

MINUTES
BOROUGH OF NEW MILFORD
6:30 PM WORK SESSION
7:45 PM PUBLIC MEETING
Monday, August 22, 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: Doug Doyle, Labor Attorney; Mark Madaio, Borough Attorney (6:45 PM);
Christine Demiris, Administrator/ Clerk

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

CLOSED SESSION:

1. Personnel – DPW

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

OPEN SESSION:

1. Permit Fees for Sidewalk Repair – Damage Due to Borough Trees
The Mayor noted this had been tabled from the prior meeting and said she would like to put it to a vote tonight. Councilwoman Duffie said she had feedback from the Shade Tree Commission she would like to share with the Council.
2. Fire Hydrant Ordinance – Multi-Family/Commercial
The Mayor stated that Councilman Colucci has discussed a modification of this ordinance with the Fire Department.
3. Repair Shop Ordinance
The Mayor said she had discussed the possibility of addressing the issue with existing ordinances with the Chief. Councilwoman Duffie asked if the Chief would be reporting to the Council. The Mayor said she would share his thoughts with the Council and if the Council is in agreement he will report back to the Council.

The Mayor noted there was nothing on the agenda with regard to United Water but the Council had indicated they would take a vote on allowing the planner to draft an ordinance. Mr. Madaio said

this is not a vote on the rezoning; that vote would take place around the adoption of the ordinance. Councilwoman Duffie commented although it is not a vote on the rezoning it would still be perceived as such and it would appear as though the public had been excluded since there had been no advance notice that such a vote would be taking place. The Mayor agreed; the matter will be listed on the 9/12 agenda. A resolution, authorizing the planner to draft an ordinance, will be listed for the Council's consideration on the next agenda.

ADMINISTRATOR:

The Administrator referenced the CFO's memo regarding his recommendation to transfer the current and capital accounts to NVE Bank. The Council had no objection. The Administrator will notify the CFO.

The Administrator asked if there were any objections to the request to hold a blood drive on 9/21 at the Senior Center. The Council had no objections.

The Administrator asked if any members of the Council would like to have a badge to attend the New Jersey League of Municipalities Conference. Badges will be ordered for Mayor Subrizi, Council President Berner, Councilwomen Duffie and Scavetta, and Councilmen Colucci and Rebsch.

The Administrator explained an interfund transfer from current to capital which had been added to the bill list.

PUBLIC SESSION: (Actual Start 7:47 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

OPEN SESSION: (cont'd)

1. Permit Fees for Sidewalk Repair – Damage Due to Borough Trees

The Mayor reviewed the issue; a request to waive sidewalk permit fees when the damage was caused by a borough tree. Councilwoman Duffie explained the Shade Tree Commission is interested in saving trees and suggested the fee could be waived if the work was done by a company endorsed by the Shade Tree Commission as having been trained to trim roots. The Council decided to carry the matter until such time as the Shade Tree Commission can make further recommendation.

2. Fire Hydrant Ordinance – Multi-Family/Commercial

The Mayor reported this matter has been revisited by Councilman Colucci and the Fire Department and they have made a recommendation to revise the previously proposed ordinance to include only multi-family and commercial zones. They have also discussed revamping the adopt- a-hydrant program. Councilman Colucci will work with the Borough Attorney to revise the ordinance. Councilwoman Duffie asked if we would be selectively imposing the ordinance if only requiring it of certain groups. Mr. Madaio said the rationale was to differentiate between higher density zones vs. lower density zones. The ordinance would apply to commercial and multi-family zones as identified by the borough zoning map.

3. Repair Shop Ordinance

Mayor Subrizi said this has been a long standing topic before the Council. She said she is not sure rewriting the ordinance is the best way to resolve it. She believes there are statutes in place to address the issue. She referenced a recommendation from the Police Department which identifies ordinance 3-2.5, abandoned vehicles, and ordinance 12.1.1, property maintenance, for enforcement. She said Chief Papapietro wants to be assured of the Council's support to begin pursuing infractions through these ordinances. Council President Berner referenced a previous objection from one of the shop owners, whereby vehicles have been abandoned by their owners and the shop owner is pursuing a mechanic's lien. Mr. Madaio said that is a separate issue; it does not require the vehicle to be stored on-site, it should be moved elsewhere. Councilwoman Duffie asked to make clear, there is not an existing repair shop ordinance and expressed her disappointment that the adoption of such an ordinance is not being revisited. The Mayor said she would like to address it first from a different point of view; it does not preclude the Council from pursuing a repair shop ordinance in the future should it prove necessary. The Chief will provide periodic reports to the Council.

Councilman Robalino made a motion to approve the June 27, 2011 and the July 25, 2011 Public Session minutes and the July 14, 2011 Special Session minutes. Councilwoman Scavetta seconded the motion. All present in favor, none opposed.

HEARING: BCOS APPLICATION – 1033 STEUBEN AVENUE

Councilman Colucci made a motion to open the meeting for public comment on the BCOS application for the acquisition of 1033 Steuben Avenue. Council President Berner seconded the motion. All present in favor, none opposed. The record reflects no member of the public came forward to comment. Councilwoman Scavetta made a motion to close the meeting to the public. Councilman Rebsch seconded the motion. All present in favor, none opposed.

PUBLIC COMMENT: BCOS APPLICATION – PLAYGROUND IMPROVEMENTS

Councilman Robalino made a motion to open the meeting for public comment on the BCOS application for Playground Improvements. Councilwoman Scavetta seconded the motion. All present in favor, none opposed. The record reflects no member of the public came forward to comment. Council President Berner made a motion to close the meeting to the public. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

APPOINTMENTS: **MAURA KELLY – RENT LEVELING (T)**
 LAURE SCHROEDER – RENT LEVELING, ALT. (T)
 JAMES FAVIA – FIRE CO. #2
 JACK SICCARDI – FIRE CO. #2

Councilman Colucci made a motion to appoint Maura Kelly and Laure Schroeder to the Rent Leveling Board. Councilwoman Scavetta seconded the motion. All present in favor, none opposed.

Councilman Colucci made a motion to appoint James Favia and Jack Siccardi to Fire Co. #2. Council President Berner seconded the motion. All present in favor, none opposed.

COUNCIL COMMITTEE REPORTS:

Council President Howard Berner

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

Council President Berner acknowledged three residents who have taken it upon themselves to help maintain the Sutton Place Tennis Courts. Neighbors immediately adjacent to the courts are checking them nightly to be sure they are locked. Another resident has been going almost daily to sweep up the courts.

Council President Berner stated the Chamber of Commerce, Historic Preservation, and the Environmental & Energy Commission did not meet during the previous month.

Regarding Historic New Bridge Landing Park Commission Council President Berner reported the meeting of July 7th. The Forestry Service has completed the removal of the asphalt parking lot, adjacent to the Steuben House, which has been replaced by a stone dust drive-around. He reported the Commission is looking at a land lease with a convenience store/coffee shop in support of their efforts to become self-sustaining.

Council President Berner reported the Planning Board will be considering an application from the Gospel Fellowship Church at their meeting on August 23rd. It is being proposed for the former Racquetball Club property; no variances are required. In addition, the Board will be forwarding resolutions to the governing body regarding the definition of a family and businesses allowed in a residential neighborhood.

Councilwoman Randi Duffie

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

Regarding the Shade Tree Commission, Councilwoman Duffie reported the final inspections of the tree plantings have been completed and the check from the State for the grant has been received.

Councilwoman Duffie stated the Board of Health did not meet during the previous month; the Registrar's monthly report is on file in the Health Department.

Councilwoman Duffie reported the Rent Leveling Board did not meet during the previous month.

Councilwoman Duffie thanked the Police Department for their efforts for National Night Out. She stated that she has been in contact with the County regarding the Elm Street Bridge and has been advised that they have received the NJDEP permit and are awaiting the Historic permit. They hope to go out to bid in the winter and begin construction in the summer of 2012.

Councilman Diego Robalino

Garbage & Recycling, Board of Education

Councilman Robalino reported the recycling statistics for the months of July and August.

Councilman Robalino reported on a Board of Education presentation for an internet program called "Zip Slip" designed to eliminate the need for paper forms such as permission slips, medical forms, teacher handouts, etc. In addition there are ten new hires including teachers, a nurse, and a guidance counselor. He reported that some of the additional \$288,000 in state aid will be used to fund the Board of Education's portion of the SRO program for the second half of the 2011-2012 school year.

Councilman Peter Rebsch

Ambulance Corps, Recreation

Councilman Rebsch stated the Ambulance Corps did not meet during the previous month; there have been some changes in leadership and he is awaiting a new roster. The August 15th meeting has been rescheduled to September.

Councilman Rebsch reported on the July 6th, August 3rd, and August 17th meetings of the Recreation Commission. The Commission has hired a new recording secretary. The Commission is reviewing their Policies and Procedures in anticipation of some changes. They are planning a movie night for October. They are discussing the acquisition and possible placement of a trophy case. Councilman Rebsch reported on the success of all of the UGALS teams and noted they are looking for a new travel basketball coordinator and reviewing applications for the indoor travel soccer coordinator position. In addition he reported mandatory concussion training will be held for all coaches.

Councilwoman Celeste Scavetta

Senior Citizens Advisory Board, Public Events

Councilwoman Scavetta reported the Senior Advisory Board did not meet during the previous month but she had reviewed the calendar with the Senior Center Director. Councilwoman Scavetta provided a comprehensive review of upcoming events including: a Spirit Cruise and the Nutcracker, the County Senior Picnic on 9/14, flu shots on 9/19, and the tour of historical homes in October. She additionally noted the Senior Center would be closed on 9/3 and 9/5 in observance of Labor Day.

Councilwoman Scavetta reported the Public Events Committee did not meet during the previous month. Plans are underway for their next event: Veteran's Day on 11/11. She congratulated Officer Wester and the Police Department on the success of National Night Out.

Councilman Dominic Colucci

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

Councilman Colucci reviewed the DPW monthly report and noted it is on file with the Borough Clerk. The DPW has noted a significant amount of trash not being disposed of properly in and around the basketball courts behind the Borough Hall; they have asked for cooperation in using the available receptacles.

Councilman Colucci reported Buildings and Ground Supervisor has been busy with routine maintenance in addition to coordinating capital acquisitions including a generator at the pump station and a new telephone system at the Library. In addition, he is working with Lime Energy to complete the second round of work made possible by the Clean Energy grant which includes lighting upgrades at Fire Co. #1 and #2 and the Recreation building.

Councilman Colucci reported the Drug Alliance did not meet but they are making preparations for upcoming middle school dances. They are continually looking for new members.

Councilman Colucci reported on the August 15th meeting of the Fire Department. Recruitment is going well. Representatives of Fire Company #2 have met with Boswell Engineering and are awaiting the structural report. The installation of the 9/11 memorial at Fire Co. #1 is underway and will be dedicated in a ceremony scheduled for September 11th at 11:00 AM. The Northern Valley Chiefs parade is scheduled for October 21st in Harrington Park and Fire Awareness Day is scheduled for October 13th.

Councilman Robalino asked to provide a committee report for the third party energy suppliers. He said that they have had discussions with five third party suppliers and would like to make a recommendation to the Mayor and Council. He said the Borough can expect a savings of between \$16,000 and \$18,000 for electric annually and approximately \$1,500 to \$1,800 for gas annually. He noted the representative of one of the electrical suppliers is from New Milford and would be willing to forego his commission bringing the Borough's potential savings to \$20,000 annually. He said the gas supplier does not require a contract but the electric would require a one-year contract; he would like to have something in place before the winter. The Mayor asked for a written report and recommendation.

Mayor Ann Subrizi

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

The Mayor reported the Library Board, Community Development, and Bergen County Open Space did not meet. She said the Joint Insurance Fund met but there was nothing remarkable to report.

The Mayor reviewed the Police Department call report for the period from July 25th through August 22nd.

The Mayor noted the Presbyterian Church would be hosting an Interfaith Service for 9/11 on September 11th at 4:30 PM. The Bergen County Executive will be sponsoring another service on September 11th at 3:00 PM at Overpeck Park.

OLD BUSINESS:

ADOPT ORDINANCE #2011:16

AN ORDINANCE OF THE BOROUGH OF NEW MILFORD, COUNTY OF BERGEN, STATE OF NEW JERSEY, TO PROVIDE FOR THE IMPOSITION OF SEWER FEES TO TIER II USERS OF THE BOROUGH OF NEW MILFORD

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

The record reflects that no member of the public wished to comment on this ordinance.

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

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

ADOPT ORDINANCE #2011:17

AN ORDINANCE ESTABLISHING THAT A BUSINESS ENTITY WHICH MAKES POLITICAL CONTRIBUTIONS TO MUNICIPAL CANDIDATES AND MUNICIPAL AND COUNTY POLITICAL PARTIES IN EXCESS OF CERTAIN THRESHOLDS SHALL BE LIMITED IN ITS ABILITY TO RECEIVE PUBLIC CONTRACTS FROM THE BOROUGH OF NEW MILFORD IN THE COUNTY OF BERGEN

Councilman Robalino 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.

Council President Berner made a motion to close to the public. Councilwoman Duffie seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

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

NEW BUSINESS:

INTRODUCE ORDINANCE #2011:18

AN ORDINANCE TO AMEND CHAPTER VI SECTION 6.3.4 ENTITLED LICENSING FEES; MAXIMUM NUMBER

Council President Berner made a motion to introduce and approve this ordinance on its first reading. Councilman Rebsch 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 September 26, 2011 at 7:45 PM.

INTRODUCE ORDINANCE #2011:19

AN ORDINANCE TO AMEND CHAPTER II OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "ADMINISTRATION," THEREBY AMENDING SUBSECTION 2-52A ENTITLED "PURCHASE OF LOTS FOR PASSIVE RECREATION"

Council President 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 September 26, 2011 at 7:45 PM.

INTRODUCE ORDINANCE #2011:20

AN ORDINANCE SUPPLEMENTING PROVISIONS OF CHAPTER II ADMINISTRATION", ARTICLE III "DEPARTMENTS", SECTION 2-19 "POLICE DEPARTMENT" OF THE CODE OF THE BOROUGH OF NEW MILFORD TO ESTABLISH PROCEDURES FOR THE UTILIZATION OF OFF-DUTY POLICE OFFICERS

Councilman Colucci 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 September 26, 2011 at 7:45 PM.

RESOLUTIONS:

- 2011:174 Closed Session
- 2011:175 Payment of Bills and Vouchers
- 2011:176 Approve Raffle License #2011:13 – Friends of New Milford Public Library
- 2011:177 Approve Raffle License #2011:14 – New Milford Jr. Football
- 2011:178 Approve Change Order #2 – Improvements at Hardcastle Pond
- 2011:179 Approve compensation rate for retired Police Officer for subpoenaed appearances
- 2011:180 Authorize Mayor to sign Agreement with Mason Helmstetter for appraisal of 1033 Steuben Avenue
- 2011:181 Authorize Participation in the National Moment of Remembrance of the 10th Anniversary of September 11th
- 2011:182 Authorize Mayor to sign State of New Jersey Department of Environmental Protection Land Use Regulation Program Application Form (LURP #2)

- 2011:183 Approve Tax Refund as a result of reduced assessment – Block 907, Lot 14
- 2011:184 Approve Authorization of installation of traffic controller on emergency basis to J. Keane Electric Co., Inc.
- 2011:185 Approve Submittal of Grant Application to NJDOT – Center Street Project
- 2011:186 Authorize Application to BCOS for acquisition of 1033 Steuben Avenue
- 2011:187 Authorize Application to BCOS for Multi-Park Project, Final Phase
- 2011:188 Authorize Capital Alternatives to prepare and submit BCOS Applications – Van Eck Property Acquisition and Multi-Park Project, Final Phase
- 2011:189 Authorize Mayor to sign Agreement to effectuate sale of 1033 Steuben Avenue
- 2011:190 Request Legislature of the State of New Jersey to distribute state aid to schools in a fair manner

COMMENTS FROM THE PUBLIC

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

Lou Denis, 353 Luhmann Drive, came forward to address the Mayor and Council. Mr. Denis said he was appearing on behalf of the Chamber of Commerce. He expressed concern over the August 5th letter to business owners with regard to the enforcement of the sign ordinance. He stated signage is a big part of selling. He acknowledged coverage as an issue but objects to prohibition of neon. The Mayor stated the intent of the letter was to reacquaint store owners with the sign ordinance; she assumed signs erected since the adoption of the ordinance in 2001 would have been in compliance. She assured Mr. Denis the borough is looking for compliance, particularly in the area of coverage; there is not intent to hurt store owners or generate revenue. Mr. Denis suggested the sign ordinance should be given to store owners at the time they apply for a Certificate of Occupancy. Mr. Denis asked if the letter would be retracted. The Mayor said she would first speak with the building department to clarify the intent of the letter. The Mayor suggested the ordinance should be reexamined.

Councilwoman Duffie suggested the Chamber of Commerce and Planning Board should be part of the ordinance review. The Mayor said she would form a subcommittee. Council President Berner, Councilwoman Duffie and Councilman Rebsch volunteered to serve on the committee.

Michael LaGratta, 746 River Road, came forward to address the Mayor and Council. Mr. LaGratta said he too is a member of the Chamber of Commerce. Mr. LaGratta asked who will enforce the rules once the subcommittee is formed and there is a conclusion. The Mayor responded we have a building sub-code official, a fire marshal, a health inspector, police, and a zoning officer. Mr. LaGratta asked that the issues of coverage be enforced evenly among both the big and small retailers. He was assured they would be.

Mr. Madaio cautioned: the hallmark of a grandfathered use is that it was lawful at the time of inception of the regulation. He suggested while the committee sorts out the reexamination of the ordinance the Chamber should let new business owners know the use of neon is contrary to the ordinance. He further suggested the sign ordinance should be given to everyone applying for a business certificate of occupancy. He commented on the idea of LED signs not being addressed by the ordinance noting technology evolves faster than the printed word; just because LED is not specifically referenced does not mean it is permitted. He said if something is NOT addressed at all it is not permitted.

Mr. LaGratta asked if a retraction letter would be sent. Mr. Madaio said the Council understands the concerns of vigorous enforcement and therefore the ordinance had not been vigorously enforced. He said the Mayor will be exploring alternatives and forming a committee but there will be no formal retraction.

Frank DeBari, 120 River Road, came forward to address the Mayor and Council. Mr. DeBari asked if 1033 Steuben Avenue is the Van Eck property. He was advised that it is. He asked how much was being paid for the property. Mayor Subrizi advised it is being purchased for \$60,000 less the taxes owed. He asked how much is being paid by the Borough. He was advised the Borough has applied for a grant through Bergen County Open Space. If the grant comes through the Borough will pay half of the purchase price, if the grant does not come through the Borough will pay the full amount.

Mr. DeBari asked for the result of the New Milford Liquors disciplinary hearing. He was advised the licensee received a penalty consistent with the maximum allowable penalty as provided for by the New Jersey Division of Alcoholic Beverages. Mr. DeBari asked if the licensee is appealing the decision to the state and is allowed to remain open pending the appeal. He was advised the licensee is appealing the decision and is allowed to remain open in addition to other requirements such as staff training and an automated identification reader.

Mr. DeBari commented he had seen Councilman Rebsch on video installing decals on police vehicles the day or two after submitting a letter to the Council stating he would no longer do business in New Milford after being appointed as a Councilman. The Mayor said she believed before being appointed Councilman Rebsch had a job with the police department to install these decals.

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

VOTE ON RESOLUTIONS

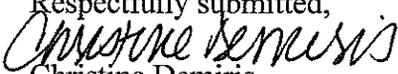
Councilman Robalino made a motion to approve the consent agenda #2011:174 through #2011:185 and #2011:188 through #2011:190. Councilwoman Scavetta seconded the motion. All present in favor, none opposed.

Councilwoman Duffie made a motion to approve resolution #2011:186. Council President Berner seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

Council President Berner made a motion to approve resolution #2011:187. Councilwoman Duffie seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

ADJOURNMENT

Councilman Robalino made a motion to adjourn. Councilman Rebsch seconded the motion. All present in favor, none opposed. Time 10:03 PM.

Respectfully submitted,

Christine Demiris
Borough Clerk