

MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
7:45 PM PUBLIC MEETING
Monday, September 26, 2011



WORK SESSION:

Council President Berner read the Open Public Meeting and Mission Statements.

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

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

CLOSED SESSION:

The record reflects no there was no closed session.

OPEN SESSION:

1. Fire Co. #2 – Structural Engineering Report

Council President Berner stated the report notes no serious structural defects. Councilman Colucci was surprised the report did not include whether or not the current structure could support a second story; the Administrator will follow up with the Engineer as to why that was not included.

Mr. Madaio noted prior to the next meeting, the Administrator will clarify the scope of services that was to have been provided by the Engineer and Councilman Colucci could bring feedback from tonight's Fire Department meeting.

Councilwoman Duffie referenced the firemen's difficulty in getting dressed with the truck being so close; Councilman Colucci noted moving the command center upstairs may help alleviate the difficulty.

COUNCIL

Councilwoman Duffie asked what the Athletic Field Committee is; she was advised it is an exploratory committee due to comments made regarding the state of our fields at the last meeting. The committee members will be announced tonight.

Councilwoman Duffie asked for the status of Fresh and Fancy. Mr. Madaio explained what took place at the last meeting. Councilwoman Duffie questioned the current infractions; Mr. Madaio advised it is at the Council's pleasure to enforce the agreement immediately.

Councilwoman Duffie asked when the discussion will resume on the water company property; she was advised at either the next work or public session.

Councilman Rebsch stated his opinion that the Council should pick up their Council packets rather than having the police department deliver them. Council President Berner advised that decision should be left up to the Police Chief.

Councilman Robalino learned the Borough must go out to bid for the third party energy supplier; however the price is ever-changing. The state recommended online procurement. Council President Berner expressed concern over market fluctuation; the Borough may be locked into a higher price. Councilman Robalino set up a meeting with Dumont to discuss a possible joint agreement. Councilman Robalino advised the gas supplier cannot meet the demand; it is better to stay with PSE&G until after the winter.

ADMINISTRATOR

The Administrator advised the Lt. Governor signed a bill to eliminate the February Presidential Primary; it will be combined with the June Primary.

The Administrator stated in preparing the Planning Board resolutions for introduction by ordinance she had a few comments that she referred back to the Planning Board. The ordinance introductions will be held until the Planning Board can review and comment.

The Administrator referred to the resolution to waive permit fees; a resident is claiming roof damage from the storm and is demanding the fee be waived. Councilwoman Scavetta asked if they had proof via an insurance claim or letter. Mr. Madaio advised the intent was flood damage, not any storm damage. Mr. Madaio suggested the resident pay the fee and once proof is provided, the Borough can refund.

The Administrator advised she will be out of the office September 29-30.

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

PUBLIC SESSION:

Council President Berner called the meeting to order, asked for a moment of silent prayer and/or reflection, and led the flag salute. Council President Berner 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	Present

Councilwoman Celeste Scavetta	Present
Councilman Dominic Colucci	Present
Mayor Ann Subrizi	Absent

Councilman Colucci made a motion to approve the August 22, 2011 Public Session minutes. Councilwoman Scavetta seconded the motion. All present in favor, none opposed.

Councilwoman Scavetta made a motion to approve the September 12, 2011 Work Session minutes. Councilman Rebsch seconded the motion. All present in favor with the exception of Councilwoman Duffie who abstained.

**AD HOC COMMITTEE APPOINTMENTS: SIGN ORDINANCE COMMITTEE
ATHLETIC FIELD COMMITTEE**

Council President Berner read the abovementioned committee appointments.

**APPOINTMENTS: KEIFER HANDSCHUH, JR. FIRE
DEPT.**

Councilman Colucci made a motion to appoint Keifer Handschuh to the Junior Fire Department. Councilwoman Scavetta seconded the motion. All present in favor, none opposed.

COUNCIL COMMITTEE REPORTS:

Councilwoman Randi Duffie

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

Councilwoman Duffie reported the Board of Health met for the first time since breaking for the summer; the Health Inspector had a long list of property maintenance issues to report. The Health Department will offer tetanus shots to all first responders. The flu clinic was held September 15th at the Elks Club. New Milford will participate in the LINC program for public health emergencies. The Swim Club closed the season early due to the flood. She noted if a resident has a mosquito problem, they should contact mosquito control directly at the County.

Councilwoman Duffie advised the Rent Leveling Board has two new members. The Board discussed move out affidavits and pass through to the tenants. The next meeting is scheduled for October 6th.

Councilwoman Duffie reported the Shade Tree Commission continued its discussion on permit fees for sidewalks damaged by Borough shade trees. The commission will soon make its final recommendation to the Mayor and Council.

Councilwoman Duffie attended the Chamber of Commerce meeting; they are looking to build the Chamber up and promote local shopping. She discussed the sign issues and looks forward to reaching out to the members by way of the newly formed committee.

Councilman Diego Robalino
Garbage & Recycling, Board of Education

Councilman Robalino read the recycling report through September 26th.

Councilman Robalino reported the Board of Education offices fared fairly well throughout the storm; proactive measures taken by the custodians helped. He noted the district is fully staffed. Councilman Robalino advised each of the four schools passed the AYP (Adequate Yearly Progress). At the Sept 19th meeting certificates of appreciation were presented to the custodial staff for their work before, during and after the storm. He noted the High School is seeking to boost student rankings by using a tier system as opposed to individual class rank.

Councilman Peter Rebsch
Ambulance Corps, Recreation

Councilman Rebsch reported the Ambulance Corps discussed coverage during football games at their September 19th meeting. They discussed next year's budget as well as nominated candidates for next year's officers. Three new members were sworn in last week. Councilman Rebsch praised the Ambulance Corps for the efforts during the hurricane.

Councilman Rebsch attended the September 7th and 21st Recreation meetings. George Learn is the new indoor soccer coordinator. The commission is discussing next year's budget. The commission decided the Recreation Director will handle all recreation emails from now on.

Councilwoman Celeste Scavetta
Senior Citizens Advisory Board, Public Events

Councilwoman Scavetta was unable to attend the Senior Advisory Board meeting on September 15th; however she had an offline meeting with the Director. She advised there is a grant available for improvements to the center, she is hopeful the Borough will receive up to \$75,000; she summarized the proposed improvements. Councilwoman Scavetta highlighted the discussion she had with the Director and advised of the upcoming events at the Senior Center.

Councilwoman Scavetta advised the Public Events Committee is preparing for Veterans Day on November 11th. The committee is working on citations to be presented by Mayor and Council; and the tree lighting celebration was discussed briefly.

Councilwoman Scavetta noted the many meetings, dedications and presentations she has attended since the last meeting.

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

Councilman Colucci advised the Fire Department meeting is this evening; he advised Fire Company #1 had its memorial dedication on September 11th. He noted the department had 50 calls during the month; almost double normal levels. Fire Company #2 had an engineer check the

structural integrity of the firehouse; the report came back positive in terms of being able to add on. October 13th is Fire Awareness Day; they will promote Adopt-A-Hydrant.

Councilman Colucci was unable to attend the Drug Alliance kick-off meeting. The alliance discussed it "to smart to start" program; they will link events to the Patch website.

Councilman Colucci advised there is no report for the DPW; they experienced severe flood damage as well and are in as much disarray as the residents of the flooded areas. They continue to work around town.

Councilman Colucci reported Buildings and Grounds supervised the retrofit projects completed through the Lime Energy program.

Council President Howard Berner

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

Council President Berner attended the Historic New Bridge Landing Park Commission meeting on September 1st; at which they discussed how the Steuben House faired pretty well in the storm. Historical items were moved in anticipation of the storm. He advised of the upcoming events for October.

Council President Berner attended the Environmental Commission meeting on September 6th; and noted Clean Communities Day is October 1st beginning at 9 am at the DPW.

Historic Preservation did not meet on Sept 13th as they had no quorum.

Council President Berner noted the Planning Board met on September 20th to discuss a church's interest in the vacant racquetball club on Henley Avenue; they will discuss it again at the September 27th public meeting.

Council President Berner attended the Chamber of Commerce meeting on September 21st at which they discussed the re-enforcement of the sign ordinance. They also discussed the 20% coverage for windows that some merchants have been violating. The LED signs will be discussed by the sign committee. The chamber requested the Mayor and Council discuss with PSE&G, the substation flooding issues; merchants were out of business for a week. He was advised the Main Street garbage receptacles are not collected often enough; Councilman Colucci will advise the DPW. The chamber is encouraging property owners to modernize their storefronts on Main Street; small business loans are available.

Mayor Ann Subrizi

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

As Mayor Subrizi was not in attendance, Council President Berner read her report.

On September 14th Mayor Subrizi, along with other Bergen County mayors, met with a representative of the Board of Public Utilities; to provide feedback from the storm and discuss the issues with the substation.

On September 16th Mayor Subrizi, along with other local mayors met with Scott Garrett; they asked him to assist with the Army Corps of Engineers. Mayor Subrizi advised the Hackensack River causes the same type of problems as the Passaic River; the damage New Milford sustains is equally as severe.

On September 17th Mayor Subrizi met with Westwood's mayor to discuss Pascaack Valley mayor's hiring of Boswell to provide an engineering report; he will share that report with the New Milford Mayor and Council.

On September 19th Mayor Subrizi met with the Recreation Director and the Administrator to discuss forming a committee on the recreational improvement goals between the Recreation Commission and the Board of Education.

On September 19th Mayor Subrizi attended the first meeting of the Bergen County Flood Advisory Commission. She asked that any homeowner denied by FEMA, send the denial letter to her attention at Borough Hall; she will bring them to the attention of Freeholder Driscoll and Congressman Garrett.

Mayor Subrizi attended the Planning Board meeting on September 20th.

On September 22nd the Mayor and Council, seven members of the public and Borough employees were invited to an in-service meeting at United Water's Haworth location.

OLD BUSINESS:

ADOPT ORDINANCE #2011:18

AN ORDINANCE TO AMEND CHAPTER VI SECTION 6.3.4 ENTITLED LICENSING FEES; MAXIMUM NUMBER

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

ADOPT ORDINANCE #2011:19

AN ORDINANCE TO AMEND CHAPTER II OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "ADMINISTRATION," THEREBY AMENDING SUBSECTION 2-52A ENTITLED "PURCHASE OF LOTS FOR PASSIVE RECREATION"

Councilman Colucci made a motion to open to the public for comment on the adoption of this ordinance. Councilman Rebsch 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.

ADOPT ORDINANCE #2011:20

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

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

Councilman Robalino made a motion to adopt this ordinance on its second and final reading. Councilman Colucci seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

NEW BUSINESS:

INTRODUCE ORDINANCE #2011:21

AN ORDINANCE TO AMEND CHAPTER VII OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "TRAFFIC", THEREBY AMENDING SECTION 7-6 ENTITLED "THROUGH STREETS, STOP INTERSECTIONS AND YIELD INTERSECTIONS"

Councilman Robalino 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 October 25, 2011 at 7:45 PM.

RESOLUTIONS:

- 2011:196 Closed Session
- 2011:197 Payment of Bills and Vouchers
- 2011:198 Reappoint Deputy Clerk/Deputy Registrar – Colleen Naumov
- 2011:199 Endorse NJDEP Blue Acres Program
- 2011:200 Approve Raffle License #2011:15 – Off-Premise 50/50 St. Joseph Council #3814
- 2011:201 Approve establishment of the National Incident Management System (NIMS) as the Borough standard for incident management
- 2011:202 Approve refunds of duplicate tax payments at various locations
- 2011:203 Approve Street Opening Permit – 309 Kastler Court
- 2011:204 Approve Change Order #1 & Final – Charles Street Drainage Improvements
- 2011:205 Approve Change Order #2 – 2011 Road Program
- 2011:206 Designate \$927,000 Bond Anticipation Note, dated September 19, 2011, payable April 19, 2012, as a Qualified Tax Exempt Obligation
- 2011:207 Confirm Endorsement of Bergen County Community Development grant for Senior Center Improvements
- 2011:208 Authorize Capital Alternatives to prepare and submit grant application to Community Development for Senior Center Improvements

COMMENTS FROM THE PUBLIC

Councilman Robalino made a motion to open the meeting to the public. Councilman Rebsch seconded the motion. All present in favor, none opposed.

Lori Barton, 399 Roslyn Avenue came forward to address the Council. Ms. Barton referenced the United Water property and stated any development would impact the community. She requested a question be placed on the ballot to give residents a say. She asked if any official comments were received from the Board of Education. Councilwoman Duffie referenced a letter dated September 16th from Superintendent Polizzi; it is a discussion the governing body should have with the Board of Education. Ms. Barton asked what is involved in getting a referendum together; Mr. Madaio advised in a borough form of government, all referendums are non-binding. However it is too late for this year's ballot but can be done in the future. Ms. Barton was advised to contact the Clerk for more information on referendum.

Justin Marks, 1115 Boulevard came forward to address the Council. Mr. Marks is a new resident and noted a drainage issue in his backyard; he believes to be from construction on the home behind his. He noted there is a smell coming from the toilets, dishwasher and sinks; the Administrator will have the DPW check the sewer system in the area.

Ricardo Reyes, 1113 Boulevard came forward to address the Council. Mr. Reyes noted since the house on Alessandrini Avenue was built, the water issue has become worse. The Administrator will confirm with the Building Department that the Engineer signed off on the retention system. Mr. Reyes also noted their irrigation system is wetting his property.

Victor Vidaio, 551 Columbia Street came forward to address the Council. Mr. Vidaio believes United Water intentionally flooded his house; he asked what the Mayor and Council can do. Council President Berner advised the Mayor and Council met with United Water last week at their plant to discuss what can be done and was educated on how the plant works. Mr. Vidaio asked why United Water did not release water in anticipation of the storms; he was advised he should attend the meetings with United Water and pose that question to the company.

Councilman Robalino noted United Water can address nuisance storms however they cannot mitigate something of Irene's magnitude.

Mr. Madaio noted the Council is trying to get answers; however this storm involved three reservoirs and the water could not have been released early enough to prevent flooding.

Council President Berner advised that Councilwoman Scavetta requested United Water provide assistance after the event.

Councilwoman Scavetta referenced their DEP permit which was last updated in 2009; it is now a 20 year water allocation permit. The only way they are allowed to release water is if there are dam safety issues. Pressure must be put on the state government; possibly beginning with the NJDEP as that who regulates United Water.

Mr. Madaio advised United Water may only release one foot per day; they released five feet over five days prior to the storm, however it was still not enough to handle the magnitude of rain.

Tom Klute, 559 Columbia Street came forward to address the Council. Mr. Klute thanked the members of the governing body who visited the flood damaged areas. Mr. Klute asked if the governing body contacted anybody at the state level; he was advised Councilwoman Scavetta sent letters to the Governor and various media outlets to put pressure on United Water. Mr. Klute asked when the last impact statement was conducted and reported; that information will be requested of United Water. Mr. Klute stated more reservoirs need to be built if the current demand cannot be met.

Council President Berner advised there is a 12 hour lag time for the water to reach the Oradell Reservoir from the terminus of the Hackensack River which is in Rockland County.

Mr. Klute referenced the taxes; he was advised to speak directly to the Tax Assessor. Mr. Klute was advised the Council is endorsing the NJ Blue Acres Program; applications and information are available in the Clerk's Office.

Mr. Klute noted the roadways and sidewalks have been damaged; he noted the north end of Columbia Street is in bad shape. The Administrator explained the sidewalks are the responsibility of the homeowner; the roadways are reviewed and prioritized annually.

Council President Berner stated town hall meetings along with United Water may be planned in the future; groups of 50 or less would be more conducive.

Councilwoman Scavetta asked United Water representatives what they can do to help New Milford after a catastrophic event; they noted they can help and will address that in their next meeting with her and Mayor Subrizi tentatively scheduled for October 5th.

Nick D'Amelio, 349 Trench Drive came forward to address the Council. Mr. D'Amelio believes the water problem is many small issues that manifest into a larger problem. He noted his distaste for the comments regarding the prediction of the next drought; he referenced the Wanaque piping that helped drought issues in the 1980's. The Borough may have had flooding in the past, but not to this intensity. Mr. D'Amelio commented on the power outages; should have learned from the past. Mr. D'Amelio expressed deep concern over the residents who continually get flooded.

Robert Ryan, 114 Holland Avenue came forward to address the Council. Mr. Ryan has lived in town for 60 years; this is his third time before different council's regarding flooding; and feels this council is being deceived by United Water. He said this council is beginning to sound like all the others when it comes to flooding. Mr. Ryan referenced information about the dam and USGS data. He noted the Borough didn't have major flooding issues until 1999; the French took over the operations of United Water in 1994 and ownership in 2000. He noted the Wanaque pipe was used in May; although United Water claims it was decommissioned. Mr. Ryan stated this is the worst Borough flood clean-up effort he has ever seen.

Phil Fernandez, 544 Columbia Street came forward to address the Council. Mr. Fernandez asked if the town had a report or total cost to the town for the flooding. He asked how much the residents will have to bear if FEMA does not cover the Borough's expenses. The Administrator advised the Borough must await FEMA's determination before providing that information. Mr. Fernandez referenced the property recently bought by the Borough and asked why the Borough will not do the same for residents on Columbia. He was advised the property referenced was purchased through a grant for \$60,000; the Borough Attorney explained the difference. Mr. Fernandez questioned if the Borough would consider suing United Water or the DEP; the Borough Attorney explained the difficulty in suing a public utility and noted government entities are not able to be sued for negligence. Mr. Fernandez noted it would set precedence and bring attention to the suffering.

Ms. Barton referenced Councilwoman Scavetta's comments regarding the tight municipal budget. She then referenced the state's recent vote to reform pension and benefits for public employees. Ms. Barton questioned how many council members receive medical benefits through the Borough, the cost for said benefits and the individual Council contributions. Councilman Rebsch noted he does not receive benefits through the Borough. The Administrator will provide the information.

Sharon Hilmer, 563 Columbia Street came forward to address the Council. Ms. Hilmer noted her parents bought the home in 1956, she has lived in the same house her entire life; it never flooded like this. Land is being developed however the water is not being diverted properly; reservoirs are at capacity, more reservoirs are needed. She noted three out of the four levels in her home had to be removed; she has lost income, cannot work and has no place to live; she may not have the income to rebuild.

Council President Berner mentioned no member of the Mayor and Council takes the issue of flooding lightly. There is no overnight solution; however they are trying to help as much as possible.

Roy Williams, 265 Summit Avenue came forward to address the Council. Mr. Williams referenced the referendum comment earlier and expressed concern that the Borough is over-accommodating United Water with regards to the sale of their property. He expressed concern over the proposed development; the Council should put it to vote to find out what the majority of residents want. He urged the governing body to join with other legislative bodies to put pressure on United Water.

Mr. Ryan referenced the sign ordinance; he questioned the public safety concern. He was advised first responders cannot see in the windows. Mr. Ryan stated the proposed ordinance to shovel fire hydrants was a safety concern as well.

As there were no other members of the public wishing to comment, Councilman Colucci made a motion to close the meeting. Councilman Rebsch seconded the motion. All present in favor, none opposed.

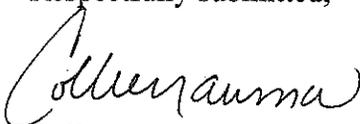
VOTE ON RESOLUTIONS

Councilwoman Scavetta made a motion to approve the consent agenda resolutions 2011:196 through 2011:208. Councilman Robalino seconded the motion. All present in favor, none opposed.

ADJOURNMENT

Councilwoman Duffie made a motion to adjourn. Councilman Rebsch seconded the motion. All present in favor, none opposed. Time 10:01 PM.

Respectfully submitted,



Colleen Naumov
Deputy Borough Clerk