

MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
OPEN SESSION immediately following
7:45 PM PUBLIC MEETING
Monday, June 25, 2012



WORK SESSION:

Mayor Subrizi reads the Open Public Meeting and Mission Statements.

Councilwoman Randi Duffie	Present
Councilman Austin Ashley	Present
Councilman Diego Robalino	Present
Councilman Dominic Colucci	Present
Councilwoman Hedy Grant	Present
Council President Howard Berner	Present
Mayor Ann Subrizi	Present

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

OPEN SESSION:

1. 2012 Road Resurfacing

The Administrator explained the budget for the 2012 Road Resurfacing was drafted based upon the apparent low bid received by the Riverside Cooperative. The award of the bid was challenged by the next lowest bidder, who eventually prevailed. The revised pricing now exceeds the budget. A decision must be made as to how to proceed: award the entire base bid for resurfacing and eliminate the curbs; negotiate a smaller base bid with the contractor; or rebid individually without the cooperative. The Council decided to proceed with the bid through the cooperative awarding the entire base bid for resurfacing and eliminating the curbs.

2. BCUA Amnesty Program – Storm Sewers

The Administrator referenced the BCUA's answers to the Council's questions provided previously by email. She stated copies of the Homeowner's Guide are being provided by the BCUA for distribution at National Night Out in addition to information being made available regarding the rain barrel program. Mr. Madaio said the Borough must notify homeowners of the requirements. The draft ordinance will be forwarded to the BCUA for their review and then listed for introduction.

3. Swim Club – Requested Lease Amendments – JIF Opinion

The Council discussed allowing alcohol on site. It was agreed the language needed to be clarified. Mr. Madaio said he did not see an issue with allowing alcohol on premise, but not for sale. Councilwoman Duffie said she is not comfortable with the idea of alcohol and a pool on public property. Council President Berner and Mayor Subrizi agreed. The Mayor confirmed the Council had no objections to the other items. The Council discussed the request to waive the rent. All agreed; rent will not be waived. Councilwoman Grant asked to have the lease

changed to require proof of insurance annually, not only upon request as it currently reads. Mr. Madaio will respond with Council's feedback.

4. Tomorrows Children Fun Run Request

The Mayor and Council had no objection to the request as presented as long as they comply with the requisite insurance requirements and agree to pay any overtime required of either Police or DPW. Route must be approved in advance by the Police Department and Council. Administrator will advise event coordinator of conditions of approval.

Councilwoman Grant questioned the necessity of discussing the Assessor's letter in closed. She said it needs to be rewritten to be clearer; it should be on Borough letterhead, and in layman's terms to make it accessible to residents. Mr. Madaio said the insight he wished to share regarding tax appeals should not be done in open.

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

CLOSED SESSION:

1. Assessor's Letter – Legal Advice
2. Repair Shops – Pending Litigation
3. Personnel – Receptionist; Deputy Court Administrator; Violations Clerk, DPW
4. Property Acquisition – Various Blocks & Lots
5. Pending Litigation – Police Department
6. Personnel – Fire Department LOSAP request
7. Legal Advice – Open Space

At the conclusion of the closed session the meeting was reopened on a motion from Councilwoman Grant, seconded by Councilman Colucci. All present in favor, none opposed.

Mr. Madaio said he had researched the possibility of creating a historic district in the New Bridge area at the request of Council President Berner. He said a true historic district limits what people can do with their homes and he asked if this is the true intent. Council President Berner said the intent was for preservation purposes; more along the lines of Peetzburg with banners and a designation. Mr. Madaio said that can be accomplished with a proclamation. He will draft the proclamation once the Historic Preservation Commission supplies him with the factual content to be included.

Councilman Colucci asked about the Zoning review fee. Mr. Madaio will draft an ordinance for introduction. Mr. Colucci noted there is nothing in the current ordinance regarding the placement of a satellite dish; he suggested a setback from the property line if it is located at ground level.

Councilman Colucci noted the two individuals being appointed to the Fire Department would not be in attendance. As they were previously appointed, the appointments were pulled from the current agenda.

Councilman Ashley asked to have resolution 2012:193 pulled out for a separate vote.

Councilwoman Duffie asked about the Board of Health appointment. Mayor Subrizi said she received a request for appointment after she had already received a letter of interest from Mr. Miller. She will hold the other application for the future.

Councilman Ashley asked about the resolution for Delta Dental. He was advised it had previously been approved by the Mayor and Council but had not been memorialized by resolution.

The Mayor explained the resolutions to appoint a Prosecutor and Alternate Prosecutor which came about as a result of the resignation of the previous Prosecutor.

Councilwoman Grant made a motion to reconvene in the Council Chambers. Council President Berner seconded the motion. All present in favor, none opposed.

PUBLIC SESSION: (Actual Start 8:43)

Councilwoman Randi Duffie	Present
Councilman Austin Ashley	Present
Councilman Diego Robalino	Present
Councilman Dominic Colucci	Present
Councilwoman Hedy Grant	Present
Council President Howard Berner	Present
Mayor Ann Subrizi	Present

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

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.

APPOINTMENTS:	John DiMarchi	Board of Health
	Ed Miller	Board of Health

Councilman Robalino made a motion to approve the appointments to the Board of Health. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

COUNCIL COMMITTEE REPORTS:

Councilwoman Randi Duffie

Health & Human Services, Rent Leveling/Tenants Association, Historic Preservation Commission

Councilwoman Duffie reported the new health inspector has started and is doing a great job. She said a member of the public renewed his request for the Board to consider changing the ordinance on the keeping of poultry. The Board of Health decided to maintain their position not to change the ordinance.

Councilwoman Duffie reported the Rent Leveling Board continued their work on Rent Leveling ordinance.

Councilwoman Duffie reported on Dan Harmatz Day which took place on June 10th at which Mr. Harmatz was honored for his service to the Borough.

Councilman Austin Ashley

Garbage & Recycling, Public Events, Recreation, Shade Tree

Councilman Ashley reported Williams Field will be closed until the fall season to prepare it for soccer season. He said the basketball courts behind the Borough Hall are being monitored for cleanliness as this has become a problem and Summer Recreation sign-ups total 220 through June 10th.

Councilman Ashley reported on the recycling revenue for the previous month. The report is on file in the Borough Clerk's office.

Councilman Ashley reported the Public Events Committee has discussed changing the order of ceremonies for the Memorial Day Parade; starting with the Fire Department at 8:00 AM with ceremonies at the Borough Hall, including the Jewish War Veterans and the VFW immediately following. A 9:15 AM parade start has been recommended and awaits the approval of the Mayor and Council.

Councilman Ashley stated the Shade Tree Commission would be meeting the following day. Mayor Subrizi asked about the eight or twelve mature trees that were in need of being replanted. Councilman Ashley said they may be too large to be successfully replanted. Mayor Subrizi asked for the area behind the Babe Ruth field be considered if they can be moved.

Councilman Diego Robalino

Board of Education, Drug & Alcohol Municipal Alliance

Councilman Robalino reported 72 participants attended the Fishing Derby on 6/16. The Drug Alliance may eliminate the first two dances of the school year at the Middle School. The details of the carnival have been finalized and it will run from 8/1 – 8/4 with fireworks scheduled for 8/3.

Councilman Robalino reported the BOE recognized eight retirees at their meeting on 6/18.

Councilman Robalino reported Senator Gordon attended the 6/20 meeting of the Chamber of Commerce at which he spoke about the State budget which must be passed by 7/1.

Councilman Dominic Colucci

Department of Public Works, Fire Department, Buildings & Grounds, Joint Insurance Fund

Councilman Colucci attended the 6/21 meeting of the JIF; no issues to report.

The Fire Department did not hold a regular meeting but they are looking to replace a fence at the fire training center. Representatives met to discuss the current alert system, which has three locations – Fire Co. #1, Fire Co. #2, and the fire training center. The system has been infiltrated with rust due to age. Councilman Colucci has made contact with Assemblyman Schroeder, the Homeland Security liaison for the State, and he will be preparing an informal application for funding to replace the system. The Fire Department 5K was a great success. Fire Awareness Day is scheduled for Sunday, October 7th.

Councilman Colucci reported on normal maintenance for both the DPW and Building and Grounds.

Councilman Colucci offered his congratulations to the 2012 NMHS Graduates.

Councilwoman Hedy Grant

Environmental & Energy Commission, Library Board of Trustees, Ambulance Corps

Councilwoman Grant reported the Environmental Commission listened to an ANJEC webinar at their meeting on June 5th. They also reviewed the site plan of the Sanzari application currently before the Zoning Board of Adjustment. Two members of the public attended the meeting to ask how to go about starting a community garden.

Councilwoman Grant was unable to attend the June 18th meeting of the Ambulance Corps.

Councilwoman Grant also reported on Dan Harmatz Day. The Library Board met on 6/21 at which time they discussed the policy prohibiting harassment in the workplace. Councilwoman Grant made note of donations received by the Library from the Ruiz family and the Friends of the Library.

Council President Howard Berner

Planning Board, Chamber of Commerce, Historic New Bridge Landing

Council President Berner reported on the June 7th meeting of the Historic New Bridge Landing Park Commission at which repairs to the Campbell Christie House and policies and procedures associated with being an autonomous body were discussed.

The Chamber of Commerce met on June 13th. They have a brand new website and have signed up restaurants and merchants to post menus and coupons. Senator Gordon attended an event on June 20th at which time he spoke to the Chamber about the state budget.

The Planning Board has directed the Planner to reexamine the Master Plan which was adopted in 2004 and is the document that identifies the United Water property as suitable for the Borough's COAH obligation. The Board will meet again on June 26th to approve the Developer's Agreement for Woodcrest Center and a resolution to update the sign ordinance.

Mayor Ann Subrizi

Police/Police Aux., Senior Citizen Advisory, Community Development, Bergen County Open Space

The Mayor reported that Mothers Against Drunk Drivers (MADD) have recognized Officers Van Sadars, Petrie and Perez for outstanding work.

The Mayor thanked resident Gerard Rasulo for volunteering to rehab the town welcome signs.

The Mayor referenced an inquiry from a resident looking for a place to skateboard. He suggested the area of the ice rink or the tennis courts near B.F. Gibbs School. The Mayor advised the ice rink works because it is temporary in nature but the area cannot be paved. Council President Berner reminded the Mayor the grant money used to rehabilitate the tennis courts restricted the use to tennis only. The Mayor asked the Council to consider any other possible locations.

The Mayor referenced the issue of traffic on River and Cooper and noted the Chief has been in contact with the county to discuss proposed changes. The county has suggested in order to improve

visibility at that intersection it may be necessary to remove two trees. The Administrator said the first step in beginning the process is to request a traffic study from the County. She asked if the Council was in agreement to request the study. The Council was in unanimous agreement.

The Mayor reported the Community Development application workshop will be held June 27th and will be attended by the Borough Grants writer.

The Mayor reported she has been informed the construction on the Elm Street Bridge is scheduled to begin in mid July.

The Mayor reported on a meeting held the same day at Borough Hall with the DEP and the Mayors of River Edge and Oradell. DEP representative Cindy Randazzo, who is the Director of Local Government Assistance, was in attendance. Ms. Randazzo's job is to communicate with the Mayor and Council of all the municipalities in the State. Representatives from Water Supply and Dam Safety and Flood Control were in attendance as well. She said the idea of lowering a reservoir in advance of a storm for flood mitigation is not well received at the DEP; water supply is more important than flood mitigation. The updating of the flood maps was also discussed; new maps will not be available for approximately one year. The idea of dredging the river was also discussed. It is very expensive and would either be funded by the Borough or would require a petition to the Army Corps of Engineers for 35% of the required funding. However the DEP does not believe it would provide significant flood mitigation. Councilwoman Grant added she did not come away with much hope. The DEP said United Water has the authority to lower the reservoir if they believe there is a danger of dam collapse; but they continued to repeat – having potable water is more important than helping people who get flooded.

The Administrator stated applications for Bergen County Open Space are due August 30th. A resolution would be required for the meeting on July 23rd with a public hearing scheduled for the August meeting. The funding is very limited; the grants writer believes a good application could get a \$60,000 grant which would equate to a \$120,000 project. The Administrator asked if there any suggestions from the Council. The Recreation Director has reported on the need for back stop repair/replacement and fencing at LaBarbera Field and additional fencing is needed at Memorial Field. Councilman Ashley said he feels that continued improvement of the parks would be the best use for the money.

The Mayor reported the PERC hearing on the Borough's appeal of the PBA Arbitration decision will be held on June 28th.

The Mayor reported on the results of the soil tests at the Middle School. She read a summary of the report from the engineer:

They did six ten foot deep borings in the field and one twenty-five foot deep boring at the proposed building location. The borings taken from within the field showed a four to five foot deep layer of fill consisting of sand, silt, gravel, wood, topsoil, etc. This is an indication that the site had been filled with material brought from offsite in the past. Six inches to a foot of topsoil is on top of the fill material to provide for the current field use.

In order to construct the synthetic turf field a three foot deep layer of material has to be removed to provide for a drainage layer and synthetic turf components of the

field. A minimum of two feet deep crushed stone with subsurface drainage pipes has to be installed. After the excavation the area will have to be compacted and if any unsuitable material such as wood, brick or topsoil is encountered it will have to be removed, and replaced with controlled fill.

The percolation was not very good, but the crushed stone layer will have sufficient storage to accommodate the runoff generated on the field. The ground water was encountered at 4-5 feet below surface. This allows sufficient room for the drainage layer. The ground water level can be higher during the wet periods. However, replacing the historic fill with crushed stone will help with lowering the water table, by increasing a percolation rate.

The Mayor reported on a preliminary engineer's estimate of 2.6 million dollars for just the base bid without lighting or buildings.

Council President Berner referenced a resolution passed earlier in the year requesting the denial of parole for Christopher Righetti. Parole was denied and Assemblyman Schroeder, who led the petition drive to deny parole, has asked that Righetti's parole not be permitted to come up for an extended period of time.

The Administrator referenced a memo from Chief Papapietro regarding recreational vehicles and asked if the Council wished to have it scheduled for discussion. It will be listed for the September work session and materials from the Chief and the Borough Attorney will be redistributed.

The Administrator reported the Corrective Action Plan has been revised and a new report will be sent out to the Council. A resolution will be drafted for the July 23rd meeting to approve the plan.

The Administrator advised the contracts for the disposal of electronic waste and vegetative waste will be coming up for renewal. The electronic waste contract is at no cost to the Borough. The Council agreed to renew for the last remaining option year. The vegetative waste contract was a joint bid with Oradell and the pricing was favorable. The Council agreed to renew for the last remaining option year. Resolutions will be prepared for the next meeting.

OLD BUSINESS:

ADOPT ORDINANCE 2012:11

AN ORDINANCE CREATING CHAPTER XXXIII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "BEAUTIFICATION COMMITTEE"

Council President Berner made a motion to open to the public for comment on this ordinance. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

The record reflects no member of the public wished to comment on this ordinance. Council President Berner made a motion to close to the public. Councilwoman Grant 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 Grant seconded the motion. The motion passed on a roll call vote as follows:

For the motion: Duffie, Ashley, Robalino, Colucci, Grant, Berner

Against the motion: None

Abstain: None

NEW BUSINESS:

INTRODUCE ORDINANCE 2012:12

BOND ORDINANCE TO AUTHORIZE THE IMPROVEMENT OF CENTER STREET (FROM BOULEVARD TO RIVER ROAD) IN, BY AND FOR THE BOROUGH OF NEW MILFORD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$183,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Councilman Colucci 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 as follows:

For the motion: Duffie, Ashley, Robalino, Colucci, Grant, Berner

Against the motion: None

Abstain: None

The ordinance will be published in the Record and a public hearing will be held on July 23, 2012 at 7:45 PM.

RESOLUTIONS:

- 2012:189 Closed Session
- 2012:190 Payment of Bills and Vouchers
- 2012:191 Approve Raffle License 2012:14 – New Milford Jr. Football
- 2012:192 Authorize refund of duplicate tax payment – Various Blocks and Lots
- 2012:193 Authorize 2012 Liquor License Renewals
- 2012:194 Appoint Borough Prosecutor – Scott Mooney, Esq.
- 2012:195 Appoint Alternate Borough Prosecutor – Marc D. Ramundo, Esq.
- 2012:196 Approve 2012 Capital Budget Amendment
- 2012:197 Introduce Bond Ordinance 2012:12 – NJDOT Grant – Center Street Improvements
- 2012:198 Designate \$881,000 Bond Anticipation Note, dated June 19, 2012, payable April 19, 2013, as a Qualified Tax Exempt Obligation
- 2012:199 Authorize Escrow Refund – Gaelic Communications, LLC
- 2012:200 Approve One-Year Renewal with Delta Dental
- 2012:201 Authorize Mayor to Sign Grant Agreement with County of Bergen for Acquisition of 1033 Steuben Avenue
- 2012:202 Approve Bergen County Open Space Appointments for 2012 – 2013
- 2012:203 Approve Community Development Appointments for 2012 – 2013
- 2012:204 Appoint Deputy Court Administrator – Patricia Supino
- 2012:205 Appoint P/T Receptionist/Clerk – Beth Higgins

COMMENTS FROM THE PUBLIC

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

Nick D'Amelio, 349 Trench Drive. Mr. D'Amelio referenced an article in the Patch regarding the possibility of the United Water property being a rehabilitation area. Mr. Madaio said one of the options discussed by the Planner is to create a redevelopment area. Mr. D'Amelio asked how this would affect what is before the Zoning Board. Mr. Madaio said he would like to see the Planner's report before commenting. The Mayor said the report would be available by the meeting on July 23rd. Mr. D'Amelio asked about the BCUA Amnesty program; what is meant by RDI and SSI. Councilman Robalino said it was the same as what had been discussed previously. Mr. D'Amelio asked what was meant by amnesty. The Mayor said if a sump pump had been connected illegally homeowners would have until December 31, 2012 to disconnect them. Mr. D'Amelio expressed concern for those connections may then be routed to the street. The Mayor advised stormwater management regulations prohibit discharging water to the street.

Vincent Bernard, 450 Marion Street. Mr. Bernard said it sounds as though, based upon the soil sample results, the town would go forward with the field if they can raise the money. Mr. Bernard asked if the estimate includes parking facilities. He was advised it is just for the field. He suggested parking would need to be addressed and presented pictures of the parking situation from the Middle School graduation. He said he cannot imagine the traffic and safety issues with a full scale football field and asked how emergency vehicles would have access to the dead end of Marion. The Mayor said this would have to be discussed going forward in the process and assured Mr. Bernard the Council is aware of the neighborhood concerns. Mr. Bernard said this is a tremendous amount of money and suggested it could be used for a better use to benefit the children.

Mary McElroy, 297 Greve Street. Ms. McElroy asked if the soil report would be made available to the public. She was advised that it is a public record. Ms. McElroy asked about the updated flood maps; any inkling of what is changing in the area of United Water. The Mayor said there was nothing definitive presented at the meeting but the Borough Engineer had asked if we can assume the 100 year flood plain will never exceed the 500 year flood plain. DEP concurred it should not. Councilwoman Grant added a preliminary map should be available by the end of the year.

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

VOTE ON RESOLUTIONS

Councilman Robalino made a motion to approve the consent agenda, resolutions 2012:189 through 2012:192 and 2012:194 through 2012:206. Councilman Colucci seconded the motion. All present in favor, none opposed.

Council President Berner made a motion to approve resolution 2012:193. Councilman Robalino seconded the motion. The motion passed on a roll call vote as follows:

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

Against the motion: None
Abstain: Ashley

ADJOURNMENT

Councilwoman Grant made a motion to adjourn. Council President Berner seconded the motion. All present in favor, none opposed. Time 9:53 PM.

Councilman Colucci made a motion to reconvene the meeting at 9:57 PM. Councilwoman Grant seconded the motion. All present in favor, none opposed.

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

CLOSED SESSION:

8. Personnel - Police

At the conclusion of the closed session Councilman Colucci made a motion to reopen the meeting. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

ADJOURNMENT

Councilwoman Grant made a motion to adjourn. Councilman Colucci seconded the motion. All present in favor, none opposed. Time 10:05 PM.

Respectfully submitted,



Christine Demiris
Borough Clerk