

MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
OPEN SESSION immediately following
7:45 PM PUBLIC MEETING
Monday, January 23, 2012



WORK SESSION:

Mayor Subrizi read the Open Public Meeting and Mission Statements.

Councilwoman Randi Duffie	Present	
Councilman Austin Ashley	Present	
Councilman Diego Robalino	Present	(7:15 PM)
Councilman Dominic Colucci	Present	
Councilwoman Hedy Grant	Present	
Council President Howard Berner	Present	
Mayor Ann Subrizi	Present	

CLOSED SESSION:

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

1. Potential Property Acquisition – Various Blocks and Lots – Status
2. PBA Arbitration Update

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

OPEN SESSION:

Council President Berner expressed concern over resolution 2012:60; believing it is a failure of internal controls to allow one person to sign off on wire transfers. The Administrator noted a wire transfer must be done for a bond payment on February 1st. Councilwoman Grant suggested allowing the ability for a limited period of time or perhaps until the next meeting; the Council agreed to allow until February 13th until the matter can be researched further to the satisfaction of Council President Berner's concerns.

Councilman Colucci referenced the fire hydrant ordinance and asked who will enforce it; the Administrator advised the Fire Marshall will enforce the ordinance. Councilman Colucci suggested a letter be sent to the affected dwellings; the Administrator discuss with the Fire Marshall.

Councilwoman Grant expressed concern over the recent anti-Semitic acts in Bergen County; she suggested a resolution opposing this type of behavior against all groups, particularly the Jewish community. She asked if any Council member was opposed to her drafting a resolution for the next meeting; no objections were noted.

Councilwoman Duffie asked if the Council had a chance to review the beautification ordinance from River Edge. Mayor Subrizi referenced the last sentence; she is not certain she wants to include private properties. Councilwoman Grant feels it would be beneficial for New Milford. Council President Berner asked what the vision is; Councilwoman Duffie explained to plant flowers, fall décor, involve the schools and have the children participate, etc. Council President Berner questioned how it would be funded; Councilwoman Duffie noted it would be funded mostly by donations but possibly a small sum of Borough funds. Councilwoman Duffie will review other ordinances and prepare a draft for the Council's consideration.

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

PUBLIC SESSION:	(Actual start time 8:25 PM)
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 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.

**PRESENTATION: NORTH JERSEY JR. SOCCER LEAGUE – U10 GIRLS
NORTH JERSEY JR. SOCCER LEAGUE – U12 GIRLS
NORTH JERSEY JR. SOCCER LEAGUE – U14 GIRLS**

Mayor Subrizi presented all the participants with certificates and congratulated them on their accomplishments.

1. New Jersey Sustainable Energy Joint Meeting

Councilman Robalino explained the NJSEM is an energy purchasing group, sustained by approximately 160 municipalities and groups; he is seeking alternative sources to save the town money. He advised the cost would be \$150 to join. The Borough can anticipate a savings of \$20,000 annually. The Administrator will forward a copy of the enabling resolution and agreement to the Council and list it on the February 13th agenda for consideration.

2. LOSAP – COLA Increase Request

The Administrator explained the Local Finance Notice referencing LOSAP and the NMGD request for the cost of living increase. She noted the increase would raise the base by only \$38. Mayor Subrizi noted the approving resolution is on tonight's consent agenda for the Council's consideration.

3. Hirschfeld Brook Flood Control Estimate – Update

Mayor Subrizi stated the Borough Engineer was asked to break down the estimate into manageable pieces; she explained the engineer's response. Councilwoman Duffie asked if the permit binds the Borough to perform all the work; the Administrator explained it is a five year permit; the Borough can perform the work in phases. Council President Berner asked if the bonding must be done all at once or could it be done in stages; the Administrator advised it can be bonded over time.

4. Fire Awareness Day 2012

The Fire Department requested use of the Borough parking lot on Sunday, October 7, 2012 for Fire Awareness Day. The Council had no objections.

PROCLAMATION: NATIONAL WEAR RED DAY FOR WOMEN

Mayor Subrizi read the proclamation into the record.

COUNCIL COMMITTEE REPORTS:

Councilwoman Randi Duffie

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

Councilwoman Duffie attended the reorganization meeting of the Board of Health; Marlene Slavin was elected the new president. The matter of keeping chickens has been brought to the Board. After meeting with the resident and researching other ordinances, the Board decided to reinforce the current ordinance and will notify the resident he has 45 days to remove the chickens. The Board of Health changed their meeting schedule to meet five times per year; with the option to meet more if needed.

Councilwoman Duffie noted two members of the Historic Preservation Commission plan to attend the Borough of Oradell's Commission meeting to exchange ideas. The Commission continues to receive donations from residents and hopes to permanently display them in the Library; residents are encouraged to continue to donate items. The Commission intends to petition the budget committee for funds to reclaim and refurbish an old map currently in someone's basement.

Councilwoman Duffie was unable to attend the January Rent Leveling meeting; she will attend on February 1st.

Councilman Austin Ashley

Garbage & Recycling, Public Events, Recreation, Shade Tree

Councilman Ashley reported the 2011 total annual revenues for recycling.

Councilman Ashley stated the Public Events Committee was pleased with the Tree Lighting event. They are planning the Memorial Day Parade and are seeking suggestions for the Grand Marshal.

Councilman Ashley reported that Joe Ricciardelli was elected unanimously to be Chairman of the Recreation Commission. The water was shut off to the Babe Ruth Field sprinkler system in order to

avoid further damage to the system. The Commission discussed painting the Recreation Building and listing the names of all the championship teams. The ice rink is ready and will open with the colder weather.

Councilman Ashley noted Steve Perrone was elected unanimously to be Chairman of the Shade Tree Commission. The Commission is seeking to do a tree inventory of the Borough owned trees in order to identify and remove hazardous trees. The Commission would like to attend a tree planting seminar at Liberty State Park.

Councilman Diego Robalino

Board of Education, Drug & Alcohol Municipal Alliance

Councilman Robalino reported the Drug Alliance discussed the upcoming dance at the DEO Middle School on February 3rd. The meetings have had a low turnout, having only 7-8 active members; a reminder letter will be sent to the inactive members. They discussed having a carnival during the second or third week of August.

Councilman Robalino was unable to attend the January 9th meeting of the Board of Education as it was on the same night as the Mayor and Council meeting; and was only able to attend the first fifteen minutes of this evening's meeting for the same reason. The Board will discuss the recent legislation allowing school board elections to be moved to November in closed session. Councilman Robalino explained moving the election would mean that voters would no longer vote on the school budget if it remained at a 2% increase or less.

Councilman Colucci asked if the Board of Education had a preference on who passes the resolution; Councilman Robalino advised they would prefer both the BOE and Council to pass a resolution to show support.

Councilwoman Grant asked if there was a decision deadline; Councilman Robalino advised it should be decided no later than March.

Councilman Robalino is unable to attend tomorrow's meeting with the Superintendent and Mayor; and asked the Mayor to ask if the Board of Education will share the cost of the November election,

Councilman Dominic Colucci

Department of Public Works, Fire Department, Buildings & Grounds, Joint Insurance Fund

Councilman Colucci attended the swearing in ceremony for the New Milford Fire Department on January 1st. He also attended the meeting on January 16th at which they discussed LOSAP, Fire Awareness Day, as well as potential ordinances regarding generator power as secondary power source, solar panels on roof, and sprinklers for new construction. They have developed a committee to seek grants.

Councilman Colucci attended dinners for the management at Brookchester and the JIF.

Councilman Colucci noted the DPW is performing normal maintenance in addition to snowplowing.

Councilwoman Hedy Grant

Environmental & Energy Commission, Library Board of Trustees, Ambulance Corps

Councilwoman Grant did not attend the Environmental Commission meeting as they met before she was sworn in; she will attend next month's meeting.

Councilwoman Grant attended the Ambulance Corps meeting on January 19th; they received one new application. She has not received their call log to date.

Councilwoman Grant noted Dan Harmatz has stepped down as President of the Library Board of Trustees; he was granted the honorary title of President Emeritus. The Board wishes to rename the Library circle in honor of Mr. Harmatz. Tina DeLucia was elected President of the Board. AARP will provide free tax help at the Library; please call for an appointment. The Friends of the Library donated \$500 to start a video game collection. The Director submitted her budget requests to the Board this afternoon. The Board discussed its ideal number of trustees and decided five regular and two alternate members is ideal; however they request the current ordinance not be altered in case a change is needed in the future.

Council President Howard Berner

Planning Board, Chamber of Commerce, Historic New Bridge Landing

Council President Berner noted Mike Tripicchio was elected chairman of the Historic New Bridge Landing Parks Commission. They continue their efforts for a land lease of the nearby property to raise private funds to supplement state funding.

Council President Berner advised Angelo DeCarlo was re-elected Chairman of the Planning Board; Carol Hudak was elected Vice-Chairwoman. He noted Woodcrest Center has submitted an application to expand.

Council President Berner noted there has been no Chamber of Commerce meeting or correspondence for two months.

Mayor Ann Subrizi

Police/Police Aux., Senior Citizen Advisory, Community Development, Bergen County Open Space

Mayor Subrizi met with the Senior Citizen Advisory Board on January 17th.

Mayor Subrizi noted there have been no meetings for Community Development or Bergen County Open Space.

Mayor Subrizi summarized the Police Department call log to date for the month of January.

Mayor Subrizi referenced a letter from River Edge's newly elected Mayor, Sandy Moscaritolo about starting a shared services committee. Council President Berner and Councilwoman Grant stepped forward to participate with the other towns.

OLD BUSINESS:

**DISCUSSION: UNITED WATER PROPERTY
PENDING APPLICATION/REQUEST FOR REZONING**

Mayor Subrizi acknowledged the Zoning Board application recently submitted by Hekemian Group for the United Water property and advised the plans are in the Building Department for review. Mayor Subrizi reviewed the recent history between the Borough and Hekemian; she noted the Mayor and Council decided against purchasing the property as to not further burden taxpayers. She read from a prepared statement and highlighted events such as Hurricane Irene and the October snowstorm that forced the discussion of rezoning to take a backseat to the recovery; she is unsure if rezoning is a viable option to the applicant at this time. Mayor Subrizi asked for the Council's consent for her to ask Hekemian Group if the Borough were inclined to rezone, does the land gift still exist. Mayor Subrizi asked for the Council's comments.

Council President Berner would like the developer to attend a meeting to discuss options beneficial to both.

Councilman Robalino listed some items included in the application; he would like an opportunity to sit down with the developer to discuss the original plan. He believes it to be the lesser of two evils; and would prefer the tax revenue from commercial as opposed to high density housing.

Councilman Ashley is not happy with either proposal; he is not satisfied with the lesser of two evils. He proposed getting the community together to hear their opinions; Mayor Subrizi noted that is the reason for these meetings.

Councilman Robalino noted the property is not Borough owned; it is privately owned and sold.

Council President Berner advised this topic has been discussed a great deal over the last nine months; the town is limited in what we can do or prevent. He noted residents want ratables; he acknowledged flooding and that the Borough has exhausted all avenues to purchase the property.

Mayor Subrizi stated if the property were Borough owned it would no doubt remain as open space; however it is not and the Borough has to be prepared to do what is best for the town.

Councilwoman Duffie asked what has changed since last year; she noted she was advised last year by the Borough Attorney that the door was closed to further discussion. Mr. Madaio advised the developer may or may not have legal reasons as to why or why not they would talk to us; however he will do what the Council decides.

Mayor Subrizi noted the Mayor and Council discussed it in June and July of last year; she then reiterated the circumstances that prohibited the Council from having any further discussions.

Councilwoman Duffie asked the Borough Attorney what legal capability the governing body has regarding rezoning.

Mr. Madaio advised we can always choose to rezone; the Council can do it immediately or wait for the application to unfold. The Zoning Board is obligated to hear the application and must vote fairly

and independently based upon the evidence before them. The Council may, at any time, rezone the property to be used to best use.

Councilwoman Duffie asked if it would be beneficial to have the new Planner review and make recommendations; Mr. Madaio stated that is an appropriate request.

Councilwoman Duffie stated until all the information is before the Council she cannot provide an answer.

Councilwoman Grant noted it is a huge step to rezone. She stated the previous Planner's report was inadequate; it would be reckless to move forward with rezoning without additional information.

Mayor Subrizi said she is not asking anyone to vote on rezoning tonight; the application has triggered the conversation, her goal is to move the conversation forward.

Council President Berner advised it will take time for the developer to move forward on this property, giving the town leverage to shorten the process and request things the Borough may want.

Mr. Madaio advised the application will be reviewed by the current Planner; the Borough may ask the developer to post additional escrow to review re-examination of a zoning request. Mr. Madaio previously asked the Planner an appropriate escrow amount; upon receipt he can, with the Council's consent, relay the amount to the developer for their authorization. Otherwise the Council may decide whether or not to fund the Planner's review.

Mayor Subrizi asked if the governing body is allowed to attend the Zoning Board hearings; Mr. Madaio advised they are not barred however they should refrain from commenting. Mr. Madaio advised the Council should get and review the Planner's report and reach a consensus before contacting the developer.

ADOPT ORDINANCE #2012:01

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF NEW MILFORD
SALARY ADOPTED AS ORDINANCE 91:01 AND AMENDED ANNUALLY BY
ORDINANCE UP TO AND INCLUDING 2011:13**

Councilman Colucci made a motion to open to the public for comment on the adoption of this ordinance. Councilwoman Grant seconded the motion. All present in favor, none opposed.

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

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

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

ADOPT ORDINANCE #2012:02

AN ORDINANCE TO AMEND CHAPTER II OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "DEPARTMENTS" THEREBY AMENDING SECTION 2-19 ENTITLED "POLICE DEPARTMENT"

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

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

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

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

NEW BUSINESS:

RESOLUTIONS:

- 2012:48 Closed Session
- 2012:49 Payment of Bills and Vouchers
- 2012:50 Affirm Borough of New Milford's Civil Rights Policy
- 2012:51 Authorize Payment of \$12,122.82 on Tax Sale Certificate 11-01 to Robert Rothman
- 2012:52 Approve Raffle License #2012:03 – DEO Middle School PTO – Off-Premise 50/50
- 2012:53 Authorize One-Year Option for the Collection, Removal and Disposal of Recycling Materials from 1-4 Family Residences with Ferretti Carting, Inc.
- 2012:54 Authorize One-Year Option for the Collection, Removal and Disposal of Recycling Materials from the Apartment Complexes and New Milford High School and the DEO Middle School with Ferretti Carting, Inc.
- 2012:55 Authorize Mayor to sign agreement with C3 Holdings, LLC for Advanced Web Registration and Emergency Notification System
- 2012:56 Authorize State of New Jersey DEP Green Acres Enabling Resolution – Open Space Preservation/Flood Mitigation Initiative
- 2012:57 Authorize Mayor to execute Interlocal Agreement with the Township of Teaneck for the paving of a jointly owned portion of New Bridge Road
- 2012:58 Reappoint Zoning Officer – Maria Sapuppo
- 2012:59 Approve and Adopt Traffic Signs Management Plan
- 2012:60 Authorize CFO to request bids, place orders, transfer funds, and have online access for the purpose of meeting Borough expenses or effecting investments
- 2012:61 Authorize base amount for LOSAP for 2011 Service

COMMENTS FROM THE PUBLIC

Councilman Ashley made a motion to open the meeting to the public. Council President Berner seconded the motion. All present in favor, none opposed.

Al Alonso, 45 Clover Court, came forward to address the Council. Mr. Alonso asked the governing body in April to not consider rezoning and let it go to the Zoning Board. He expressed concern that the governing body thinks there are only two options. Mr. Madaio advised the application is very comprehensive and will take a long time; however it does have the affordable housing component which helps to deem an inherently beneficial use. In the interim, the Council has a rezoning request with a less intense use that could be considered.

Kerri Capasso, 138 California Avenue, came forward to address the Council. Ms. Capasso asked how the original proposal fell off the table. She asked if the proposed development would increase the Borough's affordable housing obligation; she was advised it would not. Ms. Capasso asked for an update on the field committee. Mayor Subrizi said they have gathered some basic design information.

Anna Leoni, 505 Boulevard, came forward to address the Council. Ms. Leoni noted there is a third option; no development. She referenced Rich Henning's comment that New Milford is already overdeveloped; and asked if the proposed development would contribute to flooding. The developer should provide a written statement taking responsibility for any damage due to flooding they contribute to. Mayor Subrizi advised she would try to get something put into the agreement. Ms. Leoni suggested the Borough appeal to Hekemian's benevolent side and ask for the property to be donated to the borough.

Terrence McMackin, Madison Avenue, came forward to address the Council. Mr. McMackin referenced the Hirschfeld Brook update and asked if it will have any benefit or if it would contribute to flooding. Mayor Subrizi advised the model was built to determine the effects of the berm up and down stream. Mr. McMackin stated any plan for a field is wasteful; the town needs revenue. He referenced the promotions in the Police Department. He referenced the loss in tax revenue on the Alfis property, farms and Carlton Place. Mr. McMackin stated something needs to be put on the United Water property to neutralize the costs; he hopes common sense will prevail.

Nick D'Amelio, Trench Drive, came forward to address the Council. Mr. D'Amelio referenced earlier comments that the United Water property is privately owned and therefore the Borough cannot restrict; however there were restrictions on the Brunetti property in the 1960's. He hopes the Council makes a decision in the best interest of the people of New Milford.

Margaret Sellen, 235 Demarest Avenue, came forward to address the Council. Ms. Sellen quoted the rezoning study; and noted her road cannot handle the traffic it currently has. The roads in the area are not wide enough to permit ingress/egress.

Tiffany Harris, 239 Graphic Boulevard, came forward to address the Council. Ms. Harris referenced the fact that Council's change; this topic should be discussed at a special meeting, not just for fifteen minutes a month. Mayor Subrizi advised because of the recent application, the Borough will receive new information from the Planner; it was the Council's consensus to hold special meetings once the Planner provides a report.

Mary McElroy, 297 Greve Drive, came forward to address the Council. Ms. McElroy would like the Planner's perspective on the original proposal and on moving the High School field, bleachers and field house to that location. Mayor Subrizi advised the Planner is not examining the original proposal as it was merely a PowerPoint presentation not a plan. Ms. McElroy stated there is a huge problem in town with fields; the High School field is a chronic condition. The Borough needs to guarantee great athletic fields; the proposed graded field is not enough.

Ulises Cabrera, 659 Columbia Street, came forward to address the Council. Mr. Cabrera expressed concern over the police shooting range along the rivers edge; there is easy access for children around the wall. Mr. Cabrera advised there is huge amount of garbage in the woods; the Administrator will advise the DPW. Mr. Cabrera asked if there can be a referendum asking residents what to do with the United Water property; Mayor Subrizi advised the Borough cannot put a referendum out for public comments to prevent a private sale.

Mark Flores, 150 N. Carlton Place, came forward to address the Council. Mr. Flores asked how soon the Borough would receive the Planner's report; Mr. Madaio advised the Planner will be asked to update and review possible rezoning during the Zoning Board application, it is a lengthy process. Mr. Flores state that something will be put there; better to have something that would provide the maximum benefit the people of New Milford.

Mr. McMackin returned to the dais and asked what would happen to the current Shop-Rite property. Mayor Subrizi advised it is commercial property owned by Inserra; they may sell or lease it. Mr. McMackin asked if all grant opportunities have been explored; Mayor Subrizi advised there is not enough Green Acres money, the Borough would have to purchase the property outright and hope to get reimbursed.

Ms. Harris returned to the dais and asked for clarification on the original PowerPoint presentation presented last April; was it or was not an application. She was advised it was not an application merely a proposal; the application currently before the Zoning Board is the first application.

Council President Berner noted the only issue before the Mayor and Council is the consideration of rezoning the property; not the variances. Mr. Madaio noted a property is not normally rezoned to then require variances; it is rezoned to a use that would not require variances. The Planner would compose an ordinance to incorporate all the items to be included in the rezoning. The developer would then go before the Planning Board merely for site plan approval. Council President Berner confirmed any changes i.e. parking or building height would be strictly for the proposed zone; Mr. Madaio agreed.

George Adelung, 723 Berkley Street, came forward to address the Council. Mr. Adelung is in favor of better fields and a better Shop-Rite; however he is aware the property is privately owned and the Borough does not have the money to purchase it. He hopes the Council will work with the Planner to so we do not go through a process to determine what we already know. He referenced the Field Committee, of which he is a member, and the issue of funding. If the United Water property does not fit the need for a field, other options need to be researched. He noted New Milford Junior Football may not be able to continue in their current league due to the size of the existing field.

Mayor Subrizi advised the Borough is cautiously moving forward.

As there were no other members of the public wishing to comment, the meeting was closed on a motion from Councilman Colucci. Councilman Robalino seconded the motion. All present in favor, none opposed.

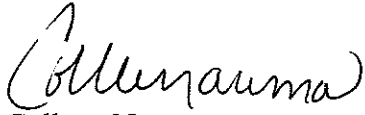
VOTE ON RESOLUTIONS

Councilwoman Grant made a motion to approve the consent agenda resolutions 2012:48 through 2012:61. Councilman Colucci seconded the motion. All present in favor, none opposed.

ADJOURNMENT

The meeting was adjourned on a motion from Councilwoman Grant. Councilman Robalino seconded the motion. All present in favor, none opposed. Time 11:23 PM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Colleen Naumov". The signature is written in black ink and is positioned above the printed name.

Colleen Naumov
Deputy Borough Clerk