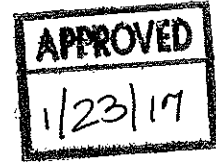


**MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
Monday, January 9, 2017**



WORK SESSION:

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

Councilwoman Thea Sirocchi-Hurley	Present
Councilwoman Randi Duffie	Present
Council President Hedy Grant	Present
Councilman Ira Grotsky	Present
Councilwoman Kelly Langschultz	Present
Councilman Al Alonso	Present
Mayor Ann Subrizi	Absent

Also Present: K. Kelly – Borough Attorney; C. Demiris – Administrator/Borough Clerk

Council President Grant announced that items 3, 6 & 7 were being tabled until the next meeting.

OPEN SESSION:

1. NMRA Settlement Timeline

Mr. Kelly distributed a memo which memorialized the deadlines associated with the NMRA settlement. He said, under the terms of the agreement, the ninety-day period within which the Borough must adopt the zoning ordinance began on 12/30/16, the day the agreement was fully executed. He said in order to meet the deadline the Council should introduce the zoning ordinance, required by the agreement, on 1/23/17. He said the settlement agreement must be submitted to the court within ten days of its execution and a case management conference is scheduled for January 11th.

Councilwoman Duffie asked if there are any other immediate deadlines. Mr. Kelly said there are other obligations, including steps to be taken by the Planning Board and requirements for Fair Share Housing, but nothing immediate.

Council President Grant questioned that the agreement has been fully executed, noting that the Planning Board has yet to sign it. Mr. Kelly said the agreement is considered fully executed without the Planning Board signature. Councilman Alonso said the Planning Board is not signing as a party to the litigation; they are endorsing the settlement.

Mr. Kelly said once the ordinance is introduced by the Council it will be referred to the Planning Board to ensure it is consistent with the Master Plan.

2. Verizon Wireless Request

The Administrator reviewed the request from Verizon, whereby they have asked the municipality for consent to locate and operate in the right-of-way to deploy small network

nodes in the public right-of-way. She said she forwarded the request to Mr. Madaio when it came in and he advised the Council that Verizon's statement of law is correct and the Borough must provide consent. Mr. Kelly suggested tabling the matter to the February work session. He said the municipality must grant consent but he would like to clarify some items and do some additional research.

Councilman Grotsky said the letter states that Verizon may request to have new poles installed. He asked if the Borough would have any say in whether or not and where additional poles could be placed. Mr. Kelly said it is a utility function and as such the Borough's input would not be considered. Councilman Grotsky said this is specifically for Verizon and asked what if another carrier were to come forward with a similar request. Mr. Kelly said he would expect the other carriers would seek permission from Verizon to locate in a similar manner on the same poles. He said the nodes are being installed as wireless carriers begin to move away from cell towers.

The Council agreed to table resolution 2017:51 and relist the matter for further discussion at the February work session.

3. Shade Tree Ordinance

This matter was tabled to the 1/23/17 meeting.

4. Williams Field

Councilwoman Langschultz said she would like to find out what grants would be available for lighting at Williams Field. She said the lights brought in this year were generator powered. She said she would like to pursue permanent lighting fixtures for the field. Council President Grant suggested inviting Ms. Casey to the next work session to discuss available grants for this as well as any other grants that may be available.

5. Ad Hoc Committee – Kennedy Field

Council President Grant provided a written outline of the proposed mission and purpose for the committee. Councilman Alonso said there has been a field committee for the past two years. He asked if what Council President Grant is proposing the same committee or a different committee. Council President Grant said as the field committee was formed when she was not on the Council she is not aware of their specific mission. Councilman Alonso said the mission was to identify the best site and develop a concept plan. He said the Borough applied for the grant, which was approved but funding was not available. He said now that funding for the grant is available the committee will be developing the design based upon the concept plan, it will then be presented to the Council with a public hearing to follow.

Council President Grant said this proposal would expand and formalize the mission and responsibilities and clearly identify the members. Councilman Alonso said the members were voted on in 2015 and under the bylaws the Mayor appoints members to the committee. He said we already have a committee and asked why we would need a second committee.

Councilwoman Duffie asked if all committees are not dissolved at sine die. Mr. Kelly said they are not; ad hoc committees exist until the purpose for which they were formed has been effectuated.

Councilman Grotsky suggested folding the existing committee into this committee with a specific set of instructions.

Council President Grant asked if the members listed in her proposal are indicative of the members of the existing committee. Councilman Alonso reviewed the list and indicated that it is very similar with one less member of the general public and one additional Councilmember. He said it also does not include a representative of the DPW.

The Administrator said she did not agree with items c, d and possibly e under the section outlining the purpose of the committee. She said consultation with Federal, State, County and local agencies as well as professionals and, to a certain degree, vendors should be through the Borough.

Councilwoman Duffie said the committee should be addressing the whole complex, not just Kennedy Field. Councilwoman Langschultz said they were discussing everything with the exception of Pavone Field. Councilman Alonso said it makes no sense to put money into Pavone because it floods. Councilman Grotsky suggested it be used for additional parking. Councilman Alonso said it shouldn't be used for parking because it is a useable field in good weather.

Councilman Grotsky said he would like to see the old committee rolled into this one. Councilman Alonso asked why not just incorporate this into the old committee. Councilwoman Duffie said the most important piece would be for the committee to report back to the Council.

Councilman Alonso asked to table the discussion until the next meeting to allow him time to review the proposal prepared by Council President Grant. He said it should also be tabled to allow for the Mayor to take part in the discussion as she would make the appointments.

The matter will be relisted on the 1/23 agenda.

6. Liaison Appointments

This matter was tabled to the 1/23/17 meeting.

7. Social Media Policy – Borough Website

This matter was tabled to the 1/23/17 meeting.

8. Approval of the December 19, 2016 Closed, December 21, 2016 Closed and Public Session, and January 3, 2017 Reorganization Minutes

This matter was held over until after the closed session.

9. Administrator's Report

The Administrator asked if any member of the Council would be attending the JIF reorganizational meeting on January 19th. All present indicated that they would not be attending.

The Administrator said she will be out of the office from midday January 11th returning January 18th.

APPOINTMENTS: XAVIER HERNANDEZ – FIRE CO. #2
VANESSA HURLEY – GARBAGE & RECYCLING

Councilwoman Duffie made a motion to approve the appointments. Councilman Grotsky seconded the motion. The motion carried. All present in favor, none opposed.

COUNCIL:

Councilwoman Sirocchi-Hurley asked Mr. Kelly what can be done about “zombie” homes. She specifically referenced 514-516 Grove, noting it is in poor condition and not being maintained. Mr. Kelly said it should be enforced through property maintenance but if the home is in foreclosure the summons cannot be issued to the bank. He said maintenance, to the exterior of the home, can be done by the Borough and a lien could be placed on the property. Mr. Kelly said he would speak with the Property Maintenance Officer to discuss options on how this can be addressed.

Councilman Grotsky said he and Councilwoman Sirocchi-Hurley met with the Grants Consultant, Ms. Casey, to discuss what grants may be available to the Borough. He said there are DOT Pedestrian Safety grants as well as grants for drainage projects. The Administrator said the Borough has already submitted a DOT application that incorporated the pedestrian safety proposal for Graphic Boulevard. He said they asked the DPW Superintendent for a list of areas that may benefit from drainage work and he asked the Administrator to follow up with Ms. Casey on a possible drainage grant application. He also mentioned grants available to Fire Departments and noted Ms. Casey has offered her assistance with grant applications for the Fire Department at no charge. Councilwoman Langschultz said she will follow up with Ms. Casey regarding potential Fire Department grants. Councilman Grotsky said they were also informed that with a \$100 registration fee to the State Forestry Commission the Borough can get up to 1,000 free trees per year. He said he will be passing this information along to the Shade Tree Commission.

Councilwoman Langschultz asked about a discussion, by the prior Council, with regard to a grant for Scot packs. The Administrator said a resolution was passed, at the request of the Fire Department, to authorize payment for the grant application to be prepared.

Councilwoman Duffie made a motion to go into closed session. Councilwoman Sirocchi-Hurley seconded the motion. The motion carried. All present in favor, none opposed. Time 8:04 PM.

CLOSED SESSION:

1. Review of Closed Session Minutes
2. Potential Litigation – Public Nuisance
3. Pending Litigation – Henry v. New Milford

At the conclusion of the closed session Councilman Grotsky made a motion to return to open session. Councilwoman Sirocchi-Hurley seconded the motion. The motion carried, all present in favor, none opposed. Time 8:27 PM.

Councilman Grotsky made a motion to approve the minutes from the December 19, 2016 Closed Session and the December 21, 2016 Closed and Public Session. Councilwoman Sirocchi-Hurley seconded the motion. The motion carried. All present in favor with the exception of Councilwoman Duffie and Councilwoman Langschultz who both abstained.

Councilwoman Duffie made a motion to approve the minutes from the January 3, 2017 Reorganization Meeting. Councilwoman Sirocchi-Hurley seconded the motion. The motion carried. All present in favor, none opposed.

COMMENTS FROM THE PUBLIC

Councilman Grotsky made a motion to open to the public. Councilwoman Sirocchi-Hurley seconded the motion. The motion carried. All present in favor, none opposed.

John DeSantis – 190 Powell Drive. Mr. DeSantis asked how the Council is permitted to go into closed session. Mr. Kelly explained the exceptions to the Open Public Meetings Act, which allow for closed session discussion. Mr. DeSantis asked if the new Council could rescind the decision of the old council, which voted to settle with New Milford Redevelopment Associates. Mr. Kelly said as the litigation is still pending he would not respond to the question. Mr. DeSantis asked for him to consider it hypothetically. Mr. Kelly declined.

Edward Kilarjian – 3030 Edwin Avenue, Fort Lee. Mr. Kilarjian suggested the Council consider countdown clocks for pedestrian safety. Mr. Kilarjian commented on the condition of the bus stops after the recent snow.

Anna Leone – 505 Boulevard. Ms. Leone questioned how the settlement agreement is considered fully executed without the signature of the Planning Board. Mr. Kelly advised that the agreement is not dependent upon the Planning Board. Ms. Leone asked Mr. Kelly if there is a conflict of interest for a current Councilperson, who served as objector and provided legal advice to SOD, to vote on the settlement agreement. She referenced a former Councilman who had hired an attorney to represent him as an objector and then recused himself from any Council discussion or vote that pertained to the property. Councilman Alonso said he did not represent SOD; he said he spoke with them but did not provide legal advice. Mr. Kelly said he was not going to provide a legal opinion, stating he would need more facts. Ms. Leone asked Mr. Kelly to review the matter. He said he would not because he could only be directed to do so by the Borough. He said it is also up to the individual make their own decision as to whether or not a conflict exists. Council President Grant concurred saying that it is up to the councilmember to decide whether or not to recuse themselves.

Being no further comment from the public the meeting was closed on a motion from Councilwoman Duffie, which was seconded by Councilman Grotsky. The motion carried. All present in favor, none opposed.

RESOLUTIONS:

- 2017:47 Closed Session
- 2017:48 Authorize Mayor to sign MOU for Congregate Nutrition Sites with County of Bergen
- 2017:49 Authorize Mayor to enter into Cooperative Pricing Agreement with Lead Agency – Riverside Cooperative
- 2017:50 Approve Raffle License 2016:28 – On-Premise 50/50 – New Milford Fire Co. #1
- 2017:51 Authorize Verizon Wireless and its successors and assigns to use poles erected within the public right-of-way *** **TABLED*****
- 2017:52 Authorize Escrow Refund – Gramercy Associates, LLC, in the amount of \$1,438.87

VOTE ON RESOLUTIONS

Councilman Alonso made a motion to approve the consent agenda consisting of resolutions 2017:47 through 2017:50 and resolution 2017:52. Councilwoman Duffie seconded the motion. The motion carried. All present in favor, none opposed.

ADJOURNMENT

Councilwoman Duffie made a motion to adjourn. Councilman Alonso seconded the motion. The motion carried. All present in favor, none opposed. Time: 8:44 PM.

Respectfully submitted,



Christine Demiris, RMC, CMC
Borough Clerk

BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2017:47

Offered by: Councilman Alonso

Seconded by: Councilwoman Duffie

Member	Aye	No	Abstain	Absent
SIROCCHI-HURLEY	✓			
DUFFIE	✓			
GRANT	✓			
GROTSKY	✓			
LANGSCHULTZ	✓			
ALONSO	✓			
MAYOR (tie)				

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss:

1. Review of Closed Session Minutes
2. Potential Litigation – Public Nuisance
3. Pending Litigation – Henry v. New Milford

WHEREAS, minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW, THEREFORE BE IT RESOLVED that the public be excluded from this meeting.

I hereby certify that the above is a true copy of a resolution adopted by the Council of the Borough of New Milford at the meeting held on January 9, 2017.

SEAL

Christine Demusis

BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2017: 48

Offered by: Councilman Alonzo

Seconded by: Councilwoman Duffie

Member	Aye	No	Abstain	Absent
SIROCCHI-HURLEY	✓			
ALONSO	✓			
LANGSCHULTZ	✓			
DUFFIE	✓			
GROTSKY	✓			
GRANT	✓			
MAYOR (tie)				

WHEREAS, the Mayor and Council of the Borough of New Milford is a participant in the County of Bergen, Division of Senior Services congregate meal program; and

WHEREAS, the County of Bergen, Division of Senior Services must adhere to Federal, State and County regulations, standards and codes that regulate the purchasing, handling and distribution of food; and

WHEREAS, to ensure compliance by each nutrition site where the Division delivers food and meals are plated and served to Bergen's senior populations, the Division has established protocols in the form of a Memorandum of Understanding (MOU) for each nutrition site.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council hereby approve the Memorandum of Understanding for Congregate Nutrition Sites with the County of Bergen Department of Human Services and authorize the Mayor to sign the MOU.

I hereby certify that the above is a true copy of a resolution adopted by the Council of the Borough of New Milford at the meeting held on January 9, 2017.

Christine Demusis

SEAL

BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2017:49

Offered by: Councilman Alonso

Seconded by: Councilwoman Duffie

Member	Aye	No	Abstain	Absent
SIROCCHI-HURLEY	✓			
DUFFIE	✓			
GRANT	✓			
GROTSKY	✓			
LANGSCHULTZ	✓			
ALONSO	✓			
MAYOR (tie)				

WHEREAS, N.J.S.A. 40A:11-11 (5) authorizes contracting units to enter into Cooperative Pricing Agreements; and

WHEREAS, the Borough of Northvale, hereinafter referred to as the "Lead Agency," has offered voluntary participation in a Cooperative Pricing System for the purchase of work, materials and supplies; and

WHEREAS, the Borough of New Milford, County of Bergen, State of New Jersey, desires to participate in the Riverside Cooperative;

NOW, THEREFORE, BE IT RESOLVED on the 9th day of January, 2017 by the Mayor and Council of the Borough of New Milford, County of Bergen, State of New Jersey, as follows:

TITLE

This Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of New Milford;

AUTHORITY

Pursuant to the provisions of N.J.S.A. 40A:11-11 (5), the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency;

CONTRACTING UNIT

The Lead Agency entering into contracts on behalf of the Borough of New Milford shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A.) 40A:11-1, et. seq.) and all other provisions of the revised statutes of the State of New Jersey.

BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2017:49

Offered by: Councilman Alonso

Seconded by: Councilwoman Duffie

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

CERTIFICATION

ATTEST:

BY:

Christine Demiris
Christine Demiris, Borough Clerk

Ann Subrizi
Ann Subrizi, Mayor

I hereby certify that the above is a true copy of a resolution adopted by the Council of the Borough of New Milford at the meeting held on January 9, 2017.

SEAL

Christine Demiris

BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2017:50

Offered by: Councilman Alonso

Seconded by: Councilwoman Duffie

Member	Aye	No	Abstain	Absent
SIROCCHI-HURLEY	/			
ALONSO	/			
LANGSCHULTZ	/			
DUFFIE	/			
GROTSKY	/			
GRANT	/			
MAYOR (tie)				

RAFFLE/BINGO LICENSE

WHEREAS, the following applicants have filed an application for a raffle/bingo license, and

WHEREAS, a routine police investigation fails to reveal any reason for not granting these licenses,

NOW, THEREFORE, BE IT RESOLVED that the following licenses be issued:

<u>APPLICANT</u>	<u>TYPE OF LICENSE</u>	<u>DATE/TIME/PLACE</u>	<u>LICENSE #</u>
NM Fire Co. 1	On Premise 50/50	1/28/17 6/17/17	2016:28

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on January 09, 2017.

SEAL

CHRISTINE DUFFIE

RESOLUTION No. 2017:51

Offered by:..... Seconded by:.....

Member	Aye	No	Abstain	Absent
SIROCCHI-HURLEY				
DUFFIE				
GRANT				
GROTSKY				
LANGSCHULTZ				
ALONSO				
MAYOR (tie)				

WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless, (“Verizon Wireless”), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may use such poles erected within the public right-of-way in the Borough of New Milford; and

WHEREAS, New Jersey law permits such use provided that there is the consent of the relevant municipality;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of New Milford, County of Bergen, State of New Jersey that:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Borough of New Milford, subject to the following:
 - A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
 - B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Borough of New Milford.

BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2017: 51

Offered by:..... Seconded by:.....

- C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Borough of New Milford, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Borough of New Milford.
- D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Borough of New Milford as an additional insured.
- E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
- F. Notwithstanding any provision contained herein, neither the Borough of New Milford nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
- G. This instrument shall be adopted on behalf of the Borough of New Milford by the Borough Council of the Borough of New Milford and attested to by the Borough of New Milford Clerk who shall affix the Borough of New Milford Seal thereto.
- H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is using.

STATEMENT

This resolution authorizes Verizon Wireless to use poles erected within the public right-of-way of the Borough of New Milford by parties that have the lawful right to maintain such poles

I hereby certify that the above is a true copy of a resolution adopted by the Council of the Borough of New Milford at the meeting held on January 9, 2017.

SEAL

BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2017:52

Offered by: Councilman Alonso

Seconded by: Councilwoman Duffie

Member	Aye	No	Abstain	Absent
SIROCCHI-HURLEY	✓			
DUFFIE	✓			
GRANT	✓			
GROTSKY	✓			
LANGSCHULTZ	✓			
ALONSO	✓			
MAYOR (lie)				

WHEREAS, Gramercy Associates, LLC has an escrow account for an application with the Planning Board; and

WHEREAS, there is a balance of **\$1,438.87** remaining in the account; and

WHEREAS, Gramercy Associates, LLC is now due a refund of the escrow money in the amount of **\$1,438.27**.

NOW THEREFORE BE IT RESOLVED that Gramercy Associates, LLC, c/o of John Schepisi, Esq. Schepisi & McLaughlin, P.A., 473 Sylvan Avenue, Englewood Cliffs, NJ 07632 be paid the sum of **\$1,438.87** as a refund of these escrow monies.

ESCROW ACCOUNT # 6176357264 - \$1,438.87

I hereby certify that the above is a true copy of a resolution adopted by the Council of the Borough of New Milford at the meeting held on January 9, 2017.

SEAL

Cristina Demus