atlantic City trip on 8/17, a card making class on 8/25 and the Bergen County Senior Picnic on 9/14. They are also planning a guided bus tour of historic homes in the fall.

Councilman Dominic Colucci

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

Councilman Colucci reported the Fire Department statistics for the month of June. He noted there was no combined meeting of the two fire companies this month but the Fire Department is preparing for National Night Out. Lawn signs for membership are still available and they are planning for Fire Awareness Day in October. Fire Company #1 is preparing for a dedication of the World Trade Center steel on 9/11 and they are accepting donations to be used toward the memorial.

Councilman Colucci commented on the hiring of Joseph Taylor for the full-time position at the DPW and Mark Hettinger for the seasonal position.

Councilman Colucci reported the Drug Alliance did not meet; they are preparing for National Night Out and they are always in need of new members.

Councilman Colucci reported in addition to routine maintenance the Buildings & Grounds Supervisor has repaired broken glass at Fire Company #1 and oversaw the replacement of the roof of the main DPW building.

Mayor Ann Subrizi

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

Mayor Subrizi reported the Police Auxiliary, the Library Board, and Community Development did not meet during the previous month. She reported the Joint Insurance Fund met and New Milford had no claims and Bergen County Open Space did not meet.

ADMINISTRATOR:

The Administrator reported that we have received the last property consent letter for the Hirschfeld Flood Mitigation project. According to Boswell they will be finalizing the compensation area and hope to submit the application by the end of the week. She explained the DEP will have twenty days to determine if the application is complete. If the application is deemed complete the DEP will have ninety days to review the application and issue the permit; they can request a thirty day extension to complete the review. According to this schedule a permit can be issued in December.

Boswell suggests the project could begin late spring early summer if full funding is in place. It was noted the permit application fee is \$19,400.

The Administrator referenced the memo from the PBA with reference to the retired officer who has been subpoenaed to appear on a matter on behalf of the Borough and the request to pay him at his last hourly wage. The Council agreed to pay him at his last hourly wage. It will be approved by resolution at the next meeting.

The Administrator reported on the failure of the traffic light at Boulevard and Main Street. The cost to replace the controller is \$9,750 which is not in the budget. Although it is currently working the electrician has advised it could fail at any time and due to the age of the traffic lights they are no longer make parts to repair it. If it must be replaced the Council may need to authorize an emergency appropriation. Councilwoman Duffie commented the streetscape grant covers "other accessories"; she suggested that this may be covered. The Administrator will contact Ms. Casey, the Grants person, to discuss.

The Administrator reviewed Officer Wester's request with regard to the placement of a "Santa" mailbox. He has volunteered to coordinate the program. Councilwoman Duffie cautioned that residents may place regular mail in the box, noting a similar situation with the Lion's Club eyeglass box. The Council discussed the secular issues that may be associated with the idea. Councilman Robalino noted that Santa is not associated with religion; he compared it to the Easter Bunny. Council President Berner and Councilman Colucci were not in favor of the idea. Councilwoman Duffie, Councilwoman Scavetta, and Councilman Robalino were all in favor of the idea. The Santa mailbox will be approved for the first year on a probationary period; placement will be determined by the Mayor and Administrator at a later date.

The Administrator referenced a letter from the BF Gibbs PTO requesting approval to hold a car wash behind the Borough Hall on September 24th with a rain date of September 25th. There were no objections from the Council.

The Administrator reminded the Council of the meeting scheduled on August 1st for the purpose of an employee appeal of an administrative decision. The meeting will be held in closed session.

OLD BUSINESS:

ADOPT ORDINANCE #2011:15

AN ORDINANCE TO AMEND CHAPTER VII OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "TRAFFIC," THEREBY AMENDING SUBSECTION 7-3.3 ENTITLED "PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS."

Councilwoman Duffie made a motion to open to the public for comment on the adoption of this ordinance. Council President 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.

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

NEW BUSINESS:

INTRODUCE ORDINANCE #2011:16

AN ORDINANCE OF THE BOROUGH OF NEW MILFORD, COUNTY OF BERGEN, STATE OF NEW JERSEY, TO PROVIDE FOR THE IMPOSITION OF SEWER FEES TO TIER II USERS OF THE BOROUGH OF NEW MILFORD

Council President Berner 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. All present in favor, none opposed.

The ordinance will be published in the Record and a public hearing will be held on August 22, 2011 at 7:45 PM.

INTRODUCE ORDINANCE #2011:17

AN ORDINANCE ESTABLISHING THAT A BUSINESS ENTITY WHICH MAKES POLITICAL CONTRIBUTIONS TO MUNICIPAL CANDIDATES AND MUNICIPAL AND COUNTY POLITICAL PARTIES IN EXCESS OF CERTAIN THRESHOLDS SHALL BE LIMITED IN ITS ABILITY TO RECEIVE PUBLIC CONTRACTS FROM THE BOROUGH OF NEW MILFORD IN THE COUNTY OF BERGEN

Councilman Robalino made a motion to introduce and approve this ordinance on its first reading. Council President Berner seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

The ordinance will be published in the Record and a public hearing will be held on August 22, 2011 at 7:45 PM.

RESOLUTIONS:

- 2011:161 Payment of Bills and Vouchers
- 2011:162 Approve Social Affairs Permit – Hovnanian School – September 11, 2011
- 2011:163 Approve Social Affairs Permit – Hovnanian School – December 31, 2011
- 2011:164 Approve Raffle License – New Milford High School PTO – Calendar Raffle
- 2011:165 Appoint Seasonal DPW Laborer – Mark Hettinger, Jr.
- 2011:166 Appoint Full-Time DPW Laborer – Joseph Taylor, Jr.
- 2011:167 Approve Change Order #1 – 2011 Road Program
- 2011:168 Authorize Termination of LOSAP Plan Identifier 02-LOSAP-VALIC-120800/07-LOSAP-VALIC-040209 and the Administrative Service Agreement with Valic
- 2011:169 Authorize Liquidation and Rollover of New Milford LOSAP Assets to Lincoln National Life Insurance Company and Lincoln Financial Group

- 2011:170 Request Director of DLGS to Approve Insertion of an Item of Revenue in Budget Year 2011 and a Like Appropriation for the Department of Environmental Protection and the Community Forestry Grants Program in the amount of \$7,000.00
- 2011:171 Authorize Mayor to Sign Agreement with the American Society of Composers, Authors, Publishers (ASCAP)
- 2011:172 Authorize Boswell McClave Engineering to proceed with the Structural Evaluation of New Milford Fire Department Company #2 Firehouse
- 2011:173 Closed Session

COMMENTS FROM THE PUBLIC

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

John Bigger, 325 Williams Street, came forward to address the Mayor and Council. Mr. Bigger commended the DPW. He said that due to the hard work of the DPW Recreation was able to complete the softball season without cancelling any games due to the weather. He said that he wanted to thank them publicly.

Angelo DeCarlo, 783 Princeton Street, came forward to address the Mayor and Council. Mr. DeCarlo reported Nick Longo, a former New Milford Firefighter and the son of former Mayor Longo, passed away. There will be a mass at St. Joseph's Church at 10:00 AM on Friday, July 29th.

Larry Mintz, 984 Pleasant Drive, came forward to address the Mayor and Council. Mr. Mintz said that he personally would have no issue regarding a Santa mailbox. He said he thought the Council should consider waiving the permit fees for sidewalks damaged by borough trees in order to help the people in town, noting the inspection is simple and less involved than a building inspection. He asked if the intent with the letter to businesses is to have them change existing signs, noting it should be for compliance going forth; if a sign was in place prior to the sign ordinance he feels it should be grandfathered. The Mayor said it is for compliance; any business that placed a sign since the sign ordinance is in effect should be in compliance because they would have had to have had the approval of the Building Department to install the sign. Mayor Subrizi noted one of the primary concerns is for the stores that are covering a majority of their windows with signs.

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

Councilman Robalino made note of a missing street sign at the corner of Monmouth and the Boulevard. The Administrator will advise the DPW.

VOTE ON RESOLUTIONS

The Mayor explained resolution 2011:171 for the benefit of the attending public.

Council President Berner made a motion to approve the consent agenda #2011:161 through #2011:172. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

The Mayor stated the Council will be closing briefly to discuss one item and upon reopening would adjourn the meeting.

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

CLOSED SESSION:

1. Acquisition of Real Property – 1033 Steuben Avenue

At the conclusion of the closed session Councilwoman Duffie made a motion to go back into 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 10:02 PM.

Respectfully submitted,



Christine Demiris
Borough Clerk