

**MINUTES  
BOROUGH OF NEW MILFORD  
7:00 PM WORK SESSION  
OPEN SESSION immediately following  
7:45 PM PUBLIC MEETING  
Monday, March 28, 2011**



**WORK SESSION:**

Mayor Subrizi read the Open Public Meeting and Mission Statements.

Council President Keith Bachmann	Present
Councilwoman Randi Duffie	Present
Councilman Diego Robalino	Present
Councilman Howard Berner	Present
Councilwoman Celeste Scavetta	Present
Councilman Dominic Colucci	Present
Mayor Ann Subrizi	Present

Also present: Mark Madaio, Borough Attorney; Christine Demiris, Administrator/Clerk;  
Gary Higgins, Borough Auditor (7:50 PM)

**CLOSED SESSION:**

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

1. MEL/JIF Litigation Settlement Approval
2. Potential Acquisition of Real Property
3. Personnel

At the conclusion of the closed session Councilman Berner made a motion to back into open session. Council President Bachmann seconded the motion. All present in favor, none opposed.

**OPEN SESSION:**

1. 2011 Municipal Budget Amendment – Gary Higgins

Mr. Higgins explained the recently legislation which removes the Library appropriation from the municipal tax levy. He explained the 2% cap was introduced by the State they failed to make the Library appropriation a cap exclusion in the event it exceeded 2%. The Library will now appear as a separate tax on the tax bill. They left the Library appropriation within the municipal budget document, the Library is still considered a department in the budget document but the tax levy is separated with respect to the minimum 1/3 of mil. If the municipality opts to give more than the 1/3 of mil, which New Milford has opted to do this year, the amount above the 1/3 is not part of the tax levy for the Library. He explained that this required that the amount appropriated to the Library in 2010 had to be removed prior to calculating the allowable 2% increase for 2011. He stated this meant that the budget as introduced was now approximately \$13,000 over the 2% tax levy cap. This necessitated a reduction of a line item by that amount.

It was taken from the DPW Salaries and Wages which will be offset by a recent retirement. He noted this is reflected in the budget amendment being introduced tonight.

Council President Bachmann asked to clarify for the public's purpose, the bottom line number on the tax bill will not change, the Library tax will just be listed as a separate item. Mr. Higgins confirmed that to be true. Mr. Higgins read the disclaimer that will appear on the tax bills to explain this change.

Mr. Higgins explained the budget amendment addresses three items: the Library appropriation carve out from the municipal budget, a reduction in the legal line of \$4,000 to offset an increase in the capital improvements line in the same amount, and the reduction in the DPW S&W line in the amount of \$13,000.

Mr. Higgins noted the need for the resolution to waive the reading of the budget in full. He also stated the municipal tax increase is down to \$108 from \$112 as a result of the changes.

The resolution to waive the reading of the budget in full will be added to the agenda as resolution #2011:86. The resolution to approve the amendment will become resolution #2011:95.

Mr. Higgins explained that as a result of minimal surplus availability and certain bills that have increased such as the pension bills, which are due currently, there is not sufficient cash flow to make it to the next tax bill. He explained that we are faced with paying the municipal bills for the first seven months of 2011 with only one half of the 2010 tax levy. The tax levy is short until the tax increase goes through in August and November. For this reason there is a resolution on the agenda to authorize the issuance of a \$1,000,000 tax anticipation note. He compared it to a bridge loan.

2. Fire Official Ordinance Recommendation
3. Capital Alternatives – Grant Recommendations
4. Proposed Ordinance – Procedures for Utilization of Off-Duty Police Officers

The Council agreed to hold the remaining work session items for discussion during the public session. Council President Bachmann made a motion to reconvene in Council Chambers. Councilman Robalino seconded the motion. All present in favor, none opposed.

**PUBLIC SESSION:** (Actual Start 8:23 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 Bachmann	Present
Councilwoman Randi Duffie	Present
Councilman Diego Robalino	Present
Councilman Howard Berner	Present
Councilwoman Celeste Scavetta	Present
Councilman Dominic Colucci	Present
Mayor Ann Subrizi	Present

Also present: Mark Madaio, Borough Attorney; Christine Demiris, Administrator/Clerk;  
Gary Higgins, Borough Auditor

**PRESENTATION: 2011 MUNICIPAL BUDGET AMENDMENT**

Mr. Higgins explained that the budget amendment was just prepared today as a result of a recent change in state law and this is the reason it was not posted prior to the meeting. This change requires the municipal portion of the library appropriation be reflected as a separate tax in the budget and on the tax bill. He explained that the change in regulations came about late last week and created the necessity for this amendment. The tax levy which was \$14,825,429 in the introduced budget has been reduced to \$14,153,416 and there is a new line labeled municipal library tax in the amount of \$659,013 which reduces the overall increase of the 2% tax levy by \$13,000. This will be offset by a reduction in the DPW salaries and wages line. In addition the legal services line will be reduced by \$4,000 to offset an equivalent increase in the capital improvements line to cover the proposed 2011 capital improvements ordinances. As a result of these changes the municipal tax increase is down to \$108 from \$112 as introduced. He stated the budget had been reviewed by the Division of Local Government Services and the governing body is authorized to adopt the budget tonight.

Mayor Subrizi read the resolution to waive the reading of the budget in full. Council President Bachmann made a motion to approve this resolution #2011:86. Councilman Berner seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

**PUBLIC HEARING: 2011 MUNICIPAL BUDGET**

Council President Bachmann made a motion to open the meeting to the public for discussion of the 2011 budget. Councilman Colucci seconded the motion. All present in favor, none opposed.

The record reflects that no member of the public wished to comment on the 2011 budget.

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

Council President Bachmann made a motion to approve resolution #2011:95 – Approve Amendment to the 2011 Municipal Budget. Councilwoman Scavetta seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

Councilman Colucci made a motion to approve resolution #2011:87 – Adopt 2011 Municipal Budget. Councilman Berner seconded the motion. The motion passed on a roll call vote as follows:  
For the motion: Bachmann, Robalino, Berner, Scavetta, Colucci  
Against the motion: Duffie  
Abstain: None

In casting her vote, Councilwoman Duffie commented on the cooperation of three of the employee unions and voiced her disappointment with the fourth union that failed to participate in the reduction of the budget.

## **ADOPT ORDINANCE #2011:05**

### **CALENDAR YEAR 2011 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK**

Mr. Higgins explained that when the cost of living adjustment (COLA) is less than 3.5% the governing body, by ordinance, can increase the appropriations within the cap up to 3.5%. He explained that it has no effect on the tax levy which is fixed at 2%. This year the COLA was 2% therefore the appropriation cap is being increased by 1.5%. He explained that this practice is recommended by the State and done by most communities. He noted it does not obligate the town to spend the money it just allows the town to retain a higher cap base for the next two years. He further noted the budget as presented is approximately \$43,000 below the appropriation cap.

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

Council President Bachmann made a motion to adopt this ordinance on its second and final reading. Councilwoman Duffie seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

The Mayor referenced resolution #2011:88 – to Authorize Issuance of \$1,000,000 Tax Anticipation Note. Mr. Higgins explained this could be compared to a bridge loan. The Borough is facing seasonal expenses, particularly the pension payment due to the state which is due April 1<sup>st</sup> and subject to 8.5% interest if not paid on time. He stated there is an acceleration of bills to pay, the Borough is low on surplus and must wait until August for the tax increase to go into effect.

Council President Bachmann made a motion to approve resolution #2011:88. Councilman Colucci seconded the motion. All present in favor, none opposed.

The Council agreed to continue discussion of the work session items tabled earlier.

#### **1. Fire Official Ordinance Recommendation**

The Mayor referenced the recommendation from the Fire Official. The Administrator asked if it should be prepared for introduction. Councilman Robalino commented while he understands the Fire Official's concerns it seems unfair to the homeowner with the hydrant in front of their home. He suggested it might be more equitable if distributed with neighboring homes. He said he thinks something needs to be done but he is not sure this is the best approach. Councilman Colucci voiced his agreement with Councilman Robalino stating he would like to see that part of the ordinance discussed further. Councilman Colucci stated his agreement with the portion of the ordinance as it pertains to the Knox Box. The matter will be relisted for further discussion on the May work session agenda.

## 2. Capital Alternatives – Grant Recommendations

The Administrator reviewed the email from Capital Alternatives. Ms. Casey has recommended Center Street for the DOT Municipal Aid application, Holland Avenue for the DOT Discretionary Aid application, and Borough Wide Park Improvements for the BCOS Development application. She noted that Ms. Casey is awaiting guidance and/or approval from the Council on whether or not they would like to move forward with any or all of these applications. Councilwoman Duffie expressed her agreement with all of the recommendations. Mayor Subrizi commented that the Boulevard, which had also been suggested for the DOT Municipal Aid application, may be eligible through Community Development. Council President Bachmann stated his agreement with the choice of Center Street. The Administrator will notify Ms. Casey to proceed as per her recommendations.

## 3. Proposed Ordinance – Procedures for Utilization of Off-Duty Police Officers

The Administrator reviewed the history of the ordinance noting it was the subject of a Local Finance Notice from the Division of Local Government Services where it was identified as a “best practice.” The introduction of this ordinance was in response to that LFN and on the advice of the Borough Auditor. The draft ordinance was prepared by the Borough Attorney and distributed to the Council for review. Mr. Madaio stated he had received a request for a minor adjustment from Council President Bachmann which has already been made. He will forward the revised ordinance to the Clerk for distribution.

Councilman Berner questioned Section C on page 2 which states that it is not considered departmental overtime but that they are deemed to be on-duty for departmental purposes. He asked if this complies with Federal wage law. Mr. Madaio stated that the concept of on-duty is consistent with the departmental guidelines; allowing them to wear their uniforms, use a departmental vehicle and operate at force of law. He said that he believes the question came up a number of years ago when the finance notice first came out and was answered in the negative. Mr. Madaio will review it to be certain. Councilman Berner noted it states that they will function under the supervision of the Chief of Police. Mr. Madaio stated they are on duty for departmental purposes; still in the chain of command, still bound by oath, still supervised by the Police Department but they are not working for the Borough. Mr. Madaio will review and advise. The Clerk will prepare the ordinance for introduction at the April 25<sup>th</sup> meeting.

Councilman Berner commented that the first page of the October 25, 2010 minutes reference the “Hackensack Water Company.” He stated it should read the “United Water Company.” He also noted a misspelling of a member of the public’s name. With reference to the November 8, 2010 minutes he noted that the year 2010 is typed as 2001 on the 4<sup>th</sup> page.

Council President Bachmann made a motion to approve the minutes, as corrected, of the September 13, 2010 Work Session, September 27, 2010 Public Session, the October 13, 2010 Work Session, the October 25, 2010 Public Session, and the November 8, 2010 Work Session Minutes. Councilman Berner seconded the motion. All present in favor, none opposed.

## **COUNCIL COMMITTEE REPORTS:**

### **Council President Keith Bachmann**

Ambulance Corps, Recreation

Council President Bachmann reported that Holy Name Hospital, who provides coverage for the New Milford Volunteer Ambulances Corps, will be the first responder on Saturdays and Sundays from 6AM to 6PM in addition to providing the primary coverage on weekdays. He stated there are currently twenty-seven active members and although they have recently added members they are still in need of more. Council President Bachmann also reported in response to question posed previously by Councilwoman Duffie that NMVAC had been members of the New Jersey 1<sup>st</sup> Aid Association up until 1999 when they made a determination that the dues outweighed the benefit of belonging.

Council President Bachmann reported on the Recreation meeting of March 2<sup>nd</sup>. He reported that plans are underway for the summer programs and the Commission recently reorganized and is fully staffed.

### **Councilwoman Randi Duffie**

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

Councilwoman Duffie reported on the Health Department meeting of March 2<sup>nd</sup>. She stated the Health Officer's inspection report has been filed and advised that late fees would now be in effect for pet license renewals. She reported the Health Department collected \$5,149 in fees for the month.

Councilwoman Duffie reported the Arborist attended the meeting of the Shade Tree Commission. The Commission will replace the damaged foliage at the Senior Center with something from the tree farm. She reported that there are 50 trees at the tree farm that are ready to be transplanted. The Commission has procured three quotes to implement the state grant and they would be awarding the work at the April meeting. She advised that she would be attending Core training through NJ Forestry Management on April 2<sup>nd</sup> and that seedlings would be distributed to kindergarten students on April 29<sup>th</sup> in celebration of Arbor Day.

Councilwoman Duffie reported the Rent Leveling Board is hoping for a good turnout to the April 7<sup>th</sup> meeting to hear from tenants on a fixed income with regard to the permitted 2% increase. The meeting will be held at the Borough Hall.

### **Councilman Diego Robalino**

Garbage & Recycling, Board of Education

Councilman Robalino reported the recycling statistics for the month and noted the report is on file with the Borough Administrator. He reported that curbside grass pickup will begin on April 6<sup>th</sup>.

Councilman Robalino reported on a number of things taking place at the Board of Education including: the Washington DC trip at NMHS; the Inner Bridge Crossing Program which will return autistic students to the school district and save money for the district; the Into the Woods drama production; the "No Text and Drive" campaign; a middle school student who placed first in the

geography bee and is moving onto the state finals; and the presentation of the 2011-2012 budget that took place at the middle school and will be repeated on March 29<sup>th</sup> at NMHS.

**Councilman Howard Berner**

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

Councilman Berner reported that Jillian Agnello, an Americorp NJ Watershed Ambassador, attended the March 1<sup>st</sup> meeting of the Environmental Commission to discuss a stream monitoring training program she is hosting on April 9<sup>th</sup> at the Teaneck Creek Conservancy. He further reported that the bottle cap recycling program has been stopped but that a Capri Sun juice container program will be starting soon with a reimbursement of \$.02 per container. The Commission is working with the schools to develop an Earth Day project. He additionally reported that Commission member, Betty Kennedy, has resigned.

Councilman Berner reported on the March 3<sup>rd</sup> meeting of the Historic New Bridge Landing Park Commission. A major project for the spring is to remove the parking lot next to the Steuben House and replace it with stone dust to be more evocative of the period. He reported on the Bergen County Historical Society upcoming events including: the War of Outposts on March 30<sup>th</sup>; the Lenape New Year on April 3<sup>rd</sup>; the Battleground Tour beginning at the Steuben House on April 16<sup>th</sup>. Councilman Berner advised that all of these events can be found at the BC Historical Society website at [www.bergencountyhistory.org](http://www.bergencountyhistory.org).

Councilman Berner reported on the March 8<sup>th</sup> meeting of the Historic Preservation Commission. The Commission is working on a geo-caching project of 8-10 historic sites in New Milford done with the permission of the homeowners. He reported on the recent find of a historic map dating back to the 1830's which the Commission would like to have restored and put on display. The Commission is looking at the life of John Walter Christie who had a long list of inventions.

Councilman Berner reported on the March 22<sup>nd</sup> meeting of the Planning Board at which they discussed the redefining of a deck vs. a patio. He noted that one affects lot coverage and the other affects building coverage.

**Councilwoman Celeste Scavetta**

Senior Citizens Advisory Board, Public Events

Councilwoman Scavetta reported on the March 16<sup>th</sup> meeting of the Public Events Committee, also Jane Emanuel Day. Ms. Emanuel has been named as the Grand Marshall of the Memorial Day Parade and Jenna Levine has been selected as Miss VFW and will be crowned on Loyalty Day, May 1<sup>st</sup>. In addition they discussed the possibility of fireworks at National Night Out, scheduled for August 2<sup>nd</sup>. Councilwoman Scavetta will be in touch with the PBA to discuss funding and will discuss it with Officer Wester who is in charge of the event.

Councilwoman Scavetta reported that she spoke with Sandy Ab regarding the Girl Scouts maintenance of decorations at the Merchrod Bridge. They will add additional dates for refreshing.

Councilwoman Scavetta reported on the March 17<sup>th</sup> meeting of the Senior Advisory Board. She reported there has been another smoking related fire and the Fire Marshall has issued a written statement regarding a zero tolerance policy prohibiting smoking outside of the Senior Center. She

summarized upcoming activities, reported on the St. Patrick Day sing-along and the Sr. Dinner Theatre at NMHS, and advised of free upcoming basic computer classes for seniors. She additionally noted an upcoming dinner at Woodcrest Center and a line dancing class will be offered at no cost to the Borough or the seniors.

**Councilman Dominic Colucci**

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

Councilman Colucci reported on the March 21<sup>st</sup> meeting of the Fire Department. He advised that hydrants will be painted this year and the Jr. Explorers troop is growing. He reported that the LOSAP program will be transferred to Lincoln Financial. He stated the FD had some concerns regarding the questions surrounding their use of borough vehicles; they wished to make clear that first responders it is essential for FD Officers to have full use of the vehicles which they use to transport vital equipment.

Councilman Colucci reported he was unable to attend the Drug Alliance meeting on March 24<sup>th</sup> but noted they would like to get back involved with the carnivals in town. He reported that he attended a dance sponsored by the Drug Alliance at the middle school and noted that they are in dire need of chaperones.

Councilman Colucci reported on a Thank-You service being sponsored by the Gloria Dei church in May and noted that members of both the Fire Department and the Drug Alliance have been invited to attend.

Councilman Colucci reported that both the Buildings and Grounds and DPW have been busy with routine maintenance.

**Mayor Ann Subrizi**

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

Mayor Subrizi reported on the March 1<sup>st</sup> meeting of the Police Auxiliary. She stated the Auxiliary will be available to assist with the Fire Department's 5K run scheduled for June 18<sup>th</sup>.

Mayor Subrizi summarized the police calls for the previous month. She reported that the Borough has received notification that we will be reimbursed \$23,011 from FEMA for the December 26<sup>th</sup> storm.

Mayor Subrizi reported she attended the Pevny Scholarship Luncheon on March 6<sup>th</sup> and since its inception they have raised over \$40,000.

Mayor Subrizi reported on the March 17<sup>th</sup> meeting of the Library Board noting that the Library Director will be visiting all of the libraries in the BCCLS during Library Week.

**NEW BUSINESS:**

**INTRODUCE ORDINANCE #2011:06**

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF NEW MILFORD SALARY ADOPTED AS ORDINANCE 91:01 AND AMENDED BY ORDINANCE 91:21, 92:07, 93:01, 94:13, 95:07, 96:05, 97:11, 98:05, 99:04, 2000:07, 2001:11, 2002:15, 2003:10, 2004:13, 2004:15, 2005:16, 2006:09, 2007:12, 2008:02, 2008:09, 2009:14 AND 2010:11.

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

The ordinance will be published in the Record and a public hearing will be held on April 25, 2011 at 7:45 PM.

**INTRODUCE ORDINANCE #2011:07**

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

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

The ordinance will be published in the Record and a public hearing will be held on April 25, 2011 at 7:45 PM.

**INTRODUCE ORDINANCE #2011:08**

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE RIVER ROAD STREETScape IMPROVEMENT PROJECT (PHASE IV) IN, BY AND FOR THE BOROUGH OF NEW MILFORD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$200,000 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.

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

The ordinance will be published in the Record and a public hearing will be held on April 25, 2011 at 7:45 PM.

## **INTRODUCE ORDINANCE #2011:09**

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF NEW MILFORD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$764,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, 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.

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

The ordinance will be published in the Record and a public hearing will be held on April 25, 2011 at 7:45 PM.

## **INTRODUCE ORDINANCE #2011:10**

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD TO ADD SECTION 2-54A "HEALTH BENEFITS FOR RETIREES."

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

The ordinance will be published in the Record and a public hearing will be held on April 25, 2011 at 7:45 PM.

## **RESOLUTIONS:**

- 2011:84 Closed Session
- 2011:85 Payment of Bills and Vouchers
- 2011:86 Approve Waiver of Reading in Full of the 2011 Budget
- 2011:87 Adopt 2011 Municipal Budget
- 2011:88 Authorize Issuance of \$1,000,000 Tax Anticipation Note
- 2011:89 Introduce Bond Ordinance 2011:08 – NJDOT Grant – River Road Streetscape
- 2011:90 Introduce Bond Ordinance 2010:09 – Multipurpose Public Improvements
- 2011:91 Award NJEIT 2009 Sanitary Sewer Improvement Project to Jo-Med Contracting Corp. in the amount of \$517,885.00
- 2011:92 Authorize transfer of LOSAP account from VALIC to Lincoln Financial Group
- 2011:93 Approve Raffle License #2011:05 – St. Joseph Council #3814 Knights of Columbus for an Armchair Race
- 2011:94 Authorize Payment of \$15,172.65 on Tax Sale Certificate 10-01 to U.S. Bank Cust for Pro Capital I, LLC

2011:95 Approve Amendment to the 2011 Municipal Budget

2011:96 Approve Terms of the Negotiated Settlement per Scibal Associates letter dated 3/15/11

## COMMENTS FROM THE PUBLIC

Councilman Colucci 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, 349 Trench Drive, came forward to address the Mayor and Council. Mr. D'Amelio said he was glad that two of the Councilmen had commented that there needs to be further review of the fire hydrant ordinance for fairness. He questioned what fees and penalties would be associated with the ordinance and asked if the homeowner would be liable if they did not clear the hydrant and a house burned. He stated, as a senior it is difficult to find someone to clear the snow. He suggested it should be part of the Borough's snow removal program and suggested hiring temporary labor. Mr. D'Amelio thanked the Council for the drainage improvements to Trench Drive noting it has helped the water issues in the neighborhood tremendously.

Mr. Robert Mealy, 140 River Edge Avenue, came forward to address the Mayor and Council. He asked who is responsible for the plaque at the Merchrod Bridge. He stated the date of birth is listed as 1943 and should in fact be 1947. The Mayor said she would contact the family to see if it could be corrected.

Mr. Ulises Cabrera, 659 Columbia Street, came forward to address the Mayor and Council. Mr. Cabrera thanked the Council for resolving the check valve problem on Columbia and installing the handicap curb ramps. He stated he has been asking for Columbia to be paved since 2005 and is continually told that it is on the list but it never gets paved. He expressed concern over potential development of the water company property. He stated it should be left as is as he believes it will make the flooding issues in town even worse. He stated he has asked Bill Sheehan, the Riverkeeper, to attend the April 11<sup>th</sup> meeting.

Mr. Scott Gifford, 654 Columbia Street, came forward to address the Mayor and Council. Mr. Gifford presented a picture of his backyard and asked if there is any way to communicate with United Water regarding the gate upstream. The Mayor stated that United Water is usually in touch with the Police Department with regard to the movement of the gate. Mr. Gifford said it would seem logical to open the gate in anticipation of heavy rain. He echoed Mr. Cabrera's concerns stating he is fed up and frustrated. He stated that many people are impacted downstream and development will only create additional runoff.

Ms. Joann Prisendorf, 317 River Road, came forward to address the Mayor and Council. Ms. Prisendorf stated her 5<sup>th</sup> grade Girl Scout troop is working toward their Bronze Award and they are appalled by the condition of the welcome sign on Main Street. The troop would like to paint/fix the sign and if they can't do it perhaps the town can. The Administrator responded that the condition of the sign is beyond what could be repaired; we have obtained quotes to replace this sign and the two others in town but still need to fund the replacement.

Maura Henyecz, 244 Demarest Avenue, came forward to address the Mayor and Council. Ms. Henyecz referenced the ordinance for stop signs and three of the streets that intersect with Demarest. She asked about placing one at the intersection of Grove and Demarest noting the street is used as a cut through.

The Administrator will check with the Police Department and if they concur it will be added to the ordinance prior to adoption.

Ms. Hedy Grant, 175 Boulevard, came forward to address the Mayor and Council. Ms. Grant asked for the outcome of the Mayor's visits to the homeowners who have not responded with their consent for the Hirschfeld Brook mitigation project. Mayor Subrizi stated one homeowner responded and gave consent. One homeowner has hired his own engineer and is speaking with the Borough's engineer and the third homeowner has been difficult to locate and has not responded to a note left in the mailbox. Ms. Grant apologized for a comment she had made at a previous meeting; in reviewing the tape from the meeting she confirmed that the members of the Recreation Commission had been appointed for the correct terms, they had just been listed incorrectly on the agenda.

Mr. Angelo DeCarlo, 783 Princeton Street, came forward to address the Mayor and Council. Mr. DeCarlo stated a big function of the Fire Department is recruitment; he noted the signs were down for the winter but they will be going back up and they are actively seeking new members.

Mr. Peter Rebsch, 147 North Terrace Place, came forward to address the Mayor and Council. Mr. Rebsch identified himself as the coordinator for travel soccer. He stated it was a successful season with the U14 Girls finishing 1<sup>st</sup> in the division and the finals. And the U14 Boys placed 2<sup>nd</sup>. He stated there are 270 children registered for spring soccer.

Mr. DeCarlo commented on the discussion about the ordinance for off-duty police work and suggested that public safety officers benefit in the event that they are killed while they are working and this may be the reason they are considered on duty for the purposes of the chain of command.

Ulises Cabrera came forward to comment on potholes on River Edge Avenue at the intersection of Columbia and asked to have them filled. He asked why a portion of Henley Avenue was paved noting the money could have been used to pave Columbia. The Administrator explained it was paved through a grant and the money could only be used for that purpose.

Councilman Berner asked if anyone had any information on what Oradell is doing with regard to the potholes on Main Street. The Mayor stated they filled them with cold patch and are planning to pave it this spring.

Mr. Al Vense, 668 Harvard Street, came forward to address the Mayor and Council. Mr. Vense stated the streets are bad. He said that behind the factory there is a trench which becomes a huge puddle; it seems like they have created a canal. The Mayor said we will have the engineer look at it with that in mind. Mr. Vense also thanked the Council for fixing the check valve.

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

## **VOTE ON RESOLUTIONS**

Council President Bachmann made a motion to approve the consent agenda #2011:84, 2011:85, 2011:89 through 2011:94 and 2011:96. Councilman Robalino seconded the motion. All present in favor, none opposed.

## ADMINISTRATOR

The Administrator reported that in addition to the presentation by the Hekemian Group, both the Risk Manager and Recreation Director are scheduled to appear at the next work session. She stated the Risk Manager and Recreation Director were scheduled for the work session beginning at 7:00 PM in the upstairs meeting room. The Mayor and Council will reconvene in the Council Chambers at 8:00 PM for the developer's presentation.

The Administrator referenced a letter from a resident requesting that permit fees be waived for anyone that had to make repairs as a result of the recent storm. She advised that this is something that has been done in the past. A resolution will be drafted for the next meeting.

The Administrator referenced a request from the Gloria Dei Church asking to waive permit fees for the removal of an underground storage tank. She stated that the Council has waived fees in the past for certain non-profit entities. Mr. Madaio cautioned not to waive any fees required by the state. He said that it could be done administratively on a case-by-case basis and no resolution would be required.

The Administrator recapped the status of the Hirschfeld Brook flood mitigation project and stated the Council had not discussed what our next step will be if we do not receive consent from all of the homeowners. Mr. Madaio suggested waiting until we hear back from the Borough engineer on whether or not we can work out the differences with the one homeowner before we flesh out what our options might be.

The Administrator referenced a memo from Chief Papapietro regarding the repurposing of the Property Maintenance vehicle. It has been determined that the vehicle is in need of extensive repairs and therefore would not be suitable for use. She asked for the Council's permission to auction the vehicle if the County holds an auction this year. The Council agreed to auction the vehicle.

The Administrator stated the BCUA will be offering a "shred day" at no charge to the municipalities. She noted a spring date had been scheduled with our recycling vendor and asked if the Council would like to schedule an additional date with the BCUA in the fall. The Council concurred.

The Administrator reported the Motorcycle Run in support of Relay for Life has been confirmed for May 1<sup>st</sup> and there are no Little League or Recreation games scheduled for that day.

The Administrator asked about the resolution to appoint a representative to the Historic New Bridge Landing Park Commission. She was advised that Mr. Madaio will review the state statute and provide guidance.

The Administrator asked to confirm that the Council is in agreement with the submission of a Letter of Intent to FEMA for the acquisition of a previously discussed piece of property. The Mayor will provide the necessary information to Capital Alternatives.

## **COUNCIL**

Councilwoman Duffie asked if the Historic Preservation Commission had discussed the Peetzburg banners. Councilman Berner stated that they had ordered replacement banners.

Council President Bachmann asked to revisit the Letter of Intent to FEMA. He stated the Council needs to be sure the homeowner is on board to accept whatever FEMA is willing to pay and there should be a written agreement that the grant fee would come off the purchase price.

The Mayor referenced the sign ordinance and noted the Building Department was working on a letter to be sent to businesses. She said she would like for the Council to review the letter prior to it going out. The Administrator will forward the letter to the Council and it will be listed for discussion at the May work session.

Councilwoman Duffie asked about the Repair Shop ordinance and asked when it would be relisted for discussion. The Council agreed to relist it for discussion at the May work session.

## **ADJOURNMENT**

Council President Bachmann made a motion to adjourn. Councilwoman Duffie seconded the motion. All present in favor, none opposed. Time 10:31 PM.

Respectfully submitted,



Christine Demiris  
Borough Clerk