

MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
7:45 PM PUBLIC MEETING
Monday, November 28, 2011



WORK SESSION:

Mayor Subrizi 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	Present

Also Present: Councilman Elect Ashley; Councilwoman Elect Grant;
Mark Madaio, Borough Attorney; Christine Demiris, Administrator/ Clerk

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

CLOSED SESSION:

1. Police Records – Personnel Recommendation

At the conclusion of the Closed Session Council President Berner made a motion to reopen the meeting. Councilman Robalino seconded the motion. All present in favor, none opposed.

OPEN SESSION:

1. 400 Hoffman Avenue – Request to Access Borough Right-of-Way

The Administrator explained the request from the owner of 400 Hoffman. In order to alleviate a water issue on her property and comply with the Borough ordinance Ms. Hermann must connect to the storm sewer. In speaking with a contractor she has been informed of two options; one would require opening the street and would be significantly more expensive than the other option which would run along the borough right-of-way on her neighbor's property. Mr. Madaio said the Borough owns the right-of way along the front of the neighbor's lawn. Ms. Hermann has attempted to contact the neighbor to get their consent but has been unsuccessful. The Mayor asked if the Borough could attempt to contact the neighbor. The Administrator will prepare a letter which will be mailed and a copy will be given to the Mayor who will attempt to visit the neighbor to request their consent.

2. IRS Section 125 – Cafeteria Plan Requirement (Flexible Spending Account)

The Administrator reviewed the new State requirement to provide employees with a cafeteria plan that includes a Flexible Spending Account. The chart referenced at the last meeting had been forwarded to the Council for their review. Council President Berner noted there is a risk to

the Borough on the FSA for unreimbursed medical; the employee can spend the full amount before they make their payroll contributions. If the employee leaves the Borough before the money is repaid it would be a loss. The Administrator suggested the unreimbursed medical FSA should be limited; the Council agreed to limit it to \$1,000 per employee for the first year. The Council agreed the FSA should be administered by Paychex and begin in January.

ADMINISTRATOR:

The Administrator asked if anyone wished to be registered for the Newly Elected, Re-Elected, or Experienced Orientation being offered through the NJSLOM. Both Councilman Elect Ashley and Councilwoman Grant asked to be registered to attend the training being held in Secaucus on January 28th.

The Administrator asked if there were any objections to the Car Wash request from Berkley/Gibbs for April 28th with a rain date of 5/5. No objections were made.

The Administrator advised that in order to move forward with the application to FEMA for property acquisitions the Council will need to prioritize the list of more than forty homes for which we have received a Notice of Voluntary Interest. The Council agreed to convene at 6:30 on December 12th in closed session to discuss the priority.

The Administrator reminded the Council that the Easter Seals assignment of Joan Russo to the Senior Center will be ending on December 30th. The Sr. Center Director, Mary Beth Hubbard has requested that Joan be hired as a Borough employee. The matter will be listed for discussion on December 12th. The Administrator will ask Ms. Hubbard to attend.

The Administrator asked who the liaison to the Ambulance Corps and Recreation would be through the end of the year. The Mayor said the assignment would go to Councilman Elect Ashley through the end of the year.

Councilwoman Duffie asked if the Mayor would accept requests for committee assignments for 2012. The Mayor said she would and asked that they be forwarded to her within the week.

Councilwoman Duffie asked if budget discussions had begun. She was advised that there had been no discussion.

Councilwoman Duffie asked about the collapsing storm catch basins in the vicinity of Fire Company #1. The Administrator advised they are scheduled to be repaired and she would speak to the DPW Superintendent to get the schedule for the repair.

Councilwoman Duffie noted the poor condition of the county owned property on Milford Avenue from Kinderkamack to the Water Works and expressed concern for the safety of the pedestrians and commuters in the area. The Administrator will contact the County.

Council President Berner referenced resolution 2011:247 and noted that Wachovia should be changed to Wells Fargo. The resolution will be corrected.

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

PUBLIC SESSION:

(Actual Start 8:00 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	Present
Councilwoman Celeste Scavetta	Present
Councilman Dominic Colucci	Present
Mayor Ann Subrizi	Present

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

The Mayor thanked Councilman Peter Rebsch for his time and his service.

OATH OF OFFICE: COUNCILMAN AUSTIN ASHLEY

Senator Robert Gordon made some opening remarks prior to administering the Oath of Office to Councilman Austin Ashley. Councilman Ashley was sworn in by Senator Gordon.

Councilman Robalino made a motion to approve the minutes from the September 26, 2011 Public Session. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

PRESENTATION: UNITED WATER

Rich Henning of United Water and Ronald van Autenried, the President of Buck, Seifert & Jost – Water & Wastewater Engineers were introduced. It was also noted that Dr. Stephen Boswell and Margita Batistic, the engineer assigned to New Milford were in attendance.

Mr. Henning began with an overview of the water supply system which consists of four reservoirs on the Hackensack system – Lake DeForest, Lake Tappan, Woodcliff Lake, and Oradell – that can hold a total of about fourteen billion gallons of water. He also described the Wanaque system which holds about twenty-nine billion gallons which is connected to a seventeen mile pipeline that can bring water from the Passaic River into the Oradell Reservoir. He explained there is not enough water in the Hackensack River basin to serve the needs of all of the United Water customers in Bergen and Hudson Counties. He explained that water supply needs grew in the 1980's and United Water is looking at other opportunities to meet the additional needs; water supply is on the top of their mind and it is their job, by State statute to deliver water. He said water supply and flood attenuation are mutually competing uses; a flood control dam is a very different type of structure – almost all dams in New Jersey are for water supply, not flood control.

Mr. Henning said that in 1960, 75% of runoff was absorbed. Today only 50% is absorbed; a 100% increase in runoff. He said the New Jersey State record for rainfall in a year is 65"; 2011 could break that record. He then summarized rainfall amounts for the last century noting the average rainfall of 44.57" per year from 1895 – 1970; 49.79" per year from 1971 – 2000; and 51.29" per

year from 2000 – 2010. He said there is greater rainfall some years and greater droughts in some years; there have been eight droughts in the last twenty years.

Council President Berner asked what is considered a drought. Mr. Henning responded the State looks at water supply to determine drought with stages of watch, warning and emergency based upon reservoir storage. He said that droughts come with a heavy economic toll. He said one of the worst droughts this decade came in 2002 or 2003 when a drought was called in February and it carried through the summer that entire year. He said the last drought on record was in 2010 which was only about a month or two in duration followed by a “monster” rainfall.

Mr. von Autenried ran through three of the most significant rainfall events – Tropical Storm Floyd in September of 1999, the April 2007 Nor’easter, and August 2011 Hurricane Irene. He summarized the capacity of the reservoirs – Oradell is 3.5 billion gallons. He discussed flow rates, which can be expressed in either cubic feet per second (CFS) or million gallons per day (MGD). He said there are variations between the events. As an example, at Woodcliff, Tropical Storm Floyd was a significant event that far outweighed the other two events; whereas at Oradell the 2007 Nor’easter was the most significant event. He said all three dams – Oradell, Tappan, and Woodcliff – are considered high hazard potential for loss of life.

Mr. von Autenried said they looked at what percent of capacity the system was at prior to each of the three previously noted events. Prior to Floyd it was at 40% which was considered a drought. Prior to the 2007 Nor’easter and the 2011 Hurricane they were at 100%.

Councilman Ashley asked who determines how much water is released and at what time the water is released. He was informed that all of the water belongs to the State of New Jersey; United Water does not own it they have the right to impound it for use and the State has an algorithm to determine the safe yield – what they can supply on a daily basis. The State determines what United Water should be releasing on a daily basis.

The Mayor asked if by the State, he meant the DEP. It was confirmed, the DEP governs the water resource – Bob Martin is the Commissioner of the DEP.

Councilwoman Scavetta asked how often the water supply permit is reviewed, when the levels of what must be kept were changed or reviewed. She was informed it is reviewed every twenty years and it was most recently reviewed in 2010 – they look at how much can be stored safely to adequately meet the needs of the customers.

Councilman Ashley asked if the DEP determines the level daily. Mr. Henning said the DEP determines the safe yield which is how much water United Water can supply to its customers on a safe basis based on average rainfall and a number of other statistics which are taken into account. He said the DEP expects United Water, and every other water supplier, to hold as much water as possible because there is no way to predict when the next drought will come.

Councilman Ashley asked if the reservoir is at 100% and the forecast calls for four inches of rain, what United Water would do. Mr. Henning responded, nothing; a prediction of rain is not the same as actual rain. Mr. von Autenried added the total reservoir system holds 14 billion gallons of water; United Water delivers 40 billion gallons per year. If the reservoir is full in January but it does not rain enough to refill it three and half times they will be unable to deliver enough supply.

Mr. Henning said United Water must release eight million gallons per day to keep the Hackensack River flowing. Mr. Madaio asked if they can release more than that if you have to. Mr. Henning said that in working with the State they were able to release 1.25 billion gallons prior to Hurricane Irene; it was a joint decision between United Water, the State DEP and the State Office of Emergency Management.

The Mayor asked who can say that water can be released in advance of a rain event. Mr. Henning said the water belongs to the State. United Water can only do it independently if the dam is threatened. The Mayor asked if the Mayor and Council can ask the State DEP to allow United Water to release water in advance of a rain event to help the town with flood mitigation. Mr. Henning said he believes the DEP would respond that the town does not "know" how much water will come with a predicted rain event and that the water is precious for 800,000 people. The Mayor said that the reason the Mayor and Council are trying to understand how United Water works is so they can look for solutions. Understanding that another hurricane would result in flooding, the Mayor said she is looking to alleviate the situation for other rain events. Mr. von Autenried said that as an engineer what he would be required to do from a safe yield point of view is to determine what would happen if the rain event that was predicted did not happen – this will ultimately reduce the safe yield of the river system. The Mayor said she understands the responsibility to deliver water but she is still interested in getting the State and United Water to work to look at releasing water prior to rain events.

Council President Berner said the Mayor asked Bob Martin the same question and he said they do not know the effects of releasing the water downstream. Council President Berner said he has a hard time believing these studies do not exist. He asked if it would be possible to look at lowering the levels to 85% during low usage periods to help with nuisance storms.

Councilwoman Duffie asked at what percent capacity a drought watch, warning and emergency would be declared. Mr. Henning said that it depends upon the time of year. Councilwoman Duffie said that it would seem that the water level could then be adjusted based upon the time of year. Mr. Henning said that he has been with United Water for twenty-two years and he has seen droughts called during low usage periods; trying to predict when the next drought is coming is a very imprecise way to run a water supply operation. He said reservoirs never flood areas; it is a pool of water.

Councilman Robalino asked to confirm – the State requires the release of eight million gallons per day. It was confirmed he asked if the eight million gallons could be held back if predicted rainfall did not occur. He was advised that it could not be held back because it is required to keep the Hackensack River flowing.

Mr. Madaio attempted to confirm – the day-to-day release is not a DEP function but rather more of a planning function. He said another widely held understanding was that United Water could not safely release more than one foot per day. Mr. von Autenried said each foot in the Oradell Reservoir is approximately 300 million gallons and, depending on high tide conditions, 1,200 million gallons can safely be released per day without causing flooding downstream. Mr. Madaio said this is different than the impression some of the Council were under which was the maximum release could be a foot per day and therefore even planning three or four days ahead of a storm the most you could release is three or four feet which could be very easily filled. He said what he is trying to understand is - is the fact that United Water does not release water ahead of a storm because they can't, whether because of potential for flooding or DEP regulations, or because you do

not want to because the primary purpose is to preserve water supply. Mr. Henning said all water suppliers' mission is to deliver supply. If United Water was to release water and predicted rain does not come they would be sitting with an empty reservoir. Mr. Madaio said so United Water does not release as a matter of "proper stewardship" not because they can't due to regulation of the DEP. Mr. Henning said as proper stewardship although the yearly DEP average does govern it to a certain extent.

The Mayor read a letter from Cindy Randazzo of the DEP. They do not support lowering the levels of the reservoir because of the minimal positive effect as it impacts flooding. Mayor Subrizi said she is still trying to get an answer on who can decide to release the water and so she has written a letter to appeal to the Commissioner of the DEP, Bob Martin. She read that letter into the record.

Council President Berner said that if it is out of United Water's control to lower the level unless it is a matter of dam safety why it is not more widely publicized that it is in the hands of the State.

Mr. Madaio said it is not DEP's decision; in the scope of a year state mandates dictate but the day-to-day decision to release water is solely with United Water. Mr. Henning confirmed United Water is responsible for the day-to-day operations, within State regulations and within the State's oversight.

Councilman Ashley asked if the DEP adjusted the safe yield would it still be United Water's policy to keep it at 100%. Mr. Henning responded yes because we do not know when the next drought will start. Mr. Henning said the best long term way to address the flooding would be to do in New Jersey what they did in Missouri where they bought homes over a ten year period to end or reduce the financial losses; use Green Acres and Blue Acres funds to restore the flood plains.

Council President Berner made a motion to open to the public for questions of the United Water representatives. Councilman Colucci seconded the motion. All present in favor, none opposed.

Mr. Stefan Becker, 989 Oxford Lane, came forward to speak. Mr. Becker said he challenged the statistics presented; there has been no significant increase in rainfall. He said the statistics behind the United Water graph are false. He said United Water claims that water supply and flood mitigation are mutually exclusive; he said dams are built all over the world to do both.

Ms. Sharon Hilmer, 563 Columbia Street, came forward to speak. Ms. Hilmer said since we can't predict droughts or floods could another reservoir be added as a possible solution. She asked why United Water is not coming up with solutions. She said the money to buy the houses as proposed is coming from the government not United Water. Mr. von Autenried said United Water has some rights on the Passaic River where there is a possibility of a reservoir. Mr. Madaio clarified the question was whether or not there are any plans to have more reservoirs to catch more water. Mr. Henning said there is nothing along the Hackensack River.

The Mayor asked if there has been any thought given to the pipe plan from the DeForest Reservoir to the Hudson River. Mr. Henning said there has been some discussion at the Bi-State Flood Coalition about this suggestion; he confirmed it is the shortest run to the Hudson. Mr. Madaio said even if this tunnel was build it would still only serve the purpose if the decision was made to vent the water. Mr. Henning said it would take the Rockland County overflow over twenty-six square miles out of the Hackensack River. Councilwoman Scavetta asked who serves on the Bi-State Coalition. She was advised that it includes the Supervisor of the Town of Clarkstown, Alex

Grumak, Assemblyman Schroeder, Assemblywoman Charlotte Vandervalk, and Congressman Engle.

Mr. Ulises Cabrera, 659 Columbia Street, came forward to speak. Mr. Cabrera commented that Mr. Henning's suggestion to purchase the flood affected properties is hypocritical given the 16.5 acres of watershed property United Water is proposing for development in New Milford. Mr. von Autenried said the new regulations engineers must put in place to detain water and reduce runoff would offset the development and the property in question is not in the floodplain. Mr. Cabrera asked if United Water ever considers the forecast; he passes the reservoir daily and it is always to the brim. Mr. von Autenried said they do look at the forecast; however they do not take the same action with smaller storms as they do with larger storms. Mr. Cabrera asked if the sixteen acres couldn't be better uses as an additional reservoir. Mr. Cabrera asked if all of the reservoirs are kept at the same capacity. He was assured the State of New York governs water supply as closely as New Jersey.

Mr. Robert Ryan, 114 Holland Avenue, came forward to speak. Mr. Ryan said if there are two types of dams why they can't build the kind to deter flooding. Mr. von Autenried responded the reservoir is of a certain size and the topography is a certain way; in Oradell when it is full at normal pool they call it just at span which is elevation 23.16. If they go below 23 it will affect the 66 million gallons of supply per day. He said he believes what Mr. Ryan is asking is if they can go above the 23 up to elevation 25 or 26 for flood attenuation - but as this elevation goes up to allow the pool to go higher you go into areas upstream that cause upstream flooding and out of reservoir flooding. Mr. Ryan said the Governor gave permission to lower it three feet prior to Irene, it was lowered five; who gave permission to lower it more. Mr. von Autenried said Governor Christie actually authorized one foot; however United Water discussed it with the DEP and the DEP agreed with the action proposed by United Water. Mr. Ryan said it was stated that the Wanaque (Monksville) pipeline has not been used in five years; he said this is not correct; it is being used currently and as recently as twenty days before the flood. Mr. Ryan said New Milford has had three major floods since 1999. He asked how many droughts there have been in the last thirty years. He was advised there have been eight droughts in the last twenty years. Mr. Ryan said New Milford never had flooding like it does now prior to 1999; he suggested it correlates to when the French took over United Water. Mr. Henning asked if Mr. Ryan is blaming the French for the weather noting the USGS information shows the intensity of rainfall has changed in recent years. He said dams attenuate flooding they do not enhance it; the inflow is greater than the outflow - without a dam you would see greater flooding. Mr. Ryan asked how many days United Water can go without rain before we would experience a drought. He was advised that it depends on the time of the year. Mr. Ryan asked if all of the eight droughts were emergencies with water restrictions. He was advised that they were.

Mr. Dan Ferretti, 163 River Road, came forward to speak. Mr. Ferretti asked what factors are utilized to determine water release. Mr. von Autenried said that they review weather predictions on an ongoing basis, five to seven days in advance of anything significant. Mr. Ferretti acknowledged the increase in rainfall but said he does not believe it compares with the aggressive growth of flooding in the last twelve years. He questioned the flooding that took place hours after the rainfall from Hurricane Irene ended. Mr. Henning explained that there is 121 square miles in the watershed that empty here; he said twelve to fourteen inches of rain will take approximately twelve hours to travel through the 121 miles - all the water that collected and drained and is coming this way to the bottom of the watershed through a gravity fed system. Mr. Ferretti asked what United Water is going to do to take responsibility for the losses of the people in this room. Mr. Henning said United

Water is advocating for common sense Blue Acre funding to restore the flood plain; the same answer would apply in other affected towns. He said this Mayor and Council did not develop those areas which should have never been developed. Mr. Ferretti said there are three simple solutions in his mind: dredge/desnag the river and drop it down three feet; bring the levels of the reservoirs down sooner; and utilize methods to relieve pressure upstream.

Mr. Karl Schaffenberger, 173 North Park Drive, came forward to speak. Mr. Schaffenberger stated it is a good thing United Water has dropped the term "nuisance" because these floods are more than a nuisance. He said in the past United Water has stated they do not have the authority to drop the level but tonight they have indicated they do have the authority. He said Mr. Henning has said they are afraid of a drought but residents help to conserve when there is a drought. Mr. Schaffenberger said droughts are a nuisance; floods are much, much, more. Mr. Schaffenberger agrees with the need to restore the floodplain but questioned the plan to develop the sixteen acre parcel referenced earlier. Mr. Schaffenberger said the Council should not grant the request to rezone that property. He said he thinks United Water should sell the property to New Milford for a dollar because New Milford will do the right thing with the property and United Water will not.

Ms. Anna Leone, 505 Boulevard, came forward to speak. Ms. Leone said she has seen quotes from Mr. Henning in the newspaper and whenever asked to comment on a solution the only response from Mr. Henning has been for flood mitigation. She asked what will happen to the people living in the flood area if the grant money does not come through and the properties can't be purchased. It appears United Water has only one plan. Mr. Henning said the area will flood again and that what is best for the people in that area is to get out of harm's way; the one real solution is to restore the natural floodplains.

Council President Berner asked how United Water reconciles the proposed development with comments about development upstream contributing to the problems. Mr. Henning said United Water's position is to not develop in a flood plain; the portion of the property in the flood plain will remain open space.

Mr. Donald Commerford, 528 Windsor Avenue, came forward to speak. Mr. Commerford commented United Water is party to increased runoff because they sold off the buffer zone that surrounded their property in Harrington Park, Old Tappan, and Emerson to developers who built houses.

The resident of 139 Holland Avenue came forward to speak. He said that he moved in in April of 2011 and the property has flooded twice. He said the parent company of United Water, Suez, is a multi-billion dollar company. He asked what United Water has done for any town, monetarily. He said local vendors and the Mayor and Council have done what they could to pitch in. He said United Water could buy all of the houses in the floodplain by using only a small portion of their profits and that they have done nothing to help anyone. Mr. Henning said the United Water Foundation has given grants to many towns and have sponsored a Swift Water Rescue class. The Mayor added the foundation only funds non-profit entities.

Mr. Charles Jackschies, 660 Harvard Street, came forward to speak. Mr. Jackschies suggested wells might be another way to guarantee water supply and asked if United Water owned any wells. Mr. Henning said that they do in the southern portion of the state; he additionally noted that wells are greatly impacted by contamination and that installation is also regulated by the State.

Mr. Rick Mide, 660 Columbia Street, came forward to speak. Mr. Mide said he has had multiple discussions with Mr. Henning because his property floods daily. Mr. Mide has sent videos of the flooding to State representatives with the hope for their intervention.

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

OLD BUSINESS:

ADOPT ORDINANCE #2011:22

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 13 OF THE REVISED GENERAL CODE OF THE BOROUGH OF NEW MILFORD ENTITLED "FIRE PREVENTION" TO PROVIDE FOR ACCESS TO FIRE HYDRANTS.

Councilman Colucci 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.

Mr. Robert Ryan, 114 Holland Avenue, came forward to address the Mayor and Council. Mr. Ryan said the Fire Department is not in favor of this resolution and had asked for a different resolution. The Fire Department would like to see everyone with a hydrant be responsible to keep it clear. He said 80% of the calls are to private homes; most deaths occur in single family homes. He said most commercial establishments have sprinkler systems. He said he thinks the Council should vote no.

Mr. Michael Putrino, 494 James Street, came forward to address the Mayor and Council. Mr. Putrino asked for the reasoning behind limiting the requirement to only commercial and multi-dwelling houses; why is it only being required of part of the town. The Mayor said it was hoped that through the Adopt-a-Hydrant program and more press there would be more compliance without having to legislate it. She said it may be reconsidered after this winter. Councilman Robalino said that in canvassing he found many homeowners are already clearing the hydrants near their home and if it was legislated they would not do it as readily. Mr. Madaio added there was concern that insurance companies could eventually spread the liability for a loss to a homeowner who did not clear the hydrant. He said that similar ordinances have been tried in many towns and have been rejected based on the idea of mandating people to do what some might perceive as a borough function. He said New Milford is a unique with its large garden apartment complexes; a good succinct, narrow group that could do it, which would hopefully alleviate some of the problem.

Mr. Nick D'Amelio, 349 Trench Drive, came forward to address the Mayor and Council. Mr. D'Amelio said his concern would be if someone died; he asked could the homeowner be sued for negligence or manslaughter and end up going to jail.

Councilwoman Duffie said is the Fire Department or the individuals who volunteered through the Adopt-a-Hydrant program liable. Mr. Madaio said they have a whole different level of protection and immunity. If you make someone responsible by ordinance that responsibility has some meaning. Councilwoman Duffie asked why would we require it of some but not others. Mr. Madaio said it is the same reason we zone; we can take certain groups of uses – commercial uses, high density, multi-family uses - and treat them differently than certain other uses; this is the concept of zoning.

Mr. D'Amelio said if everyone on the Council feels this ordinance is for the protection of the people of New Milford, the town should pay to have it done – the responsibility should not be put on one individual while exempting all others on the block.

Mr. Ryan said there is an ordinance that prevents people from parking in front of a hydrant; why not just allow people to park in front of it as well. He commented about leaves and branches in front of hydrants as well.

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

Council President Berner made a motion to adopt this ordinance on its second and final reading.

Councilman Robalino seconded the motion. The motion passed on a roll call vote as follows:

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

Against the motion: None

Abstain: Ashley

In casting her vote Councilwoman Duffie said she would vote in favor of anything that will ensure the safety of residents and property owners, however she does not believe this ordinance goes far enough and hopes that it will be revisited in 2012.

Councilman Ashley said he would abstain since he had not been part of the discussions nor has he had the opportunity to study it further but that he supported Councilwoman Duffie's comments that it does not go far enough.

NEW BUSINESS:

INTRODUCE ORDINANCE #2011:24

AN ORDINANCE TO AMEND CHAPTER XXX OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "LAND USE REGULATIONS" THEREBY AMENDING SUBSECTION 30-2 ENTITLED "DEFINITIONS AND WORD USAGE" AND SUBSECTION 30-21.2 "ACCESSORY USES"

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

It was noted the ordinance must be returned to the Planning Board for their review between the introduction and adoption therefore the adoption will be held until the January Work Session.

The ordinance will be published in the Record and a public hearing will be held on January 9, 2012 at 7:45 PM.

RESOLUTIONS:

2011:244 Closed Session

2011:245 Payment of Bills and Vouchers

2011:246 Approve 2011 Appropriation Budget Transfers

- 2011:247 Approve designated banks as official depositories of Municipal Funds and approve signatories
- 2011:248 Approve signatories for Medical, Prescription & Vision Reimbursement Account
- 2011:249 Authorize refund of duplicate tax payment – Block 203, Lot 7
- 2011:250 Authorize refund of duplicate tax payment – Various Blocks and Lots
- 2011:251 Approve 2011 Senior Citizen and/or Veteran’s credits at various locations
- 2011:252 Approve Tax Refunds – Various Blocks and Lots as a result of Reduced Assessments by County Board Judgment
- 2011:253 Request Director of DLGS to approve insertion of revenue and like appropriation for Police Department Body Armor in the amount of \$3,141.43
- 2011:254 Request Director of DLGS to approve insertion of revenue and like appropriation for Police Department Drunk Driving Enforcement Fund in the amount of \$1,740.35
- 2011:255 Authorize Refund of Building Department Permit #1111-06 in the amount of \$136.00
- 2011:256 Authorize Mayor Subrizi to sign Memorandum of Understanding with Holy Name Hospital Occupational Health Services to provide services for compliance with DOT drug testing standards
- 2011:257 Appoint P/T Records Clerk – Katherine Ryan
- 2011:258 Approve Street Opening Permit – 690 River Road*

COMMENTS FROM THE PUBLIC

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

Mr. Nick D’Amelio came forward to address the Mayor and Council. Mr. D’Amelio referenced a letter he sent the previous month to the Mayor and Council regarding the Hirschfeld/Trensch Drainage. The Mayor confirmed the Council received the letter but they have not had the opportunity to discuss it. The letter will be forwarded to the attorney for his review and will be discussed at a future date.

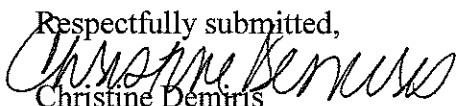
As there were no other members of the public wishing to comment Councilman Robalino made a motion to close the meeting to the public. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

VOTE ON RESOLUTIONS

Councilwoman Scavetta made a motion to approve the consent agenda #2011:244 through #2011:258. Council President Berner seconded the motion. All present in favor, none opposed.

ADJOURNMENT

Council President Berner made a motion to adjourn. Councilman Colucci seconded the motion. All present in favor, none opposed. Time 10:56 PM.

Respectfully submitted,

 Christine Demiris
 Borough Clerk