

**MINUTES  
BOROUGH OF NEW MILFORD  
7:00 PM WORK SESSION  
OPEN SESSION immediately following  
7:45 PM PUBLIC MEETING  
Monday, April 25, 2011**

**WORK SESSION:**

Mayor Subrizi reads the Open Public Meeting and Mission Statements.

Council President Keith Bachmann	Present
Councilwoman Randi Duffie	Present (7:05)
Councilman Diego Robalino	Present
Councilman Howard Berner	Present
Councilwoman Celeste Scavetta	Present
Councilman Dominic Colucci	Present
Mayor Ann Subrizi	Present



Also present: Mark Madaio, Borough Attorney; Christine Demiris, Administrator/Clerk;  
Art Caughlan, Borough Risk Manager

**OPEN SESSION:**

1. Risk Manager – 7:00 PM

Art Caughlan, Borough Risk Manager, addressed the Council. He presented a Bronze Safety Award that was awarded to the Borough by the Joint Insurance Fund (JIF). He explained the goal of his visit was to discuss the importance of keeping the JIF in a good financial position by keeping claims down. He said that even though claims are down, healthcare costs continue to rise. He stated the JIF used to budget \$250.00 per employee statewide, it is now up to \$2,500 per employee. He explained that the JIF contacted various organizations to perform a comparison and they found that PSE&G had a similar experience rate and had managed to bring it down. In reviewing PSE&G's procedures they learned that they had empowered everyone from the top down to "police" safety matters.

Mr. Caughlan reported a new DVD, "Changing the Way We Think About Safety" has been developed; it has been viewed by the Borough's Safety Committee and will be brought to the larger departments for their review as well. He said he would be bringing the Council a form that he wants them to sign confirming their support of the program that can then be posted prominently in the Borough Hall. He suggested the Council Liaisons could attend the department meetings noting it shows a commitment and makes a huge impact. In addition to the plaque he noted the Borough will receive \$500 as part of the Safety Award and he suggested it be used for something to promote safety.

2. United Water Property – Proposed Development

The Mayor noted that the Council has not met since the developer's presentation and stated she is looking for feedback and input on our next steps. The Administrator referenced correspondence from the Planner requesting a letter from the Borough directing him to look at

the United Water issue and a list of questions from the Council that they would like answered. Mr. Madaio clarified he is looking for questions on the proposed rezoning.

Councilman Berner asked if it would include specific issues concerning the development itself. He noted that River Road and Main Street are fairly narrow noting there was no discussion on any plan to widen either or both of those streets to provide a turning lane. The Mayor said we do not want to address planning before getting past the first hurdle of rezoning.

Councilwoman Duffie said it will be a process; the Council needs to digest, together, what the public had to say. She asked if there was any expectation that the Council would hear from Inserra. She asked if the Council was to decide in the affirmative to rezone would it be a commitment to that development or can the Council then negotiate the level of development. She suggested it would also involve the Bergen County Planning Board. She noted that since the presentation we had a storm and it was never more evident that flooding is going to have to be part of the discussion.

Mayor Subrizi stated that flooding and traffic were the number one and two issues and number three is going to be what would happen to the old Shop Rite.

Councilman Berner stated there is another supermarket four miles from town that is vacant now. He suggested that if the plan to rezone does not work out there is nothing to stop Shop Rite from leaving New Milford.

Councilwoman Duffie asked if the Borough ever officially said we would not purchase the property. Mr. Madaio said there was no official refusal. United Water told the Council Hekemian would convey the offer and start the Borough's ninety day window of first refusal. Hekemian said this would have to come from the water company. In the interim the Council took a consensus vote which indicated that the Borough is unlikely to purchase given the ability to fund that kind of purchase at this time. He noted we are still within that time period but noted his opinion that the timeframe is somewhat illusory because at any point the Borough could purchase but it is a question of at what value and is the ability there. Councilwoman Duffie asked if we need to make an official response. Mr. Madaio said we do not; the window expires at the end of April.

Councilman Robalino stated he believes it is fair to say the Council thinks this is a good first step; they were very generous in the proposal, it does not include housing and deeds 30% of the property to the Borough at an approximate value of \$2.5 million dollars. He noted this is a starting point given the Borough has not sat down with the developer to negotiate. He suggested that some of the groups in town have suggested it be developed with fields without considering the burden on the taxpayers, first in acquiring the property, then in developing it and finally maintaining it. He believes it is fair to say the Borough has lost interest in acquiring it but the Council is looking forward to sitting down with the developer to see how far we can take this proposal to the benefit of the town.

Mr. Madaio stated that ultimately the Council does not have to rezone, it can remain residential. If the Council does not rezone it may get built or it may never get built.

The Mayor said if the Council votes not to rezone they may develop it with housing and the Borough would lose any developer's agreement gift that would have been offered. She stated

that this should not be the driving force behind the Council's decision; the driving force should be what is best for the property and what is best for the town at that site. She suggested continuing the discussion at the next work session and suggested having the planner attend. Mr. Madaio stated the planner should be authorized to review the proposed rezoning in connection with the need, the uses, the Borough, our zoning ordinance and the Master Plan.

Council President Bachmann said that many people did not realize that the full Council heard the proposal at the same time as the town did. He noted that a lot of people believed that this is an application driven by Inserra but that company is just the tenant that might end up there. The developer's intention to build a supermarket is not to accommodate Inserra it is so that they can make money. He said he was not clear on how big the supermarket will be. He noted it is 70,000 square feet but was unclear on how big it would be on the property. He noted there is a significant group that want the Council to call the developer's bluff to see if they really would build houses, noting that if they do the Borough would lose our portion. He noted the Council does not know the tipping point for the developer; how much can we negotiate until they say no more, where it will no longer be profitable for them. He asked what expert could give us this information. It was suggested the advice of the planner, engineer, and borough attorney could be useful in identifying this point.

Mayor Subrizi advised that the subdivision listed on the Planning Board agenda is not related to the development.

### 3. BCUA Tier II Users

The Mayor explained that tax-exempt property owners do not pay Bergen County Utilities Charges (BCUA) which are included in the property taxes. So people who do not pay taxes are not paying for their utility charges which are therefore absorbed by the town. She noted that some towns have begun collecting these fees from their tax exempt property owners. She noted in New Milford this would amount to approximately \$6,200 for fourteen tax exempt properties. She said she is not expecting a decision from the Council but is asking them to consider it for future discussion. The Administrator will survey towns similar in size to New Milford to see if they are charging or considering it for the future.

### 4. S-54 – Permitting for De-Snagging/De-Silting

The Mayor explained this is a resolution in support of legislation to allow municipalities to de-slag and de-silt local waterways without having to go through a laborious process with the DEP. The Council agreed to add the resolution to the May 9<sup>th</sup> work session.

## **COUNCIL:**

Councilman Robalino mentioned the Cap & Trade legislation. He noted Governor Christie's support and mentioned that some towns in New Jersey are passing resolutions asking for its repeal. He asked to have information distributed to the Council for review so that it could be discussed at the next meeting.

Councilman Colucci raised the issue of the shortage of space in the building department. He suggested offsite storage and the adoption of an ordinance to provide time for retrieval should the need arise. Councilwoman Scavetta questioned whether electronic storage would be viable. The

Administrator stated there are electronic options but they are very expensive. Mr. Madaio stated that OPRA would still comply regardless of where the records are stored. Mayor Subrizi asked if there was another room in another building in town, would that be sufficient.

## **ADMINISTRATOR**

The Administrator referenced an email she had sent regarding a resolution to protest the increase in the BCUA fees for 2011. She noted New Milford's increase is approximately 8% and asked if the Council would want to consider a similar resolution. The Council agreed; the resolution will be prepared for the next meeting.

The Administrator referenced the request from the Elks to place a sandwich board sign on borough property to promote their carnival from 5/21 through 5/28. The Council had no objection.

The Administrator reported on a liquor license violation that took place the previous weekend involving the sale of liquor to minors. She noted the licensee has had problems in the past and she will be reviewing the file in anticipation of a disciplinary hearing. She additionally noted that special conditions could be imposed as a condition of renewal.

Council President Bachmann made a motion to go into closed session. Councilwoman Scavetta seconded the motion. All present in favor, none opposed.

## **CLOSED SESSION:**

### **1. Personnel – DPW**

At the conclusion of the closed session Councilman Robalino made a motion to reopen the meeting and reconvene in the Council Chambers. Council President Bachmann seconded the motion. All present in favor, none opposed.

## **PUBLIC SESSION:**

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.

Council President Bachmann	Present
Councilwoman Randi Duffie	Present
Councilman Diego Robalino	Present
Councilman Howard Berner	Present
Councilwoman Celeste Scavetta	Present
Councilman Dominic Colucci	Present
Mayor Ann Subrizi	Present

Also present: Mark Madaio, Borough Attorney; Christine Demiris, Administrator/Clerk;

The Mayor began with a brief introduction, referencing the recent flooding event which culminated on Palm Sunday and resulted in two meetings with United Water. She acknowledged the emotional aspects, stating the purpose of Dr. Boswell's appearance was to present the engineering facts of things that did and did not happen.

## **PRESENTATION:**

## **DR. STEPHEN BOSWELL**

Dr. Boswell reported on the meeting with the engineers from United Water to discuss with them what types of events people should be prepared for, what happened on April 17<sup>th</sup>, why that led to flooding and what we can do in the future to perhaps mitigate it in any way possible.

He offered some background noting that the watershed, at which New Milford sits at the very bottom, is 113 square miles which encompasses four reservoirs including Lake DeForest at the north, Lake Tappan just south of that, the Woodcliff Lake Reservoir which empties to the Pascack Brook and all three of these empty into the Oradell Reservoir. At the base of the Oradell Reservoir is New Milford. He said it is important to note that all of these reservoirs are designed not for water control but rather water purveying. He said if they were flood control reservoirs they might be built differently. He stated that if the water were released at a rate greater than 1,000 cubic feet per second (cfs) New Milford will flood. He stated this is a rule of thumb – it may or may not flood at slightly higher or lower rates. He asked what can be done with this restriction. He said the Oradell reservoir can be lowered approximately one foot in twenty-four hours; anymore than one foot in twenty-four hours will exceed the 1,000 cfs which will result in flooding. He said that in an attempt to prevent flooding by lowering the reservoir you could in fact cause flooding.

As a point of reference, Dr. Boswell stated the volume of water during Hurricane Floyd would fill the Oradell Reservoir four times. Even if the reservoir was totally empty there would have been three reservoirs full worth of water overflowing the spillway. He added that water coming over the spillway does not necessarily mean there will be flooding. He said it is not a good barometer of if there will be flooding. He said he would be providing some barometers that could be used in the future to determine if residents should be concerned. He clarified that this would pertain to those residents primarily in the flood plain. He added that New Milford is unique from some of the other towns because of the tidal influence from the Hackensack River which is controlled by the tides of the Atlantic Ocean.

He said that if the predicted rain amounts in a 24 hour period do not exceed 2", flooding is unlikely. If the predicted amounts are above 2" he suggests people monitor stream flow by going to the USGS website at [usgs.gov](http://usgs.gov) and search on real-time data, find the stream flow gauge for the Hackensack River in River Vale. He said if the stream flow gauge is not over 1,000 cfs there should be no flooding. If it says, like it did on April 17<sup>th</sup>, 3,000 cfs there is going to be flooding.

Dr. Boswell explained hydrographs and flows, noting that at no time did the flow rate out of the Oradell Reservoir exceed the flow into the reservoir. He said that the hydrographs that prove this are available online. He said the amount of water that comes out is the area under the curve in the hydrograph. The amplitude of the curve tells the maximum height on a stream gauge. He said that at no time did the reservoir make flooding worse for New Milford and in many cases the reservoir helps to retard flooding by acting as a buffer. He said that the reservoir, at 90% of capacity, still has two feet of freeboard – which means it can take two more feet of water before it begins to have to be released. He said that one inch of rain yields about one foot in the reservoir, he said this is a variable condition, he is giving the average. He explained if the ground is frozen or saturated it would be different than if the ground were dry. For rain events under two inches the reservoir acts as a buffer; holding the water and releasing it over time. He explained that once it overtops the reservoir, the water can only leave the reservoir at the rate at which it comes into the reservoir.

He explained that this reservoir has nine sluice gates so that they can let water out in a controlled fashion. This would only apply when the reservoir is not full, once it overtops the water leaves at the rate that it comes into the reservoir. He said that the only way that the water company could make it worse would be if as the reservoir spillway began to overtop they also opened up all the sluice gates. He stated that this does not happen because once the spillway goes into effect, that is the release of the water. He said that is very important that this happens because if the spillway did not release the water the pressure of the water would break the damn. Ms. Batistic then commented that there are actually seven sluice gates.

Referencing the recent storm Dr. Boswell stated we got 4" of rain in 12 hours. He said that normal rainfall in New Jersey is 46" per year with an average of 4" per month. He repeated, we got 4" in twelve hours this is why the flooding occurred.

Dr. Boswell stated there is a big push with the Senate bill S-54 which allows governmental entities to clean streams without permits making three modifications to the current law. The current law allows a municipality to clean a stream without a permit if the stream from bank-to-bank is no more than 15' (which he noted is absurd because almost every stream is wider than 15' bank-to-bank), if the stream is a C1 stream it cannot be cleaned without a permit (he said they are all C1 streams), limits the reach to 500'. S-54, in enacted would allow stream cleaning in C1 streams more than 500' and bank-to-bank of 50'. He said that while this would be positive, if you live in a flood zone in New Milford and the rain gauge in River Vale says 3,000 cfs it does not matter if the stream is cleaned, you are still going to flood.

Dr. Boswell said the reason for his visit is to give residents a way to be more self aware and to take initiative to watch for rainfall data. Watch for the forecast of how much rain is predicted, if it is 2" or less, and they are right about the forecast, there should be no issue with flooding. He did note however not a single forecast preceding the last storm predicted more than 2" and we ended up with 4". He said that if you here a prediction of 2" or more or you are leery about a prediction of less than 2" residents should go on the USGS website and look at the River Vale gauge; if it never gets above 1,000 cfs there is no issue, if it goes above 1,000 cfs there will be an issue.

The Mayor added there is also a New Milford gauge which can be accessed at the same USGS site nmlm4 located on Elm Street across from the water company property which measures the height of the Hackensack River every fifteen minutes. Dr. Boswell confirmed this information but noted the River Vale gauge will give residents more time to act. The Mayor said residents can also read the spillway at the damn which is 23.16; she noted it has spilling over to some degree for the last three weeks and that spillover at the damn is not a definite indication that New Milford will flood.

The Mayor said the question she has been faced with most frequently is why the water company did not begin releasing the water sooner. She said had we known that we were going to get 4" of water on Saturday night the water company would have had to begun releasing the water on Tuesday achieve the reduction of 4" by Saturday to accommodate the 4" of rain. She noted the accuracy of a forecast four days out is questionable. She said if the water company was to lower the reservoir by a foot in advance every time an inch of rain is predicted and the rain did not come they would then not have the water.

Council President Bachmann stated he has lived in his home for twenty-four years; noting he had water in his house twice and his backyard has flooded six times. His first experience was with Hurricane Floyd. He said he has neighbors who have been in their homes for forty years who claim

to never have had these issues with water until Hurricane Floyd. Council President Bachmann asked what has changed stating he cannot believe that we did not have an instance of four inches of water in 1975. He said something has changed and asked if it is the way they now manage the water.

Dr. Boswell said he can identify one thing that has changed and stated it is something that is now being addressed but was not previously. One of the biggest changes that happened over those years is development. Soil that would previously allow percolation – forest, land or fields, became homes, driveways, streets, etc. and for a long time there was no consideration of storm water management; you could build anything and you did not have to consider the storm water that you generated. Dr. Boswell stated that today there are requirements that did not exist forty five years ago to address this issue. Now the DEP requirement is to detain water. There used to be no requirement, then there was a zero runoff requirement and now it is less than zero.

The computer software that is used is generated by the Army Corps of Engineers and they have a thing called the Hydrological Engineering Center (HEC), two programs HEC 1 and HEC 2. HEC 1 you look at a watershed, you look at a rainfall and you can calculate how much water will be generated out of that rainfall; how much will not percolate down, how much will run off. HEC2 takes a look at streams, corridors, drainage ditches, reservoirs and determines if that much water goes in what will happen. About ten to fifteen years ago the requirement under HEC 2 was you could not raise the downstream elevation by more than 2/10's of a foot. What that means is you could put more water to the downstream neighbor than existed prior to the project. Now the rule is that you cannot raise the downstream elevation. As an example he said that sometimes they will not issue a permit to clean a stream, the reason being that if the stream is cleaned the water will move faster downstream and flood somebody else.

Dr. Boswell stated another new development within the last five years is that a site plan of any significance, does not apply to single family homes which he identified as still a big issue; you must make the condition better than when you started. As example he referenced three storm events that are considered in these regulations: the two year event, the 25 year event and the 100 year event. He reiterated that a 100 year event is not a storm that happens only once in a 100 year period but rather a 100 year event has a 1% probability of happening in any given year. Going back to the example he said that you must reduce the flow from a two year event by 50%, 25% reduction for a 25 year storm, and 20% reduction for a 100 year storm. He used an example from another town referencing a resident that always flooded. They built a townhome project next to him and he was really worried but under the new regulations the flow must be reduced and he no longer floods because they had to make it better in order to obtain the permit to build.

Dr. Boswell stated we have had a tremendous amount of rain recently. He said by recently he does not mean 2011, he means for the last decade. He said that a comparison of the decade from 2000 to 2010 to the decade of 1960 to 1970 the amount of rainfall is dramatically higher during the most recent decade. He said these numbers are available on the USGS website. He said that it is not only the total rainfall, but also the intensity that plays a part. He said a 100 year event is 10 inches in twenty-four hours and in the hydrograph of this 100 year event, the peak two hours provides approximately 50% of the rain. He said we do not get a lot of 100 year storms but we get a lot of storms in a row while the ground is saturated or frozen so there is no percolation.

The Mayor said all of the lateral streams in town contribute to the water issues in New Milford as well.

Councilman Berner referenced the proposed development at the water company property north of the high school and asked, we can expect there should be less water flowing off of the property or they will not be able to obtain the permits to develop the property. Dr. Boswell confirmed this to be true. Dr. Boswell clarified that it is detention, holding the water back. He said in storm water management there are two types of basins, detention where water comes in and it is detained until the water recedes and then it leeches out slowly, which can be done above ground with a pond or below with solid pipes. The other way to do it is a retention basin, which he said is probably not applicable for the site in question because a retention basin means that in addition to detaining there will be some percolation which can only be done if the ground water table is not already up to the bottom of the basin. Dr. Boswell restated no one, going forward, can get a permit for development that does not have the reductions in the rate of water discharge, or the rate of water entering the downstream flow.

Dr. Boswell stated that FEMA judges the impact by how many times people have filed claims and there are very few multiple FEMA claims in New Milford according to the records. He said this is probably due to the fact that the residents are self sufficient and do not file claims.

Councilwoman Scavetta referenced S-54 and asked if there would be benefit for the public to also reach out to legislators on this bill. Dr. Boswell said members of the public could reach out to their Senator and Assembly members in support of the bill.

## **COMMENTS FROM THE PUBLIC**

Councilwoman Duffie made a motion to open to the public for questions of Dr. Boswell. The motion was seconded by Councilman Berner. All present in favor, none opposed.

Mr. Jorge Abreu, 125 Holland Avenue, came forward to address the Council. Mr. Abreu asked if Dr. Boswell was saying the flooding on April 17<sup>th</sup> was naturally caused or if management could have played a role. He noted that he left his house at approximately 8:30 AM at which time there was approximately two to three inches of water in his backyard. He stated when he returned two hours later there was four feet of water on his property. He said he could not understand how this could have occurred naturally. Dr. Boswell stated there is always room for human error but in this case he does not believe it played a role. He stated, the lag time between peak flow and rain flow to New Milford is about twelve hours; you have to look at what it was doing twelve hours ago upstream – that is what is really important. The reservoir was down two feet; they had two feet of free board when it started. We got four inches of rain that led to four feet of water; the first two feet were contained in the reservoir; once it got to the spillway elevation and it started to overtop, the rain comes over very fast. It overtopped by two feet; two feet over a three hundred foot spillway into a stream significantly less than twenty feet wide – a width that is one fifteenth of the width of the spillway. Dr. Boswell stated there would have been more water had there not been a reservoir. He noted this was a passive event because nobody touches the spillway.

Mr. Abreu asked if managing water and selling water is the utility company's business, are they not running algorithms way in advance of a storm, way in advance of the rainy season to be able to understand how much profit they are going to be able to derive at the end of the season. He asked why they are not running these algorithms to understand how to best manage the water, take care of the water that is coming in now, provide something for the dry months and not flood New Milford. Dr. Boswell stated United Water's #1 priority is damn safety – if the damn breaches, people die. He said this is United Water's number one priority, the State's number one priority and he fully



supports that priority and believes everyone in the room should support that as the number one priority; #2 providing water; #3 be a good neighbor and try to help, as they can, with flooding. Dr. Boswell stated that they do have tremendous amounts of data and they know when there is going to be a problem and they try to let out whatever water they can. He noted the real limit is that you can only let out a foot in twenty-four hours and weather forecasting is unpredictable.

Mr. Abreu asked if there is not room to scrutinize the data; Dr. Boswell said there absolutely is and that is what the purpose was of the meeting between the Borough and United Water. He further stated that the meetings would continue. The Mayor stated we have more data now than we ever had before, more ways of explaining why it happened but that we are still ever at a loss to say it is going to happen because we do not have the information in advance of it happening. Dr. Boswell stated it is his belief that United Water would like to accommodate flood control as much as the residents would like them to but the problem is it is a tweaking operation; its better now than it was and it will continue to get better. As an example he stated that the sluice gates were previously controlled by one motor, the operation of which was manually initiated by an individual. There are now seven motors tied to a computer. He said that he and the Mayor would be meeting with United Water again to discuss specifically how they determine when to let water out. He said the 1,000 cfs limitation means that you cannot lower it faster than one foot per day because if they do than they would cause a flood in their attempt to prevent flooding.

Mr. Abreu asked if building retention tanks in addition to what they presently have is out of the question. Dr. Boswell said he believes it is just because of area. He stated the Oradell Reservoir holds 3.5 billion gallons of water so when it is at 90% capacity they have 10% or 350,000,000 gallons of detention, which is the two feet that was referenced earlier. Dr. Boswell said there is not really land to build anything more than that. He stated the only option would be to lower it more if they knew an event were coming. He said during Floyd they probably did not lower it as much as they would today for two reasons – there had been a sixty-one day drought preceding Floyd and they were running out of water and they were worried and they are much more sensitive now to trying to do the best they can. He stated he was very surprised by how much data United Water had; they produced reams of data including hydrographs and it was all readily available. He summarized the only way for them to build more detention is to lower the reservoir another foot or two, which he believes they would look at doing, if it is possible, based upon a rainfall event that is coming, but that would still only protect people for a certain amount of time. He stated we saw exactly what happens with passive control; a twelve hour lag between when the rain falls and when it causes flooding. He stated it was not because they opened the gates it was because the water overtopped the dam. The Mayor stated another contributing factor was there was four inches of rain over Deforest, four inches of rain over Tappan, four inches of rain over Woodcliff and just under four inches of rain over Hackensack so all four reservoirs used up their freeboard and caused a cascading effect – something we do not know beforehand; something we can only examine after the fact. The Mayor stated the Police, DPW and Borough Hall Administration will be meeting with the water company to learn how to better understand how we can be alerted to an event that might occur.

Mr. Abreu asked if there is any word on prevention other than detention. Dr. Boswell stated prevention depends on what kind of storm you get; if you get four inches of rain in twelve hours there is just not enough capacity to prevent a flood. He said these are huge detention basins – Woodcliff Lake is 800,000,000 gallons, Oradell is 3.5 billion, 2 feet in each of those, 10% of that capacity is gigantic detention basins but the problem is if there is that much water there is just nowhere to put it.

Eddie Prevot, 281 Ridge Street came forward address the Council. Mr. Prevot asked if United Water, from a technology standpoint in the last decade or last fifteen years changed the technology with the feeds from the upper reservoirs where the rate that is being fed in – in other words if it is coming in where one inch equals one foot and one inch of rain at one time was six inches of water. He asked, has something changed. Dr. Boswell stated the reason one inch equals one foot is because that is over all four reservoirs. They have changed technology, the gates are more sophisticated and there are more predictive things taking place but he is not aware of anything, United Water did not tell the Borough anything when they met that they have done anything different. Mr. Prevot said it would be interesting to find out if the flow rates have changed into the Oradell Reservoir. Dr. Boswell stated he did ask question specifically when you say one foot equals an inch, in which reservoir and the answer was in all four. If it is all four of them they are pretty much letting each one do its own thing in its own area. He said he understood Mr. Prevot's point and it was a good one are they preferentially filling one reservoir over another; are they preferentially protecting one area over another. Dr. Boswell said that they said they were not but he will ask the question again.

Mr. Prevot asked if they know two inches is two feet and that was predicted for the last storm why not drop it down two feet so that it will come back up to the spillway height. Dr. Boswell said they do drop it down but they cannot exceed dropping it more than a foot in a day. He added they are not concerned when it is less than two inches. He believes they saw no need to act because it was forecasted to not be above an inch and a half.

Mr. Prevot asked about the storm in March. Dr. Boswell stated the questions were well based and this is what we want to talk to United Water about. He said with the weather patterns we have had in the last ten years, we are not going to run out of water unless something dramatically changes. Mr. Prevot stated that if United Water is comfortable with the two foot of freeboard and we are predicted to get an inch of rain they should drop it down an inch in anticipation so it will be brought back to the two feet after the rainfall. Dr. Boswell said that he believes as the town's discussions proceed with United Water that is something that will be proposed.

Mr. Jason Mayer, 161 Washington Avenue, came forward to address the Council. Mr. Mayer commented that there has not been enough development since Floyd to cause a 500% increase in flooding. He said he has spoken with people in another town who are currently in a lawsuit and have different information as to what is happening. He said they were dropping the water level an inch in anticipation of an inch of rain but they are no longer doing that. He has been told that the reason they are no longer doing this is because of Suez's involvement, the company that bought them back in 2001. Dr. Boswell stated he asked that question and was told that was not the case. He said there are gauges to answer that question and it can be checked. Mr. Mayer said that the community needs the Council's support to get the information. Mr. Mayer asked if the gates at the dams at Tappan and Woodcliff Lake were opened at all. Dr. Boswell said he does not know but that he asked United Water if the if there was any reservoir of the four where outflow exceeded inflow and United Water said "no." He said he did not look at data to verify this. Mr. Mayer said this is what he is asking for and when Dr. Boswell finds the data how will the public be notified of the findings. The Mayor said the information can be put on the website and will likely be discussed at a future meeting.

Mr. Al Alonso, 45 Clover Court, came forward to address the Council. Mr. Alonso asked if there are any engineering options available to New Milford, such as building a levee. Dr. Boswell said

that a levee would work but that it is a very expensive option. He also noted that during previous discussions some residents have stated they do not want a wall across their property and that any engineering solution would require it to be continuous. Mr. Alonso commented that just because a developer can show the water will be contained there are other considerations, such as being at the base of the watershed, which should be considered before approving a development.

Ms. Jessica Rosula, 139 Holland Avenue, came forward to address the Council. As a new resident, Ms. Rosula was not aware of the reverse 911 system. When she contacted the Police Department with a question she was told that the Police received a call from United Water at 2:00 AM advising that they had to open the gates. It was explained that it was stated incorrectly and in fact, the water was overflowing the spillway at 2:00 AM. Ms. Rosula noted the presence of a full moon on Sunday and asked if the flooding was tide related. Dr. Boswell responded that it was not tide related the gauge was over 5,000 CFS and there is a risk of flooding over 1,000 CFS regardless of the tide. Ms. Rosula asked about detention, asking what governs when water will exit the detention ponds – noting if it is strictly when it reaches a certain level, would it not then just slow the flood but extend the term of the flood. Dr. Boswell said this pertains to development, noting you calculate how much water comes off the property which provides a rate and you place a rate limiting orifice on the detention structure so water cannot escape it a rate greater than those limits.

Ms. Semora Santos, 125 Holland Avenue, came forward to address the Council. Ms. Santos said she loves her community and loves her home but that it seems that flooding is going to be a way of life, noting it has flooded four times in the last year at a tremendous expense. She said that it seems that the geography is changing and there has got to be a way to defend themselves against both Mother Nature and human error. She asked what the Council is planning in terms of tax abatements or enhancement for the properties, noting she does not want to give up on her home. She acknowledged this is a broad question but noted she wished to plant the seed where we begin to think about what we are going to do.

Mr. Dan Davis, 243 Milford Avenue, came forward to address the Council. Mr. Davis asked if developing 13.5 acres, a majority of which will be impervious surface, would cause more flooding downstream. Dr. Boswell responded it would not; if it is a project being currently evaluated it would have to cause less or it would not receive a permit to be developed.

Ms. Terry Limaxes, 584 Columbia, came forward to address the Council. Ms. Limaxes stated it is an impossible situation residents have to cope with but that something has to be done. Ms. Limaxes said the spill started at 2:00 AM, the first call came at 10:00 AM. She asked if it would have helped if the call came in earlier. Dr. Boswell said that it may have helped and reiterated what the Mayor had mentioned earlier – the Police, DPW and Borough Hall Administration will be meeting with the water company to learn what information can be used to identify an event that might occur. He added that resident's best defense is their own preparation and referenced the gauges at the USGS site. Regarding the question on earlier notification, Dr. Boswell stated we have to be careful because just because the water is going over the spillway does not mean that people will be flooded; we do not want people to become immune to the warnings – if the Borough tells residents it is going to flood and then it does not future warnings will not be meaningful. Ms. Limaxes praised the Police Department, the Fire Department and the DPW. She asked if permit fees for repairs have been waived. She was advised that permit fees for repairs were being waived. Council President Bachmann referenced Ms. Limaxes comment that she has been in town for 43 years. He asked from 1968 to 1999 – Hurricane Floyd – how many times she had water in her home. Ms. Limaxes stated she had never had water during that period of time.

Ms. Ali McMahon, 1095 Steuben Avenue, came forward to address the Council. Ms. McMahon asked about the last home on Steuben, noting its dilapidated condition and commented that the other two homes had been sold. She mentioned a grant she had heard about to buy those properties and asked what had happened. She was advised that the grant never came through. The Mayor advised that the last home is vacated, it has been condemned and it borders the Borough's open space. The current owner has approached the town to see if the Borough would be interested in purchasing the property but we have not yet been able to reach an agreement on price. The Borough Attorney noted the Borough's only interest in the property is open space. The Mayor added the Borough is not actively pursuing the property; the owner wants to sell it. The Borough Attorney stated if the Borough does not purchase the property the owner may market it. Council President Bachmann clarified he did not want anyone to leave the meeting thinking the town is going to buy their house; the amount the Borough is considering for the purchase of this property is not something people would be interested in selling their home/investment for.

As there were no further questions of Dr. Boswell the meeting was closed to the public on a motion from Council President Bachmann. The motion was seconded by Councilwoman Duffie. All present in favor, none opposed. The meeting was adjourned for a short break at 10:01 PM.

The meeting was reconvened at 10:12 PM.

Council President Bachmann made a motion to approve the minutes of the November 22, 2010 Public Session and the January 5, 2011 Reorganization Meeting. Councilman Berner seconded the motion. All present in favor, none opposed.

**PROCLAMATIONS:        ARBOR DAY**  
**NEUROFIBROMATOSIS AWARENESS MONTH**

**APPOINTMENT:        STEVEN LISCHICK – ENVIRONMENTAL ENERGY**  
**COMMISSION**

**COUNCIL COMMITTEE REPORTS:**

**Council President Keith Bachmann**  
Ambulance Corps, Recreation

Council President Bachmann reported he attended both the April 18<sup>th</sup> meeting of the Ambulance Corps and the April 6<sup>th</sup> meeting of the Recreation Commission. Given the late hour he said he would report on any matters of importance at the next meeting.

**Councilwoman Randi Duffie**  
Health & Human Services, Shade Tree, Rent Leveling/Tenants Association,

Councilwoman Duffie said she had attended the Health Department meeting and has filed the Registrar's report with the Clerk.

Councilwoman Duffie reported the Rent Leveling Board/Tenants Association had a large turnout for their last meeting at which they discussed increases for seniors and disabled individuals. She said she will provide a more in depth report at a future meeting.

Councilwoman Duffie reported the Shade Tree Commission awarded a contract to Van Westervelt Landscape to plant eighteen trees under the \$7,000 stimulus grant received by the Commission. She reported they will be distributing seedlings to Kindergarten students for Arbor Day and to residents at the DPW on April 30<sup>th</sup>. She also noted a new shade tree license plate being offered through the state for which proceeds will be used toward future grants.

**Councilman Diego Robalino**

Garbage & Recycling, Board of Education

Councilman Robalino reported that there will be a shred day at the DPW on Saturday, May 7<sup>th</sup> which is open to all residents.

Councilman Robalino reported on the Board of Education's first annual open house which was held on April 14<sup>th</sup>, the focus of which was the 21<sup>st</sup> century learner experience. In addition, a summary of the newly formed academies and enrichment program was provided. He additionally reported the School Board Election is scheduled for Wednesday, April 27<sup>th</sup> from 2PM – 9PM.

The Mayor said that she has also received notice of an upcoming celebration of New Milford High School's 50<sup>th</sup> Anniversary scheduled for June 3<sup>rd</sup>. The Administrator noted that details have been posted on the Borough's website.

**Councilman Howard Berner**

Planning Board, Chamber of Commerce, Environmental & Energy Commission, Historic Preservation, Historic New Bridge Landing

Councilman Berner reported that the Environmental & Energy Commission is working to encourage people to use rain barrels to collect water to be used to water gardens and such. This is being facilitated through a contact from Americorp who is working with the Hackensack River keeper to develop a seminar on how to construct the barrels and tie them in. They are planning a table at National Night out to promote this initiative.

Councilman Berner reported on the Historic New Bridge Landing Park Commission, which is overseen by the NJ Park Forest Department, and has a Master Plan approved by the Department of Environmental Protection. He referenced a recent newspaper article regarding funding because the Park Commission will soon be taking over complete operation of the park. They are also putting together a capital plan to address infrastructure items. In addition, the Commission is considering a land lease for a portion of the property to raise funds. They are also undertaking a fundraising effort to raise money for a building to permanently display Dutch artifacts owned by the Bergen County Historical Society.

**Councilwoman Celeste Scavetta**

Senior Citizens Advisory Board, Public Events

Councilwoman Scavetta reported that May is Older Americans Month. She reported the Senior Center will be closed on May 28<sup>th</sup> and May 30<sup>th</sup> in observation of Memorial Day. She announced that tickets for the May 17<sup>th</sup> Atlantic City trip will go on sale on May 5<sup>th</sup>.

Councilwoman Scavetta reported the Public Events Committee is preparing for the Memorial Day Parade. She announced that Miss VFW would be crowned on May 1<sup>st</sup>, Loyalty Day, at the VFW.

**Councilman Dominic Colucci**

Department of Public Works, Buildings & Grounds, Fire Department, Drug & Alcohol Municipal Alliance

Councilman Colucci reported that Fire Company #1 would be receiving a piece of World Trade Center steel on May 5<sup>th</sup> and would be planning a dedication ceremony for a future date. He announced a Fire Department Golf Outing scheduled for May 9<sup>th</sup> and an Elvis night at the Elks scheduled for June 10<sup>th</sup>. He advised that recruitment signs would be available May 1<sup>st</sup> for anyone wishing to display a sign and that the 2<sup>nd</sup> Annual 5K is scheduled for June 18<sup>th</sup>.

Councilman Colucci reported normal activity at both the DPW and Buildings and Grounds Depts.

Councilman Colucci announced the Drug Alliance Fishing Derby is scheduled for June 18<sup>th</sup>.

**Mayor Ann Subrizi**

Police/Police Aux., Library Board, Community Development, Joint Insurance Fund, Bergen County Open Space

The Mayor stated she would file the Police Department report with the Borough Clerk.

The Mayor reported she was unable to attend the Library Board meeting as she was attending a meeting for the Joint Insurance Fund. She reported that the Library Director, the President of BCCLS, visited seventy five libraries in five days in honor of Library Week.

Mayor Subrizi stated the Planning Board would be meeting on Tuesday at which time they will consider the application for a subdivision by United Water. She said there would be no vote at that time. She said the purpose of the application is to remove the maintenance yard from the sale of the property. She said this application is not related to the developer's presentation.

Councilwoman Duffie asked if United Water intends to maintain the maintenance yard indefinitely. The Mayor said she does not know that answer. Councilwoman Duffie asked to have the questioned posed to the applicant.

**OLD BUSINESS:**

**ADOPT ORDINANCE #2011:06**

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF NEW MILFORD  
SALARY ADOPTED AS ORDINANCE 91:01 AND AMENDED BY ORDINANCE 91:21, 92:07,  
93:01, 94:13, 95:07, 96:05, 97:11, 98:05, 99:04, 2000:07, 2001:11, 2002:15, 2003:10, 2004:13,  
2004:15, 2005:16, 2006:09, 2007:12, 2008:02, 2008:09, 2009:14 AND 2010:11.

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

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

Councilman Robalino made a motion to close to the public. Councilwoman Scavetta seconded the motion. All present in favor, none opposed.

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

**ADOPT ORDINANCE #2011:07**

AN ORDINANCE TO AMEND CHAPTER VII OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "TRAFFIC", THEREBY AMENDING SECTION 7-6 ENTITLED "THROUGH STREETS, STOP INTERSECTIONS AND YIELD INTERSECTIONS"

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

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

Councilman Berner made a motion to close to the public. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

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

**ADOPT ORDINANCE #2011:08**

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE RIVER ROAD STREETSCAPE IMPROVEMENT PROJECT (PHASE IV) IN, BY AND FOR THE BOROUGH OF NEW MILFORD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$200,000 TO PAY THE COST THEREOF, 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.

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

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

Councilman Robalino made a motion to close to the public. Councilwoman Duffie seconded the motion. All present in favor, none opposed.

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

#### **ADOPT ORDINANCE #2011:09**

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF NEW MILFORD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$764,000 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.

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

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

Councilwoman Duffie made a motion to close to the public. Councilman Robalino seconded the motion. All present in favor, none opposed.

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

#### **ADOPT ORDINANCE #2011:10**

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD TO ADD SECTION 2-54A "HEALTH BENEFITS FOR RETIREES."

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

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

Councilwoman Duffie made a motion to close to the public. Councilman Robalino seconded the motion. All present in favor, none opposed.

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

#### **NEW BUSINESS:**

#### **INTRODUCE ORDINANCE #2011:11**

AN ORDINANCE SUPPLEMENTING PROVISIONS OF CHAPTER II "ADMINISTRATION", ARTICLE III "DEPARTMENTS", SECTION 2-19 "POLICE DEPARTMENT" OF THE CODE



## OF THE BOROUGH OF NEW MILFORD TO ESTABLISH PROCEDURES FOR THE UTILIZATION OF OFF-DUTY POLICE OFFICERS

Councilman Robalino made a motion to introduce and approve this ordinance on its first reading. Councilman Berner seconded the motion. All present in favor, none opposed.

The ordinance will be published in the Record and a public hearing will be held on May 23, 2011 at 7:45 PM.

### RESOLUTIONS:

- 2011:106 Closed Session
- 2011:107 Payment of Bills and Vouchers
- 2011:108 Approve Raffle License 2011:09 – Off-Premise Merchandise – New Milford Touchdown Club
- 2011:109 Approve Social Affairs Permit – Hovnanian School – June 18, 2011
- 2011:110 Approve refund of Solicitor's Permit Fee to Michael Gamble in the amount of \$50.00
- 2011:111 Approve waiver of Building Department permit fees for repairs or replacement of items directly damaged during recent floods
- 2011:112 Authorize Capital Alternatives to prepare application for the Holland Avenue Drainage & Resurfacing under Local Aid Infrastructure Fund Program
- 2011:113 Authorize Support of A-3412 – Sharing the Burden of Property Assessment Appeal Refunds
- 2011:114 Designate a \$2,027,575 Bond Anticipation Note dated April 19, 2011 and payable April 19, 2012 as a "Qualified Tax-Exempt Obligation"

### COMMENTS FROM THE PUBLIC

Councilman Robalino made a motion to open the meeting to the public. The motion was seconded by Councilman Berner. All present in favor, none opposed.

Mr. Thomas Williams, 206 Washington Street, came forward to address the Mayor and Council. Mr. Williams asked where things stand on the proposed development of the United Water Company property. Council President Bachmann said the developer told the Council and the public what they would like to do. He summarized the developer's proposal: they would build a supermarket, a restaurant, a bank, in addition to carving off approximately 30% of the property for the Borough, give the Borough the land for a football field but not build the football field and give the Borough a parking lot and construct it for the Borough. The Council listened to the developer and the public comments. He said the public comments fell into three categories: some were all for the developer's plan, some want the Borough to keep the entire property, and some did not care if they built housing.

Mr. Williams asked if there was any thought given to going out to the public to see if there is any interest to purchase the property. Council President Bachmann said that he redid the math he referenced at the last meeting and found the figure is higher than he originally reported; it would be \$3,327 per taxpayer to purchase the property. Council President said the idea of a referendum was discussed and stated the town struggles to pass the Board of Education budget annually and noted that 2% of people do not pay their taxes currently; he expressed doubt that a referendum would be successful. Mr. Madaio explained that in the Borough form of government all referendums are non-

binding. He said that referendums are a fairly expensive undertaking. The Mayor said the next step would be to bring the Borough professionals together to begin asking questions.

Mr. Eddie Prevot, 281 Ridge Street, came forward to address the Mayor and Council. Mr. Prevot asked when the questions, posed earlier in the evening to Dr. Boswell, would be answered and how would the answers be made available to the public. Mayor Subrizi said the answers would be communicated at a future public meeting. Mr. Prevot asked if the Borough was planning to engage professionals to look at what it will really cost to purchase and develop the subject property. Mr. Madaio responded the Borough's match price is \$7.2 million. Mr. Prevot suggested that if the property is not rezoned the value may not be \$7.2 million. Mr. Madaio said the Council will consider the rezoning fairly, as it relates to the Master Plan and Borough ordinance; it will not be used to drive down the price of the property. Mr. Prevot asked if anyone has looked at the options to develop the site for the whole community to determine the cost. Mr. Madaio stated it would be approximately \$10 million. Councilman Colucci added that does not include the cost to maintain the property as well as the loss of the tax ratable. Mr. Prevot suggested the need to consider if this would increase the marketability of the homes in New Milford. The Mayor assured him the Council will consider all options. Mr. Prevot urged the Council to look at what would be best for the town as whole, to do their due diligence considering the feasibility and cost.

Ms. Mary McElroy, 297 Greve Drive, came forward to address the Mayor and Council. Ms. McElroy asked if the town had done a recent appraisal. She was advised that the town had obtained a Green Acres appraisal that put the value at \$3,000,000 based upon the understanding that you could build fifteen houses on the property. It was noted that property purchased with Green Acres funding would be restricted as to use. Ms. McElroy asked to clarify the process going forward asking if the Council can decide the matter of rezoning on their own without the input of the Planning Board or Zoning Board. She was advised that the Mayor and Council is responsible for all zoning ordinances and that in the period between the introduction and passage the matter would go to the Planning Board which would have forty-five days to reconcile the proposed ordinance with the Master Plan. Mr. Madaio advised that the Borough's Master Plan calls for fairly high density mixed uses on this property. Mr. Madaio said the governing body can accept or reject the comments from the Planning Board and then can adopt the ordinance. He said the developer would then have a permitted use; there would be no need for a use variance from the Zoning Board but rather site plan approval from the Planning Board. Mr. Madaio explained that this is the way it is done with larger properties noting that you do not rezone by variance.

Mr. Gus Bachmann, 258 Stevens Court, came forward to address the Mayor and Council. Mr. Bachmann referenced resolution 2011:111 regarding a waiver of building department fees. He said it is important for the work to still be inspected. Mayor Subrizi responded that the resolution is waiving the permit fee, not the inspection requirement.

Mr. Tom Shreck, 214 Ridge Street, came forward to address the Mayor and Council. Mr. Shreck commented that if the developer does not address the flooding issues any new development will be flooded. Mr. Shreck asked what became of the development by the post office. He was advised that the developer is sitting on the building permits and due to the Permit Extension Act their window to build has been extended.

Mr. John Podesta, 263 River Road, came forward to address the Mayor and Council. Mr. Podesta asked if the developer for the United Water company property has given any indication that they intend to widen River Road. Mayor Subrizi said it has not been addressed but that it would be one

of the questions to be addressed by the planner. She stated that it would probably require they take their own property to create turning lanes. Mr. Podesta stated he believes the proposed development would have a negative impact on the homes across the street.

Councilman Robalino asked the Borough Attorney to comment on what would happen if the Council did not approve the rezoning. Mr. Madaio stated that one of the following could happen: the property could be developed with fifty homes and the town would no longer be deeded three to four acres; the developer could hold the property until such time as it chooses to develop it; or the current contract purchaser could pass on the deal and another developer would come in and the process would begin all over again. He said the very minimum someone would be able to do is somewhere in the neighborhood of a few dozen homes. He reiterated the town does not own the property and the town cannot purchase the property to sell at a later date.

Councilman Robalino asked if the Council does not approve the rezoning would the developer have the basis for a lawsuit since the Master Plan provides for the development. Mr. Madaio said the Master Plan provides for a fairly intense use and by not rezoning the governing body would be saying that it is only appropriate for single family development which in effect would be saying the Mayor and Council feels the Planning Board was wrong in the development of the Master Plan. Mr. Madaio said that the Borough's ability to do nothing no longer exists; something is going to be done with the property.

As there were no other members of the public wishing to comment Council President Bachmann made a motion to close the meeting to the public. Councilman Berner seconded the motion. All present in favor, none opposed.

## **VOTE ON RESOLUTIONS**

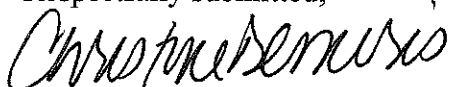
Council President Bachmann made a motion to approve the consent agenda #2011:106 through #2011:114. Councilwoman Scavetta seconded the motion. All present in favor, none opposed.

Councilwoman Duffie mentioned the resignation of the Recreation Commission Secretary. She noted the position had been given a raise inconsistent with some of the other departments and asked if the Council will be kept in the loop on who would be hired and at what rate. The Mayor said she would speak with the Director about the position. Councilwoman Duffie then asked about a Commission going into closed session. Mr. Madaio said they would be obligated by the same rules as the Mayor and Council under the Open Public Meetings Act. She asked if they are required to keep minutes of their closed session. She was advised that the same rules apply. She asked that this information be conveyed to the Recreation Commission.

## **ADJOURNMENT**

Council President Bachmann made a motion to adjourn. Councilwoman Duffie seconded the motion. All present in favor, none opposed. Time 11:39 PM.

Respectfully submitted,



Christine Demiris  
Borough Clerk