



**MINUTES**  
**BOROUGH OF NEW MILFORD**  
**MAYOR AND COUNCIL REORGANIZATION MEETING**  
**JANUARY 7, 2013**  
**7:00 PM**

Mayor Subrizi called the meeting to order, asked for a moment of silent prayer and/or reflection, and led the salute to the flag. Mayor Subrizi pointed out the fire exits in the Council Chambers.

Mayor Subrizi read the Open Public Meeting and Mission Statements.

**Roll Call of 2012 Council**

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

Mayor Subrizi welcomed the audience for the New Year.

**OLD BUSINESS:**

Unfinished business for the year 2012.

2012:364 Approve budget transfers for Municipal Budget 2012

2012:365 Payment of Bills and Vouchers through 12/31/12

Councilman Robalino made a motion to approve resolution 2012:364 and 2012:365. Council President Berner seconded the motion. All present in favor, none opposed.

A motion is made by Councilwoman Duffie, seconded by Councilwoman Grant to close the meeting. SINE DIE.

**NEW BUSINESS:**

The Borough Clerk announced the receipt of the Certificates of Election for Councilman Austin Ashley and Councilman Michael Putrino. Councilman Ashley was sworn in by Assemblywoman Connie Wagner. Councilman Putrino was sworn in by County Clerk John Hogan.

Mayor Subrizi convened the new 2013 Council and Roll Call was conducted.

Councilwoman Randi Duffie	Present
Councilman Austin Ashley	Present
Councilman Diego Robalino	Present
Councilman Dominic Colucci	Present

Councilwoman Hedy Grant	Present
Councilman Michael Putrino	Present
Mayor Ann Subrizi	Present

Councilwoman Grant made a motion to nominate Councilwoman Duffie for Council President. Councilman Ashley seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

Mayor Subrizi announced the new Fire Department Officers who were sworn in at their reorganization meeting held on January 1<sup>st</sup>:

Chief Craig Maiocchi  
 Assistant Chief Jeremiah Nolan  
 Deputy Fire Chief David Stormer  
 Capt. Co. #1 Ross Rhein  
 Capt. Co. #2 Joseph McNulty  
 Lieutenant Co. #1 John Stormer  
 Lieutenant Co. #2 John Siccardi.

Mayor Subrizi announced "All standing committees and special committees are dissolved and all individual appointments are terminated and relieved of their offices and duties, and indeterminate appointments dissolved."

<u>POSITION</u>	<u>TERM</u>	<u>APPOINTEE</u>
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<b>BOROUGH ATTORNEY</b>	<b>1 Yr.</b>	
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Councilman Ashley made a motion to appoint Marc Leibman to the position of Borough Attorney. Councilman Robalino seconded the motion. A roll call vote was conducted:

For the motion: Ashley, Robalino, Colucci  
 Against the motion: Duffie, Grant, Putrino  
 Abstain:

The Mayor said she would pass on casting her vote in anticipation of another motion.

Council President Duffie made a motion to appoint Lisa Aljian of Wells, Jaworski and Liebman to the position of Borough Attorney. Councilwoman Grant seconded the motion. A roll call vote was conducted:

For the motion: Duffie, Grant, Putrino  
 Against the motion: Ashley, Robalino, Colucci  
 Abstain:

The Mayor said before casting her vote she needed to ask some questions. She noted both Ms. Aljian and Mr. Leibman were present and have served the Borough in the past in different capacities. Noting Mr. Leibman's representation of Councilman Ashley before the Zoning Board, she asked Councilman Ashley to explain why he has had Mr. Leibman representing him and she asked Mr. Leibman to comment on whether he feels there would be any conflict going forward.

Councilman Ashley said he retained counsel before the Zoning Board because he feels the project is not in the best interest of the Borough, is oversized and on a piece of land that should have been bought by the Borough. He said he felt it would be best to have professional assistance to ensure that New Milford got the best.

Mr. Leibman said he did not believe his representation of Councilman Ashley before the Zoning Board would have any impact on the Governing Body. He said if the Council determined to engage his services he would withdraw from the objectors position. As an attorney, his obligation is to his client and the Borough would become his client. He does not perceive any conflict whatsoever.

The Mayor noted Councilman Ashley has recused himself from discussions regarding the United Water Company. She asked if it would continue. Mr. Leibman said he could not imagine any reason why he would change his position. The Mayor asked if Mr. Leibman would feel any kind of loyalty to Mr. Ashley's former position vs. how he would need to react to the Council as whole going forward. Mr. Leibman said the position of the Borough Attorney is to serve the will of the entire Governing Body; the loyalty would be to the entire Governing Body, it cannot be divided or mixed amongst the members. While he would no longer be serving as Mr. Ashley's attorney, the Mayor and Council would all become his/his firms clients.

The Mayor noted Ms. Aljian had submitted an RFQ for the position of Rent Leveling Attorney and noted her name has now been brought forward for the position of Borough Attorney. She asked how the transition occurred. Ms. Aljian said the position was raised very recently and her interest grew the more she thought about it, particularly in view of her serving the Rent Leveling Board, which is similar to the Mayor and Council in that it is an adversarial type of Board; there are positions and opinions on both sides. She said in her experience as a corporate attorney, she negotiates deals and makes things happen, brings parties together, finds common ground. The more she thought about it the more excited she became about the opportunity to serve the town and to work together with the Mayor and Council. She asked the Mayor and Council to consider, whether or not there exists an actual conflict, there appears to be some level of discomfort with respect to Mr. Leibman having represented Mr. Ashley personally and now being placed in a position to represent the town.

Councilman Robalino asked Ms. Aljian if she had any experience representing a town or borough in the past. Ms. Aljian said she has not individually represented a town in the past; her firm is a very well respected firm in Bergen County and has been involved with Zoning and Land Use for many years.

Mayor Subrizi asked Mr. Leibman if he had ever served as a Borough Attorney. Mr. Leibman said attorneys in his office have served a number of different towns as Borough Attorney and that he has sat at the dais and represented municipalities, he has handled litigation for municipalities, drafted ordinances; he has not personally been appointed but has acted as a Borough Attorney on many occasions.

Councilman Colucci asked if the Borough would be represented by Mr. Leibman himself or by another member of his firm. Mr. Leibman responded he would represent the

borough but there are nine attorneys in the office available to realize the best personnel for the borough's needs.

The Mayor said it is a very tough decision to have to make. She said that she had reviewed both attorney's resumes in the course of the RFQ process. She said Ms. Aljian's RFQ was originally for Rent Leveling Attorney and she had only recently been made aware that Ms. Aljian would be seeking the Borough Attorney position. The Mayor said she believed the experience Mr. Leibman's firm brings is more suited to the needs of New Milford and she casted her vote for Marc Leibman.

**TAX APPEAL ATTORNEY      1 Yr.**

Council President Duffie made a motion to appoint Wells, Jaworski and Liebman as the Tax Appeal Attorney. Councilman Putrino seconded the motion.

For the motion:      Duffie, Grant, Putrino  
Against the motion: Ashley, Robalino, Colucci  
Abstain:

The Mayor said the Tax Appeal Attorney is generally the Borough Attorney so she said she would be voting for Marc Leibman.

Council President Duffie said she does not believe that is the case and it was not in their discussions. She said she was surprised to hear the Mayor say this:

The Mayor said she would pass on voting in anticipation of another motion.

Councilman Colucci made a motion to appoint Marc Leibman as the Tax Appeal Attorney. Councilman Ashley seconded the motion. A roll call vote was conducted:

For the motion:      Ashley, Robalino, Colucci, Subrizi  
Against the motion: Duffie, Grant, Putrino  
Abstain:              None

**RENT LEVELING ATTORNEY   1 Yr.              Lisa Aljian, Esq.**

Council President Duffie made a motion to appoint Lisa Aljian as the Rent Leveling Attorney. Councilman Ashley seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

**PROSECUTOR                              1 Yr.              Thomas Sarlo, Esq.**

**PUBLIC DEFENDER                        1 Yr.              Jason Shafron, Esq.**

**BOND COUNSEL                            1 Yr.              Steve Rogut, Esq.**

Council President Duffie made a motion to accept the appointments of Prosecutor through Bond Counsel. Councilman Robalino seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

<b>GRANTS CONSULTANT</b>	<b>1 Yr.</b>	<b>Capital Alternatives</b>
<b>RISK MANAGER</b>	<b>1 Yr.</b>	<b>Nelson Patterson, Art Caughlan</b>

Councilman Colucci made a motion to accept the appointments of Grants Consultant and Risk Manager. Councilman Robalino seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

<b>LABOR ATTORNEY</b>	<b>1 Yr.</b>	<b>Chasasn, Leyner &amp; Lamparello</b>
<b>BOROUGH AUDITOR</b>	<b>1 Yr.</b>	<b>Steven Wielkocz of FWC&amp;C</b>
<b>BOROUGH PLANNER</b>	<b>1 Yr.</b>	<b>Paul Grygiel of PPG, LLC</b>

Council President Duffie made a motion to accept the appointments of Labor Attorney through Borough Planner. Councilwoman Grant seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

<b>HEALTH OFFICER</b>	<b>1 Yr.</b>	<b>Sam Yanovich, Mid Bergen</b>
<b>FIRE AND POLICE PHYSICIAN</b>	<b>1 Yr.</b>	<b>Dr. Griggs</b>
<b>BERGEN COUNTY JIF &amp; MEL</b>	<b>1 Yr.</b>	<b>Mayor Ann Subrizi</b>
<b>BLOOD BANK</b>	<b>1 Yr.</b>	<b>Lorraine Palma, RN</b>
<b>BOROUGH PHOTOGRAPHER</b>	<b>1 Yr.</b>	<b>Brett Dzadik</b>
<b>CLEAN COMMUNITIES COORDINATOR</b>	<b>1 Yr.</b>	<b>Kevin Kerrigan</b>
<b>DOMESTIC VIOLENCE RESPONSE TEAM</b>	<b>1 Yr.</b>	<b>Confidential – Contact NMPD Domestic Violence Liaison Officer Det. Lt. Brian Long</b>

<b>BEAUTIFICATION COMMITTEE – 1 Year</b>		
	<b>12/31/13</b>	<b>Steve Perrone</b>
	<b>12/31/13</b>	<b>Mary O’Brien</b>
	<b>12/31/13</b>	<b>Joyce Di Blasio</b>
	<b>12/31/13</b>	<b>Thea Sirocchi-Hurley</b>
	<b>12/31/13</b>	<b>Gerard Rasulo</b>
	<b>12/31/13</b>	<b>Iris Browne</b>
	<b>12/31/13</b>	<b>Geoffrey Browne</b>
	<b>12/31/13</b>	<b>Roberta Whitley Gomez</b>
	<b>12/31/13</b>	<b>Barbara Barbagallo</b>

Councilwoman Grant made a motion to accept the appointments of Health Officer through Beautification Committee. Councilman Colucci seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

**DRUG AND ALCOHOL MUN.**

**ALLIANCE COMMITTEE - 1 Year**

12/31/13	Joseph Binetti
12/31/13	Denise Erba
12/31/13	Joe Erba
12/31/13	Margaret Hliboki
12/31/13	Dalila Kharmandarian
12/31/13	Kevin McMahon
12/31/13	Dona McNaughton
12/31/13	Cheryl Tormo
12/31/13	John Walsh
	P.O. Keith Wester

**ENVIRONMENTAL & ENERGY COMMISSION – 3 Years**

12/31/15	Stephen Lischick
12/31/15	Lynn Torpie
12/31/15	Karl Schaffenberger
Alt. 2 – 1 Yr. 12/31/13	Steve Perrone

**GARBAGE AND RECYCLING - 1 Year**

12/31/13	Robert Chester
12/31/13	Norman Krause
12/31/13	Ralph Mastrangelo
12/31/13	Steve Perrone
12/31/13	George Senftinger
12/31/13	Kevin Kerrigan

**HISTORIC PRESERVATION COMMISSION - (9 members)**

1 Class A, 3 Class B, 5 Class C - all 4 year terms

2 Class C Alt. - 2 year term

	Class A	12/31/16	Marlene Casey
(Unexp.)	Class B	12/31/13	Darren Drake
	Class B	12/31/16	Cynthia Forster
(Unexp.)	Class C	12/31/15	Thea Sirocchi-Hurley
	Class C	12/31/16	Michael Perrone
	Alt. 2 C	12/31/14	Rob Ryan

**JUVENILE CONFERENCE COMMITTEE**

Provided by Bergen County Court

**LIBRARY BOARD – 5 Years**

(Unexp.)	12/31/15	Miriam Pickett
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**SCHOOL CROSSING GUARDS 12/31/13 (list provided by Police Department)**

**SENIOR CITIZEN ADVISORY BOARD**

<b>RESIDENT MEMBERS</b>	<b>12/31/14</b>	<b>Mary Buczinsky</b>
<b>(2 Years)</b>	<b>12/31/14</b>	<b>Pat Coogan</b>
	<b>12/31/14</b>	<b>Betty Chester</b>
	<b>12/31/14</b>	<b>Frank Papay</b>

Councilman Robalino made a motion to accept the appointments of the Official Newspapers through Senior Citizen Advisory Board Resident Members. Councilman Colucci seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

**SENIOR CLUB**

<b>REPRESENTATIVES</b>	<b>12/31/13</b>	<b>Jane Emanuel -St. Joseph's Leisure Club</b>
<b>(1 Year)</b>	<b>12/31/13</b>	<b>Rev. Anthony Iovine-St. Matthew's Church Group</b>
	<b>12/31/13</b>	<b>Peggy Saslow-NMJC Senior Group</b>
	<b>12/31/13</b>	<b>Vacant – Ascension Church Group*</b>
	<b>12/31/13</b>	<b>Frank Moriarty-NM Baptist Senior's Group</b>
	<b>12/31/13</b>	<b>Gus Bachmann-Gloria Dei Church Senior Group</b>
	<b>12/31/13</b>	<b>Betty Martin - Presbyterian Senior Group</b>

Council President Duffie made a motion to accept the appointments of the Senior Citizen Advisory Board Senior Club Representatives. Councilman Robalino seconded the motion. The motion passed on a roll call vote as follows:

For the motion: Duffie, Ashley, Robalino, Colucci, Grant  
Against the motion: None  
Abstain: Putrino

**SHADE TREE COMMISSION (5 Years)**

<b>(Unexp.)</b>	<b>12/31/14</b>	<b>Emily Rostkowski</b>
<b>(Unexp.)</b>	<b>12/31/15</b>	<b>Tiffany Harris</b>
	<b>12/31/17</b>	<b>Steve Perrone</b>

Councilman Colucci made a motion to accept the appointments of the Shade Tree Commission. Councilman Robalino seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

**ZONING BOARD OF ADJUSTMENT**

**Alt. 1 12/31/14 Gerard Ix**

Council President Duffie made a motion to nominate Gerard Ix to the position of Alternate 1 on the Zoning Board of Adjustment. Councilwoman Grant seconded the motion. The motion passed on a roll call vote as follows:

For the motion: Duffie, Ashley, Grant, Putrino  
Against the motion: Robalino, Colucci

Abstain:                   None

In casting his vote Councilman Robalino referenced a long application before the Board and expressed his opinion that the membership should not be disrupted; he said he would prefer to reappoint Frank Appice.

In casting his vote Councilman Colucci commented that the individual nominated did not even finish his last term on the Board, he resigned. He additionally noted the lengthy application before the Board.

**ZONING BOARD OF ADJUSTMENT**

**12/31/16           Karl Schaffenberg**  
**12/31/16           Eileen DeBari**

Council President Duffie made a motion to accept the appointments of the Zoning Board of Adjustment. Councilman Ashley seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

Mayor Subrizi reads the list of Council Committee Assignments.

- |                            |  |
|----------------------------|--|
| Councilwoman Randi Duffie  | Health & Human Services, Beautification Committee, Rent Leveling/Tenants Association, Historic Preservation Commission |
| Councilman Diego Robalino  | Board of Education, Drug & Alcohol Municipal Alliance  |
| Councilman Austin Ashley   | Public Events, Recreation, Shade Tree  |
| Councilwoman Hedy Grant    | Bergen County Open Space, Environmental & Energy Commission, Library Board of Trustees                                 |
| Councilman Dominic Colucci | Fire Department, Department of Public Works, Buildings & Grounds   |
| Councilman Michael Putrino | Garbage & Recycling, Chamber of Commerce, Ambulance Corps  |
| Mayor Ann Subrizi          | Police/Police Aux., Senior Citizens Advisory, Community Development, Joint Insurance Fund                              |

**COMMENTS FROM THE PUBLIC**

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

Assemblywoman Wagner addressed the Mayor and Council and members of the public. She stated 2013 will present challenges noting a shortage of revenue to the State. She said we will not have a true picture until February but it may mean cuts to municipalities.

Councilman Ashley made a motion to close to the public. Councilman Putrino seconded the motion. All present in favor, none opposed.

Councilwoman Grant said the application process is proceeding before the Zoning Board of Adjustment on the United Water property. She said she believes the deadline for the contract is April 30, 2013. She made a motion to have the new Borough Attorney contact United Water to express New Milford's interest in pursuing the acquisition of the property should the current contract expire. Council President Duffie seconded the motion. The Mayor called for a roll call vote.

Mr. Leibman said he would ask for the opportunity to discuss this with the Governing Body in closed session prior to taking any action. The matter will be listed for discussion in closed session at the work session on January 14, 2013. Mr. Leibman will send an explanatory memo to the Council prior to the meeting.

The Mayor said resolution 2013:01, approving the temporary budget, requires a separate vote.

Councilwoman Duffie asked to have resolutions 2013:02 and 2013:05 pulled for a separate vote.

Mayor Subrizi suggested Scott Mooney for the position of Alternate Prosecutor under resolution 2013:11. There were no objections and it was added to the consent agenda.

Councilwoman Duffie suggested Robert McNerney of McNerney and Associates for the position of Special Commercial Tax Appraiser under resolution 2013:08. Councilman Ashley asked to have this resolution pulled out for a separate vote.

## **RESOLUTIONS:**

- 2013:01 Approve Temporary Budget
- 2013:02 Appoint Borough Attorney – Marc Leibman, Esq.
- 2013:03 Appoint Bond Counsel – Steve Rogut, Esq.
- 2013:04 Appoint Grants Consultant – Capital Alternatives: Marlene Casey
- 2013:05 Appoint Tax Appeal Attorney – Marc Leibman, Esq.
- 2013:06 Appoint Rent Leveling Attorney – Lisa Aljian, Esq.
- 2013:07 Appoint Risk Manager – Arthur Caughlan, Nelson Patterson Agency
- 2013:08 Appoint Special Commercial Tax Appraiser – McNerney & Associates
- 2013:09 Appoint Appraiser for Residential and Added/Omitted Assessments – Appraisal Systems
- 2013:10 Appoint Borough Prosecutor – Thomas Sarlo, Esq.
- 2013:11 Appoint Alternate Prosecutor – Scott Mooney, Esq.
- 2013:12 Appoint Public Defender – Jason Shafron, Esq.
- 2013:13 Appoint Labor Attorney – John Shadonian II, Chasan Leyner & Lamparello

- 2013:14 Appoint Borough Auditor – Steve Wielkotz – Ferraioli, Wielkotz, Cerrullo & Cuva
- 2013:15 Appoint Borough Planner – Paul Grygiel – Phillips Preiss Grygiel, LLC
- 2013:16 Appoint Health Officer - Sam Yanovich, Health Officer - Mid Bergen
- 2013:17 Designate Public Agency Compliance Officer – Christine Demiris
- 2013:18 Appoint Fire Marshall – Alan Silverman
- 2013:19 Appoint Health Department Child Health Conference Doctor – Terri Smith
- 2013:20 Adopt By-Laws and Code of Ethics
- 2013:21 Fix rate of interest charged for non-payment of taxes
- 2013:22 Approve designated banks as official depositories of Municipal Funds and approve signatories
- 2013:23 Approve signatories for Medical, Prescription & Vision Reimbursement Account
- 2013:24 Authorize Fire Department to establish membership in various mutual aid groups
- 2013:25 Approve Mutual Aid Agreement with Bergen County Hazardous Materials Response Association (BCHMRA)
- 2013:26 Approve Inter-boro Mutual Aid Group with various municipalities
- 2013:27 Approve Tri-Borough Cover-up and Assistance Program with River Edge and Oradell
- 2013:28 Authorize participation in the Volunteer Tuition Assistance Program
- 2013:29 Adopt Official Notice of Claim Form
- 2013:30 Approve additional handicap parking spaces for 2012
- 2013:31 Authorize Participation in Registered Cooperative Pricing System #11-BeCCP
- 2013:32 Authorize Purchase through State of New Jersey Division of Purchase and Property
- 2013:33 Approve renewal with Choice Strategies as Third Party Administrator for Health Reimbursement Arrangement
- 2013:34 Authorize Cash Management Plan pursuant to N.J.S.A. 40A:5-14
- 2013:35 Approve Reinstatement of Petty Cash Funds and Change Funds
- 2013:36 Authorize CFO to transfer funds and have online account access for the purpose of meeting Borough expenses
- 2013:37 Approve Purchasing Procedure for 2013
- 2013:38 Approve One-Year Renewal with Delta Dental
- 2013:39 Authorize Mayor Subizi to sign Memorandum of Understanding with Holy Name Hospital Occupational Health Services to provide services for compliance with DOT drug testing standards
- 2013:40 Appoint NJDEP Licensed Sewer Operator – John Pampaloni, Jr.

**VOTE ON RESOLUTIONS**

Councilman Colucci made a motion to approve resolution 2013:01. Councilman Putrino seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

Councilwoman Grant made a motion to approve the consent agenda, excluding resolutions 2013:01, 2013:02, 2013:05 and 2013:08. Councilman Colucci seconded the motion. The motion passed on a roll call vote. All present in favor, none opposed.

Councilman Robalino made a motion to approve resolutions 2013:02 and 2013:05. Councilman Ashley seconded the motion. The motion passed on a roll call vote as follows:

For the motion: Ashley, Robalino, Colucci, Subrizi

Against the motion: Duffie, Grant, Putrino

Abstain: None

Councilman Robalino made a motion to approve resolution 2013:08. Council President Duffie seconded the motion. The motion passed on a roll call vote as follows:

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

Against the motion: Ashley

Abstain: None

### **ADJOURNMENT**

Councilwoman Grant made a motion to adjourn. Councilman Colucci seconded the motion. All present in favor, none opposed. Time 7:59 PM.

Respectfully submitted,

Christine Demiris  
Borough Clerk