

**MINUTES  
BOROUGH OF NEW MILFORD  
7:00 PM WORK SESSION  
Monday, January 14, 2013**



**WORK SESSION:**

Mayor Subrizi read the Open Public Meeting and Mission Statements.

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

Also Present: Marc Leibman, Borough Attorney; Police Chief Papapietro, Christine Demiriz, Administrator/Borough Clerk

Mayor Subrizi asked Council for a motion to go into the closed portion of the meeting. Councilwoman Grant requested that before going into the closed portion she would like to discuss the vote taken approving Marc Leibman as Borough Attorney at the Reorganization Meeting. She stated that there is, at the very least, an appearance of a conflict of interest due to Mr. Leibman's recent representation on behalf of Councilman Mr. Ashley on a Zoning Board matter. Mr. Leibman resigned as legal attorney for Mr. Ashley the day after his Borough Attorney appointment. She said this relationship is a cause of impropriety and distrust of government officials among the public. She said the public has been vocal in questioning the appointment.

Councilwoman Grant asked for one of the following: the Council revisit their decision to appoint Mr. Leibman as Borough Attorney, Mr. Leibman step down from the position, or that the Council rescind their original vote. She also asked that Councilman Ashley abstain from the vote due to his relationship with Mr. Leibman. Mayor Subrizi said only Councilman Ashley can decide for himself whether he should abstain from the vote.

Mr. Leibman and Councilwoman Grant discussed the Borough's bylaws and whether there was in fact a conflict of interest. It was agreed by both that the issue is a matter of opinion. The discussion continued, citing the United Water property and Mr. Leibman's relationship with Councilman Ashley. The Administrator asked Councilwoman Grant if she intended to make a motion to rescind the vote, the Councilwoman stated affirmatively that was her intent. Mayor Subrizi suggested that the meeting be cancelled until legal advice could be sought. She said that she did not want to be required to rule on the issue without legal advice.

Councilman Robalino stated that if any of the Governing Body felt there was a conflict of interest at the time of the vote for the Borough Attorney's position that would have been the time to bring up the issue. A discussion ensued amongst the Mayor, Councilwomen Duffie and Grant and the Administrator regarding the Reorganization Meeting agenda and voting on the Borough Attorney. Council President Duffie said that an appearance of a conflict, whether true or not, casts a shadow.



She stated for the record she feels there is an appearance of a conflict in the fact that Mr. Leibman represented Councilman Ashley. Councilwoman Grant said ethics rules state that if there are doubts it would be prudent to err on the side of caution. Councilman Robalino pointed out that Councilman Ashley did recuse himself from Council discussions regarding the United Water property because of his personal involvement in the matter. Councilwoman Grant questioned the public's perception of the association between Councilman Ashley and Mr. Leibman. A past situation involving the 2012 Borough Planner and his recusal in a specific matter was discussed as an example of a similar scenario.

Mr. Leibman pointed out that during the current discussion; no one had stated there was a conflict of interest, only the possible appearance of conflict. New Jersey law did away with the appearance of impropriety several years ago because it unnecessarily hindered good people from doing good work.

Councilwoman Grant made a motion to rescind the vote taken for Borough Attorney at the Reorganization Meeting, to retain the services of Mr. Madaio for 60 days as Borough Attorney and to request RFQs for the position of Borough Attorney. The motion was seconded by Council President Duffie. The motion failed on a roll call vote as follows:

For the motion: Duffie, Grant, Putrino

Against the Motion: Ashley, Robalino, Colucci, Subrizi

Council President Duffie made a motion to adjourn and reconvene in the Courtroom at this time, and to hold the closed portion of the meeting afterwards. Mayor Subrizi asked that the closed session portion of the meeting be held at this time due to the nature of the topics.

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

#### **CLOSED SESSION:**

1. Legal Advice – Block 1309, Lot 1.02
2. Personnel – Administrator/Borough Clerk

Councilwoman Grant made a motion to adjourn and go back into public session and reconvene in the Courtroom, seconded by Council President Duffie.

All present in favor, none opposed.

#### **OPEN SESSION:**

1. Capital Alternatives – Mayor Subrizi recognized Marlene Casey, Borough Grant Writer and asked Ms. Casey for her report. Ms. Casey wished the Mayor and Council well in the New Year. She reported that all of the grant programs that the Borough has been involved with in the last few years have remained funded with the exception of one. Ms. Casey referred to documentation she passed out to the Mayor and Council as she made her presentation.

Ms Casey referenced the DOT eligibility maps for the Borough and stated competition for the DOT grants will be stiffer than ever this year and that the amounts of money for each grant will be smaller. She suggested that she meet with the Governing Body and do prior planning. She said the maps can be used to help select projects the Borough wishes to apply for. She



suggested forming a committee including the Administrator, the Police Chief, the Acting Superintendent, and Borough Engineer to survey roads and come up with a list of the ten worst. Discretionary, Enhancement or Streetscape, Culverts and Drainage are separate grants under the DOT which the Borough may apply for. She said that it is important, after picking the list of worst roadways to find out if there are sewer issues before submitting applications.

Ms. Casey said that there is an AFG grant with a deadline of this Friday and therefore it is too late for the Borough to apply for it this time around. The grant is used for municipal buildings and infrastructures that have "plans on the shelf". Early planning is advised.

CDBG funding will be about 70% of the amount the Borough has been receiving in past years. Ms. Casey went through the list of projects that could be done with the funding. Hardwired back-up generators for the Senior Center or other designated municipal shelters are eligible. Fire houses can only be considered if also used as voting place.

Hazard Mitigation money comes from bills passed by Congress. Ms. Casey explained the formula and funding. Hirschfeld Brook falls under the funding guidelines and there is a 75% - 25% matching grant. She suggested that the Governing Body study the booklet material she provided. Mayor Subrizi asked if any of the other grants listed in the booklet would be applicable to the Hirschfeld Brook project and Ms. Casey answered "possibly". The Hirschfeld Brook project is broken up into phases and Ms. Casey stated the grant funding can be requested for individual phases.

Ms. Casey reported that there will be no Green Acres funding this year. The Legislature is trying to find new ways of funding Green Acres. Also, Green Acres money that was allocated for specific purposes but has not been spent within a certain time will be taken back by the state and redistributed. Ms. Casey said that if the Mayor and Council had any housing acquisition projects in mind at this time they should make a plan as soon as possible.

Ms. Casey gave an explanation on how grants work. All grants are reimbursement grants. A municipality needs to apply for a grant. If approved, the municipality will bond for the entire amount. The agency that is providing the funding will reimburse once construction (demolition) has begun or the project is completed.

Ms Casey told the Mayor and Council that she was recently hurt by something that she read. She spoke about the discussions she had with the Mayor and Council at past meetings regarding possible grant funding available to acquire the United Water property. Ms. Casey said she had always made it clear that funding was available for the acquisition, although the cost of that acquisition would need to be spread out over a period of time. She said that she was hurt when she read that it was reported she never obtained a grant for the Borough of New Milford to fund the Hirschfeld Brook project. She said that she was never given the go ahead from Mayor and Council to file an application for the project. She said that she will continue to seek out grants provided the Governing Body wants her to go ahead. Mayor Subrizi asked the Council to pass a resolution stating the Borough authorizes Ms. Casey to apply for any grants that meet the requirements to go toward funding the Hirschfeld Brook Mitigation Plan. The Council agreed that they supported Ms. Casey's pursuit in funding the project. Mr. Putrino asked that Ms. Casey come to Mayor and Council meetings more often to keep the Governing Body updated. Mayor Subrizi asked Ms. Casey to let the Governing Body know whenever she has information to share and she will be placed on the agenda. Council President Duffie asked if a liaison for



grants would be helpful. Ms. Casey said that she has relationships with state agency directors due to her 17 years working as a Grants Administrator for northern New Jersey. It was decided that the Administrator would continue to be Ms. Casey's main contact.

Ms. Casey requested surveys for all of the Borough buildings. If the ARRA program comes out there will be several categories within the grant applications that the Borough could apply for. Mayor Subrizi said that it has come to her attention that the Police Department is not sufficient to handle full scale emergencies and is in violation of several OSHA requirements. There are some deficiencies in the Fire Department as well, including the new fire truck being too large to fit in either building. Because an ARRA grant is not available for more than one public building per award, the Mayor and Council must decide which project they wish to apply for under ARRA. Suggestions on different ways to present projects for funding were discussed. Ms. Casey stated that she does not charge for some types of grants because the information necessary to fill out the documentation comes from the actual municipal department staff. The Mayor asked that the Fire Department continue their efforts to apply for funding.

Mr. Angelo DeCarlo asked Ms. Casey if she were asking that the Fire Department work toward funding a fire truck, which is an AFG application, or work towards funding for a fire house through an ARRA application. He said that he would like to discuss plans to make improvements to both fire houses. Ms. Casey said that plans can be presented to various members of the legislature who may have the means to help fund projects. She explained that if one project gets funded in any one year there may or may not be money available for another project the following year. The fact that all grants are reimbursement grants was reiterated.

## 2. Police Department Headquarters

Police Chief Papapietro addressed the public and Governing Body regarding the condition of the Police Headquarters building by reading a memo. The memo went over the history of location beginning when the police moved into the location in 1959. He said that the current space has not been expanded since moving in. At the time of the 1959 move New Milford had 15 officers. According to state police recommended guidelines the Borough should have 38 officers, and actually have 32 officers. Prisoner security is out of code with the NJAC 10A:34 in several areas. Specific examples of security problems often faced by the department were given. Lack of space for male, female and juvenile prisoners as well as safety issues regarding court personnel and administrative offices were pointed out. At this time, according to the memo, when prisoners need to be in lock down outside the holding cell, police business must be closed to the public. Several examples of situations where the Police and Court had to create spaces to the best of their ability for specific needs of both victims and prisoners were given.

Chief Papapietro read that the communication center is not secure and accessible to the public. There is no elevator leading to the Detective Bureau. Bathrooms and desk areas are not handicapped accessible, and doorways need to be widened. There are no locker room shower facilities. Many areas within the department have been converted by necessity and state mandated facilities within the building are not available due to lack of space. Space within the Court Administrative offices are also deficient. The Police Department and Administration communication centers are vulnerable to sabotage and damage. Safety issues exist in all areas of the building. Chief Papapietro told the Governing Body that the memo he just read was written in 2004 and nothing has changed, except there have been several natural disasters in the Borough.



Chief Papapietro spoke about the many problems faced by the Police Headquarters during and in the aftermath of Superstorm Sandy, including the poor quality of the backup generator, computer operations failure and lack of space for resting officers. He praised the officers and staff for their hard work to keep the public safe while working in unsafe and antiquated conditions.

Mayor Subrizi said that she does not want to see the police and fire departments become rivals for improvements, a solution will be found to take care of the important safety and infrastructure issues that have been brought up. She said that Borough Hall is a good space and she remembered that there was a plan at one time to build a new Police Headquarters next to the present one and expand the space of the administrative departments into the present police department, keeping the integrity of the building. Councilman Putrino said the Police Department will need a set of plans as the Fire Department presently has. Creating a committee was discussed to move forward with the necessary preliminary work to get a new Headquarters project started. Councilman Colucci said architect Rob Connelly could be approached to help with the project, as he was involved with the Fire Department plans.

A count of police officers and the salary budget was discussed. Councilman Ashley suggested that the Governing Body look into the possibility of merging the police department with the county police or sheriff's department. The municipality is looking at a lot of money to make improvements to so many buildings. He stated that he does not necessarily think it is the direction that the Borough should go but it is an idea that should be looked at.

Mayor Subrizi asked that a committee be named. Mayor Subrizi, Councilmen Colucci and Putrino and Chief Papapietro were named. Other members will be sought. Mayor Subrizi thanked and praised Chief Papapietro and his department for their hard work and dedication to the residents and the Borough.

### 3. Firehouse Committee – Next Steps

Councilman Colucci said that the Fire Department Committee, consisting of Council President Duffie, Councilman Colucci, and residents Mr. DeCarlo, Mr. Adelung, and Mr. Mattola have been meeting over the past few months and are ready to have architectural schematic drawings done for both Fire Company #1 and #2. Rob Connelly has agreed to do the drawings at an adjusted price of \$2,400, instead of \$4,800 if the Governing Body agrees to move ahead. The improvements are being considered for safety reasons and both Fire Companies need upgrades. Council President Duffie stated, although the Police Headquarters is in desperate need of improvements the Fire Department and Police Department projects need to be kept separate. The Fire Departments would not be considered as an emergency shelter after renovations. A discussion on the funding for the schematic drawings ensued and Mayor Subrizi said that the funding would need to be added into a line item within the budget. She asked if the Council wanted to go ahead and spend the money for the drawings and all members agreed. Resolution 2013:246 will be added to the consent agenda to memorialize the Council's approval.

Mr. Adelung said that the Grants Consultant mentioned a particular grant that may reimburse the Borough for the drawings. Councilman Colucci was asked to reach out the Ms. Casey for verification.



#### 4. Sidewalk Inquiry -383 Leonard Drive

Mayor Subrizi reported that due to human error there are thirteen sidewalk slabs that need to be replaced in front of 383 Leonard Drive. The Borough Inspector went to the wrong house when called out to do a CO inspection prior to the sale of the property and the damage was not identified. The new tenants want the slabs replaced at the cost of the seller but the seller has refused. The Administrator said although the municipality is not legally liable to do the work she acquired an estimate for the work to replace the slabs at \$150 per slab, about \$1,950 in total. Mr. Leibman said that although he does not think that the tenant would sue the Borough for the mistake, it is his opinion that the matter is not worth going to court over. The Administrator said if someone were to trip and get hurt they could sue the municipality. The Borough would be ultimately responsible because they had prior knowledge of the problem. The money for replacement could come out of the 2013 Paving and Curbing budget line item. According to Borough ordinance, the homeowner is responsible for keeping sidewalks in good order. Mayor and Council took a roll call vote to fix the sidewalk at the expense of the Borough. All present in favor, none opposed.

Resolution #2013:247 will be added to the Consent Agenda to approve spending \$1,950 to correct the mistake made at 383 Leonard Drive.

#### 5. Resolution Regarding Gun Violence

Councilwoman Grant reminded the Governing Body that she had requested the Council to approve a resolution against gun violence after the Newtown, CT massacre. She spoke about tragedies caused by violence involving illicit gun use. She said that individual rights and public safety must be balanced. At one time the US had a ban on assault weapons and the number of massacres dropped significantly. Councilwoman Grant said that her resolution calls on Congress to enact a ban on assault weapons and large capacity magazines as well as other measures to protect public safety. She made a motion to approve the measures that Senator Menendez will be proposing publicly tomorrow as well as the ban as stated in her resolution. She asked that the Council decide whether to approve her resolution or wait for a redraft incorporating the recommendations made by Senator Menendez.

Mayor Subrizi commented that she is in agreement with the position of Councilwoman Grant, but added, as a mental health worker, it is her opinion the school system should accept some responsibility for failing to address the apparent deep issues of the young man who massacred those children in Newtown, CT. She said that she is a strong supporter of the 2<sup>nd</sup> amendment although does not feel assault weapons and multi-clip magazines have a place in any household. She added that with each freedom we give up our liberty becomes smaller.

Councilwoman Grant said that the public's health and safety will increase as a result of actions taken such as passing legislature that address the gun problem in this country. She spoke about an organization called the Mayors Anti-Gun Coalition that has been gaining members and wishes that all Mayors would join. Councilman Colucci asked if municipalities could assist in firearms background checks. Mr. Leibman said that there are legal avenues that municipalities can pursue to a degree but the state has jurisdiction over laws. After continued discussion, it was decided to wait until Senator Menendez's public recommendations are made public to allow Councilwoman Grant to add to her resolution any sanctions the Senator endorses on the issue.



## 6. Borough of River Edge Shared Service Proposal – Property Maintenance

The Administrator said that she had received an email from the Administrator of River Edge asking for input regarding salary and a job description for a shared Property Maintenance Official. Originally River Edge approached New Milford asking if the municipality would be interested in a joint effort to hire a person for the position. River Edge estimated that they would have need for a person approximately 4 hours per week. The salary would be based on a step basis. She said that Oradell has shown some interest in sharing an official as well.

The Mayor and Council spoke about the positive aspects of looking into the shared service more thoroughly. Various aspects pertaining to salary, qualifications, time the Borough would need from the position were discussed. It was stated that the employee now doing the property maintenance duties has a large amount of work in her other job duties and in that respect it could be helpful to consider a shared position.

The Administrator said that the workload of a property maintenance person is for a large part seasonal, with a significant amount of hours in the summer and a minimum amount of time required in the winter. Borough employee, Maria Sapuppo, takes care of some of the property maintenance issues at this time. The Police, DPW and Health Department take care of some issues as well. If the Governing Body would like to pursue the shared service it is important that a detailed job description be decided on as that is what will trigger the number of hours a person will be needed. She said that a shared service would be more appealing to a qualified candidate if a larger amount of hours could be accrued. Council President Duffie said that there are many violations in the Borough and a property maintenance officer is needed. The Administrator agreed but stated that many of the violations fall under other departments. It was agreed that the Administrator will continue to pursue the idea with River Edge and Oradell.

## 7. 2013 Budget Committee Report

Mayor Subrizi said that the committee has met 3 times for almost 8 hours so far. A series of meeting dates have been set. The Fire Department and the Recreation budget have been reviewed with their appropriate department heads. They are being formatted before being given out to the Council. There are still some department budgets that have not been received including the DPW and the Police Department. The budget introduction is set for some time in March.

## ADMINISTRATOR:

The Administrator reported that the NM Junior Football League has requested the Mayor and Council to recognize their Superbowl Championship. Certificates can be ready to award at the next meeting. The Police Auxiliary would also like to be present at the next meeting for some presentations.

Quarterly Department Head meetings have been scheduled and the next one will be held on January 23<sup>rd</sup> at 2:30pm, Mayor and Council are welcome to attend.

One of the Little League dugouts came down during Superstorm Sandy. The Borough has been asked if the DPW would handle the pick up and disposal of the debris which is



composed of lumber. The borough would incur additional carting fees for the debris. Councilman Ashley suggested that the fee amount should be reported to FEMA for reimbursement purposes. The Governing Body agreed to the plan.

PERC has a requirement that municipalities post all new contracts online, which the Borough has been doing and remains up to date and diligent about posting. At this time, PERC has initiated a new requirement, necessitating a certification of new contracts. In the Administrator's opinion, this requirement should be fulfilled by the auditor due to the extensive calculations and documentation involved. The Administrator said that she spoke with the Borough's previous Auditor to see if they could help with the certifications for all three recently approved contracts because they assisted in calculations for at least one of them. They agreed to assist with the certifications for a fee of approximately \$2,500 to \$3,000. The present Borough Auditor was also asked and the Administrator is awaiting a response. The Governing Body agreed the decision should be made based upon the least expensive. The Administrator will follow up and draft a resolution for Council approval according to the outcome.

At this time the Borough is out to bid on the recycling collection contracts. One potential bidder asked if the municipality would entertain a change in the day of the week for the recycling pick up to Wednesday. The contractor would notify the residents at their own expense. Grass pick up is done now by the DPW on Wednesday. The Administrator told the Mayor and Council all bidders would be informed of the request and could tailor their bid accordingly if the Governing Body agrees to the amendment. After a short discussion the Mayor and Council decided they would not consider a change in the pickup day.

**APPOINTMENTS:                   ALAN J. ALTINE – FIRE COMPANY #2**

A motion was made by Councilman Colucci to appoint Mr. Altine to Fire Company #2. The motion was seconded by Councilman Robalino. All present in favor, none opposed.

Mayor Subrizi announced the following appointments:

**CELESTE SCAVETTA – PUBLIC EVENTS  
ASHLEY BECKER – DRUG ALLIANCE  
REBECCA AUERBACH – DRUG ALLIANCE  
DORENE ZACHER – DRUG ALLIANCE  
VERONICA CAPONE – DRUG ALLIANCE  
DEBBIE PAULSEN – DRUG ALLIANCE**

A motion was made by Councilman Colucci to accept the candidates for appointments as noted. The motion was seconded by Councilman Putrino. All present in favor, none opposed.

Mayor Subrizi stated that two resolutions had been added to the Consent Agenda, 2013:46 and 2013:47. Council President Duffie and the Mayor agreed that Resolution 2013:45 be taken out of the Consent agenda.

**RESOLUTIONS:**

- 2013:41   Closed Session
- 2013:42   Payment of Bills and Vouchers
- 2013:43   Approve Bergen County Open Space Appointment – Councilwoman Hedy Grant
- 2013:44   Approve Social Affairs Permit – Church of the Ascension – February 9, 2013
- 2013:45   Recommend Appointment to the Historic New Bridge Landing Park Commission



- 2013:46 Authorize Robbie Conley Architect, LLC to redesign 2009 Conceptual Design of Fire Co. #2 and redraw 2005 Conceptual Design of Fire Company #1 at a cost not to exceed \$2,400
- 2013:47 Authorize Repair of Sidewalk Slabs at 383 Leonard Drive

## **VOTE ON RESOLUTIONS**

A motion was made by Council President Duffie, seconded by Councilman Robalino to approve the Consent Agenda 2013:41 through 2013:44 and 2013:46 through 2013:4. All present in favor, none opposed.

## **COUNCIL:**

Regarding resolution 2013:45 Mayor Subrizi said the Historic New Bridge Park Commission is a Governor's appointment which the Mayor had been asked to serve and would be willing to serve. She asked if there were a Council member that would like to serve; Councilwoman Grant said that after recently talking about the appointment at a meeting of the Historic New Bridge Landing Commission and making a call to Senator Gordon's office she would like to wait until the Commission can discuss the appointment further before a decision is made. It was noted, the appointee does not need to be an elected official. Resolution 2013:45 was tabled.

Councilman Colucci announced that the Annual Entwhistle Memorial service will take place on January 17, 2013 at 7:30pm. It is the 30th Anniversary.

Councilman Colucci asked the Administrator to request from the County Executive a donation of a 4 wheel drive vehicle to enable New Milford emergency crews to move the Borough's emergency boats in times of need. The Police Chief said the Police Department has a vehicle available for that purpose.

Councilman Colucci stated that in preparation of the Blue Acre purchases, he would like to see a garden committee started, enlisting citizens to research what other towns have done to establish and maintain municipal volunteer run gardens. Council President Duffie asked for interested residents to come to the Beautification Committee meeting to discuss the project.

## **COMMENTS FROM THE PUBLIC**

A motion was made by Councilwoman Grant, seconded by Council President Duffie to open the Public portion of the meeting. All present in favor, none opposed.

George Adelung- 732 Berkley Street. Mr. Adelung commented on the report and discussion between the Governing Body and Grants Writer, Marlene Casey. He said that the different grants and processes were confusing and suggested that Ms. Casey write a proposal about what the Borough may be interested in pursuing and outlining the steps to get there. The Council needs to come up with a written list of projects that they would like funding for. Council President Duffie said that Ms. Casey will be coming to Council meetings more often for updates.

Steve Tenser – 701 William Bliss Drive. Mr. Tenser said that the State Attorney General's office has a program for the buy back of guns and asked if the Borough would be interested in taking part in the program. Police Chief Papapietro said that he would look into it and report to the Mayor.



Nick D'Amelio – 349 Trench Drive. Mr. D'Amelio said that he is in favor of gun regulations but has reservations on certain aspects. He gave an example pertaining public information that was published recently disclosing private citizen's addresses who own legal guns. He said that type of information puts people who do not own guns at a disadvantage against criminals.

Ullis Cabrera – 659 Columbia Street. Mr. Cabrera thanked the Governing Body for their continued work on behalf of the Borough and congratulated the newly elected officials. He spoke about Ms. Casey's report of grants, mentioning that he heard her say that there were millions of dollars available in 2011 for the United Water property. If we had gone out for those grants we could have possibly received the money to buy the land next to the High School. He asked the Governing Body if they would consider purchasing the property if the Zoning Board denies the current application and it becomes available.

Mr. Leibman said that the subject of purchasing that parcel of land is a topic that this Governing Body should not comment on due to the possible perception that comments made here could interfere with the application at this juncture. Mr. Leibman gave various reasons why not commenting is in the best legal interest of the Borough at this time.

Mr. Cabrera said he liked Councilman Colucci's idea to use some of the Blue Acres money to create a community garden but he has some reservations. He said he was considering a garden on his property, but after Hurricane Irene, he realized that his property may have been contaminated by flood waters.

Miriam Pickett – 222 Baldwin Avenue. Ms. Pickett asked the Mayor and Council to consider repaving her street. She listed many issues that occur on her street including bus traffic, buses idling and heavy traffic.

Ms. Pickett said that she is concerned for the future of the swim club. She said it is a jewel in the community but in need of repairs and members.

Ms. Pickett said that she was upset that the statements Ms. Casey said she made at a previous meeting about funds being available for the acquisition of property were not spread out in the minutes of that meeting. She said that the Borough should not lose the property.

Anna Leone – 505 Boulevard. Ms. Leone said she agrees with Ms. Pickett's statements. The Mayor read a passage from the minutes in question addressing Ms. Casey's account of funding possibly being available in the form of grant money. She said that the minutes are a synopsis of what was stated and any Council member who did not think that the minutes accurately reflected Ms. Casey's comments could have requested them to be amended.

Ms. Leone said that she is not happy with the way some residents put out recyclables. Some recyclables are being blown around in windy weather. She said that she is sure there is an ordinance stating that residents need to have their recyclables secured properly. She said that residents who do not secure their recyclables should be fined. Councilman Putrino said that he is the liaison to the Recycling Committee. The committee has not met in recent years but will begin meeting quarterly starting this year. He gave a general plan of various issues the committee will tackle. The Committee is for a one year term with unlimited membership. Ms. Leone said that she will try to be a member.

Council President Duffie made a motion to continue the meeting, as bylaws prescribe, due to the hour of the evening. Councilman Putrino seconded the motion. All present in favor, none opposed.



John Rutledge – 335 River Road. Mr. Rutledge said that he was disappointed with the grants discussion earlier this evening regarding the United Water property. He liked the idea of Ms. Casey keeping the Council informed of grants and explanations of upcoming grants. He said that SOD met with Ms. Casey in October last year as well as at another meeting at the Senior Center with several Council members.

He asked that Ms. Casey and the Council discuss the then available grants at greater length so that everyone would have a deeper and broader understanding of what was available and why it was not pursued. He stated that some members of the Governing Body campaigned on specific issues. They agreed to look into all options to avoid the proposed development issues. Mr. Rutledge said that he and SOD should have the opportunity to hear and address future options Ms. Casey brings to the table.

George Adelung – 732 Berkley. Mr. Adelung agreed with Mr. Rutledge and asked the Borough Attorney if, during the grants discussions, it would be possible to allow Ms. Casey to speak hypothetically about buying the United Water property. Mr. Leibman told Mr. Adelung that Ms. Casey has been invited to about 11 meetings in the coming year which is more than she has ever before attended. To his knowledge, she will be speaking about the acquisition of open space as well as other grants. It was understood that Ms. Casey had stated earlier in the evening that Green Acres money is not available at this time. Mayor Subrizi stated New Milford has a long history of applying and getting grant money for open space and listed examples.

John DeSantis – 190 Powell Drive. Mr. DeSantis stated that on December 10, 2012 SOD had a meeting with Ms. Casey and then Council President Berner, Councilwomen Duffie, Grant and Councilman Ashley. He said that at that meeting Ms. Casey specified that there was money available to purchase the United Water property. He said that it is his impression that Mayor Subrizi blocked the efforts to attain the grant money. Mayor Subrizi stated that she did not want to speak on the topic without Ms. Casey being present. Mayor Subrizi spoke of Ms. Casey's capability and professionalism with regard to keeping the Council aware of grant money that the Borough is qualified to apply for. Mr. DeSantis said that he would like to open the next meeting up to the public when Ms. Casey is in attendance. Mayor Subrizi spoke about the history of the property when it was in front of the former Council, how the former Council was not interested in obtaining the property, and there was little interest in rezoning the property, which would have included having a parcel of the property deeded to the town. At one point there was talk of no residential component being built on the property.

Now the application is in front of the Zoning Board and the Council can no longer be involved. The process was transparent, acted out in front of the residents. Mr. Rutledge said that he remembered Ms. Casey speaking about the property being built with football fields and underwater holding tanks. Mayor Subrizi talked about the application as it stands now. Councilman Colucci said grants that are available for parcels of land are for far less than the money the municipality would require. If the Borough borrowed money and obtained grants available the average resident would see tax increases of hundreds of dollars per year for 10 to 20 years.

Gail Ablamski – 557 Mabie Street. Ms. Ablamski said that her sidewalk is coming up in front of her house. She said that one section is coming up due to the root system of a town tree. Ms. Ablamski was told that the sidewalk is her responsibility and that the Shade Tree Commission should be notified.



Ms. Ablamski said that as for the gun situation, people can always get guns. She said that mentally ill people are four times more likely to be the victims of the crime, not the perpetrators.

John Rutledge – 335 River Road. Mr. Rutledge explained why he would like residents to be allowed to ask Ms. Casey questions and be a part of the dialog on obtaining grant funding going forward. Mr. Rutledge and Mayor Subrizi discussed the meeting of March 14, 2011. He said that the Mayor and Council has not spent enough time talking to the organization SWAN or the RiverKeeper

Lori Barton – 399 Roslyn Avenue. Ms. Barton requested that the Mayor and Council publically discuss the health benefits that they receive through the Borough. She said the time has come to end the practice.

John Bigger – 325 Williams Street. Mr. Bigger congratulated Councilmen Ashley and Putrino on their election wins and thanked all members for their dedication to the Borough. He spoke about his feelings on the tragedy in CT and where responsibilities lie. He spoke about the need to toughen federal laws when buying guns.

Mr. Bigger spoke about the need to start looking at what could be done regarding the United Water property. He stated the Borough should not wait to see if the application goes to the Court of Appeals because the outcome in these type of cases are usually not in the municipality's favor and will cost the Borough thousands of dollars in the process. He asked if any Mayor or Council member had attempted to negotiate a compromise with the developer. The municipality may be able to negotiate some controls over building size, truck traffic, and other factors if they sit down and work with the applicants. We will never know unless attempts are made. Mayor Subrizi said that people do not want a compromise.

Mr. Bigger spoke about the financial issues that surround the proposed improvements at the Fire Departments and Police Headquarters. He said the amount of funding for the work that needs to be done on the municipal buildings is going to cost the taxpayers an enormous amount of money and that grant money is drying up.

Mr. Bigger said it is his opinion that parents need to take responsibility for our own kids. The guns involved in the Newtown massacre came from the home of the young gunman. There also needs to be stricter, cohesive laws throughout the country regarding registering people with mental illnesses, creating a database to be used for gun purchases.

The Mayor asked the Council if they wished to continue the discussion of rezoning the United Water property and take a vote to move forward with a rezoning plan. Council President Duffie asked that no vote be taken at this time due to the late hour and substantial emotional significance of the issue.

Being no other member of the public wishing to speak, a motion was made by Councilwoman Grant, seconded by Councilman Ashley to close the Public portion of the meeting. All present in favor, none opposed.

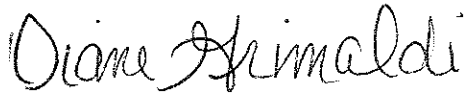
Councilwoman Grant asked if there were any known results regarding the ground water testing performed at New Milford High School. Councilman Robalino said he will find out from the Board of Education and share the information.



## ADJOURNMENT

Councilman Ashley made a motion to adjourn. Councilman Colucci seconded the motion. All present in favor, none opposed. Time 11:11pm

Respectfully submitted,

A handwritten signature in cursive script that reads "Diane Grimaldi". The signature is written in dark ink and is positioned above the printed name and title.

Diane Grimaldi, RMC  
Deputy Borough Clerk



BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2013 : 41

Offered by: [Signature]

Seconded by: [Signature]

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

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

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

**WHEREAS**, the Governing Body wishes to discuss:

1. Legal Advice – Block 1309, Lot 1.02
2. Personnel – Administrator/Borough Clerk

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

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

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on January 14, 2013.

[Signature]

SEAL



BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2013: 42  
RV

Offered by:.....

Seconded by:.....

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

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

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Council hereby authorize the payment of these claims, and that warrants be drawn therefore when funds are available in the aggregate amount of \$217,473.96.

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on January 14, 2013.

SEAL

Christine Bernus



## BILL LIST FOR MEETING OF:

JANUARY 14, 2013

CURRENT ACCOUNT

VENDOR	CHECK NO.	AMOUNT	DESCRIPTION
BOROUGH OF NEW MILFORD PAYROLL ACCOUNT	2065	\$321,956.27	JAN. 1-JAN. 15, 2013 PAYROLL
BOROUGH OF NEW MILFORD PAYROLL ACCOUNT	2066	\$8,515.42	JAN. 1-JAN. 15, 2013 BORO SHARE FICA
BOROUGH OF NEW MILFORD PAYROLL ACCOUNT	2067	\$4,270.61	JAN. 1-JAN. 15, 2013 BORO SHARE MEDICARE
FORD MOTOR CREDIT COMPANY	2068	\$3,456.30	(4) CROWN VIC CAR LEASE PAYMENT
CELTIC KITCHEN	2069	\$325.00	HOLIDAY BREAKFAST 12/28/12
NELSON PATTERSON AGENCY	2070	\$1,064.82	JAN. PREMIUM-FIREMEN'S LIFE INS.
NELSON PATTERSON AGENCY	2071	\$12,430.00	VOLUNTEER ACCIDENT POLICY
DENISE M. AMOROSO	2072	\$500.00	ESTABLISH 2013 PETTY CASH (COLL/TREAS.)
EDIE RYERSON	2073	\$70.00	ENVIRONMENTAL MTG MINUTES
FRANK RAMACI	2074	\$273.55	REIMB. CLOTHING PURCHASES
PAYCHEX, INC.	2075	\$1,151.33	DEC. 2012 PAYROLL SERVICES
NEW MILFORD FIRE CO.#2	2076	\$510.00	REIMB. EXPENSES
VERIZON	2077	\$310.62	RADIO REPEATER NMMS & PD
PITNEY BOWES	2078	\$561.00	OCT/NOV/DEC. 2012 LEASE
HOLY NAME HOSPITAL	2079	\$850.83	OCTOBER BACK UP AMBULANCE SERVICE
HOLY NAME HOSPITAL	2080	\$850.83	NOVEMBER BACK UP AMBULANCE SERVICE
PALMER BROS CO.	2081	\$1,172.23	AUG-DEC. INVOICES-FIRE DEPT.
GILLIES' AUTO BODY	2082	\$1,315.92	REPAIR TO 2012 TAHOE -POLICE
RACHLES/MICHELE'S OIL COMPANY INC.	2083	\$5,247.00	INV.159830 11/13-11/27/12 1800.00 GALS GAS
UNITED WATER	2084	\$5,164.65	OCTOBER 2012 WATER CHARGES
UNITED WATER	2085	\$1,330.82	NOVEMBER 2012 WATER CHARGES
WASTE MANAGEMENT OF NEW JERSEY	2086	\$805.03	7.42 TONS 10/1/12 DPW COMPACTOR
MEDICAL INSURANCE EMPLOYEE REIMB. ACCOUNT	2087	\$1,550.75	DEC. 2012 EMPLOYEE REIMB.
CHIEF FRANK PAPAPIETRO	2088	\$200.00	ESTABLISH 2013 PETTY CASH (POLICE)
FRANK RAMACI	2089	\$500.00	ESTABLISH 2013 PETTY CASH (DETECTIVE BUR
NEW MILFORD PUBLIC LIBRARY	2090	\$75,000.00	TEMPORARY 2013 BUDGET APPROPRIATION
EXIS NEXIS	2091	\$209.00	NOVEMBER ONLINE CHARGES
JORRIS INTERNET GROUP	2092	\$525.00	OCT/NOV/DEC. 2012 WEB HOSTING
VERIZON WIRELESS	2093	\$919.84	11/24-12/23/12 CELL PHONE CHARGES
THE TERRE CO	2094	\$69.25	BALANCE OF INV. 117329
PERRONE'S FARM & GARDEN CENTER	2095	\$492.00	HOLIDAY WREATHS & LIGHTS
METROPOLITAN TELECOMMUNICATIONS	2096	\$2,400.22	12/15/12-1/14/13 TELEPHONE CHARGES
FERRETTI CARTING, INC.	2097	\$4,500.00	DEC. 2012 APT. RECYCLING
FERRETTI CARTING, INC.	2098	\$12,083.33	DEC. 2012 RESIDENTIAL RECYCLING
S. ROTONDI & SONS	2099	\$2,320.00	OCTOBER 2012 GRASS DISPOSAL
RACHLES/MICHELE'S OIL COMPANY INC.	2100	\$6,732.86	DEC. 2012 DIESEL FUEL
WASTE MANAGEMENT OF NEW JERSEY	2101	\$30,276.85	DEC. 2012 RESIDENTIAL GARBAGE
BERGEN COUNTY UTILITIES AUTHORITY	2102	\$23,671.85	OCT. 2012 RESIDENTIAL TIPPING FEES
		\$533,583.18	



**BILL LIST FOR MEETING OF:**

**JANUARY 14, 2013  
ANIMAL CONTROL ACCOUNT**

**VENDOR**

**CHECK NO. AMOUNT**

MGL PRINTING SOLUTIONS

1009

\$669.00

**TOTAL**

**\$669.00**



**BILL LIST FOR MEETING OF:****JANUARY 14, 2013  
CAPITAL ACCOUNT**

<b>VENDOR</b>	<b>CHECK NO.</b>	<b>AMOUNT</b>	<b>DESCRIPTION</b>
AAA EMERGENCY SUPPLY CO.	1087	\$9,590.00	INV. 232673 2 THERMAL CAMERA (12-0007-401)
MOTOROLA SOLUTIONS, INC.	1088	\$13,220.20	RADIO REPEATER NMMS-PD (12-0007-301)
	<b>TOTAL</b>	<b>\$22,810.20</b>	



BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2013:43

Offered by:

Seconded by:

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

**WHEREAS**, the Borough of New Milford has entered into a Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act NJSA 40A:8A-1 et. Seq. to participate in the Bergen County Open Space, Recreation, Farmland and Historic Preservation Trust Fund; and

**WHEREAS**, said Agreement requires that one municipal representative be appointed by the governing body of the community to be part of the Open Space Trust Municipal Park Improvement and Land Acquisition Program Regional Committee for the term of one year coinciding with the fiscal year July 1, 2012 and through June 30, 2013; and

**WHEREAS**, Mayor Ann Subrizi was appointed on June 25, 2012 via Resolution 2012:202; and

**WHEREAS**, Mayor Subrizi resigned the appointment effective January 7, 2013.

**NOW THEREFORE, BE IT RESOLVED** that the Governing Body of New Milford hereby appoints Councilwoman Hedy Grant as its representative to participate on the Open Space Trust Municipal Program Regional Committee through June 30, 2013.

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on January 14, 2013.

SEAL

*Christine Demaris*



BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No.

2013:44

Offered by:

*Christie Berry*

Seconded by:

*One 3 Pm*

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

**WHEREAS**, the Church of the Ascension, 1092 Carnation Drive, New Milford, NJ has applied for a Special Permit for a Social Affair; and

**WHEREAS**, the Mayor & Council of the Borough of New Milford have agreed for certain non-profit organizations to dispense and serve alcohol set forth under the guidelines of the Division of Alcoholic Beverage Control (ABC) pursuant to N.J.S.A. 33:74-1 and N.J.A.C. 13:2-5.1; and

**WHEREAS**, the required documentation along with a fee of \$100.00 to the Division of Alcohol and Beverage Control has been submitted, reviewed and signed by the Chief of Police and Borough Clerk of the Borough of New Milford, NJ;

**NOW, THEREFORE, BE IT RESOLVED**, the Mayor and Council hereby grant a Special Social Affair Permit to Church of the Ascension to conduct a social gathering at which alcohol will be served on the premises of the Church of the Ascension located at 1092 Carnation Drive, New Milford, NJ on February 9, 2013 in accordance with New Milford Borough Ordinance #6-4, et seq.; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to Reverend David W. Milliken, 256 Azalea Drive, New Milford, NJ 07646.

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on January 14, 2013.

SEAL

*Christie Berry*



BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

**\*\*TABLED\*\***

**RESOLUTION**

No. 2013:45

Offered by: [Signature]

Seconded by: .....

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

**WHEREAS**, Historic New Bridge Landing preserves a significant fragment of the Jersey Dutch countryside, famed for its compelling role in the Revolutionary War; and

**WHEREAS**, we hereby recognize that its distinctive antique dwellings, artifact collections and scenic landscapes are uniquely reminiscent of a vanished folk culture and are worthy of perpetuation for the enlightenment of present and future generations; and

**WHEREAS**, the Historic New Bridge Landing Park Commission has a statutory obligation to coordinate and implement government and private development policies and other activities incidental to the preservation, maintenance, restoration, and interpretation of the historic riverfront village surrounding New Bridge, so as to optimize its educational and recreational benefit to the public; and

**WHEREAS**, the Borough of New Milford is represented on the Historic New Bridge Landing Park Commission; and

**WHEREAS**, the Mayor and Council hereby recommend \_\_\_\_\_ to represent the Borough of New Milford for the initial term of three years.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Council hereby request Governor Christie to appoint \_\_\_\_\_ to the Historic New Bridge Landing Park Commission.

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on January 14, 2013.

SEAL

Christine Bernius



BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2013:46

Offered by: Council President Duffie

Seconded by: Counciman Robalino

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

**WHEREAS**, Robbie Conley Architect, LLC completed a study in 2009 which included a Needs Assessment, a Deficiency Report, and a Conceptual Design for a two-story addition to the existing Fire Co. #2 building; and

**WHEREAS**, designs were developed in 2005 for an addition to Fire Co. #1; and

**WHEREAS**, both designs are in need of redesign – Fire Co. #1 to meet current codes and standards and Fire Co. #2 to remove a rear wall to accommodate a longer aerial device and renovate existing bays; and

**WHEREAS**, Robbie Conley Architect, LLC has prepared a proposal, dated December 6, 2012, to redesign both conceptual designs as outlined above at a cost of \$2,400.

**NOW, THEREFORE, BE IT RESOLVED**, the Mayor and Council hereby authorize Robbie Conley Architect, LLC to proceed with the proposal dated December 6, 2012.

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to New Milford Fire Department, Attn: Angelo DeCarlo, 680 Trenton Street, New Milford, NJ 07646 and Robbie Conley Architect, LLC, 596 Glassboro Road, Woodbury Heights, NJ 08097.

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on January 14, 2013.

*Cristine Bernasconi*

SEAL



BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2013:47

Offered by: Council President Duffie

Seconded by: Councilman Robalino

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

**WHEREAS**, a Certificate of Occupancy was issued on August 9, 2012 for 383 Leonard Drive without any conditions or money held in escrow; and

**WHEREAS**, significant sidewalk damage existed at this location prior to the issuance of the Certificate of Occupancy; and

**WHEREAS**, it has been determined the Certificate of Occupancy was issued as a result of an error on the part of the Borough.

**NOW, THEREFORE, BE IT RESOLVED**, the Mayor and Council hereby authorize the Administrator to facilitate the repair or replacement of the damaged sidewalk slabs to meet the requirements of Borough Ordinance 18-4.15 at the Borough's expense.

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to New Milford Department of Public Works and Ms. Sable Infante, 383 Leonard Drive, New Milford, NJ 07646.

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of New Milford at the meeting held on January 14, 2013.

SEAL

Cristine Bernius