

MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
OPEN SESSION immediately following
7:45 PM PUBLIC MEETING
Monday, September 22, 2014

WORK SESSION:

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

Councilman Diego Robalino	Present
Councilman Austin Ashley	Absent
Council President Randi Duffie	Present
Councilman Dominic Colucci	Present
Councilwoman Hedy Grant	Present
Councilman Michael Putrino	Present
Mayor Ann Subrizi	Absent

Also Present: M. Leibman, Borough Attorney; J. Santagata of Counsel; C. Demiris, Administrator/Borough Clerk

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

CLOSED SESSION:

1. Personnel – Tax Assessor
2. Personnel – DPW
3. Potential Litigation
4. Review of Closed Session Minutes –9/8/14

Mr. Santagata left the meeting at 7:24 PM.

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

OPEN SESSION:

1. Hirschfeld Brook Flood Control – Budget

The Administrator said we received fourteen bids and the engineer has made a recommendation to award. In reviewing the budget she has determined there is not enough money remaining in the budget to award the job. She said in order to award the bid and cover the cost of inspection we will need to allocate an additional \$175,000 to \$180,000 depending on the engineer's estimate for inspection. Councilman Robalino asked if it could be part of the 2015 budget. The Administrator explained the job cannot be awarded until the full

amount is allocated. She said if we do not award within sixty days we will need to ask the low bidder to grant an extension to award and to hold his prices.

The Council agreed to have the Administrator prepare a bond ordinance for introduction at the next meeting. The Administrator will contact the contractor to request an extension to award.

2. Cherry Street Drainage Improvements

The Administrator referenced the \$281,000 grant received from the DOT. She said the original budget for the job was significantly higher at the time of the application but the engineer revisited the estimate and has come back with an estimate of \$286,000. She said we are \$5,000 short on construction, we have an obligation to pay the grants consultant \$28,100 and we will need at least another \$60,000 for design and inspection. She said we will need to introduce a bond ordinance for \$381,000 but we do not need the 5% down payment for a bond on a DOT grant.

All present agreed to proceed with this bond ordinance.

3. Community Development Grant Application

The Administrator said when last discussed she was going to forward the map with the eligible areas to the Council. In the meantime the Assistant Superintendent has suggested paving Berkley Street from Linden to the Circle. According to Ms. Casey we can expect a grant of approximately \$80,000 so we may only be able to complete a portion of this area. She said barring any objection from the Council she would prepare a resolution to authorize this application.

4. Municipal Court – Open Time Payments

The Administrator said Mr. Leibman had wanted to review the proposal and has since reported back to the Council. Mr. Leibman said other Bergen County towns are doing this. He said if someone owes money and meets the criteria: their license has been suspended for a year; there has been a bench warrant for their arrest for a year; or they haven't made any payments then the Court would report it to the collections agency and the collections agency tracks them down. He said the Court Administrator said she knows there are a number of people on the list that are deceased but it would take too much of her time to track down the information to formally remove them off of the books; the collection agency will do this for the Court. He said it is more than a collection agency, they will gather information to clean the bad debt off the books. He said half the money due will come back to the municipality, the rest goes to the State.

Councilwoman Grant asked if there is any protection for the Borough if the company sells the bad debt to someone else. Mr. Leibman said he had that concern as well along with another concern that the Borough could be exposed to liability for the Fair Debt Collection Law, which could result in statutory penalties. He said the AOC (Administrative Office of the Court) has provided protections for this. He said the agency is not collecting the debt, they

are compelling the people to write a check to the municipal court and the Borough pays the agency the percentage they are entitled to, which is above and beyond the money owed to the court. Mr. Leibman said the only thing the agency could sell would be the right to receive the money from the court. Councilwoman Grant asked if we could build in the protection prohibiting them from selling to anyone else. Mr. Leibman said we could do a non-assignment provision.

Councilman Robalino asked about issuing a lien on property as a method of collection. Mr. Leibman said you can only do a lien under certain very particular circumstances where the law permits, such as property maintenance code violations.

Mr. Leibman said he would recommend the Council consider trying the service for a year to see how it works. He said the court can provide quarterly reports for the Council's review.

The Council agreed to proceed. A resolution will be drafted at such time as the contract has been reviewed and approved by Mr. Leibman.

5. Permit Fee Waiver Request

The Council unanimously agreed to waive the permit fee. The Administrator will advise the Building Department.

6. Budget Recommendation for 2015 – Major Vehicle Repair/Vehicle Maintenance

The Administrator said the Finance Committee was established as a result of the State's Best Practices Checklist. She said the committee just had their quarterly meeting with the CFO at which time she made two suggestions for the Council's consideration.

The first was with regard to the vehicle maintenance line. She said at some point in time the various vehicle maintenance lines were consolidated into one, but it has been budgeted to cover only the vehicle maintenance of the police department. The Fire Department covers their maintenance out of a line in their operating budget as does the DPW. This does not account for maintenance of other Borough vehicles, specifically the senior van. For this reason the CFO has been charging senior van repairs to the Senior Center budget which does not have the money to cover vehicle maintenance. We first discussed increasing the vehicle maintenance line in 2015 to cover both the police department and the senior van, however the CFO explained we should have an overall account for vehicle maintenance and sub accounts for police, fire, DPW, and senior van so that the expenses can be tracked more accurately.

She said the second suggestion was to create a sink fund in the capital budget for major vehicle repair such as a transmission. She said larger items are not anticipated in the vehicle maintenance operating budget, so when a large repair comes up it depletes the vehicle maintenance account. She said as a capital account it would not expire. If it is funded but not used in a given year it would still be available the following year. She said in addition, it could be replenished with an amendment to the ordinance.

Councilman Colucci said could it be replenished with surplus. The Administrator said surplus is not allocated by line; she said surplus just goes to the budget as whole.

The Council agreed both ideas should be given consideration by the budget committee.

7. Meeting Schedule for 2015

The Administrator said there has been discussion of adding meetings back into the schedule for July and August. The Council concurred there should be two meetings in each of those months. The Administrator said the work session for September falls on 9/14/15 which is Rosh Hashanah. The Monday prior is Labor Day so the Council agreed to schedule the September work session for Wednesday following Labor Day, 9/9/15. Regarding the October work session the Council discussed holding the work session on the first Monday to avoid the Columbus Day holiday but then realized it would be just one week following the September public meeting. The Council agreed to schedule the work session on the Wednesday following Columbus Day, 10/14/15.

8. Administrator's Report

The Administrator referenced an Eagle Scout request to refinish the gazebo, repaint the flag poles and mulch the flower beds around the flag poles. The Council had no objection.

The Administrator referenced a Girl Scout request to make a PSA video about recycling under the direction of the Recycling Committee and the Recycling Coordinator. They will be attending the 10/1 meeting of the Recycling Committee. The Council had no objections.

The Administrator referenced the estimate from the engineer for the docks at Hardcastle Pond for the BCOS application. The Council asked for more information about the docks such as the material they are made out of, if they are long lasting, if they need to be removed from the water seasonally or if they are permanent, and expected maintenance. The Administrator will obtain additional information from the engineer.

The Administrator reported that on 9/13 a car hit the guiderail on Main at Milford Avenue heading west. The DPW Acting Superintendent met with a representative from the County who advised the tree beyond the guiderail may need to be removed for reasons of safety.

The Administrator referenced the request from the Gospel Fellowship Church to hold a Sukkot Event in their parking lot on October 17th into October 18th. She said the request has been referred to the Fire Marshall, Police Department and Zoning Board for their review. Assuming there are no issues from any department the Council had no objection to the request.

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

PUBLIC SESSION:

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

ROLL CALL:

Councilman Diego Robalino	Present
Councilman Austin Ashley	Absent
Council President Randi Duffie	Present
Councilman Dominic Colucci	Present
Councilwoman Hedy Grant	Present
Councilman Michael Putrino	Present
Mayor Ann Subrizi	Absent

Also Present: M. Leibman, Borough Attorney; C. Demiris, Administrator/Borough Clerk

PRESENTATION: MOHAMAD HASHASH – EAGLE SCOUT PROJECT

Council President Duffie presented a certificate to Mohamad in recognition of his efforts to install six new veteran memorial stones on the lawn at the Borough Hall.

POLICE DEPARTMENT PROMOTIONS/OATHS:

Councilman Putrino made a motion to approve resolutions 2014:228 through 2014:230. Councilman Colucci seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

Sergeant William Duby was administered the oath of office for the position of Lieutenant.

Police Officer Christopher Vicni was administered the oath of office for the position of Sergeant.

Police Officer Nelson Perez was administered the oath of office for the position of Detective.

COUNCIL COMMITTEE REPORTS:

Councilwoman Grant made a motion to file Committee Reports with the Borough Clerk to be spread in full upon the minutes. Councilman Colucci seconded the motion. All present in favor, none opposed.

OLD BUSINESS:

Councilwoman Grant made a motion to approve of the minutes from the September 8, 2014 Closed, Work and Public Session. Councilman Robalino seconded the motion. All present in favor, none opposed.

ADOPT ORDINANCE 2014:23

BOND ORDINANCE TO AUTHORIZE THE BYPASS OF THE BOROUGH’S SANITARY SEWER LINE AND CONNECTION TO THE BCUA TRUNK LINE AT HENLEY AVENUE IN, BY AND FOR THE BOROUGH OF NEW MILFORD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$60,000 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. 2010:07 ADOPTED ON APRIL 26, 2010, AS PREVIOUSLY AMENDED BY BOND ORDINANCE NO. 2013:05 ADOPTED ON MAY 13, 2013.

Councilwoman Grant made motion to open to the public for comment on 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.

Councilman Colucci made a motion to close to the public.

Mr. Leibman said he would be meeting with the engineer for the BCUA the following Friday to see if their requirements could be scaled back to achieve a cost savings to the Borough.

Councilman Colucci 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. All present in favor, none opposed.

NEW BUSINESS:

INTRODUCE ORDINANCE 2014:24

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XXX, ENTITLED “DEFINITIONS AND WORD USAGE,” SECTION 30-2.1, “DEFINITIONS,” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD IN ACCORDANCE WITH RECOMMENDATIONS MADE BY THE NEW MILFORD PLANNING BOARD.

Councilwoman Grant made a motion to introduce this ordinance on its first reading. Councilman Putrino seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

The ordinance will be advertised and a public hearing will be held on October 27, 2014.

COUNCIL:

Councilman Robalino referenced the PSE&G street closing on Main Street and noted there was no indication of the closure at Madison and River. He said this forced people traveling west on Madison to have to make a right onto Cecchino Drive and return to River. He asked to have signage placed at Madison and River. The Administrator said she will contact PSE&G

Councilman Robalino asked about the property adjacent to the Ambulance Corps. Mr. Leibman said this is a solution in search of problem since it is not an issue, there is no downside to not taking action. He said it can be pursued in the event the Ambulance Corps is in need of additional parking.

Councilman Putrino said the parking has improved in the lot and asked when the new signage will be going up. The Administrator said she will follow-up with the DPW and Police Department.

Councilman Robalino asked for the status of the utility audit. Councilman Putrino said he had contacted another company who had agreed to make a presentation to the Council but the representative had never gotten back to him nor returned his phone calls. Councilman Robalino asked if he could contact the representative from Koteen to proceed. The Council agreed as long as the contract is revised to indicate a 60/40 split, eliminates the reference to late fees and is reviewed and approved by the attorney.

Councilwoman Grant reported she had recently attended the Indian Harvest Festival of Onam at the French Academy on behalf of the Library Board of Trustees. She said Thomas Thomas had arranged to donate fifty books to the Library to start a collection of books in the Malayalam language and she was presented with a token book to represent the entire collection. Councilwoman Grant also reported this week is Banned Book Week which was founded in 1982 and is sponsored by the American Library Association and celebrates the freedom to read and express ideas freely.

Councilman Colucci reported the Oradell Council has had a favorable response to the idea of doing a study on a shared DPW but has not made a firm commitment as of yet.

Councilwoman Grant asked if there had been any consideration given to sharing the services of the municipal court with Dumont since they have been displaced from their building. The Administrator said there had been some contact from Dumont but they have not returned calls since the initial inquiry.

Council President Duffie said the Beautification Committee would like the Mayor and Council to honor Gianna Basone for the Mother's Day Garden she planted on River Edge Avenue in pursuit of her Girl Scout Silver Award. A certificate will be prepared for the October 27th meeting.

Councilwoman Grant said she wanted to congratulate Danielle Dargis on the Pet Adoption Day she recently held in pursuit of her Girl Scout Gold Award.

RESOLUTIONS:

2014:226 Closed Session

2014:227 Payment of Bills and Vouchers

2014:228 Approve Promotion – William Duby – Police Department Lieutenant

2014:229 Approve Promotion – Christopher Vinci – Police Department Sergeant

2014:230 Approve Promotion – Nelson Perez – Police Department Detective

- 2014:231 Authorize Mayor to Sign Grant Agreement with County of Bergen – Senior Center Rehabilitation Phase III
- 2014:232 Approve Use of Contract RC-35-13-01 for Emergency Sewer Repair discovered on 9/16/14
- 2014:233 Support Assembly Bill 3404 Permitting Municipalities to Issue Retail Liquor Licenses for Use in Certain Historic Taverns
- 2014:234 Authorize Capital Alternatives Corporation to Prepare and Submit Application to the Commissioner of Transportation under NJ Trust Fund Authority for Graphic Boulevard LAIF Rehab & Pedestrian Safety
- 2014:235 Authorize CFO to Close Deferred Charge and Capital Improvement Ordinance 2010:14 NJEIT Sanitary Sewer Lining
- 2014:236 Approve Catering Permit for Tommy Fox’s Corp. – October 26, 2014 – for NMEF 10K Grand Prix and 3 Mile Fun Run
- 2014:237 Authorize Return of Raffle Application Fees – New Milford-Teaneck #2290 BPOE in the amount of \$160

Councilman Putrino asked to have resolution 2014:237 pulled from the consent agenda.

COMMENTS FROM THE PUBLIC

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

Donna Colucci – 223 Bergen Avenue. Ms. Colucci said she thought it was wonderful that the Mayor and Council were planning to honor Ms. Basone but suggested what is done for one should be done for all. The Administrator said that all of the scouts are honored annually by the Mayor and Council at their awards ceremony but on the occasion that someone does something directly related to a borough property they are generally honored at a Mayor and Council meeting.

Russ Schwartz – 260 Ridge Street. Mr. Schwartz asked why the overnight parking suspension could not run for a longer period of time and suggested May 1st through November 1st. Chief Papapietro said it is always suspended from Memorial Day through Labor Day, the week of Thanksgiving, from mid-December to mid-January, and for a number of religious holidays; all in all it is suspended for almost one half of the year. Mr. Schwartz asked if DPW workers could be utilized instead of police officers for traffic control on road construction projects for cost savings. He was advised that this could not be done. Mr. Schwartz asked if background checks were done for anyone adopting a pet at the pet adoption event. He was advised that background checks were performed. Mr. Schwartz suggested the work session could be held after the public session so the public would not be kept waiting. He was advised that the work session is advertised for 7:00 PM and the public session is advertised for 8:00 PM.

Eileen Leonard – 178 Trotta Drive. Ms. Leonard expressed concern regarding the tennis courts being left unlocked and asked who is responsible for locking the gates. She was advised the people using the courts are responsible. Ms. Leonard said they are often left unlocked and she locks them frequently. The Council discussed possible remedies. Councilwoman Grant asked if it would be possible to have them checked nightly by a patrolman. Chief Papapietro said there had

been discussions in the past about placing cameras in and around the area and suggested this discussion be revisited. He said he had recently issued an email to the patrolmen asking them to keep a watch on the area. Councilwoman Grant suggested putting a note on the website to remind residents to lock the court after use.

Michael Gadaleta – 270 Demarest Avenue. Mr. Gadaleta said he wanted to express his concerns about the presentation made by the architect a few weeks prior. He said he is a licensed architect with thirty years' experience. He said he never saw someone so unprepared to make a presentation. He said it is premature to have discussions about cost. He said civic architecture is for the public, it needs to be visible and timeless. He said there were concerns expressed about adding onto the borough building; he said major landmarks are added on to every day, everything gets an addition sooner or later. He said it needs to be complimentary but it does not have to be hidden from view to protect this building. He said he is concerned with the architect's attachment to this room and the need to come in through a window of this room. He said there is way to give the Borough what they need without such a simplistic solution. He said it should not be hidden in the parking lot, out of view, not easily recognizable. Mr. Gadaleta said he was concerned that there is no site plan, he said as an architect, it is the first thing you do. He commented about the building being on grade and the potential issues with water. He spoke about the lack of access to the police department for other borough staff. He spoke about the observation deck and the need to meet a public code for access, stating residents would be on the roof shoulder to shoulder to view fireworks. He said Mr. Conley misled the governing body or misspoke and he finds it to be unprofessional. Mr. Gadaleta said the Council needs to challenge the architect to go back to the drawing board. He said he does not think the building should be reduced in order to reduce the cost. He said cost savings can be realized in other ways, the Council should get the building the borough needs, the space the borough needs and then figure out the architecture to make it economical. He said the building needs to be a prominent piece of New Milford's history, on River Road, it needs to be visible.

Council President Duffie said she appreciated Mr. Gadaleta's interest and his professional knowledge and she would be using his comments in her deliberation.

Councilman Robalino made a motion to close to the public. Councilman Putrino seconded the motion. All present in favor, none opposed.

Councilwoman Grant asked about a resident letter regarding a tattoo parlor. Mr. Leibman said it has been investigated and the complaints cannot be substantiated. He said he advised the resident that she can sign a complaint if she so chooses. He has been advised by the Court Administrator that the resident has a number of complaints pending in municipal court and has attended court ordered mediation. There is an agreement and the resident is not satisfied with the agreement. He said a police detective went to the home in question, unannounced and found no evidence to substantiate the claim. He said the Police Chief went on another occasion when the resident called to claim the illegal activity was taking place and was unable to substantiate the claim. Council President Duffie asked if what recourse there would be if someone did open that type of business. She was advised that it would not be permitted.

VOTE ON RESOLUTIONS

Councilman Robalino made a motion to approve resolutions 2014:226 through 2014:236. Councilman Colucci seconded the motion. All present in favor, none opposed.

Councilman Colucci made a motion to approve resolution 2014:237. Councilman Robalino seconded the motion. The motion passed on a roll call vote as follows:

For the motion: Robalino, Duffie, Colucci, Grant

Against the motion: None

Abstain: None

Councilman Putrino asked for a copy of resolution 2014:233 and asked to have the topic of OEM placed on the next agenda.

ADJOURNMENT

Councilman Putrino made a motion to adjourn. Councilwoman Grant seconded the motion. All present in favor, none opposed. Time 9:18 PM.

Respectfully submitted,

Christine Demiris, RMC, CMC
Borough Clerk