

**MINUTES  
BOROUGH OF NEW MILFORD  
7:00 PM WORK SESSION  
OPEN SESSION immediately following  
8:00 PM PUBLIC MEETING  
Monday, November 28, 2016**



**WORK SESSION:**

Mayor Subrizi read the Open Public Meeting and Mission Statements.

Councilwoman Thea Sirocchi-Hurley	Present
Councilman Dominic Colucci	Present
Councilwoman Hedy Grant	Present
Council President Diego Robalino	Present
Councilman Elect Ira Grotsky	Present
Councilman Al Alonso	Present
Mayor Ann Subrizi	Present

Also Present: K. Langschultz – Council Elect; M. Madaio – Borough Attorney; F. Banish – Court Appointed Master; M. Leibman – Planning Board Attorney; S. Sproviero – Zoning Board Attorney; F. Ramaci – Police Chief; C. Demir – Administrator/Borough Clerk

Councilman Alonso made a motion to go into closed session. Councilwoman Sirocchi-Hurley seconded the motion. The motion carried. All present in favor, none opposed. Time 7:00 PM.

**CLOSED SESSION:**

1. Legal Advice – COAH
2. Personnel – PD Promotions
3. Review of Closed Session Minutes

At the conclusion of the closed session, Councilman Colucci made a motion to return to open session. Council President Robalino seconded the motion. The motion carried. All present in favor, none opposed. Time 8:04 PM.

**OPEN SESSION:**

1. Administrator's Report

The Administrator referenced the request from the Ambulance Corps to place a sign, seeking volunteers, at River Edge Avenue and River Road. The request was unanimously approved. The Ambulance Corps will be notified.

The Administrator reported that RFQs for the 2017 professional appointments were received today and have been distributed to the Council. She noted that three were received after the 12:00 noon deadline and asked if the Council would accept them. The Council agreed to accept all RFQs received.

The Administrator referenced an email sent previously for newly elected, experienced, and re-elected officials. She asked that anyone interested in attending let her know so the registration can be submitted on their behalf.

**PUBLIC SESSION:** (Actual Start 8:15 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:**

Councilwoman Thea Sirocchi-Hurley	Present
Councilman Dominic Colucci	Present
Councilwoman Hedy Grant	Present
Council President Diego Robalino	Present
Councilman Ira Grotsky	Present
Councilman Al Alonso	Present
Mayor Ann Subrizi	Present

**OATH OF OFFICE: COUNCILMAN GROTSKY**

Senator Robert Gordon administered the oath of office to Councilman Grotsky.

**COUNCIL COMMITTEE REPORTS:**

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

**UNFINISHED BUSINESS:**

Council President Robalino made a motion to approve the minutes from the November 14, 2016 Closed Session, as amended, and Work Session. Councilman Colucci seconded the motion. The motion carried. All present in favor, none opposed.

**ADOPT ORDINANCE 2016:26**

BOND ORDINANCE TO AMEND SECTION 1 OF THE BOND ORDINANCE (ORD. NO. 2015:22) ENTITLED: "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," ADOPTED DECEMBER 14, 2015

Councilman Alonso made a motion to open to the public for comment on this ordinance. Councilman Colucci 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.

Council President Robalino made a motion to close to the public. Councilman Colucci seconded the motion. The motion carried. All present in favor, none opposed.

Councilman Colucci made a motion to adopt this ordinance on the second and final reading. Councilman Alonso seconded the motion. The motion carried. All present in favor, none opposed.

#### **ADOPT ORDINANCE 2016:27**

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

Council President Robalino made a motion to open to the public for comment on this ordinance. Councilwoman Grant 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 Colucci made a motion to close to the public. Council President Robalino seconded the motion. The motion carried. All present in favor, none opposed.

Councilman Colucci made a motion to adopt this ordinance on the second and final reading. Councilman Alonso seconded the motion. The motion carried on a roll call vote as follows:  
For the motion: Sirocchi-Hurley, Colucci, Robalino, Grotsky, Alonso  
Against the motion: Grant  
Abstain: None

When casting her vote, Councilwoman Grant said she had suggested that the second Captain's position should be created on a trial basis until such time as the 12-hour schedule becomes permanent.

When casting his vote Councilman Alonso said he was voting based upon advice of counsel, which indicated that a temporary appointment could lead to litigation.

#### **ADOPT ORDINANCE 2016:28**

AN ORDINANCE TO AMEND CHAPTER VII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "TRAFFIC," THEREBY AMENDING SUBSECTION 7-3.3 ENTITLED "PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS"

Councilman Colucci made a motion to open to the public for comment on this ordinance. Councilman Alonso 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.

Council President Robalino made a motion to close to the public. Councilman Colucci seconded the motion. The motion carried. All present in favor, none opposed.

Councilman Alonso made a motion to adopt this ordinance on the second and final reading. Councilman Colucci seconded the motion. The motion carried. All present in favor, none opposed.

#### **ADOPT ORDINANCE 2016:29**

BOND ORDINANCE TO AMEND THE FOLLOWING BOND ORDINANCES PREVIOUSLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF NEW MILFORD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY: (1) BOND ORDINANCE NO. 2015:06 ADOPTED ON MAY 11, 2015; AND (2) BOND ORDINANCE NO. 2016:10 ADOPTED ON APRIL 25, 2016.

Council President Robalino made a motion to open to the public for comment on this ordinance. Councilman Colucci 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 Alonso made a motion to close to the public. Council President Robalino seconded the motion. The motion carried. All present in favor, none opposed.

After closing to the public a member of the public asked to comment on this ordinance and the previous ordinance. Paige Ryan – 226 West Street asked why the Recycling Coordinator needs a vehicle. She was advised that the Recycling Coordinator uses the car as part of the recycling program with the schools. Ms. Ryan asked if the parking prohibition on Ray Woods Lane was only during certain dates and times. She was advised that parking will be prohibited on Ray Woods Lane at all times.

Councilman Alonso made a motion to adopt this ordinance on the second and final reading. Councilman Colucci seconded the motion. The motion carried. All present in favor, none opposed.

#### **NEW BUSINESS:**

#### **INTRODUCE ORDINANCE 2016:30**

CAPITAL ORDINANCE TO APPROPRIATE THE SUM OF \$177,254 FOR THE UNDERTAKING OF THE BERKLEY SCHOOL FIELD REHABILITATION PROJECT IN,

BY AND FOR THE BOROUGH OF NEW MILFORD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM A COUNTY GRANT, FUNDS AVAILABLE THROUGH THE BOROUGH'S OPEN SPACE TRUST FUND AND A CONTRIBUTION FROM THE NEW MIFORD BOARD OF EDUCATION.

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

**PRESENTATION: AFFORDABLE HOUSING OPTIONS**

Mr. Madaio summarized the three pending legal matters and explained that they have all been consolidated. He identified them as the Borough's declarative judgement, filed to gain protection from affordable housing litigation; Hekemian's intervening lawsuit to build a Shop Rite and 24 units of affordable housing; and Hekemian's challenge to the Board of Adjustment's denial. He said settlement discussions and mediation are mandatory as part of the Borough's declarative judgement action. As a result, a committee was formed to undertake discussions which included Mayor Subrizi, Councilwoman Grant, Councilman Alonso, the Borough Administrator and Mr. Madaio. He said the committee engaged in a series of discussions with the intervenor and had to report back to the judge.

Mr. Madaio then introduced the Court Appointed Master, Mr. Frank Banish, who has been appointed by the court to direct the process and report back to the judge. He said in addition, the Zoning Board Attorney, Scott Sproviero, the Planning Board Attorney, Marc Leibman, and the Planner, Paul Grygiel were in attendance to offer additional insight into the process. He said Mr. Leibman had to leave following the closed session but left the Council with some comments in the form of a memorandum.

Mr. Banish started with a brief explanation on the background of COAH. He said there have been a number of Supreme Court decisions in New Jersey that have established the fact that all New Jersey municipalities have an affirmative obligation, a constitutional responsibility, to provide a realistic opportunity for housing for low and moderate income households. Every municipality has to provide a plan to meet that obligation or run the risk of being sued by a developer and essentially having their zoning turned over to the developer to provide an affordable housing remedy. As a result of these court decisions the state legislature adopted a fair housing act and created the Council on Affordable Housing, which was an administrative agency through which you could submit your affordable housing plan, have them reviewed against the set of standards that had been adopted into the State Administrative Code and issue certification that the town had met their obligation and give them some period of time to be protected from affordable housing lawsuits. In 2014 COAH failed to meet a requirement to come up with new rules and as a result an action by Fair Share Housing came before the Supreme Court and resulted in a decision that said municipalities could still secure protection from builder's remedy lawsuits but that they had to do it through the courts. Now the town must submit a Declaratory Judgement lawsuit to petition the court to find that their affordable housing plan is compliant with their affordable housing obligation and grant the municipality repose for ten years. He said if the settlement before this Council is approved it will require a Fairness

Hearing before the court to allow the Judge to hear and decide if the proposal is fair or has sufficient affordable housing to be endorsed as a result of the settlement. He said his role is to facilitate mediation, to review the town's Fair Share Plan and to advise the Court as to whether or not it complies with the standards, and review any settlements that are proposed and advise the court as to whether or not they are fair.

Mr. Madaio said for many years the municipality's Master Plan has placed the affordable housing obligation on the water company property. He said since then the Court has instructed municipalities to bypass COAH and file an action to have a Judge approve their affordable housing plan. He said New Milford has done this and by doing so has extended the borough's immunity. Hekemian has since sued the Borough to be part of the plan. He said this is all in addition to the Board of Adjustment action.

Mr. Madaio said the planner has been working toward developing many mechanisms to meet the Borough's number. He said that many have heard "there is no number." He said this is true, unless and until the matter is heard by the Court there will not be an exact number. He said however the numbers range between 125 and 350 units of affordable housing. The plan being considered provides twenty-four. He said there is no one that believes the number New Milford will have to provide is less than twenty-four.

Mr. Madaio said another common belief is that since the Zoning Board of Adjustment has denied the application it is off the table. He said that is not true as the ZBA denial of the application does not figure into this matter. He said if the ZBA denial was the only issue, if there was no COAH action and intervention, he is confident that the ZBA denial would be upheld. He said this changed last January with the decisions made by the Supreme Court. He said the COAH action and the intervener's action will be decided before the ZBA denial will ever be considered.

Mr. Sproviero said during the review of the ZBA application he often said much of what the developer was asking for was the tail wagging the dog. He said the ZBA denial litigation is the tail wagging the dog in the actions pending before the court. He said there are three separate actions pending: the declaratory judgement action that seeks the protection of a judgement of repose; the developer's remedy lawsuit; and the action regarding the ZBA denial. He said many have asked if the ZBA has denied the application how the Council could go around the denial. He said they are not really going around the ZBA, they are doing two other things – seeking compliance and the protection under the judgement of repose and a settlement of the developer's remedy demands that are being brought by the developer. He said during the two years of hearings it was made clear that the Mayor and Council could at any time during the course of the application determine to rezone the property to either allow what the developer was asking to happen or to allow something different. Had they done so that would have eliminated the ZBA's participation in the process. This is one reason why the ZBA's denial does not prevent or come into play in the course of a potential settlement. He said additionally the ZBA determination has no precedential effect; each application must be reviewed in and of themselves. He said the proposed settlement being discussed tonight is substantially different than what was proposed before the ZBA. He said the ZBA is not a party to the settlement but as condition of the settlement the action against the ZBA would be dismissed. He said the ZBA denial will remain a legal denial but it is not binding upon the municipality's ability to approve a substantially different plan.

Mr. Madaio said many of the professionals appearing tonight were at many of the committee meetings that were held.

Mr. Madaio said the Borough filed a COAH suit to get COAH protection. He said Hekemian intervened in that suit with a three component plan: a Shop Rite, a bank pad, and twenty-four units. He said this leaves open what will become of the old Shop Rite site and that properties affordable housing obligation. He said the decision is fully in the hands of the Judge with the information and advice of Mr. Banish. He said during the course of the mandatory discussions the committee considered whether there may be other possibilities that might be better. He said the product of those discussions resulted in the proposed settlement which he summarized as follows: Shop Rite would move as anticipated; there would be a bank pad on the property; a third of the property would be deeded to the borough and substantially prepared for use as an athletic field; there would be no affordable units on the water company site; and 130 units, including 24 affordable units, would be placed on the old Shop Rite site.

Mr. Madaio said in the event the town does nothing the court will make a decision on the Shop Rite, the bank and the twenty-four affordable units. He said many believe that decision is likely to be in the developer's favor. He said, as advised by Mr. Sproviero, the prior ZBA denial is meaningless, it has no bearing. He said the current Shop Rite site will be developed as well, it will not remain vacant.

He repeated the three options: 1) do nothing – allow the judge to make the call and we will likely end up with the Shop Rite, the bank and the twenty-four affordable units; the town gets nothing 2) work with the settlement as discussed and modify as necessary to address outstanding issues or 3) zone for between 400 – 500 units which will generate approximately 100 affordable units. He then asked Mr. Grygiel to present the options in greater detail.

Mr. Grygiel said every municipality will have an affordable housing obligation but as of yet, no one knows what it will be. He said there are two sources that are being most considered by the judges in Bergen County and the Special Masters such as Mr. Banish. The first is Econsult, which has been retained by New Milford and a number of other municipalities throughout the state through a consortium to come up with an expert opinion on behalf the municipalities as to what the number will be. The second is through Dr. Kinsey who was hired through by the Fair Share Housing Center to come up with numbers. He said there is a large variation between the two opinions, in the numbers themselves and the components of the obligation. He said Econsult's number is 150 and Dr. Kinsey's number is 487. He said regardless, New Milford must address some number of units and we have been trying to draft a plan to do so. Mr. Grygiel mentioned the rezoning of the Brookchester property, which was intended to address some of the obligation, however the units have not been built and according to the Special Master it is not a real opportunity at this time. He said things that were proposed previously but are not moving forward, do not count.

He then referenced the Suez/United Water property and said it is thirteen acres of vacant land with frontage on three main roadways with a number of development proposals including the Borough's own Master Plan which has recommended different types of zoning on the property. He said it is currently zoned for single family homes. The most recent Master Plan suggested changing the zoning to cluster the housing with an affordable housing set aside. However more

intense development has been suggested previously in the Master Plan with a recommendation for 200 units with 40 affordable units. He said New Milford has stated, in writing, that this site would be appropriate to accommodate as least 200 units of housing. He said this would be the bare minimum, the baseline, for any redevelopment of that property.

Mr. Grygiel then reviewed the three options previously outlined by Mr. Madaio.

He said Option A, do nothing, does not mean that nothing will happen. The site was designated for affordable housing previously, it is developable and available. He said the land would be developed with no benefit to the town.

He said Option B would involve rezoning the Suez site as well as the current Shop Rite site. He said the settlement being considered would involve the rezoning of both of these properties. He said the Suez site would include the Shop Rite, a bank pad and instead of housing, a field which would be dedicated to the municipality and would consist of approximately one-third of the property. There would be no housing on this site. He said the current Shop Rite site would consist of a mix-used development with the front portion consisting of retail on the first floor with residential above with additional residential units in the rear. It would include both affordable and market rate housing, approximately 130 units, which would be consistent with the land use in the immediate area.

He said Option C would be limited to the Suez site and would consist of a minimum of 200 units in three to four story buildings. He said however that 350 to 400 units would be a more realistic estimate of what would be approved. It would include no commercial aspect and the existing Shop Rite site would remain in play for potential future development.

Mr. Grygiel then provided a brief comparison of the impacts of each of the options. He said Option A is the most uncertain – the town could end up with the same outcome but with no benefit to the town. He said Option B provides more certainty and provides the Borough with more control over the outcome. He said Option C would provide a minimum of 200 units and more likely double that number which would include the affordable units.

## **COMMENTS FROM THE PUBLIC**

Councilman Grotzky made a motion to open to the public for questions and comments on the presentation. Council President Robalino seconded the motion. The motion carried. All present in favor.

Nick Besink – 177 Country Club Drive, Oradell. Mr. Besink said PSE&G is going to knock down a building in this area because it is in a flood zone. He said this property is in the flood plain as well and asked what happens when it floods. Mr. Madaio said regardless of what is done there will have to be applications to the Planning Board and as part of the application they will have to demonstrate that they are in compliance with flood requirements. He said that is the time when those issues will be discussed. Mr. Besink then offered to videotape future meetings to be broadcast on Oradell's station, which he said can be viewed online.



Lori Barton – 399 Roslyn Avenue. Ms. Barton said a recently released study has showed that severe flooding events are on the rise. She said the location of the field is the portion of the property that floods first and worst. She said the field was discussed previously and abandoned because the applicant said that portion of the property was needed for flood retention. Mr. Madaio said these are preliminary sketches and that there will be very detailed site plan review. Ms. Barton asked who would be paying for all the necessary road improvements. Mr. Madaio said this is a different plan with a different ingress and egress pattern. Ms. Barton asked if River Road would still need to be widened, necessitating the removal of heritage trees. Mayor Subrizi said it was made absolutely clear during the committee meetings that the heritage trees must be maintained and it was agreed that it would be possible to configure the traffic flow so that they all could be maintained. Mayor Subrizi said there was a storm water management system added to the agreement that represented a substantial contribution from the developer. Councilman Alonso said the retention system was designed to handle the minimum of a 50 year flood. Ms. Barton said the original plan required the widening of Madison Avenue, which would result in some residents losing part of their front yards. Councilman Alonso said what was discussed and agreed to was that this plan will not require the widening of streets, no property will be taken. Ms. Barton said the location of the affordable units was never the issue, it was the Shop Rite. She said the addition of 130 units we will trigger the need for more affordable housing. Mr. Madaio said it would not. He said part of the resolution is that this would give us repose from any lawsuits, any developer's claims or any actions by Fair Share Housing until 2025. It would provide the maximum level of repose available to any municipality. Ms. Barton asked if any consideration has been given to the need for additional police protection. Mr. Madaio said the reality is that any one of the three options would likely require accommodations by the Police Department and the Board of Education. He said all of the options have impacts. Ms. Barton referenced the ZBA denial. Mr. Madaio said whether or not the ZBA denial was appropriate will never be reached. What will be decided is the Borough's application for repose and the developer's application to intervene, which will inevitably include a decision about the Suez property. She asked about the court's consideration to the Borough's need for open, green space. He said the litigation concerns a Supreme Court mandate with regard to affordable housing and a protected class, it does not concern green space.

Ms. Barton then read a comment from another resident, Peggy Saslow, who could not attend the meeting. Ms. Saslow expressed her opinion that the United Water property should never be developed.

Joe Loonam – 469 Marion Avenue. Mr. Loonam congratulated the newly elected councilmembers. Mr. Loonam expressed his opinion that Option A, do nothing, is not an option. He suggested that if this is the town's last opportunity to get affordable housing it may be beneficial to get more than the twenty-four units being proposed. He asked if Option C would eliminate all outstanding issues. Mr. Madaio said the developer would likely object but if it meets the court's requirements it would effectively end the matter. Mr. Loonam asked for specifics about the field and monetary contribution. Councilman Alonso said the property deeded to the Borough would be 4 ½ acres and would include the graded field, a paved parking lot and a 50 year flood system. Councilman Alonso said there would be an additional \$750,000 contribution and \$50,000 toward future maintenance. He said the engineer provided an estimate of \$1.3 million to complete a turf field once the graded field has been turned over to the borough, which means the Borough could get an additional field for \$500,000. Mr. Loonam asked if the

money from the developer could be used for the Kennedy Field project. He was advised that it could not be. Councilwoman Grant said the \$50,000 is for cleanup after a flood.

John Bigger – 325 William Street. Mr. Bigger noted he is also the Recreation Director. He asked why we could not ask for more money to cover the entire cost of the turf field. Mayor Subrizi read a comment from the Planning Board attorney as follows: The financial contribution from the developer represents every last dollar that could be obtained. The negotiations were firm and the Council was relentless in getting the best result. Mr. Bigger asked if Larry Inserra could contribute. Mayor Subrizi said the committee did everything possible to get more.

Casey Hittel – 277 Boulevard. Ms. Hittel said she lives in an area that would be directly impacted. She noted there are no sidewalks on Demarest Avenue and parking and traffic are already an issue. She said her personal preference is Option C. She said Demarest Avenue will become a major cut through from the Boulevard to get to the Shop Rite.

Sean Massaro – 170 Fulton Street. Mr. Massaro suggested the Council should take more input from residents and postpone any decision until the next meeting. He asked for a motion to table the vote on the resolution.

Mike Gadaleta – 270 Demarest Avenue. Mr. Gadaleta said Option C will never be built because the 500 units would stay empty. He said Option A is not a good option. Mr. Gadaleta said Hekemian has already presented what is being proposed and they themselves took the field off the table. He said a shopping center does not belong in the north end of town. He said he would welcome high density residential.

Joanne Prisendorf – 317 River Road. Ms. Prisendorf said we need to consider the impact on the schools if we choose Option C.

Jen Rynander – 638 Ryeside Avenue. Ms. Rynander asked what constitutes low income. Mr. Madaio said it is a percentage of the median income for a region. Ms. Rynander said the town has been trying for years to get a field we can be proud of and for this reason she prefers Option B as she would rather get something than nothing.

John DeSantis – 490 Powell Drive. Mr. DeSantis referenced the recent election and suggested it may be appropriate for the decision to be made by the incoming Council rather than the outgoing Council. Mayor Subrizi asked why it would not be appropriate for those on the Council who have been living with the discussion for the past six years to make the decision.

Gene Murray – 425 Madison Avenue. Mr. Murray said that it was noted in testimony during the ZBA hearings that the proposed position of the field will not work as it will flood. He said it makes no sense to move the Shop Rite from the current location to the north end of town. He asked the Mayor what efforts have been made to speak with Mr. Brunetti. Mr. Madaio said there was significant effort but that there is no capacity in landlord tenant law to relocate or remove tenants in order to expand. Mr. Madaio said in addition, the Special Master, Mr. Banish felt that while Brookchester is not qualified affordable housing it is affordable stock so there is no value in moving people out to fulfill the affordable housing obligation. Mr. Murray said regardless of the change in the site plan the street would still need to be widened and trees will have to be

removed. Mayor Subrizi said she very specifically relayed to the developer that the value of the trees and the traffic concerns could not be overstated. She was assured by the developer that the trees would not be removed. Mr. Murry said when the ZBA considered the application not one person came to speak in favor of the plan.

Paige Ryan – 226 West Street. Ms. Ryan asked how many units were being proposed for the current Shop Rite site as outlined in Option B. Mr. Madaio said it is 130 units with 24 being affordable. Ms. Ryan asked if the Suez property were to be left residential if it would require 500 units. Mr. Madaio said the Planner estimates that it would be between 350 and 400 units, he said the developer will say that it is more. Ms. Ryan said when a previous Mayor and Council approved rezoning the Suez property to residential they said that Master Plan would protect New Milford from what the Council is now telling the residents this will now protect us because we are not protected anymore. Mr. Madaio said the big difference is that the Supreme Court, last January, decided COAH does not exist so the playing field is dramatically different. She said with regard to the field, it was part of a previous discussion and the water retention was in the spot where the field is being proposed. There was discussion to move the water retention to another area to accommodate the field and it could not be done because of the water level, so the field was off the table. She said she is in favor of a field but is concerned that what has been offered is not realistic.

Sam Tripsas – 327 Maple Avenue, Oradell. Mr. Tripsas said he had pictures of flooding caused during Hurricane Irene that show flooding in the area being discussed. He said the Council needs to look at the entire picture not one project individually. He said Option D, open space, should be considered. Mayor Subrizi said without exception, the plan needs to be approved by the Borough's engineer and if the plan, as proposed, is not viable the settlement would be void. Mr. Tripsas said the traffic over the Elm Street Bridge was not counted in the traffic study conducted during the ZBA hearings because the bridge was not open at the time. He said it is now open and should be considered.

Casey Hittel – 277 Boulevard. Ms. Hittel responded to the person who said at least we get something out of the deal. Ms. Hittel said she does not agree with the statement. She said the town is getting a throwaway from the developer just so they can get what they want. She said it is not enough of a reason to consider allowing the Shop Rite on that property.

Rick Mide – 660 Columbia. Mr. Mide said that Blue Acres is purchasing homes on Columbia Street. He said the Council is considering building on property that is the cause for these homes are being purchased.

Councilwoman Grant made a motion to continue the meeting. Council President Robalino seconded the motion. The motion carried. All present in favor, none opposed.

Edward Kilarjian – 3030 Edwin Avenue, Fort Lee. Mr. Kilarjian suggested the Mayor and Council should just ask everyone in town which plan they would prefer.

Maryann Milligan – 407 Madison Avenue. Ms. Milligan said the information presented is a lot to consider in one evening and asked the Council why it was being brought to a vote without an informed discussion with members of the community.

Lori Barton – 399 Roslyn Avenue. Ms. Barton said she understands the need for the field but said it should be located where the bank is being proposed on the highest and driest part of the property.

Anna Leone – 505 Boulevard. Ms. Leone expressed her opinion that the information was presented in such a manner as to steer the public into accepting the settlement. She said she does not see how this is different from what was proposed to the ZBA and said the Council should not let a financial incentive cloud their judgement. She mentioned a missed opportunity when a letter was sent offering the Borough the right to purchase the land. She said Dr. Kinsey made statistical statements based on information he obtained from Brunetti's website. She said his numbers should be checked for accuracy.

Ray Cottiers – 344 Lacey Drive. Mr. Cottiers commended everyone on the Council noting the magnitude of the decision to be made. He said the members of the Council have been elected for a certain term and they should do the job to the end of their term.

Todd Ghiosay 344 Morris Lane. Mr. Ghiosay referenced earlier comments made that there would be no need to widen the road. He asked how it would not be necessary if there is still a bank and the Shop Rite. He asked if the town opts for the residential only option would there be any need to widen the road. Mr. Grygiel said he is not qualified to answer without knowing the exact number of units. He said with either option there would be traffic impacts. Councilwoman Grant said the settlement proposal said that any improvements outside the four corners of the property would be at the Borough's expense. Mr. Alonso reviewed the reasons why this agreement differs from the application that went before the ZBA. He said the settlement diagrams do not indicate road widening. He also noted that the plan would have to go before the Planning Board for site plan approval. Councilwoman Grant read section 12 of the agreement which indicates that the Planning Board would not be permitted to require any additional reports on environmental, traffic, community, or fiscal impacts beyond those previously submitted. She went on to read that neither the Borough nor the Planning Board shall require the developer to construct or pay for any offsite improvements. Mr. Ghiosay asked why the choices can't be put to a referendum. It was explained that a referendum would be non-binding and cannot be presented as a choice between options. He commented on how quickly the decision is being made. Mr. Madaio explained that the court requires continued movement toward a resolution and there is a conference call tomorrow with the Judge in which he needs to report on the sentiment of the Council and if the settlement is still worth pursuing. He said the town's immunity and repose expires at the end of January and at such time if a settlement has not been reached the Borough will no longer be protected. Mr. Ghiosay asked for the Council to postpone the vote scheduled for tonight.

Mark Flores – 150 N. Carlton Place. Mr. Flores asked the Council not to vote tonight stating the public was not adequately put on notice.

Ronnie Lazarus – 218 Cedar Road. Ms. Lazarus asked to get a copy of the presentation. Ms. Lazarus was advised that the presentation will be posted on the Borough website. Ms. Lazarus quoted a statement made during the ZBA hearings in which it was stated that it would cost 1.2 million dollars to upgrade the road system if the application was approved.

Mel Urena – 245 Azalea Drive. Mr. Urena commented that it is a tough decision. He said he would prefer an option that provides the town with some control.

Renee Prevot – 281 Ridge Street. Ms. Prevot acknowledged that all of the options are a no win situation but stated that she does not believe the town can support Option C as the schools are already at capacity. She said she supports Option B and would like to have the field as long as it will work at the proposed location. Ms. Prevot asked if Hekemian would be doing the construction at current Shop Rite site and asked if they would be entitled to a tax break. Mr. Madaio said he believed it would be Hekemian in partnership with Inserra and they would not be entitled to any tax break.

Celeste Homyachak – 635 Mabie Street. Ms. Homyachak asked for clarification as to what the Judge is considering. Mr. Madaio said the only case before the Judge is for the Shop Rite, the bank and twenty-four units; he said the neither the field nor additional units are part of what is being considered currently by the Judge. Ms. Homyachak said she is not happy with any of the choices but said Option C would look like Avalon in Hackensack and she could not see something of that magnitude on that space.

Sharon Hilmer – 563 Columbia. Ms. Hilmer said her main concern is how it will affect everyone downstream. Mayor Subrizi said the settlement is comprehensive in terms of storm water management because there are regulations to govern it. Councilman Alonso said the flooding situation would need to be addressed with all three options.

Lauren Maehrerlein – 230 McKinley Avenue. Ms. Maehrerlein said many years ago the Board of Education made a decision to sell some of the Borough's schools and one reason they did so was to make improvements to the field at the Middle School. She said two years after the improvements were made the issues with the field resurfaced. She said this is why she takes any promises of engineering solutions with a grain of salt.

Councilwoman Elect Randi Duffie – 120 California Avenue. Ms. Duffie said the information is a lot to consider and she believes there may be some things in the agreement that may require more discussion. She asked how much of the agreement would be made available to the public. She said she could not imagine a vote being taken tonight.

Michael Gadaleta said the traffic study was not done by Hekemian until he was required to provide it, twenty months into the ZBA application hearings. It was not until that time that it became apparent that the road improvements would be required due to the size of the Shop Rite. He then quoted Councilman Alonso with something he said during the ZBA hearings: "it would be cheaper to litigate this then to fix one intersection." He said nothing has changed the road improvements will still be necessary. Councilman Alonso said he has been involved since 2011 and he acknowledged that the traffic study did not come until the end of the application. He said he litigated part of the case after filing a lawsuit in the middle of the application and he has been part of the field committee and the committee that has negotiated this settlement. He said what he said was true at that time but things have changed as there is now a builder's remedy lawsuit. He said the ZBA made great findings of fact and the attorney wrote a great resolution and he would still stand behind that finding and determination of the board. He said the fact is that it has changed now with the builder's remedy lawsuit so all of that no longer applies. Mr. Gadaleta

said Councilman Alonso is well aware of what a development of this size will bring to the Borough and it is unrealistic for Councilman Alonso to say that the design will not necessitate the need for road improvements. Councilman Alonso said the settlement agreement references site plans and development plans which do not include road widening; it is not permitted by the settlement.

Councilwoman Grant moved to table the resolution to approve the settlement. Mayor Subrizi said she would also like to get some additional information from the engineer and suggested scheduling a special meeting for December 12<sup>th</sup>.

Councilman Grotsky said people have commented on the impact to the schools. He said the Council voted to allow Brookchester to increase their number of units. He asked what would have happened with the schools if Brookchester had gone through with their plan. Mayor Subrizi said Brookchester was going to go from 750 to 1,100 units which would have brought 70 more schoolchildren. Councilman Grotsky said he would like to see the settlement agreement made public. Mayor Subrizi said that the Borough Attorney would be advising as to how that should be done.

Councilwoman Sirocchi-Hurley seconded the motion to table the resolution. The motion carried on a roll call vote. All present in favor, none opposed.

#### **RESOLUTIONS:**

2016:274 Closed Session

2016:275 Payment of Bills and Vouchers

2016:276 Approve Introduction of Capital Ordinance 2016:30

2016:277 Approve Renewal of Employee Medical Benefits with CIGNA

2016:278 Approve The Harrison Group as Third Party Administrator for Borough HRA

2016:279 Approve Renewal of Employee Dental Benefits with Delta Dental

2016:280 Authorize Mayor to sign agreement with Tyco Animal Control Services for 2017

2016:281 Authorize Mayor to sign settlement agreement with NMRA, LLC \*\*\*TABLED\*\*\*

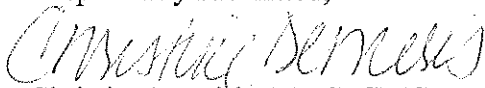
#### **VOTE ON RESOLUTIONS**

Council President Robalino made a motion to approve the consent agenda consisting of resolutions 2016:274 through 2016:280. Councilman Colucci seconded the motion. The motion carried. All present in favor, none opposed.

#### **ADJOURNMENT**

Councilwoman Sirocchi-Hurley made a motion to adjourn. Council President Robalino seconded the motion. The motion carried. All present in favor, none opposed. Time 11:28 PM.

Respectfully submitted,



Christine Demiris, RMC, CMC  
Borough Clerk

BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2016:274

Offered by: [Signature]

Seconded by: [Signature]

Member	Aye	No	Abstain	Absent
SIROCCHI-HURLEY	✓			
COLUCCI	✓			
GRANT	✓			
ROBALINO	✓			
GROTSKY	✓			
ALONSO	✓			
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. Legal Advice – COAH
2. Personnel – PD Promotions
3. Review of Closed Session Minutes

**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 adopted by the Council of the Borough of New Milford at the meeting held on November 28, 2016.

SEAL

[Signature]

BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2016:275

Offered by: [Signature]

Seconded by: [Signature]

Member	Aye	No	Abstain	Absent
SIROCCHI-HURLEY	<input checked="" type="checkbox"/>			
COLUCCI	<input checked="" type="checkbox"/>			
GRANT	<input checked="" type="checkbox"/>			
ROBALINO	<input checked="" type="checkbox"/>			
IX	<input checked="" type="checkbox"/>			
ALONSO	<input checked="" type="checkbox"/>			
MAYOR (lie)				

**WHEREAS**, the claims and accounts listed in the attached, 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 \$550,578.03.

I hereby certify that the above is a true copy of a resolution adopted by the Council of the Borough of New Milford at the meeting held on November 28, 2016.

SEAL

[Signature]



**BOROUGH OF NEW MILFORD****Bill list****NOVEMBER 28, 2016**

<b><u>Vendor</u></b>	<b><u>Amount</u></b>	<b><u>Description</u></b>	<b><u>Account</u></b>	<b><u>Check #</u></b>
PETER GRECO	300.00	12/4/16 PERFORMANCE FOR TREE	CELEBRATION	10767
MICHAEL CALAMARI	40.00	10/29/16 MEAL MONEY REIMBURSEMENT	PUBLIC	10768
BOSWELL MCCLAVE ENGINEERING	184.00	INV.106518 10/31/16 NM668	ZONING	10769
PHILLIPS PREISS GRYGIEL LLC	1050.00	INV.23373 OCT. 2016 COMPLETE	LEGAL	10770
HASMIG MEKJIAN	520.00	NOVEMBER 2016 TAI CHI CLASSES	SENIOR	10771
MEDICAL INSURANCE EMPLOYEE	788.25	OCT., NOV., DEC., 2016 MEDICAL	INSURANCE	10772
DELTA DENTAL OF NJ. INC.	5790.34	DECEMBER, 2016 DENTAL PREMIUM	INSURANCE	10773
NEW MILFORD FIRE CO. #2	336.22	HELMET RECONDITION,NAME	FIRE O/E	10774
NEW MILFORD FIRE CO. #2	0.00	MISC. SUPPLIES ETC.	FIRE O/E	10775
NEW MILFORD FIRE CO. #2	0.00	MISC. SUPPLIES ETC.	FIRE O/E	10775
NEW MILFORD FIRE CO. #2	0.00	MISC. SUPPLIES ETC.	FIRE O/E	10775
NEW MILFORD FIRE CO. #2	190.26	MISC. SUPPLIES ETC.	FIRE O/E	10775
NEW MILFORD FIRE CO. #2	133.40	SUPPLIES & BADGES	FIRE O/E	10776
VERIZON	843.63	ACCOUNTS FOR BORO OEM & FIREHOUSE	O/E	10777
METROPOLITAN	2230.64	11/15-12/14/16 CURRENT TELEPHONE	O/E	10778
PITNEY-BOWES GLOBAL	709.29	INV.3302067437 4TH QTR LEASE ON	MUNICIPAL	10779
NORTH JERSEY MEDIA GROUP	562.35	ACCT.1101720 OCTOBER ADS	MUNICIPAL	10780
WAYNE MARKETING ASSOCIATES	125.00	NOVEMBER 2016 CEREBRAL SYMNASTICS	SENIOR	10781
ELLGADO INTERPRETING SERVICE	775.00	INV.35660,35659,35681,35652	MUNICIPAL	10782
N MOUNTAIN RECORDS MGMT	296.03	INV.NDES5428 9/28-10/25/16 STORAGE	MUNICIPAL	10783
MGL PRINTING SOLUTIONS	205.00	INV.141295 11/4/16 N017 500	COLLECTION	10784
SCOTT GRAPHICS PRINTING	65.00	INV.13009 10/31/16 BUILDING DEPT	CODE	10785
TUMINO'S TOWING	50.00	INV.390293 8/19/16 TOWING	VEHICLE	10786
SUEZ WATER NEW JERSEY	15596.31	NOVEMBER 2016 HYDRANTS	O/E WATER	10787
LAWSON PRODUCTS, INC.	1042.23	INV.9304476184 10/28/16 PARTS &	VEHICLE	10788
THE SIGNTIST	968.00	INV.2379 & 2383 10/4/16 LETTERING	GARBAGE &	10789
THE SIGNTIST	0.00	INV. 2406 11/5/16 STREET SIGNS	PUBLIC	10790
THE SIGNTIST	968.00	INV. 2406 11/5/16 STREET SIGNS	PUBLIC	10790
THE SIGNTIST	2782.00	INV. 2406 11/5/16 STREET SIGNS	PUBLIC	10790
RAINBOW CLEANERS	315.00	INV.6278 REPAIR BIRNBAUM	FIRE O/E	10791
THE TROPHY KING	325.00	INV.15156 11/14/16 5 PRESENTATION	FIRE O/E	10792
REGIONAL COMMUNICATIONS,	78.17	INV. 118838 9/23/16 NUMERIC OCT,	EMERGENCY	10793
RACHLES/MICHELE'S OIL	1401.63	INV.239507 10/13/16 & 240118	O/E GAS &	10794
S. ROTONDI & SONS, INC.	1304.80	INV.30843, 306892 BRUSH REMOVAL	RECYCLING	10795
S. ROTONDI & SONS, INC.	6617.45	INV. 30845 10/31/16 GRASS/MIXED	RECYCLING	10796
JOSEPH SMENTKOWSKI, INC.	32433.33	INV.76931 10/1/16 OCTOBER GARBAGE	GARBAGE &	10797
JOSEPH SMENTKOWSKI, INC.	32433.33	INV.77614 11/1/16 NOVEMBER GARBAGE	GARBAGE &	10798
PUBLIC SERVICE ELECTRIC	26376.76	SEPT & OCT, 2016 CURRENT	O/E STREET	10799
PUBLIC SERVICE ELECTRIC	0.00	SEPT & OCT, 2016 CURRENT	O/E	10799
PUBLIC SERVICE ELECTRIC	20826.22	SEPT & OCT, 2016 CURRENT	O/E	10799
HEDY GRANT	65.00	REIMB. NJLM CONFERENCE BADGE	MUNICIPAL	10800
JOSE M. AMOROSO	154.57	REIMBURSE FOR 3 ROLLS	COLLECTION	10801
JOSE & BOUREGY, PC	381.25	INV.#14601 & INV.#14602 OCT, 2016	LEGAL	10802
WB MASON CO., INC.	136.84	INV.C2365727 OFFICE SUPPLIES	MUNICIPAL	10803
PALISADES SALES CORPORATION	1223.00	#953991 LENOVO PROCESSOR - BLDG	CODE	10804
OPTIMUM	243.04	NOVEMBER, 2016 CURRENT CABLE	MUNICIPAL	10805
OPTIMUM	25.79	NOVEMBER, 2016 CURRENT CABLE	POLICE	10805

<u>Vendor</u>	<u>Amount</u>	<u>Description</u>	<u>Account</u>	<u>Check #</u>
OPTIMUM	110.37	NOVEMBER, 2016 CURRENT CABLE	PUBLIC	10805
OPTIMUM	100.59	NOVEMBER, 2016 CURRENT CABLE	RECREATION	10805
OPTIMUM	0.00	NOVEMBER, 2016 CURRENT CABLE	O/E	10805
OPTIMUM	104.85	NOVEMBER, 2016 CURRENT CABLE	O/E	10805
W. MASON CO., INC.	876.11	inv.i39232262,39273030,3653335	POLICE	10806
HARRIS UNIFORMS	845.90	8 INVOICES-OFFICER'S CLOTHING	POLICE	10807
G.T.B.M., INC.	3412.50	INV.10620 INFO COP ANNUAL RENEWAL	POLICE	10808
SUEZ WATER NEW JERSEY	3484.61	OCTOBER, 2016 CURRENT WATER	O/E WATER	10809
PALISADES SALES CORPORATION	40.00	INVOICE #953997 QUICKEN PROGRAM	MUNICIPAL	10810
CINTAS CORPORATION NO. 2	711.51	INV.5006428363, 5006428364 MEDICAL	PUBLIC	10811
ELECTRONIC SERVICES	552.00	INV.62161 10/1/16 SR CTR ALARM	PUBLIC	10812
RICCIARDI BROTHERS	214.40	INV.245179 11/16/16 BLUE AND RED	PUBLIC	10813
PAYROLL	34041.56	NOV. 16 - NOV. 30, 2016 PAYROLL	RECEIVABLE:	10814
PAYROLL	1925.00	NOV. 16 - NOV. 30, 2016 PAYROLL	GENERAL	10814
PAYROLL	9615.03	NOV. 16 - NOV. 30, 2016 PAYROLL	MUNICIPAL	10814
PAYROLL	7663.06	NOV. 16 - NOV. 30, 2016 PAYROLL	COLLECTION	10814
PAYROLL	1353.55	NOV. 16 - NOV. 30, 2016 PAYROLL	ASSESSMENT	10814
PAYROLL	854.17	NOV. 16 - NOV. 30, 2016 PAYROLL	ASSESSMENT	10814
PAYROLL	5391.84	NOV. 16 - NOV. 30, 2016 PAYROLL	CODE	10814
PAYROLL	6478.48	NOV. 16 - NOV. 30, 2016 PAYROLL	POLICE	10814
PAYROLL	5327.36	NOV. 16 - NOV. 30, 2016 PAYROLL	POLICE	10814
PAYROLL	8304.63	NOV. 16 - NOV. 30, 2016 PAYROLL	POLICE	10814
PAYROLL	150254.89	NOV. 16 - NOV. 30, 2016 PAYROLL	POLICE	10814
PAYROLL	287.50	NOV. 16 - NOV. 30, 2016 PAYROLL	UNIFORM	10814
PAYROLL	507.45	NOV. 16 - NOV. 30, 2016 PAYROLL	UNIFORM	10814
PAYROLL	5824.98	NOV. 16 - NOV. 30, 2016 PAYROLL	PUBLIC	10814
PAYROLL	62667.07	NOV. 16 - NOV. 30, 2016 PAYROLL	PUBLIC	10814
PAYROLL	650.00	NOV. 16 - NOV. 30, 2016 PAYROLL	PUBLIC	10814
PAYROLL	1691.48	NOV. 16 - NOV. 30, 2016 PAYROLL	RECYCLING	10814
PAYROLL	3634.37	NOV. 16 - NOV. 30, 2016 PAYROLL	PUBLIC	10814
PAYROLL	5246.90	NOV. 16 - NOV. 30, 2016 PAYROLL	BOARD OF	10814
PAYROLL	3275.15	NOV. 16 - NOV. 30, 2016 PAYROLL	RECREATION	10814
PAYROLL	880.00	NOV. 16 - NOV. 30, 2016 PAYROLL	RECREATION	10814
PAYROLL	6011.91	NOV. 16 - NOV. 30, 2016 PAYROLL	SENIOR	10814
PAYROLL	0.00	NOV. 16 - NOV. 30, 2016 PAYROLL	LIBRARY	10814
PAYROLL	22941.86	NOV. 16 - NOV. 30, 2016 PAYROLL	LIBRARY	10814
PAYROLL	6670.60	NOV. 16 - NOV. 30, 2016 PAYROLL	MUNICIPAL	10814
PAYROLL	861.00	NOV. 16 - NOV. 30, 2016 PAYROLL	TITLE III -	10814
PAYROLL	4901.71	NOV. 16 - NOV. 30, 2016 MEDICARE	SOCIAL	10815
PAYROLL	9299.71	NOV. 16 - NOV. 30, 2016 FICA	SOCIAL	10816
DIANE GRIMALDI	480.64	REIMB. SAFETY BREAKFAST GIFTS -	MUNICIPAL	10817
NARITA MARAJ, LLC	209.25	NOVEMBER 2016 RECORDS MANAGEMENT	MUNICIPAL	10818
DIRECT ENERGY	798.22	10/12-11/9/16 NATURAL GAS SUPPLIER	O/E	10819
NELSON-PATTERSON AGENCY,	1133.75	US LIFE INSTALLMENT DEC 2016	INSURANCE	10820
CROWN TROPHY	1210.25	INV. RE-41742 SOCCER TROPHIES	RECREATION	10821
WB MASON CO., INC.	71.48	INV.I38800880 10/25/16 OFFICE	ZONING	10822

**Total fund: 01 Current 541809.82**

**Total Bill List: 541809.82**

**BOROUGH OF NEW MILFORD**

**Bill list**

**NOVEMBER 28, 2016**

<b><u>Vendor</u></b>	<b><u>Amount</u></b>	<b><u>Description</u></b>	<b><u>Account</u></b>	<b><u>Check #</u></b>
BOSWELL MCCLAVE ENGINEERING	2500.00	INV.106594 10/31/16 NM648 REC	2014	1667
BOSWELL MCCLAVE ENGINEERING	795.00	INV.106516 10/31/16 NM647 SENIOR	2016	1668
BOSWELL MCCLAVE ENGINEERING	584.94	INV.106517 10/31/16 NM659A POLICE	2014	1669
NEW MILFORD FIRE CO. #2	335.00	AUTO START, NFORCE LED LIGHTS	2015	1670
LAYNE ROOFING INC.	350.00	INV.9539 10/27/16 LIBRARY ROOF	2015	1671
FELDMAN BROTHERS	1070.27	INV.2227242, 2226514 POLICE	2014	1672
BOSWELL MCCLAVE ENGINEERING	2983.00	INV.106941 11/16/16 NM676A 2016	2016	1673

**Total fund:      04 CAPITAL                      8618.21**

**Total Bill List:                      8618.21**

**BOROUGH OF NEW MILFORD**

**Bill list**

**NOVEMBER 28, 2016**

**Combined TRUST FUND 12**

<b><u>Vendor</u></b>	<b><u>Amount</u></b>	<b><u>Description</u></b>	<b><u>Account</u></b>	<b><u>Check #</u></b>
DAVID E. OWENS MIDDLE	75.00	1/4 PAGE AD IN MDIDDLE SCHOOL	RESERVE FOR	1060
<b>Total fund: 2802 RESERVE FOR DRUG &amp; ALCOLHOL AL</b>				<b>75.00</b>
<b>Total Bill List:</b>		75.00		

**BOROUGH OF NEW MILFORD**

**Bill list**

**NOVEMBER 28, 2016**

Combined RECREATION COMM TRUST 18

<u>Vendor</u>	<u>Amount</u>	<u>Description</u>	<u>Account</u>	<u>Check #</u>
BRIAN HEUER	75.00	INDOOR SOCCER TRAINER	RES'V FOR	1650
Total fund: 2930 RES'V RECREATION COMM EXPENSES				75.00
Total Bill List:		75.00		

BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No.

2016-276

Offered by:.....

Seconded by:.....

Member	Aye	No	Abstain	Absent
SIROCCHI-HURLEY	✓			
COLUCCI	✓			
GRANT	✓			
ROBALINO	✓			
GROTSKY	✓			
ALONSO	✓			
MAYOR (lie)				

BE IT RESOLVED that the ordinance entitled:

"CAPITAL ORDINANCE TO APPROPRIATE THE SUM OF \$177,254 FOR THE UNDERTAKING OF THE BERKLEY SCHOOL FIELD REHABILITATION PROJECT IN, BY AND FOR THE BOROUGH OF NEW MILFORD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM A COUNTY GRANT, FUNDS AVAILABLE IN THE BOROUGH'S OPEN SPACE TRUST FUND AND A CONTRIBUTION FROM THE NEW MILFORD BOARD OF EDUCATION."

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 28th day of November 28, 2016, at 8:00 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

I hereby certify that the above is a true copy of a resolution adopted by the Council of the Borough of New Milford at the meeting held on November 28, 2016.

SEAL

*Christine Demaris*

BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

**RESOLUTION**

No. 2016:277

Offered by:.....

Seconded by:.....

Member	Aye	No	Abstain	Absent
SIROCCHI-HURLEY	✓			
COLUCCI	✓			
GRANT	✓			
ROBALINO	✓			
GROTSKY	✓			
ALONSO	✓			
MAYOR (lie)				

**WHEREAS**, the Mayor and Council wish to provide medical benefits to the employees of the Borough of New Milford; and

**WHEREAS**, CIGNA has provided medical benefits to the employees of the Borough of New Milford since January 2015; and

**WHEREAS**, the quote for renewal from CIGNA reflects an increase of 2.59%, which is significantly less than rates from other providers.

**NOW, THEREFORE BE IT RESOLVED**, the Mayor and Council of the Borough of New Milford hereby agree to authorize execution of an agreement with CIGNA to provide health benefits to employees of the Borough of New Milford, effective January 1, 2017.

**BE IT FURTHER RESOLVED**, the Mayor and Council hereby authorize the Administrator, Christine Demiris, to sign the agreement.

I hereby certify that the above is a true copy of a resolution adopted by the Council of the Borough of New Milford at the meeting held on November 28, 2016.

SEAL

Christine Demiris

BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2016:278

Offered by:.....

*Ned B. Smith*

Seconded by:.....

*[Signature]*

Member	Aye	No	Abstain	Absent
SIROCCHI-HURLEY	<input checked="" type="checkbox"/>			
COLUCCI	<input checked="" type="checkbox"/>			
GRANT	<input checked="" type="checkbox"/>			
ROBALINO	<input checked="" type="checkbox"/>			
GROTSKY	<input checked="" type="checkbox"/>			
ALONSO	<input checked="" type="checkbox"/>			
MAYOR (tie)				

**WHEREAS**, the Mayor and Council of the Borough of New Milford have implemented a Health Reimbursement Arrangement (HRA) for the purpose of financing a portion of the employee medical benefit claims; and

**WHEREAS**, the HRA requires the services of a Third Party Administrator (TPA); and

**WHEREAS**, the Borough's Risk Manager has recommended The Harrison Group, Inc. 3 Raymond Drive, Suite 201, Havertown, PA 19083 to act as the TPA for the HRA in 2017;

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of New Milford hereby approve the recommendation of The Harrison Group, Inc. as the Third Party Administrator effective January 1, 2017;

**BE IT FURTHER RESOLVED** that the Borough Administrator is authorized to sign on behalf of the Borough to establish the program with the Harrison Group.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to Arthur B. Caughlan, Nelson Patterson Insurance, 746 River Road, New Milford, NJ 07646.

I hereby certify that the above is a true copy of a resolution adopted by the Council of the Borough of New Milford at the meeting held on November 28, 2016.

SEAL

*Christine Demusis*



BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

**RESOLUTION**

No. 2016:279

Offered by: [Signature]

Seconded by: [Signature]

Member	Aye	No	Abstain	Absent
SIROCCHI-HURLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COLUCCI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GRANT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBALINO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GROTSKY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ALONSO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MAYOR (lie)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**WHEREAS**, the Mayor and Council wish to provide dental benefits to the employees of the Borough of New Milford; and

**WHEREAS**, Delta Dental Plan of New Jersey, 1639 Route 10, Parsippany, NJ 07054, has provided continuous coverage to the Borough of New Milford;

**THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of New Milford hereby agree to renew the agreement with Delta Dental Plan of New Jersey as per their proposal dated 10/5/16, to provide dental benefits to the employees of the Borough of New Milford, effective January 1, 2017, for one year.

I hereby certify that the above is a true copy of a resolution adopted by the Council of the Borough of New Milford at the meeting held on November 28, 2016.

SEAL

[Signature]