

MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
OPEN SESSION immediately following
7:45 PM PUBLIC MEETING
Monday, November 23, 2015



WORK SESSION:

Mayor Subrizi read the Open Public Meeting and Mission Statements.

Councilman Michael Putrino	Present
Councilman Austin Ashley	Present
Councilman Diego Robalino	Present
Councilman Ulises Cabrera	Present
Councilman Al Alonso	Present
Council President Dominic Colucci	Present
Mayor Ann Subrizi	Present

Also Present: Councilwoman Elect Hedy Grant; Councilwoman Elect Thea Sirocchi-Hurley; M. Madaio – Borough Attorney; C. Demiris – Administrator/Borough Clerk

Councilman Alonso made a motion to go into closed session. Councilman Robalino seconded the motion. The motion carried. All present in favor, none opposed. Time 7:01 PM.

CLOSED SESSION:

1. Contract Negotiation – Medical Benefits
2. Contract Negotiation – Animal Control
3. Review of Closed Session Minutes

At the conclusion of the closed session, Councilman Putrino made a motion to return to open session. Councilman Ashley seconded the motion. The motion carried. All present in favor, none opposed. Time 7:32 PM.

OPEN SESSION:

1. Donation of Sick Time

The Administrator referenced the resolution on the agenda. She said if there is support from the Council there are few blanks that need to be filled in by the Council including the minimum number of days an employee must have in their sick bank in order to donate time to another employee, the maximum number of days any one employee can donate to another employee, and the maximum number of days that can be accepted. She said the policy exists in civil service municipalities and it has been done in other municipalities as well, the recommendation being that it be done by resolution. She said it has been done before in New Milford but it was not done formally by resolution. After discussion the Council agreed to the following: must have sixty (60) days in the bank to donate; can donate no more than ten (10);

and can accept no more than a total of one-hundred ten (110). The numbers were dropped into the resolution for inclusion on the consent agenda.

2. Ordinance Procedure

The Administrator distributed a handout and reviewed the procedure for the introduction and adoption of an ordinance. She said it starts with the first reading of the ordinance, which is the introduction. It is introduced by title and the date of the public hearing is announced, which is scheduled for at least ten days after the first reading. She said the introduction is voted upon by roll call and the advertisement must run at least seven days in advance of the hearing. She said the ordinance is generally advertised in full, with the exception of bond ordinances which are sometimes summarized. She said the ordinance is also posted online and in a prominent place in the Borough Hall, and copies are made available to the public upon request. Affidavits of publication are supplied for both the introduction and adoption of the ordinance. Ordinances are then adopted by a roll call vote upon conclusion of the public hearing.

3. Street Dedication

Councilman Putrino said he and Councilman Ashley discussed the possibility of renaming the portion of Columbia Street that runs from Trotta Drive to Ray Woods to honor former DPW Superintendent Robert Chester who spent thirty-two years with the New Milford DPW. He asked Mr. Madaio what would be involved in changing the name. Mr. Madaio suggested it would probably be done by ordinance and offered to research the matter and get back to the Council with a definitive answer.

4. Madison Avenue

Councilman Cabrera said NJ Transit continues to do illegal acts in New Milford and at the last meeting the Council voted not to extend the no parking signs on Madison Avenue. Mayor Subrizi said there has been improvement in other areas of town where they are no longer parking and she noted the pending introduction of the ordinance to eliminate some underused bus stops on River Road.

Councilman Cabrera said he has asked the DPW, on a number of occasions, to clean up the woods where the buses park and they have since made it part of their regular routine. He said volunteers also cleaned the area on Clean Community Day and picked up trash specific to NJ Transit. Councilman Putrino said the area was once again littered just one week after Clean Community Day – he said they continue to idle and litter. He said the Property Maintenance Officer is sending a citation for littering.

Councilman Alonso said this is an enforcement issue. Councilman Cabrera said the only way to enforce it is if they don't park there and he asked the Council to reconsider their previous vote to place no parking signs along that section of Madison Avenue. It was noted that they are not considered parked if the driver is on the bus. Councilman Cabrera made a motion to place four signs where they park. Councilman Robalino said he would agree to place signs to prohibit littering, which should include the associated penalties. Council President Colucci

said he would agree to post signs about littering. Councilman Alonso said there is an ordinance to prohibit littering. Councilman Cabrera made motion to place two signs to prohibit littering. Councilman Robalino agreed to place two signs, one in each inlet, and seconded the motion. The motion carried on a roll call vote as follows:

For the motion: Putrino, Ashley, Robalino, Cabrera, Colucci
Against the motion: Alonso
Abstain: None

5. New Milford Woods

Councilman Cabrera said he met with the resident who suggested putting up a sign to outline the acts prohibited in the New Milford Woods. He distributed a handout with the suggested wording and said he would suggest placing it in three locations: the SE corner of the Swim Club parking lot; at the end of River Lane; and at the end of Steuben Avenue. He suggested the sign at the Swim Club in the middle of the walkway to be a physical impediment to entry by vehicles.

Mayor Subrizi referenced a sign in Teaneck that is lengthy in its list of prohibitions. She said there is an abundance of signs outlining what can't be done. She said it is Green Acres property and that sign should prevail. She said putting up a generic sign probably will not have the desired effect; she said there are far more things that are being done in the woods that should not be being done.

Councilman Alonso said he has read the deed of conservation easement which provides for passive recreation and is not just limited to the permitted activities outlined in the proposed sign.

Councilwoman Elect Sirocchi-Hurley asked if having a visible sign would not make enforcement easier.

Councilman Putrino asked if there are Green Acres signs in all three locations. Council President Colucci said there is a sign at the end of Oxford and the end of River Lane.

Councilman Cabrera made a motion to put up the signs as outlined. Councilman Putrino seconded the motion. The motion failed on a roll call vote as follows:

For the motion: Putrino, Ashley, Cabrera
Against the motion: Robalino, Alonso, Colucci, Subrizi
Abstain: None

In casting his vote, Councilman Robalino said he does not think the sign will have the desired effect because the kids that are doing these things are going to continue doing them regardless of the sign.

6. Administrator's Report

The Administrator referenced an email from the engineer in which she noted the Environmental Impact Statement for Kennedy Field would not be as simple as she thought

since it involves government funds. For this reason the cost is now estimated at between \$3,500 and \$4,000. She said in addition, the conceptual plan for the application is estimated at \$1,300. The resolution passed included just the EIS at a cost of \$1,000. She said she has prepared a resolution for the Council's consideration for both the EIS and the conceptual plan at a cost not to exceed \$5,300. The resolution was added to the consent agenda as resolution 2015:322.

The Administrator said she has received an inquiry from Bill Dressel, formerly of the League of Municipalities, who now represents NJM Insurance Group. NJM is now offering insurance to municipal employees and would like the opportunity to meet with employees to make them aware of the offering. She said we normally do not provide a platform to private companies to pitch to employees but noted it could be of great benefit to employees. She asked if anyone on the Council had any objection. There were none.

The Administrator reported that as of 11/13 PSE&G has installed 64,500 feet of main, 315 services have been transferred and 3,662 feet of main has been abandoned. She said that 450 services remain, which includes uprates, transfers and replacements. She said three crews continue to work to transfer the services and with good weather they can typically complete sixty services per week.

The Administrator reported she received a call from Maggie Mund of Blue Acres who has been assigned as the town lead for the acquisition project. The Administrator will be meeting with Ms. Mund during the first week of December. Prior to scheduling a kick-off meeting Blue Acres will need to confirm that all of the homes are the primary residence for the homeowner or a tenant. She said this is a requirement because some of the funding is being made available through HUD and they will not fund second homes or vacation homes. Blue Acres will have a representative at the Borough Hall on 12/17 to collect proof of residency in anticipation of a kick-off meeting in January. The Borough Clerk's office will continue to collect the information from homeowners that cannot come in on 12/17. Blue Acres will be sending letters directly to homeowners to notify them of the proof of residency requirement and the kick-off meeting.

The Administrator reported that today was the deadline for receipt of RFQs for the professional appointments for 2016. She said each member of the Council will receive a package with the RFQs tonight.

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

PUBLIC SESSION: (Actual Start 8:31 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.

ROLL CALL:

Councilman Michael Putrino	Present
Councilman Austin Ashley	Present
Councilman Diego Robalino	Present
Councilman Ulises Cabrera	Present
Councilman Al Alonso	Present
Council President Dominic Colucci	Present
Mayor Ann Subrizi	Present

PRESENTATION: FLAG DONATION

Mayor Subrizi read a letter from John Delaney who donated a flag which will be displayed in the Historic Preservation display case outside the Council Chambers.

COUNCIL COMMITTEE REPORTS:

Councilman Ashley made a motion to file Committee Reports with the Borough Clerk to be spread in full upon the minutes. Councilman Robalino seconded the motion. The motion carried. All present in favor, none opposed.

UNFINISHED BUSINESS:

Councilman Robalino made a motion to approve the minutes from the November 9, 2015 Closed and Work Sessions. Councilman Cabrera seconded the motion. The motion carried. All present in favor, none opposed.

ADOPT ORDINANCE 2015:21

AN ORDINANCE AMENDING CHAPTER XXVI ENTITLED "PROTECTION OF TREES AND SHRUBS", SECTION 26A, ENTITLED "SHADE TREES", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD

Councilman Cabrera made a motion to open to the public for comment on this ordinance. Councilman Putrino seconded the motion. The motion carried. All present in favor, none opposed.

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

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

Council President Colucci made a motion to pass this ordinance on the second and final reading. Councilman Cabrera seconded the motion. The motion carried on a roll call vote. All present in favor, none opposed.

NEW BUSINESS:

INTRODUCE ORDINANCE 2015:22

BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF NEW GARBAGE TRUCKS FOR THE USE OF THE DEPARTMENT OF PUBLIC WORKS IN, BY AND FOR THE BOROUGH OF NEW MILFORD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$485,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

Council President Colucci made a motion to introduce this ordinance on the first reading. Councilman Ashley seconded the motion. The motion carried on a roll call vote. All present in favor, none opposed.

A public hearing on the ordinance will be held on December 14, 2015.

INTRODUCE ORDINANCE 2015:23

AN ORDINANCE TO AMEND CHAPTER VII OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "TRAFFIC," THEREBY AMENDING SECTION 7-9 ENTITLED "BUS STOPS"

Councilman Ashley made a motion to introduce this ordinance on the first reading. Councilman Putrino seconded the motion. The motion carried on a roll call vote as follows:

For the motion: Putrino, Ashley, Robalino, Alonso, Colucci
Against the motion: Cabrera
Abstain: None

A public hearing on the ordinance will be held on December 14, 2015.

RESOLUTIONS:

- 2015:312 Closed Session
- 2015:313 Payment of Bills and Vouchers
- 2015:314 Approve 2015 Appropriation Budget Transfers
- 2015:315 Approve Introduction of Bond Ordinance 2015:22
- 2015:316 Authorize Redemption of Tax Sale Certificate 14-01 in the amount of \$54,952.52
- 2015:317 Authorize Escrow Refund – Mastrojohn, 356 Webster Drive, in the amount of \$791.71
- 2015:318 Authorize Execution with County of Bergen to accept donation of Firefighting Foam
- 2015:319 Authorize donation of sick time from one borough employee to another
- 2015:320 Request State Legislature to implement study to look at reduction or abolishment of County Government
- 2015:321 Approve Raffle License 2015:30 NM/Teaneck Elks Lodge #2290 – Pull Tab Games
- 2015:322 Authorize Boswell to Complete Environmental Impact Statement and Conceptual Plan at a cost not to exceed \$5,300

COMMENTS FROM THE PUBLIC

Councilman Robalino made a motion to open to the public for comment. Councilman Putrino seconded the motion. The motion carried. All present in favor, none opposed.

Patrick Crane – 255 Prospect Avenue. Mr. Crane spoke at length about the recently enacted ordinance to restrict parking to one side of Prospect Avenue. Mr. Crane stated the parking at the American Legion lot does not adequately address the elimination of the spots on Prospect. He referenced the memo from Lt. Jones to the Council in which he recommends the parking restriction. He questioned the idea that the parking on Prospect would hinder emergency vehicles and stated all of the streets in New Milford are the same width. He referenced a letter, sent previously to the Council, which he resubmitted with signatures from his neighbors. He said there are many children, elderly and disabled people on the street. He acknowledged there is a parking problem on the street. He said the idea is good but he does not believe it was thought through completely. He said Pancho's has created the burden, not the residents of Prospect Avenue but the ordinance is not hurting Pancho's. He referenced the ordinance that specifies the amount of parking required by a restaurant which calls for one off-street parking spot for every four seats. He said Pancho's had seven spots at the time their variance was granted. He asked to have the parking restriction rescinded for the Thanksgiving holiday until the matter can be resolved. He also suggested limiting the parking to certain hours during the week or giving parking permits to residents.

Mayor Subrizi said the use of the American Legion lot was discussed as a way to make use of the lot; it was not meant as an exchange for the parking eliminated on Prospect. She said if there is a handicap parking issue on the street a resident can apply for a handicap parking spot in front of their home. She referenced the ordinance adoption protocol which had been reviewed earlier and said this is how all ordinances are adopted. She said she is not aware of whether or not any of the restaurants have zoning exceptions with regard to parking but those things are decided by the Board of Adjustment. She said there have been a lot of complaints with regard to parking issues in the area; she said the Council hoped the employees would park at the American Legion lot and leave the spots close to the restaurant for their patrons. Letters were sent to the businesses in the area to suggest this. The Mayor said not all street widths are the same and there are a number of streets in New Milford where parking has been limited to one side of the street. She said in addition to complaints from residents there were safety concerns as well. Mr. Crane acknowledged he himself has made complaints regarding the parking.

Mr. Madaio said again the parking is determined by the Zoning and Planning Boards and the Mayor and Council are attempting to deal with what is becoming a popular street for restaurants; a change in circumstances over the years. He said the idea was, and remains, to address a safety and traffic issue in a way that helps the residents. He said there would be no definitive decision tonight and suggested holding off on enforcement over the holiday until we can get additional feedback from the Police Department. The Council agreed to proceed as outlined by Mr. Madaio.

Angela Pelligrino – 260 Prospect Avenue. Ms. Pelligrino suggested resident only parking during certain hours or limit it to three hour parking on Friday and Saturday nights. Mr. Madaio said New Milford does not usually do resident only parking but there may be a way to limit the restriction to

certain hours. She commented on busy times other than Friday and Saturday nights. She echoed the comment that Pancho's does not have enough parking.

Josephine McKeown – 184 Trotta Drive. Ms. McKeown referenced an article from the Twin Boro News dated 10/22. She read from the article, specifically noting the overwhelming rejection of a referendum for a turf field in 2012. She noted the Mayor said the new Police Department would cost \$65 but the turf field in 2012 would have cost \$70 annually for ten years for three million in additional debt. She asked how the police department, estimated at a cost of five million dollars, would be only \$65 per year. The Administrator said the amount has to do with the debt service and interest and it was based upon some assumptions that the CFO made. She said the estimate from 2012 was at that moment in time, the estimate for the police department is based upon where we are now. She said the assumptions used by the CFO are outlined in the minutes from the meeting at which the Mayor presented the information. Ms. McKeown questioned Council President Colucci noting he wanted to cut back on the police department, not to save money, but to spend on a turf field. Ms. McKeown went on to outline research she had done on turf field stating they absorb heat and feel hot to the touch, require maintenance and can contain dangerous chemicals. She said we have a beautiful field and she does not see why we need a turf field.

Joseph Klimcak – 163 River Lane. Mr. Klimcak said he supports the information provided by Ms. McKeown with regard to turf fields. He went on at length reiterating Ms. McKeown's comments. Mayor Subrizi said there are a number of issues scientifically surrounding the issue of turf fields and there are studies for and against. She said the Borough is in very preliminary discussions and at such time the Borough decides to move forward with a turf field we would require an independent study of the scientific issues.

Mr. Klimcak asked about the sign proposed for the New Milford Woods. He as advised that the Council voted against placing the signs. He asked why some members of the Council do not support the signs. Mayor Subrizi referenced the signs in the Teaneck park system and she said she will speak with the police department to enforce the easement in the New Milford Woods more vigorously. Mr. Klimcak said the offenders are gone by the time the police arrive. Mayor Subrizi said a sign is not going to help.

Mr. Klimcak spoke in an agitated manner stating Councilman Alonso falsely accused him of making noise past the permitted hours at the last Council meeting. He said the Mayor and Mr. Madaio both raised their arms in defense of Councilman Alonso. He went on to say he wanted to read from a report from the former Property Maintenance Officer dated January 2015 that said Mr. Alonso's property may be in violation. Mayor Subrizi asked for Mr. Klimcak to stop, she attempted to regain control with the gavel and looked for the panic button under the dais to summons the police. The Administrator switched off the recorder while trying to assist the Mayor in locating the panic button. The Mayor left the dais to request police assistance. The recording resumed thirteen seconds after it was inadvertently turned off. Police officers responded to escort Mr. Klimcak from the meeting.

Donna Tomasini – 411 Charles Street. Ms. Tomasini thanked Councilman Cabrera for his efforts on what he has proposed for Madison Avenue.

William Martin – 1115 River Road. Mr. Martin said he was at the meeting where the parking ordinance was discussed and Councilman Cabrera had suggested letters should be sent to the neighbors and it was opposed. Mayor Subrizi said that is because it is not the protocol for passing ordinances. She said it would be difficult to determine in which instances letters should be sent and it would be impossible to make personal notification for every ordinance because we would not be able to determine all who may be affected by any given ordinance. Mr. Martin said publication is in the Ridgewood News and nobody gets that newspaper. He was advised that the ordinances are published in the Record and on the website. He asked if it could be published in the Twin Boro News. He was advised that the Twin Boro News does not meet the legal requirement.

Mr. Martin questioned the decision not to place the sign at New Milford Woods. Mayor Subrizi said again that she will be asking the police department to ask them to more forcefully enforce the restrictions at the New Milford Woods.

Mr. Martin said the lifetime of a turf field is ten to thirteen years; he said it will need to be replaced before the bond is paid off. Mayor Subrizi said the field was not bonded in the amount reported. Councilman Cabrera said the 8.6 million bond was for consolidated debt from 2009 through 2014. He said there is an additional 5.2 million in a note. Mr. Martin questioned the possible effects of the turf field. Mayor Subrizi said again that at such point in time that the Council decides to pursue a turf field the Borough will do an independent study before proceeding. He said from what he has read it already seems like a done deal and that money has been allocated. He was advised that the only decision that has been made is to pursue a grant for 75% of the estimated expense.

Mr. Martin reiterated his concerns regarding the traffic at the south end of River Road. He acknowledged Lt. Johnson's commitment to him to respond but said nothing has been done. The Mayor said she will address it with the Police Chief.

Fred Bejian – 196 Terrace Place. Mr. Bejian stated his discontentment with the Property Maintenance and DPW departments claiming he gets no response to his calls. He said he got a ticket but never got a warning. He said he no longer parks on the sidewalk but he now got a warning as did the entire street. He said there is a brook behind the tennis courts that needs to be maintained and the neighbors are cleaning it. He said he has told the DPW about it and nothing has been done.

Ms. McKeown said an artificial turf field will only last ten to fifteen years. She asked if we will then be spending another two million dollars in ten years.

Being no further comment from the public, Councilman Alonso made a motion to close to the public. Councilman Robalino seconded the motion. The motion carried. All present in favor, none opposed.

VOTE ON RESOLUTIONS

Councilman Ashley made a motion to approve the consent agenda consisting of resolutions 2015:312 through 2015:320 and resolution 2015:322. Council President Colucci seconded the motion. The motion carried. All present in favor, none opposed.

Councilman Alonso made a motion to approve resolution 2015:321. Council President Colucci seconded the motion. The motion carried on a roll call vote as follows:

For the motion: Robalino, Alonso, Colucci

Against the motion: None

Abstain: Putrino, Ashley, Cabrera

COUNCIL

Council President Colucci said he provided information to the Fire Department regarding a grant available through PSE&G for event funding. The Fire Department was awarded a \$3,000 grant to use toward the dedication of the two firehouses.

Councilman Putrino reported the paper shredding event that was supposed to be held in November has been rescheduled to December 5th from 9 AM to 2 PM. He additionally reported that the 2016 garbage and recycling calendar is being finalized and will be mailed to residents in December.

Councilman Putrino posed a question to Mr. Madaio regarding something reported in the 11/9 minutes. The minutes stated that Mr. Conley put the engineers on hold after receiving a call from Council President Colucci. He said the Council voted to proceed with construction documents and go out to bid. He said the next day a phone call was made and everything was put on hold. He asked Mr. Madaio if there was a problem with the process. Mr. Madaio said he does not know that there is a problem with the process. Councilman Putrino said the governing body voted to proceed and a phone call from a Councilperson stopped the process. Mr. Madaio said this is the first he is hearing the question; had the question been raised prior he would have been able to put time, thought and effort into a response. Councilman Robalino said he wasn't put on hold, Mr. Conley did that on his own. Council President Colucci said he did not make a request to Mr. Conley to put anything on hold; he asked him only to send him a copy of the plans.

Council President Colucci said the Santa detail will be in town December 13th to collect unwrapped toys for donation.

Councilman Robalino said there will be a benefit concert at the High School on December 12th.

ADJOURNMENT

Councilman Ashley made a motion to adjourn. Councilman Cabrera seconded the motion. The motion carried. All present in favor, none opposed. Time 9:56 PM.

Respectfully submitted,



Christine Demiris, RMC, CMC
Borough Clerk