

MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
OPEN SESSION immediately following
7:45 PM PUBLIC MEETING
Monday, January 28, 2013



WORK SESSION:

Mayor Subrizi read the Open Public Meeting and Mission Statements.

| | |
|--------------------------------|---------|
| Councilman Diego Robalino | Present |
| Councilman Austin Ashley | Present |
| Council President Randi Duffie | Absent |
| Councilman Dominic Colucci | Present |
| Councilwoman Hedy Grant | Present |
| Councilman Michael Putrino | Present |
| Mayor Ann Subrizi | Present |

Also Present: Marc Leibman Borough Attorney; Christine Demiris, Administrator/Borough Clerk

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

CLOSED SESSION:

1. Recycling Bid Specification – Legal Advise
2. Personnel – Administrator Borough Clerk

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

OPEN SESSION:

1. Shade Tree Request – VFW

Councilman Ashley reported that a couple of trees have fallen behind the VFW and it is unclear if the property belongs to the VFW or Borough. Also, the VFW has a number of trees around the property that need to be taken down. The VFW is not in a financial position to have the tree work done and would like the Borough's DPW to take care of the work. Councilman Ashley said Norman Krause, tree specialist for the DPW, told him a crane should not be necessary to trim or remove the problem trees. A short Council discussion ensued regarding the property agreement between the VFW and the Borough and the arrangement will be reviewed for clarification. A motion to allow the DPW to do the tree work on behalf of the VFW was made by Councilman Ashley, seconded by Councilman Putrino. All present in favor, none opposed.

2. Borough of River Edge Shared Service Proposal – Property Maintenance

The Administrator reported she recently met with the Administrator of River Edge. They spoke about each town's needs and job descriptions for the position of a Property Maintenance Officer and spoke about whether the position could be a shared one. The discussion led to several points that could present a challenge to both towns. Each town has different ordinances in place regarding issues that a Property Maintenance Officer would handle and therefore could lead to

some confusion. Both towns have different probationary periods and starting wages. Which town would act as lead agency would need to be decided. The total amount of hours each town would require of the position is limited and the amount may change with different seasons. The types of complaints the proposed position would be responsible for were discussed. Council President Duffie said she has been asking for a property maintenance official for years. She would like the position to be responsible for signs and cleanliness of commercial properties. At this time property maintenance issues have been going through various in-house departments. The Administrator stated the proposed employee could have a municipal email address set up and for the purpose of responding to Administrative and Council requests. The goal of property maintenance is to be in compliance with the ordinances of the municipality, not to go looking for problems to be fixed. Hiring a Property Maintenance Officer could cost the town more in an additional salary than the fines that could potentially be collected. Councilman Ashley said he does not see sharing this position with River Edge as a good fit for New Milford. Mayor Subrizi agreed, but said she would like to further explore the idea of creating a property maintenance position. Council President Duffie agreed with the strategy but stated firmly that a part time property maintenance position is needed in the Borough. There was a general consensus of the Governing Body for further discussion. The point was made that there is no line item provision for the position at this time. The Administrator will look to the prior ordinance for an official job description.

ADMINISTRATOR:

The Administrator said that the Bergen County Open Space meeting regarding the farm conservation easements and the Right to Farm Act is scheduled for Wednesday, January 30, 2013 at 2:30 PM in New Milford Borough Hall.

The Administrator stated she received a letter from Green Acres; apparently inspections are required every three years to ensure compliance under Green Acres rules for any land acquired with Green Acres money. The DEP will be coming to the Borough on February 13, 2013 for an inspection of the Alfis, Klinger and Perrone properties. It is her intention to go on the inspections with the representatives.

The Administrator announced that Fire Awareness Day has been set for Sunday, October 13, 2013 with a rain date of October 20th. Set up will take place from noon to 1:00 PM and the event will run from 1:00 PM until 6:00 PM. A banner has been requested.

The Administer reported she had received a banner request from Patient Immediate Care Walk-In Center, a private business. Past practice of the municipality has been to grant banner requests only to advertise for events. Councilman Robalino said that an approval of any other nature could set a precedent. It was agreed that the business be told that they could only advertise through the sponsorship of an event.

The Administrator said she had received a request from the Beautification Committee requesting permission to use the Borough letterhead to present letters to businesses for the purpose of soliciting funds. The Administrator asked if the Mayor and Council wished to allow Borough Committees to use a generic version of the Borough letterhead for Committee business. Council President Duffie explained that the Beautification Committee is requesting use of the letterhead to confirm that they are representatives of an official Borough committee. Mayor and Council had a brief discussion on organizational fundraising and agreed that several

Borough Committees participate in fundraising. Council President Duffie gave a concise overview of the proposed project the Beautification Committee is working towards. The money will be put into an already established trust account. It was agreed that a generic New Milford Borough letterhead could be used for the purpose of official Borough Committee fundraising.

The Administrator reported that four Council members have completed their JIF training sessions. Sessions can be done online or at scheduled meetings. She asked that the remaining Council members sign up for a training session and send her an email to confirm attendance.

The Administrator said that she will be on vacation from January 29 - February 5, 2013.

COUNCIL:

Councilman Ashley asked if there has been any movement on the Hirshfeld Brook grants. The Administrator said Grants Writer, Marlene Casey came in today to get pertinent information needed to apply for a grant. There is a resolution on this evening's agenda allowing Ms. Casey to move forward with the letter of intent and application. The cost of the entire project is projected to cost approximately one million, six hundred thousand dollars; with phase one costing one million dollars and phase two and three a cost of two hundred thousand and four hundred thousand each. Councilman Putrino asked if the Borough could look into applying for a single grant under a declared disaster category where the Borough could receive the amount needed for the entire project. A brief discussion on budgeting appropriations for the entire project ensued, and the Administrator said that she would check with Ms. Casey as to the details of the grant.

Councilman Putrino requested that Budget Committee Report be included on every agenda until the budget is adopted. He reported that all department budgets are in, with the exception of Police, DPW and insurance numbers. The committee will be meeting with both departments next week. The introduction of the budget is scheduled for the March work session. It is necessary for all of the department's individual budgets to be added together by the CFO before the Mayor and Council can have a clear financial picture. Only then can the Governing Body move forward with the capital budget.

Councilman Robalino asked if the Borough had invoiced the NM Board of Education for a share of the November election expenses. The Administrator reported there were no increased election expenses incurred by the Borough due to the Board of Education election being added to the regular general election. Mayor Subrizi said that the Board of Education is saving thirteen thousand dollars by switching the April school election to the November's general election. She, Councilman Robalino, and Councilman Putrino questioned if the Borough could request one half of that amount from the Board of Education.

Councilman Robalino requested that residents be reminded e-waste is not picked up with the recyclables and that a special pick-up can be arranged by calling the DPW.

Councilman Robalino requested that the framed photographs of the Borough's Mayors be hung in a prominent spot in the Borough Hall building. At this time they are in the front lobby showcase.

Councilman Robalino asked Police Chief Papapietro his thoughts on Central Dispatch. The Chief said that he felt that the service would be a good idea but the Borough should keep an

officer on the desk as well. The topic will be scheduled for a future agenda. It was agreed that the Mahwah Central Dispatch Center is a state of the art facility and the Chief will provide the Mayor and Council with detailed information for an upcoming meeting. It was clarified that the county service would come at a cost to the municipality. The Chief was asked to do a cost benefit analysis.

Councilman Robalino asked Chief Papapietro about the JIF sponsored Police Accreditation Program. The Chief said he had assigned an officer to look into the program and will present the information to the Mayor and Council. It is a labor intensive and worthwhile program. There is a premium discount benefit to be gained after accreditation. The Administrator said that a resolution has been passed to move forward with the accreditation process.

Mayor Subrizi reported that she, Council President Duffie and Councilman Colucci met with John Brunetti regarding the Borough's COAH obligations and the Brookchester Apartment complex. Mr. Brunetti has created a plan with improvements for the complex and will present the plan to the Mayor and Council for approval. Mayor Subrizi stated she would like the Borough planner and attorney to be in attendance for the presentation.

Mayor Subrizi reported that the Borough Officials have been invited to march in the Bergenfield St. Patrick's Day Parade. She asked if anyone had any interest in marching. Council members were requested to check schedules and let the Mayor know.

Councilman Putrino made a motion to reconvene in the Council Chambers. Councilman Robalino seconded the motion. All present in favor, none opposed.

| | |
|--------------------------------|------------------------|
| PUBLIC SESSION: | (Actual Start 8:03 PM) |
| Councilman Diego Robalino | Present |
| Councilman Austin Ashley | Present |
| Council President Randi Duffie | Absent |
| Councilman Dominic Colucci | Present |
| Councilwoman Hedy Grant | Present |
| Councilman Michael Putrino | Present |
| Mayor Ann Subrizi | Present |

Also Present: Marc Leibman – 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.

OATHS:

Mayor Subrizi requested the Police Auxiliary members come up to the front of the room and introduced them as the Officers of the 2013 Police Auxiliary. The 17 members of the Auxiliary work with the Police Department. Scott Petrie is the liaison between the Police Department and the Auxiliary. Mayor Subrizi gave the oath of office to the following officers:

REYNALDO ORTIZ - CHIEF
VIRGINIA LAAMANEN – DEPUTY CHIEF

**SYLMAN BRESA - CAPTAIN
LARRY MINTZ - LIEUTENANT
CHRIS DUDSAK - SERGEANT
SHANT TASHJIAN - SERGEANT**

PROCLAMATIONS:

Mayor Subrizi read Proclamations for the following organizations:

**WOODCREST CENTER
NJEA'S READ ACROSS AMERICA
RADON ACTION MONTH**

APPOINTMENTS:

Mayor Subrizi acknowledged Alan Altine in the audience who was appointed to Fire Company #2 at the Mayor and Council's January 14, 2013 Work Session Meeting.

Mayor Subrizi asked for a motion to approve the appointment of David Gerity to Fire Company #1. A motion was made by Councilman Colucci and seconded by Councilman Putrino to accept the nomination of David Gerity. All present in favor, none opposed.

Mayor Subrizi announced the appointment of Josie McEwan to the Senior Advisory Board as the representative of the Ascension Church.

PRESENTATION:

NMJFL SUPERBOWL CHAMPIONS

Mayor Subrizi requested that the members of the NMJFL come up to the dais to be recognized as the Superbowl Champions. Their record was 10 and 1 and this is their second championship two years in a row.

COUNCIL COMMITTEE REPORTS:

Councilman Diego Robalino

Board of Education, Drug & Alcohol Municipal Alliance

Councilman Robalino gave an update on the New Jersey Sustainable Energy meeting. The bidding for third party gas will be held on January 30, 2013. The NJSEM is considering a two year contract.

Councilman Robalino said BOE Auditor Jeffery Bliss, of Lerch, Vinci and Higgins presented the 2011-2012 year end annual report to the Board of Education. The state of the District's financial situation is optimistic. All but one recommendation from last year was corrected and all others are now in compliance.

A walk through of the schools was conducted for a full evaluation by the county and Chief Papapietro following the Newtown tragedy. Councilman Robalino referenced a film called School Invader, for staff and administrators, filmed by the Bergen County Prosecutor's office at the New Milford Middle School which will be available soon. A new website called Sharewith 911 is under consideration for use by the NMBOE. It is in response to the violence occurring in schools around the country and allows teachers to share information in real time by using their smart phones. A

parent portal will be launched next month to allow parents to track student's grades, homework, absences, etc. A public hearing of the School Budget is scheduled for the end of March. The Board of Education has decided to have a Board liaison, Dan Conner, attend the Mayor and Council meetings.

Councilman Robalino reported that Municipal Alliance had a healthy year. A new presentation geared to Senior Citizens is being worked on. The Alliance is working to get outside speakers to present in the schools if the budget allows. He said he met with the co-presidents of the New Milford Swim Club and requested permission for the Municipal Alliance's carnival to be held in the swim club parking lot. Details are being worked out and the carnival is scheduled for either the last week of September or first week of October. A dance will be held on Valentine's Day at the Middle School.

Councilman Austin Ashley

Public Events, Recreation, Shade Tree

Councilman Ashley reported that the Public Events Committee did not meet in January.

Councilman Ashley was not able to attend the Recreation meeting due to conflict with the Shade Tree Committee meeting but, the resolution for the lighting of Kennedy Field is on this evening's agenda. Also, the ice skating rink is open at this time.

Councilman Ashley reported on behalf of the Shade Tree Commission that the 5 year management plan is coming up for renewal. It is an intense process, logging accomplishments over the last 5 years and setting plans for the following 5 years. The Commission is making free seedlings available in honor of Arbor Day on April 26, 2013.

Councilwoman Randi Duffie

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

Council President Duffie encouraged everyone to pick up an Arbor Day seedling. She reported all of her Committees have met in January and officers are in place. The Beautification Committee is sending out a letter to commercial entities requesting donations for the committee's annual Spring planting program.

Rent Leveling will continue to discuss issues that come before its board. She will present a recap of what the Association has worked on during the February or March Mayor and Council meeting.

Historic Preservation Commission is looking into extending the historic area around New Bridge Landing to include some homes across New Bridge Road. They purchased some new historic markers for homes around the municipality.

Councilman Dominic Colucci

Fire Department, Department of Public Works, Buildings & Grounds

Councilman Colucci reported that the Fire Department presented their 2013 budget requests to the Budget Committee. They are within the 2% cap. He said letters of appreciation have gone out to everyone who helped out during Super Storm Sandy and to those who sponsored Fire Department

events over the course of 2012. The Holiday Toy Drive took place on December 9, 2013 was a big success with over 500 gifts collected.

Councilman Colucci spoke about the 30th Anniversary of the death of Firefighter Entwistle who perished in the Borough Hall fire. The annual dedication and ceremony will take place on February 17, 2013.

Councilman Colucci attended the January 21, 2013 Fire Department Advisory meeting where there was a discussion of moving forward with the development of plans for both fire houses. Another meeting is scheduled for mid-February.

Councilman Colucci stated that he attended a meeting with Mayor Subrizi and Councilman Putrino among others to discuss plans to modify or construct a new Borough Police Headquarters.

Councilman Colucci said that normal maintenance is continuing in the DPW. Building and Grounds report that a new generator has been installed and is running at Fire Company #1.

Councilwoman Hedy Grant

Bergen County Open Space, Environmental & Energy Commission, Library Board of Trustees, Planning Board

Councilwoman Grant reported that the Bergen County Open Space and the Environmental Commission did not meet in January.

Angelo DeCarlo was elected Chairman at the Planning Board meeting on January 15, 2013. There is one application pending before the Planning Board at this time.

Councilwoman Grant said that she was not able to attend the Library Board of Trustees meeting on January 17, 2013 due to illness. Board of Education member, Chris Ryan, spoke at the library's recent Author Talk event. Mr. Ryan has recently had a mystery novel published. The NPR has selected the New Milford Library to present an event called Selected Shorts. Tickets will be available soon.

Councilman Michael Putrino

Garbage & Recycling, Chamber of Commerce, Ambulance Corps

Councilman Putrino reported that he, Mayor Subrizi and Councilwoman Grant attended the Ambulance Corp. Reorganization Dinner on January 12th. He announced the 2013 Officers roster. He also attended the Ambulance Corp's January 21, 2013 meeting. Two members were sworn in, both live in Oradell. As of January 21st the Ambulance Corp has responded to over 118 calls. Councilman Putrino said that the Chamber of Commerce has not held a recent meeting and therefore there is no report.

Councilman Putrino said that the DPW is getting their numbers together for the 2013 budget. The Recycling Committee is putting together their recycling quarterly meeting schedule. There is no tonnage report at this time as the coordinator has been out.

Mayor Ann Subrizi

Police/Police Aux., Senior Citizens Advisory, Community Development, Joint Insurance Fund

Mayor Subrizi reminded the Council of Police Chief Papapietro's report on the condition of the Police Headquarters at the last meeting. The Borough is talking to the Architect, Rob Connelly, who is currently working on plans to Fire Company #1 and #2. She said all of the Borough's safety buildings are behind the times and the Governing Body will be looking at infrastructure improvements as soon as possible.

Mayor Subrizi reported that the Senior Citizen Advisory Board is doing wonderful work in connection with the Senior Center.

The Mayor stated that she has not yet heard from Community Development.

Mayor Subrizi said that she was not able to attend the Joint Insurance Fund Reorganization Meeting held in January. Art Caughlan is keeping the municipality current with all JIF insurance news.

Mayor Subrizi thanked Sanzari's for providing lights and a generator for use at the ice rink. She asked anyone with spare walkers and ice skates to donate them to the ice rink.

The Mayor and Council of New Milford as well as New Milford's residents have been invited to march in the Bergenfield St. Patrick's Day Parade.

Council President Duffie asked if the Council had allotted any funding to have Mr. Connelly work on the Police Headquarters project. Mayor Subrizi said that Mr. Connelly is preparing a proposal which will include the amount of money he would charge the Borough.

Councilman Ashley said that the BPU put out a report in 2011 on the electrical distribution companies response to Hurricane Irene. He said that he had been selected as one of three public officials to comment on the report and specific concerns were addressed in their response. Another report will be done in response to Super Storm Sandy. He stated it is important to get New Milford's input on record. When the new assessment comes out he asked the Governing Body to study it and submit comments.

Mayor Subrizi announced there will be a seminar at Bergen Community College on February 15, 2013, titled Right Tree, Right Location. The seminar will address issues important to the Shade Tree Commission. The seminar will also discuss the significant damage caused by recent storms. The meeting details have been forwarded to Council.

OLD BUSINESS:

Councilman Putrino stated that at the last meeting, Ms. Casey spoke to the Governing Body about the 2013 DOT grants program for roads. She recommended that a list of the Borough's worst roads be compiled. He and Councilman Ashley recently spent time riding around the municipality and identified about 16 streets that were in bad shape. He said that he will meet with the Acting Supervisor of the DPW to compare this new list to the present one. The Administrator said that she will be meeting on that topic with the Borough engineer and the DPW Acting Supervisor on February 6, 2013. Ms. Casey will also be in attendance to give her input as to which of the roads on the lists qualify for the grant.

Councilwoman Grant said that she has revised her Anti-Gun Violence resolution. She reported that Vice President Biden and Senators Feinstein, Cody and Gordon have all launched bills on the issue with a common denominator that military assault weapons and large capacity magazines would be banned. The resolution is on the Consent Agenda and she asked for the Council's support.

Mayor Subrizi explained why the Borough is cancelling the bid opening for the Recycling Contracts and gave the new details and dates for the new bid opening.

RESOLUTIONS:

- 2013:48 Closed Session
- 2013:49 Payment of Bills and Vouchers
- 2013:50 Authorize FWCC to complete PERC Certifications
- 2013:51 Raffle License 2013-01 for PTO David E. Owens Middle School
- 2013:52 Raffle License 2013-02 for PTO David E. Owens Middle School
- 2013:53 Appoint Special Legal Counsel – Mark Madaio, Esq.
- 2013:54 Authorize Capital Alternatives to prepare and submit necessary documentation on behalf of the Borough – Hirschfeld Brook Flood Control Project
- 2013:55 Award Kennedy Field Lighting Project in the amount of \$244,000 – Faigon Electrical Contractors
- 2013:56 Support Legislation to Reduce Gun Violence and Promote Public Safety
- 2013:57 Authorize New Bid Packages for Recycling Contract

COMMENTS FROM THE PUBLIC

Howard Berner – 145 North Place Terrace. Mr. Berner asked for an explanation of resolution 2013:53. Mayor Subrizi stated the purpose for retaining Mark Madaio as Special Council was to allow Mr. Madaio to follow through on the acquisitions of the Blue Acres properties that began in 2012 and on specific tax appeals that began during his tenure as Borough Attorney. Mr. Berner asked that resolution 2013:56 be read into the record. Councilwoman Grant read the resolution into the record.

Darlene Minko – 477 Marion Avenue. Ms. Minko said she had recently learned the Jewish Center had been sold to a Korean Church. She asked that the Mayor and Council consider a way to transport the Jewish War Memorial to Borough Hall property. She does not want it to be forgotten as it is meaningful, especially to the Jewish war veterans. Mayor Subrizi said that she will need the request to be put in writing.

Steve Tenser – 701 William Bliss Drive. Mr. Tenser said that he wanted to support Councilwoman Grant's proposal. He provided statistical information to support the need for gun safety.

John DeSantis – 190 Powell Drive. Mr. DeSantis asked the Mayor and Council to authorize permission for Mr. Leibman to review documents that were previously submitted to the former Borough Attorney regarding rent control as it affects senior citizens. Mr. DeSantis would like a program that would allow rents to be frozen for qualified low income seniors. He mentioned the earlier topic presented in the meeting of possibly moving the Borough's COAH obligation and he said that he is in favor of pursuing the topic vigorously.

Mayor Subrizi asked if there was Council support to have Mr. Leibman to review Mr. DeSantis's rent freeze ideas. Councilman Ashley said that he would like to find out if the ideas are legally possible. After continued discussion on the topic, it was determined that the Mr. Leibman will review the information and findings from the former attorney and decide if there is any legal merit to the ideas. Council President Duffie reminded the Council that the Rent Leveling Board had investigated Social Services and other forms of aid to seniors and struggling community members in the past. She said that additional help for those in need would be welcome.

Tomas Shreck – 214 Ridge Street. Mr. Shreck said that he is against Resolution 2013:56. He stated that the resolution goes against the 2nd amendment. He suggested that illegal guns need to be confiscated.

John DeSantis – 190 Powell Drive. Mr. DeSantis clarified that he is requesting that the attorney look through the documentation that will be provided, find out if any of the ideas can be done and come up with other legal means that can be put into place. Mayor Subrizi stated that the Borough Attorney needs approval of the Council to spend time looking through the documentation. It was agreed the only topic that Mr. Leibman will be studying is rent freezes for low income seniors.

Chief Papapietro said the NMPD will be participating with the County Sheriffs' office in a gun buy-back program scheduled for April. The details will be announced.

Dan Ferretti – 163 River Road. Mr. Ferretti asked if the Borough would make the pre-bid conference for the recycling contracts mandatory. Mr. Leibman said there is no authority to make it mandatory. He asked to have the bid dates emailed. He was advised the dates appear in the resolution. Mr. Ferretti offered to provide information he felt would be helpful regarding the bid specifications. Mr. Leibman asked Mr. Ferretti to forward any pertinent information to him as he will be reviewing the revised specification before it is issued.

Mark Flores – 150 North Carlton Place. Mr. Flores pointed out the large amount of damage trees in the Borough have taken recently due to heavy storms. He asked the Mayor and Council to discontinue planning trees under power wires. Municipalities are paying PSE&G to prune the trees. Trees also take power lines down at times. Councilman Ashley spoke about several solutions some municipalities have implemented. He said some of the comments to the Board of Public Utilities referred to trees. Mayor Subrizi reminded the Council and public of the Bergen Community College meeting on February which will address these issues being discussed.

Russ Schwartz – 260 Ridge. Mr. Schwartz spoke about the recently approved sump pump drainage ordinance and an issue he feels the new drainage directive has caused. Residents now have water being pumped out of their houses and into the street or onto neighbors properties. This is causing ice on the roads and creating a safety hazard. The Administrator said both of these actions are contrary to the existing ordinance and should be reported.

A motion was made by Council President Duffie, seconded by Councilwoman Grant to close the public session. All present in favor, none opposed.

VOTE ON RESOLUTIONS

Councilman Robalino requested resolution 2013:56 be pulled from the Consent Agenda for a separate vote.

Councilman Colucci made a motion to approve the consent agenda, resolutions 2013:48 through 2013:55 and resolution 2013:57. Councilman Robalino seconded the motion. All present in favor, none opposed

A motion was made by Council President Duffie to approve resolution 2013:56. Councilman Putrino seconded the motion.

For the motion: Duffie, Grant, Ashley, Putrino

Against the motion: Colucci, Robalino

Councilman Colucci said his reason for voting against the resolution is that it is in opposition with the second amendment.

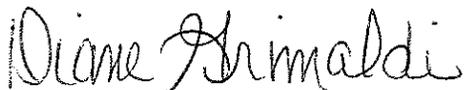
Councilman Robalino said a ban could create a black market where only lawbreakers will be able to purchase certain firearms.

Councilman Ashley said while he does not support all of the provisions within the resolution he does strongly support a debate at the congressional level.

ADJOURNMENT

Council President Duffie made a motion to adjourn. Councilman Ashley seconded the motion. All present in favor, none opposed. Time 9:40 PM.

Respectfully submitted,



Diane Grimaldi, RMC
Borough Clerk

BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2013:48

Offered by: [Signature]

Seconded by: [Signature]

| Member | Aye | No | Abstain | Absent |
|-------------|-----|----|---------|--------|
| DUFFIE | ✓ | | | |
| ASHLEY | ✓ | | | |
| ROBALINO | ✓ | | | |
| COLUCCI | ✓ | | | |
| GRANT | ✓ | | | |
| PUTRINO | ✓ | | | |
| MAYOR (tie) | | | | |

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

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

WHEREAS, the Governing Body wishes to discuss:

1. Recycling Bid Specification – Legal Advice
2. Personnel – Administrator/Borough Clerk

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

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

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on January 28, 2013.

[Signature]

SEAL

BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2013:49

Offered by: [Signature]

Seconded by: [Signature]

| Member | Aye | No | Abstain | Absent |
|-------------|-----|----|---------|--------|
| DUFFIE | ✓ | | | |
| ASHLEY | ✓ | | | |
| ROBALINO | ✓ | | | |
| COLUCCI | ✓ | | | |
| GRANT | ✓ | | | |
| PUTRINO | ✓ | | | |
| MAYOR (tie) | | | | |

WHEREAS, the claims and accounts listed below, have been authorized by the CFO, and found correct.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council hereby authorize the payment of these claims, and that warrants be drawn therefore when funds are available in the aggregate amount of \$2,998,509.56.

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on January 28, 2013.

[Signature]

SEAL

BILL LIST FOR MEETING OF:

JANUARY 28, 2012
CURRENT ACCOUNT

| VENDOR | CHECK NO. | AMOUNT | DESCRIPTION |
|--------------------------------------|-----------|----------------|--|
| NEW MILFORD BOARD OF EDUCATION | 2106 | \$2,403,127.17 | JANUARY 2013 SCHOOL APPROPRIATION |
| BERGEN MUNICIPAL JOINT INS. FUND | 2107 | \$137,209.94 | 4TH QUARTER 2012 ASSESSMENT |
| BERGEN MUNICIPAL JOINT INS. FUND | 2108 | \$129,071.84 | 1ST QUARTER 2013 ASSESSMENT |
| FORD MOTOR CREDIT COMPANY | 2109 | \$3,456.30 | (4) CROWN VIC CAR LEASE PAYMENT |
| NELSON PATTERSON AGENCY | 2110 | \$1,063.82 | FEBRUARY FIREMEN'S LIFE INS. PREMIUM |
| NELSON PATTERSON AGENCY | 2111 | \$4,835.00 | RECREATION PROGRAM POLICY |
| SAM YANOVICH | 2112 | \$50.00 | ESTABLISH 2013 BD OF HEALTH PETTY CASH |
| ROBERT C. GIFFORD, ESQ. | 2113 | \$784.82 | ARBITRATOR'S FEE |
| MARK D. MADAIO, ESQ. | 2114 | \$1,487.50 | DEC. 2012 SERVICES |
| DECOTIIS, FITZPATRICK & COLE, LLP | 2115 | \$200.00 | DEC. DPW LEGAL SERVICES |
| DECOTIIS, FITZPATRICK & COLE, LLP | 2116 | \$1,005.08 | DEC. 2012 LABOR COUNSEL |
| DECOTIIS, FITZPATRICK & COLE, LLP | 2117 | \$717.00 | DEC. PBA CONTRACT |
| RICHARD J. ABRAHAMSEN, ESQ. | 2118 | \$400.00 | 7/24, 8/28, 10/16 & 11/27/12 ATTEND MEETINGS |
| JAMES TAORMINA | 2119 | \$670.00 | JULY-DEC. 2012 MILEAGE REIMB. |
| MICHAEL SESTANOVICH | 2120 | \$350.00 | JULY-DEC. 2012 MILEAGE REIMB. |
| ROBERT PLANKER | 2121 | \$560.00 | JULY-DEC. 2012 MILEAGE REIMB. |
| MEDICAL REIMBURSEMENT ACCOUNT | 2122 | \$40,000.00 | REPLENISH ACCOUNT |
| AETNA | 2123 | \$139,380.88 | JANUARY 2013 PREMIUM |
| RELIANCE STANDARD LIFE INSURANCE | 2124 | \$1,365.50 | JANUARY 2013 PREMIUM |
| NEW MILFORD VOLUNTEER AMBULANCE | 2125 | \$1,600.60 | EMS PORTION FOR DAMAGES 11/20/12 ACCIDENT |
| CABLEVISION | 2126 | \$344.94 | JANUARY 2013 |
| PITNEY BOWES | 2127 | \$3,000.00 | REPLENISH POSTAGE METER |
| LEXIS NEXIS | 2128 | \$209.00 | DECEMBER 2012 |
| UNITED WATER | 2129 | \$15,437.43 | DECEMBER 2012 HYDRANTS |
| BERGEN COUNTY UTILITIES AUTHORITY | 2130 | \$30,674.96 | NOVEMBER 2012 TIPPING FEES |
| PUBLIC SERVICE ELECTRIC & GAS | 2131 | \$34,181.73 | NOVEMBER & DECEMBER CHARGES |
| NEW MILFORD RECREATION TRUST ACCOUNT | 2132 | \$750.00 | WRESTLING TOURNAMENTS |
| VERIZON | 2133 | \$73.38 | 12/16-12-1/15/13 RADIO REPEATER NMMS & PD |
| USR PBA LOCAL 218 | 2134 | \$525.00 | 7 ATTENDEES 2/15/13 SEMINAR |
| WELLS, JAWORSKI & LIEBMAN, LLP | 2135 | \$1,734.31 | JULY, SEPT, OCT, NOV, DEC. 2012 SERVICES |
| FLAGSHIP DENTAL PLANS | 2136 | \$80.70 | JANUARY 2013 PREMIUM |
| DELTA DENTAL | 2137 | \$9,017.39 | JANUARY 2013 PREMIUM |
| DELTA DENTAL | 2138 | \$9,195.27 | FEBRUARY 2013 PREMIUM |
| | | \$2,972,559.56 | |

BILL LIST FOR MEETING OF:

**JANUARY 28, 2013
DEVELOPER'S ESCROW**

| VENDOR | ACCOUNT | CHECK NO. | AMOUNT |
|-----------------------|----------------|------------------|-------------------|
| SCOTT SPROVIERO, ESQ. | SANZARI'S | 1230 | \$500.00 |
| SCOTT SPROVIERO, ESQ. | SANZARI'S | 1231 | \$750.00 |
| | | TOTAL | \$1,250.00 |

BILL LIST FOR MEETING OF:

**JANUARY 28, 2013
CAPITAL ACCOUNT**

| VENDOR | CHECK NO. | AMOUNT | DESCRIPTION |
|-----------------|------------------|--------------------|------------------------------|
| QUALITY COOLING | 1089 | \$24,700.00 | REPLACE GENERATOR FIRE CO.#1 |
| | TOTAL | \$24,700.00 | |

BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2013:50

Offered by: N. DiStefano

Seconded by: [Signature]

| Member | Aye | No | Abstain | Absent |
|-------------|-----|----|---------|--------|
| ROBALINO | ✓ | | | |
| ASHLEY | ✓ | | | |
| DUFFIE | ✓ | | | |
| COLUCCI | ✓ | | | |
| GRANT | ✓ | | | |
| PUTRINO | ✓ | | | |
| MAYOR (tie) | | | | |

WHEREAS, N.J.S.A. 34:13A-8.2 requires that “public employers shall file with the commission a copy of any contracts negotiated with public employee representatives following consummation of negotiations”; and

WHEREAS, N.J.S.A. 34:13A-16.8(d)(2), effective January 1, 2011, requires all public employers to provide copies of completed contracts from all bargaining units within the employer’s jurisdiction, along with a summary of all costs and their impact associated with the negotiated agreement for all bargaining units; and

WHEREAS, the Public Employment Relations Commission has adopted a Certification form; and

WHEREAS, Steven Wielkotz, RMA of Ferraioli, Wielkotz, Cerullo & Cuva has provided a quote to complete individual certifications for the recently negotiated contracts of the New Milford Public Works Employee Benevolent Association, RWDSU Local 108, and PBA Local 83 at a total cost of between \$1,500 and \$2,500;

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council hereby authorize Steven Wielkotz, RMA to complete the PERC Certifications for the three above reference bargaining units.

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on January 28, 2013.

[Signature]

SEAL

BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2013:51

Offered by: *Randy...*

Seconded by: *Debra...*

| Member | Aye | No. | Abstain | Absent |
|-------------|-----|-----|---------|--------|
| ROBALINO | ✓ | | | |
| ASHLEY | ✓ | | | |
| DUFFIE | ✓ | | | |
| COLUCCI | ✓ | | | |
| GRANT | ✓ | | | |
| PUTRINO | ✓ | | | |
| MAYOR (tie) | | | | |

RAFFLE/BINGO LICENSE

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

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

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

| <u>APPLICANT</u> | <u>TYPE OF LICENSE</u> | <u>DATE/TIME/PLACE</u> | <u>LICENSE #</u> |
|---|---------------------------|------------------------|------------------|
| PTO David E. Owens Middle School 470 Marion Avenue New Milford, N.J. 07646 | On Premise Merchandise | 3/12/13 | 2013-01 |

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on January 28, 2013.

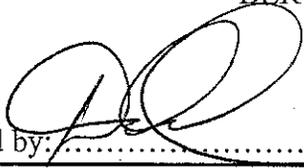
Christine...

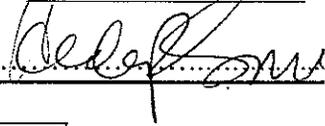
SEAL

BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2013:52

Offered by: 

Seconded by: 

| Member | Aye | No | Abstain | Absent |
|-------------|-----|----|---------|--------|
| ROBALINO | | | | |
| ASHLEY | | | | |
| DUFFIE | | | | |
| COLUCCI | | | | |
| GRANT | | | | |
| PUTRINO | | | | |
| MAYOR (lie) | | | | |

RAFFLE/BINGO LICENSE

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

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

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

| <u>APPLICANT</u> | <u>TYPE OF LICENSE</u> | <u>DATE/TIME/PLACE</u> | <u>LICENSE #</u> |
|---|---------------------------|------------------------|------------------|
| PTO David E. Owens Middle School 470 Marion Avenue New Milford, N.J. 07646 | On Premise Merchandise | 5/14/13 | 2013-02 |

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on January 28, 2013.



SEAL

BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2013-53

Offered by: [Signature]

Seconded by: [Signature]

| Member | Aye | No | Abstain | Absent |
|-------------|-----|----|---------|--------|
| ROBALINO | ✓ | | | |
| ASHLEY | ✓ | | | |
| DUFFIE | ✓ | | | |
| COLUCCI | ✓ | | | |
| GRANT | ✓ | | | |
| PUTRINO | ✓ | | | |
| MAYOR (tie) | | | | |

WHEREAS, the Mayor and Council of the Borough of New Milford, upon recommendation of Borough Attorney Marc Leibman, has identified the need to retain the ongoing legal counsel of former Borough Attorney, Mark Madaio, for an undetermined time period to continue work on particular ongoing real estate transactions and tax appeals; and

WHEREAS, Mr. Madaio has agreed to continue to administer legal counsel on behalf on the Borough of New Milford involving the initiated proceedings on HMGP acquisitions, the BCOS acquisition for 1033 Steuben Avenue, and various Borough tax appeals that began during the time of his service as Borough Attorney for the Borough of New Milford.

NOW, THEREFORE BE IT RESOLVED, The Mayor and Council of the Borough of New Milford authorize Attorney Mark Madaio to see the above referenced matters through to conclusion at the previously agreed upon rate of \$125 per hour.

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on January 28, 2013.

[Signature]

SEAL

BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2013:54

Offered by: *Randolph*

Seconded by: *Debra*

| Member | Aye | No | Abstain | Absent |
|-------------|-----|----|---------|--------|
| ROBALINO | ✓ | | | |
| ASHLEY | ✓ | | | |
| DUFFIE | ✓ | | | |
| COLUCCI | ✓ | | | |
| GRANT | ✓ | | | |
| PUTRINO | ✓ | | | |
| MAYOR (tie) | | | | |

WHEREAS, the Mayor and Council of the Borough of New Milford wish to apply for funding through FEMA under the Hazard Mitigation Grant Program for:

**HIRSCHFELD BROOK
FLOOD CONTROL PROJECT**

; and

WHEREAS, the Mayor and Council has determined that such application should be prepared by Capital Alternatives Corporation the grants specialists engaged by the municipality for assistance in such matters.

NOW THEREFORE BE IT RESOLVED, that Capital Alternatives Corporation is authorized to prepare, assemble and submit the necessary documentation on behalf of the Borough of New Milford for the stated project.

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on January 28, 2013.

SEAL

Christine Kernus

BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2013:55

Offered by: *[Signature]*

Seconded by: *[Signature]*

| Member | Aye | No | Abstain | Absent |
|-------------|-----|----|---------|--------|
| ROBALINO | ✓ | | | |
| ASHLEY | ✓ | | | |
| DUFFIE | ✓ | | | |
| COLUCCI | ✓ | | | |
| GRANT | ✓ | | | |
| PUTRINO | ✓ | | | |
| MAYOR (tie) | | | | |

WHEREAS, the Mayor and Council of the Borough of New Milford received a Bergen County Open Space Trust Grant in the amount of \$150,000 for Hardcastle Pond Phase II and Kennedy Field Lighting and an additional Bergen County Open Space Trust Grant in the amount of \$125,000 for Kennedy Field Lighting; and

WHEREAS, funding was allocated for Kennedy Field Lighting via Capital Ordinance #2012:08 in the amount of \$325,000;

WHEREAS, bids were advertised for and received in New Milford Borough Hall for the Kennedy Field Lighting on January 17, 2013 at 10:00 AM with the lowest three bids as follows:

| | <u>Bid Amount</u> |
|---|-------------------|
| Faigon Electrical Contractors Piscataway, NJ | \$244,000.00 |
| Quality Electrical Construction Co. West Keansburg, NJ | \$273,175.00 |
| EMSA Energy LLC Parlin, NJ | \$277,400.00 |

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council hereby award the contract for the Kennedy Field Lighting to the lowest responsible bidder, Faigon Electrical Contractors, Piscataway, NJ in the amount of \$244,000.00 and authorize Mayor Subrizi to sign said contract and authorize the Borough Clerk to attest to the same.

BE IT FURTHER RESOLVED that a certified copy of this resolution be mailed to Faigon Electrical Contractors, 140 Eleventh Street, Piscataway, NJ 08854 and Boswell McClave Engineering.

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on January 28, 2013.

[Signature]

SEAL

BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2013:56

Offered by:

[Handwritten Signature]

Seconded by:

[Handwritten Signature]

| Member | Aye | No | Abstain | Absent |
|-------------|-----|----|---------|--------|
| DUFFIE | ✓ | | | |
| ASHLEY | ✓ | | | |
| ROBALINO | | ✓ | | |
| COLUCCI | | ✓ | | |
| GRANT | ✓ | | | |
| PÚTRINO | ✓ | | | |
| MAYOR (tie) | | | | |

**RESOLUTION TO SUPPORT LEGISLATION AND OTHER INITIATIVES
THAT WILL REDUCE GUN VIOLENCE AND PROMOTE PUBLIC SAFETY**

WHEREAS, our community is overcome with grief and outrage by the recent tragedy and unspeakable act of violence that occurred in a kindergarten class in Newtown, Connecticut, as well as by the many other senseless tragedies we have witnessed across the United States in recent years – at shopping malls, movie theaters, grocery stores, restaurants, houses of worship, colleges and elsewhere; and

WHEREAS, many of these massacres were done with military-style weapons with large capacity magazines; and

WHEREAS, the primary purpose of an assault or military-style weapon with a large capacity magazine is to kill many and to kill quickly and not for sport or self-protection; and

WHEREAS, research shows the majority of the public supports stronger gun safety laws as a means to protect the public safety; and

WHEREAS, the United States had an assault weapons ban, which lapsed in 2004; and

WHEREAS, the health and safety of the public is in increasing jeopardy as a result of the proliferation of military-style assault weapons and large-capacity magazines; and

WHEREAS, a way must be found to balance individual rights and public safety; and

WHEREAS, there may be many causes for such massacres, one is clearly the availability of military-style assault weapons with large-capacity magazines and another is the lack of a requirement of universal background checks on all gun purchasers; and

BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2013:56

Offered by: [Signature]

Seconded by:.....

WHEREAS, elected officials have a responsibility to protect their communities;

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of New Milford believe the right of the public to be free of and safe from gun violence is of paramount importance; and

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of New Milford supports greater federal and state gun control measures, including but not limited to: (a) mandating criminal back ground checks on all gun sales within the United States and State of New Jersey; (2) banning the sale, use, transfer, and importation of military-style weapons and large-capacity magazines; (3) enacting measures to make gun trafficking a federal crime; (4) increasing funding for mental health care; and (5) permitting the Centers for Disease Control or other respected research institutions to study gun violence; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to US President Barack Obama, US Vice President Joseph Biden, Jr., US Senate Majority Leader Harry Reid, US House Majority Leader John Boehner, NJ Senator Menendez, NJ Senator Lautenberg, NJ Governor Chris Christie, NJ Senate President Stephen Sweeney, NJ Assembly Speaker Sheila Oliver, District 38 Senator Bob Gordon, District 38 Assemblywoman Connie Wagner, District 38 Assemblyman Tim Eustace, County Executive Kathleen Donovan, the Bergen County Freeholders, Chief Donald Keane of the Bergen County Police Chiefs Association (Cliffside Park, NJ), the Brady Center to Prevent Gun Violence, Mayors Against Illegal Weapons, and the mayor of every municipality in Bergen County, NJ.

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on January 28, 2013.

[Signature]

SEAL

BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2013:57

Offered by: [Signature]

Seconded by: [Signature]

| Member | Aye | No | Abstain | Absent |
|-------------|-----|----|---------|--------|
| DUFFIE | ✓ | | | |
| ASHLEY | ✓ | | | |
| ROBALINO | ✓ | | | |
| COLUCCI | ✓ | | | |
| GRANT | ✓ | | | |
| PUTRINO | ✓ | | | |
| MAYOR (tie) | | | | |

WHEREAS, the Mayor and Council, having been advised that since the issuance of bids for recycling pick-up services have been published, questions have been asked by prospective bidders regarding specifications in the bid packages.

WHEREAS, additional information, which is presently absent from the bids is of a material nature and the absence of information makes it more difficult for prospective bidders to accurately respond to the bids at the lowest possible cost and may result in needless additional expense.

WHEREAS, the Borough Attorney has recommended that the opening of the bids be postponed in accordance with NJSA 5:34-9.3 and that the current bid be canceled and the sealed bids returned.

NOW, THEREFORE BE IT RESOLVED, the Borough Attorney has recommended that a revised bid package be prepared and the matter be bid anew, with new advertising date of February 8, 2013, a pre-bid conference on February 22, 2013, with bids to be opened on March 15, 2013 and the bids to be awarded on March 25, 2013.

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on January 28, 2013.

[Signature]

SEAL