

MINUTES
BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
Monday, June 11, 2012



WORK SESSION:

Mayor Subrizi read the Open Public Meeting and Mission Statements.

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

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

OPEN SESSION:

1. Assemblywoman Wagner

The Mayor and Council welcomed Assemblywoman Wagner; she explained Assemblyman Eustace was unable to attend. Assemblywoman Wagner listed the committees on which both she and Assemblyman Eustace serve. She explained that she represents New Milford as a result of the recent redistricting. She noted tax relief is the number one concern of all citizens. She said that there are two different plans; one plan proposes 10% property tax relief up to \$10,000 based on income of \$250,000 and under. The other plan is the Assembly plan which is tied to the millionaire's tax which is 20% property tax relief over four years; both plans are over four years. In the alternative, there may be no property tax relief because without the millionaires tax there is no money, a shortfall. She said one thing for sure is the 2% cap band aid approach will only help for so long. She noted education consumes 60% of the tax dollar and stated her opinion that it cannot continue to be solely funded through property tax. She touched on the topics of COAH and flooding. She said infrastructure improvements are required, but there is just no money. She said they will continue to advocate for any solutions the Mayor and Council would like to propose.

2. 2011 Audit Review – Gary Higgins

Mr. Higgins referenced page two which states, with the exception of LOSAP which are not required to be audited but are included in the report, the report is in full compliance with the regulatory basis of accounting. Mr. Higgins reviewed the audit recommendations of which there were three major recommendations and twelve general comments. He noted these recommendations and comments were as of the end of 2011 and some have already been addressed and corrected.

Under the general comments he mentioned three were repeats from previous years. The first is that there are monies being held in trust that do not have the statutorily required dedication by rider.

There were also a number of comments with regard to Recreation - no detailed cash receipt and disbursement analysis; monthly bank reconciliations are not being performed; certain cash disbursements did not have supporting documentation. He said the account is in effect, an unauthorized petty cash account. He said there is no authorization to handle this outside of the normal finances like all of the other monies that come in. He said they can accept money and turn a check over to the Borough and then make payments by voucher through the budget. The discussion focused on the primary difficulty, paying officials because of the immediate nature of the payment. The State has not been open to suggestions on how this can be handled differently, i.e. with a petty cash fund, but at the same time, there is nothing statutorily to permit disbursements out of the Recreation account. He noted Wyckoff is doing it through payroll but acknowledged the large burden this would place on the payroll department. When asked what other towns are doing he said a lot are getting similar audit comments. He said the IRS is involved as well; noting they want to collect taxes on money paid to officials. He said regardless of whether it is a department or a commission they must follow the same procedure for the acceptance of cash and making of payments. He said the State is trying to issue a Local Finance Notice (LFN) to straighten it out. The Recreation Director has been notified.

Finally, he referenced a repeat problem with the Municipal Court of posting differences between the computer and bank records. The Administrator noted this discrepancy was inherited from years before. Mr. Higgins said that in order to correct it they should cut a check out of operating expenses to clear up the discrepancy so it will not continue into perpetuity.

Regarding the current year he noted inactive appropriated grant reserves, identified on page 64. He said this is a positive comment, identifying money left over from prior grants which should be spent before the State asks for it to be returned. He said old escrow should be reviewed and cleared of record. He referenced the Ameripay payroll scandal whereby they received federal and state withholding wired into their account with the obligation to pay it and they did not. A LFN has been issued which requires municipalities must routinely verify with the state and IRS that the money has been forwarded if the municipality wishes to continue paying it through their third party payroll company. He also noted the need for a cash management plan and petty cash policy which must be approved annually by resolution. He said there is another LFN that says the CFO should be certifying payouts for accumulated absences. Regarding the Court another comment was with regard to tickets assigned but not issued. This too is ongoing because tickets assigned to police officers are supposed to be collected after 180 days to confirm the tickets have not been lost. The Court Administrator should be calling the officer in, recalling the tickets and reissuing them.

Mr. Higgins advised the governing body must sign an affidavit acknowledging they have read the recommendations. The CFO will prepare a Corrective Action Plan.

3. Rezoning Study Discussion – Paul Grygiel

The Mayor noted the Planner is here to share some ideas and be advised of the Council's concerns to assist him in finalizing the rezoning study he has been asked to provide. Mr. Grygiel said he has been at the Zoning Board with regard to the application for the same property, which he noted has nothing to do directly with the work he has been asked to do on the Mayor and Council's behalf. He said while there are overlapping issues he is trying to take a fresh look. He acknowledged studies have been done as well as Master Plans produced with conflicting objectives. He said he thought it would be useful to talk about some ideas he has and review some principals or groundwork that could be laid for whatever is going to happen to

the property and then see what the Mayor and Council think to finalize the study that will address a lot of the concerns that have been raised both at the Zoning Board and previously in negotiations with the property owner and prospective developer. He said he reviewed Borough planning documents back to 2004, the Master Plan that laid out the first vision which was somewhat contradicted in 2008 and reaffirmed in 2010. He wanted to get a handle on those things and give the Council an update on the moving parts, one of which is COAH and where it stands now because that is going to have a significant impact on this process. He noted issues of flooding and traffic but he said regarding flooding, while he would not say the uses do not have an impact, there are rules and regulations that will apply regardless of what goes there. For this reason he said it would not be one of the things driving the discussion in his opinion from a planning point of view. He said there are a number of other impacts such as school children and financials that need to be addressed before flooding.

Mr. Grygiel then reviewed his draft study: 13.6 acres, subdivided a couple of years ago, the study is dealing only with Lot 1.02; Lot 1.01 remains United Water's property. Zoning – Residential A, 7,500 square foot lots with a development yield of somewhere upwards of 50 units. He noted a difference between what had been presented the previous year which had estimated 38 lots. One of his recommendations is to have someone, either the planner or the engineer, give a determination to have a baseline of what could go there. He said the Master Plan of 2004 called for mixed use which was repeated essentially in 2012 with the northern third devoted to commercial with the southern two-thirds devoted to age restricted residential. The 2008 Housing Element called for the entire property multi-family residential, with 200 units in total with 40 being affordable. No zoning change was ever made to implement either the Master Plan or Housing Element. This would provide for either mixed use, multi-family with an affordable housing component, or single family residential according to the current Master Plan and zoning.

He asked what the status of COAH is. He said the dismantling of COAH is not yet complete and may not ever be complete. He said the COAH planner at the Zoning Board hearing said that New Milford does not comply with COAH regulations. Mr. Grygiel said he stated there and still believes, that New Milford did everything it had to do in 2008 to try to get compliance. There is nothing the Borough can do beyond submitting it before the deadline and having it deemed complete, there were no objections and theoretically the third round should be approved. The problem is, since 2008, between court cases, legislative action, dismantling which was stayed, the rules were struck down but also stayed – there is essentially no way to know what the municipal obligation is for New Milford or anyone else. He said what he thinks is clear is whether or not the growth share (future obligation) is in doubt, the prior round obligation exists and will probably remain; the number being 23 units in the prior round plus 45 rehab units. So New Milford is responsible for that number of units regardless of what happens with future growth. This means the Borough still needs to address COAH; we don't know what the number is or what the percentages will be but it should be strongly emphasized that there will have to be some kind of affordable housing. There will be some type of obligation unless the State Constitution is amended, municipalities have the obligation to provide a reasonable opportunity for affordable housing to be built.

Mr. Madaio asked if this is the balance remaining from the Round 2 obligation. Mr. Grygiel said it can be called that and the rehab is the indigenous need that exists and has existed and is based on real numbers. Mr. Madaio asked if all of the Borough plans call for it all to be at this site. Mr. Grygiel said the entire growth share and six units from the prior round are assigned to

this site. Mr. Madaio asked if it can be moved somewhere else should Mr. Grygiel recommend zoning in such a way that affordable housing is unlikely to be built there. Mr. Grygiel said it could be moved which would require an amendment to the housing plan.

Councilwoman Grant said the Planner who testified was talking about the increased number of affordable units the Borough would be required to provide because of the development of a commercial property. Mr. Grygiel said that is no longer required under the current status of the rules. He said growth obligation is essentially limited to residential development. Whatever is built there that is residential will generate its own obligation, which is then met by the property. He said he believes the Borough may be looking for a non-residential option because under the current COAH laws as they stand and look as though they will be interpreted, residential is a no-win because it will generate an obligation that needs to be met. He said he wants to get the Council's perspective of what types of uses make sense as far as impacts on neighborhood, the Borough and its finances, traffic, etc. And after deciding on one or more of those, how to go about it; whether it is traditional zoning, planned unit development, or a redevelopment plan.

Mr. Grygiel reviewed the potential land use categories and then the potential impacts of each. Residential would include single-family, townhouses, multi-family, and age-restricted. Non-Residential would include retail, office, industrial, hotel. The final category would be open space. The study breaks down the impacts into positive and negative and he examined each potential use against the potential impacts. Residential, in terms of single family and townhouse would be consistent with the neighborhood. He said townhouses, multi-family, and age-restricted would provide a new housing option. In terms of significant public benefit he said only open space or perhaps affordable housing, because of its need, would fall into that category. He said however, in looking at the negatives, many of the residential uses produce negative fiscal impacts on the municipality, the school district, traffic and create an additional affordable housing obligation. Regarding open space the negative impact is that the municipality cannot rezone to require this use.

He then went through some of the options for implementation. Do nothing, keep the zoning as is; he said it is obvious this cannot be done if the Borough is looking to avoid the COAH impacts, the school children impacts, or the fiscal impacts. He said the traditional zoning also would not provide for the gift of recreational open space. The next option is similar to what was in the Housing Plan; rezoning the property for inclusionary, multi-family residential – a significant number of dwelling units which comes up against the same problem. If you zone at the densities that COAH requires, eight units an acre or more times thirteen acres brings it up over one hundred units easily. He said this would also result in the impacts on traffic, municipal services, community character, and likely the elimination of the open space component. The third option of inclusionary mixed-use development – similar to what we have heard about at the Zoning Board but he said there are a few other ways to look at it. The Borough does not have to be stuck with the exact plan that has been proposed. He said one consideration could be the mixed use inclusionary development with just commercial and one hundred percent affordable without the market rate residential impact. He said this is an option that should be given some serious thought. The last option under traditional zoning would be strictly commercial, without the affordable component; he said he sees no reason to do this given the existing obligation and a prospective obligation. He noted it would require the housing plan to be amended and COAH would be in jeopardy, if and when it comes back unless it is addressed elsewhere.

The alternatives to traditional zoning include plan unit development which only applies to properties ten acres or more; which allows greater control over development standards and the percentage of property being devoted to each specific use. He characterized plan unit development as an incremental step to what he thinks is the final option which is a redevelopment plan. He said this is drastic and mistaken for eminent domain, which is related but not exactly the same. A redevelopment designation, blighting the property, would be almost impossible under current case law and would be challenged for years in court. However, towns can adopt an area in need of rehabilitation designation, which is simply if the area has sewer and water older than fifty years and in need of repair. He said you would need the engineer to weigh in to confirm this. He said it is a very simple threshold to meet and when it is declared in need of rehabilitation you can then prepare a redevelopment plan which means you can spot zone legally and have a lot more control over what goes on there. The question is whether the property owner or developer will go along with it but they do not have much of a way to challenge it. Mr. Madaio asked if they were not already in under the time of decision rule. Mr. Grygiel said they are for this application and it will be decided by the Zoning Board. Mr. Madaio said unless there is a rezoning that makes them decide to "switch horses?" Mr. Grygiel said either a rezoning or redevelopment plan that would make everyone happy. Mr. Grygiel said the main thing about redevelopment is the control, design regulations can be very specific – heights, appearances, materials – a lot more than you could ever do with typical zoning. It would also deal with timing and percentages of development. He said it is an attractive option. The Borough must first make sure it meets the criteria and that the people who would be most impacted would be willing to do this. He said the question would be whether the Borough has discussed it with them or not. He said he is not sure it is appropriate to bring it up but legally the town always has the option to do this; it can be done anywhere. He said the Borough would not be granted the power of eminent domain but all the other powers of redevelopment law would be permissible.

Mr. Grygiel said his opinion is that the commercial or mixed-use option makes a lot of sense. In light of the COAH obligation the Borough will need to provide affordable housing somewhere and this site has the size, it has the history, it is known to a developer that there is going to be an obligation there, so it makes sense to keep at least some of it there. Certainly the Council will have to think about what this means whether it's having residential up at the north end, closer to Main Street because it is a little narrower there and then further south near the high school it makes more sense for office or commercial. He said these decisions would be made over time and he would help the Council work through it if this is the option they wish to go through with. Other things that would need to be addressed: setbacks, buffers which will help to maintain character along the street. He said he understands that some people do not want anything built on the property. He said the problem is this is just not going to happen. The Borough has zoning in place and if COAH were come back tomorrow and deem the Borough's plan complete the Borough would have to rezone to implement that plan or change the plan.

Councilman Colucci asked if Mr. Grygiel had looked at any other possibilities for the Borough's COAH obligations in town. Mr. Grygiel said the inclusionary zoning, the tool currently proposed on this site, can be taken elsewhere and put in commercial zones with mixed use with upstairs apartments. He said this is an attractive option but questioned if it is realistic. He referenced the apartment zone and suggested perhaps the property owner or a developer might be interested in renovating some of them. He said what might be more realistic, instead of building new construction, employing the "market to affordable" program where a subsidy is paid by the Borough or through agreement, by a developer, to write down the cost of the units

so it is on the market at a particular rent and someone pays the difference between that and the affordable rent. This would be credited as an affordable unit. This same option could be applied to units for sale.

Councilwoman Duffie asked what constitutes rehab; how is it defined. Mr. Grygiel said COAH looks at it where there is a substandard system such as HVAC and this is a way they classify units as in need of rehabilitation. The way to rehabilitate is for the Borough to pay in a certain amount to replace the system for a homeowner who meets the income criteria. He said he believes the minimum amount to be paid in is \$30,000 per unit.

Mr. Madaio said one of the things that come up frequently is that it would be useable to rehab garden apartment units in town. He said the Borough has checked and these apartments are not old enough.

Mr. Madaio said the compliance with COAH appears to be one facet of what seems to be a dozen facets – infrastructure, impact on education, zoning, likely uses that a developer would put it to, a pending application that is protected under the time of decision rule.

Mr. Grygiel noted another option for COAH is 100% municipally sponsored affordable development where the Borough would partner with a developer by giving them a piece of land to have them build housing that meets COAH criteria. He said the issue is paying for it or finding a developer who can get tax credits or do it some other way. He said the way most towns seem to do it is to have surplus land they can give to developer to sweeten the pot. He said another option is accessory apartments, allowed by COAH but it does not happen much, adding a unit above a garage or in a house – a second unit that is affordable to someone. Finally, supportive and special needs housing or assisted living. He said options as far as specific sites around town – apartments (either rehab existing or tearing down and rebuilding), commercial zones.

Mr. Grygiel said the next step would be for him to rework his draft to reflect the discussion with the Council and come up with something a little more firm as far as a recommendation. The Mayor asked if it would be possible to have it finalized by the meeting on June 25th and if not for the meeting on July 23rd. He said he would coordinate with the Administrator on the timing.

4. Swim Club – Requested Lease Amendments

The Council reviewed the proposal from the attorney for the Swim Club. The Mayor said her recollection of the initial conversation was that the Borough wants to do as much as possible to help save the Swim Club as they are close to being out of business. The Mayor noted they have asked to not restrict membership to New Milford residents. They have come to the Council over the last eight or ten years at the start of each season and asked to extend the membership to non-residents. They are asking now for this to be permanent. Council President Berner asked if New Milford residents could be offered a discounted rate

The Swim Club has asked for an exception to allow alcohol for fund raising nights and to extend the hours of operation for use by outside organizations. The Council agreed issues regarding alcohol and sub-leases to outside groups should be reviewed with the JIF (Joint Insurance Fund). The Administrator will ask the JIF to review and provide a written response.

Certain obsolete items will be eliminated from the description of prohibited items including juke boxes and cigarette machines. A provision to allow vending machines for food service in addition to the ability to cook on site has been requested.

The Council then discussed the request to replace the provision for \$1,000 in rent in addition to property tax with a rent of \$10,000 per year. Council President Berner said the other residents would be subsidizing the Swim Club. The Council unanimously rejected this proposal.

Council President Berner suggested seniors should be allowed to attend once per week for a fee. The Administrator said the Swim Club has been running events such as this.

Councilwoman Grant asked for the insurance limitations to be reviewed and for the lease to be amended to reflect the requirement to provide insurance rather than the Borough having to request it.

5. New Milford Presbyterian Church – Request to Waive Permit Fee

The Council agreed to add a resolution, 2012:187, to the consent agenda to authorize the waiver. It was noted that this has been done for all houses of worship upon request and that State fees could not be waived.

6. VFIS – NMFD/NMVAC League Sports Coverage

The Council discussed the matter at great length. It was noted the coverage had been previously included and somewhere during a renewal it was dropped. The Mayor asked for a consensus vote to add resolution 2012:188 to authorize league sports coverage through VFIS for NMFD/NMVAC. The coverage was authorized by consensus of the Council as follows:

Approve: Ashley, Robalino, Colucci, Berner

Deny: Duffie

Abstain: Grant

7. BCUA Amnesty Program – Storm Sewers

The Administrator reported the letter had been revised, based upon the Council's comments, and has been posted on the website. She said the Council must now focus on the second requirement; the amendment to the Borough ordinance. She said she had spoken with other towns and found some allow the water to be diverted to the street but that all of the towns are following through with the directive to make the inspection part of the inspection for the Certificate of Occupancy for resale. She said the engineer said homeowners will need to discharge it over land without causing a hazard.

The Mayor said according to the BCUA the Borough is obligated to reduce the amount of sanitary sewer water sent to the BCUA by 30% and they believe this can be achieved by getting rid of the sump pumps connected illegally to the sanitary sewer system. She said this may be problematic for some residents because some streets have no storm sewers and some streets are pitched in such a way that they will not drain to a storm sewer. She said her concern is that if it is made a condition of the sale everybody will have to do it. She asked if the 30% reduction could be achieved with the rain barrel program and was told that it could not.

The Council asked for additional information. What is the penalty to the town if we do not achieve the 30% reduction? Who audits the BCUA meters? Will it be possible to get a waiver if

it is not possible to connect to the storm drain? The Administrator will contact the BCUA for clarification.

The Council unanimously agreed the letter, advising homeowners of the amnesty period to disconnect illegal hookups, should be sent with the tax bills. The matter will be relisted to continue the discussion on the ordinance revision to include the inspection as part of the Certificate of Occupancy for resale.

NEW BUSINESS:

APPOINTMENTS: Matthew PETERSKI – Fire Company #1
David Gerity – Fire Company #2

Councilman Colucci made a motion to approve the appointments of Matthew PETERSKI and David Gerity. Councilwoman Duffie seconded the motion. All present in favor, none opposed. The appointments will be relisted on next the public meeting agenda to allow the appointees to attend and be recognized.

ADMINISTRATOR:

The Administrator referenced the request from St. Joseph's School to place a sign at River Edge Avenue and River Road. No objections noted.

The Administrator advised summer hours would be in effect from July 2nd through August 31st for the office staff. Administrative offices will be open Monday through Thursday 8:00 AM to 4:30 PM and Friday from 8:00 AM to 1:00 PM.

The Administrator reported on a discussion with the Grants Consultant regarding eligible projects for the Community Development Block Grant. Grants for a senior bus would only be possible if a number of towns entered into a shared services agreement to share the vehicle and apply jointly for a grant. She explained that any ADA improvement to a Borough building would be eligible as would anything at the Senior Center or additional ADA ramps throughout town. She asked for the Council's consideration and recommendations at the next meeting.

COUNCIL:

Councilwoman Duffie asked to have the repair shop discussion relisted on a future agenda. She also asked for an update from the Police Department regarding enforcement issues. The Mayor said she will speak to the Chief. The matter will be listed on the June 25th agenda.

Councilwoman Duffie reported the new Health Inspector has been overwhelmed with property maintenance issues, which has been making it difficult to keep up with health and food service issues.

Councilman Colucci asked if there is an ordinance regulating the placement of satellite dishes. The Administrator will ask the Zoning Officer to follow up.

Councilman Colucci asked for an update from the attorney regarding the fee for a zoning review. The Administrator said we were awaiting a reply from the Building Department on whether or not

any other fees were to be adjusted. Councilman Colucci said no other fees are to be revised. The ordinance will be drafted for introduction.

Council President Berner asked to have the proclamation, presented by Assemblywoman Wagner, recognizing the Borough's 90th Birthday, framed and hung in the Borough Hall. Council President Berner said although New Milford is one of the three towns represented on the Historic New Bridge Landing Park Commission, there is nothing on the New Milford side identifying it as part of the Commission. He said he has spoken with the Chair Historic Preservation and Councilwoman Duffie, and noted we have not done anything to recognize two historic districts in town – Old Bridge and New Bridge. He would like to create a New Bridge Landing historic district on the southern part of town by the river and on New Bridge Road and Old New Bridge Road. He asked to have the Borough Attorney do some investigation on what it would entail to set up a district and noted he did not wish to place any onerous burden on the homeowners in the area. It was agreed it would be a designation rather than a district.

Councilman Robalino asked if we had gotten results from the soil percolation test at the middle school. He was advised no report has been issued to date.

Council President Berner referenced the Northern New Jersey Community Foundation and stated they wished to come to address the Mayor and Council. The Mayor and Administrator stated the opportunity has already been explored and appears to be a duplication of some of the Borough's existing cooperative efforts.

Councilwoman Duffie asked for an update on the Elm Street Bridge. The Administrator will contact the County Engineer for the status.

Mayor Subrizi stated she had been contacted by a resident, Gerard Rasulo, who wished to undertake the refurbishing of the town welcome signs. Mr. Rasulo will supply the labor and the paint. The Council had no objection.

The Mayor reported the resignation of the Borough Prosecutor, Mike Kingman. The Alternate Prosecutor has been filling in. She said she is planning to make a permanent appointment at the meeting on June 25th. Councilwoman Duffie asked if an RFQ would be issued. She was advised it falls under the threshold of \$17,500 and therefore is not required.

COMMENTS FROM THE PUBLIC

Councilwoman Grant made a motion to open the meeting to the public. Councilwoman Duffie seconded the motion. All present in favor.

Lori Barton, 399 Roslyn Avenue. Ms. Barton asked why the Swim Club pays property tax if it is located on Borough property; why not just rent. It was explained that it is not property tax, but rather a fee in lieu of taxes.

Anna Leone, 505 Boulevard. Ms. Leone referenced the BCUA Amnesty program and expressed her opinion that they are not allowing enough time for homeowners to comply. She also questioned what would happen if someone could not afford an alternate solution. Ms. Leone also expressed concern regarding overnight parking. She was advised the overnight parking rules are suspended through Labor Day. Ms. Leone said there are ongoing problems with parking on the Boulevard.

Karl Schaffenberger, 173 North Park Drive. Mr. Schaffenberger referenced the Senate bill mentioned by Assemblywoman Wagner which proposes to ease DEP restrictions on development. Ms. Wagner said United Water is one of the proponents of the bill. He said he found it interesting since United Water came before the Council in November and said they were interested in restoring the flood plain. Mr. Schaffenberger referenced Mr. Grygiel's presentation and noted he said he did not give significant consideration to flooding. Mr. Schaffenberger asked the Council to keep this in mind when reviewing his recommendation.

Ulises Cabrera, 659 Columbia Street. Mr. Cabrera asked about the flood prone properties proposed for acquisition. He questioned why it would take three years to demolish three homes. It was explained that agreement with FEMA limits the time to conclude the entire process – acquisition, demolition, restoration cannot take more than three years. Mr. Cabrera referenced a comment made by Council President Berner to the Record and asked if he should not recuse himself. Mr. Madaio what Council President Berner said does not represent a conflict in any way. Mr. Madaio said he has advised all members of the governing body to be circumspect in their opinions, to keep an open mind and not take any hard and fast positions on anything that may come before them in the future. Mr. Cabrera asked to have the pothole at the intersection of River Edge Avenue and River Road filled.

Ms. Leone said the attorney for the developer of the United Water property asked the Zoning Board Attorney to take a poll to find out if anyone from the Zoning Board or their immediate family, in addition to the Mayor and Council and their immediate family, attended any of the Stop Over Development meetings. Ms. Leone asked if Council President Berner came forward since he attended their first meeting. She was advised that it had been discussed and disclosed at a previous Mayor and Council meeting.

John DeSantis, 190 Powell Drive. Mr. DeSantis asked if it is appropriate for the Borough Attorney to stop a member of the public from reading something while posing a question. Mayor Subrizi responded the Attorney advised Mr. Cabrera that he had read the article.

Councilwoman Grant referenced the bylaws and suggested a motion would be required to continue the meeting beyond 10:30 PM. Mr. Madaio said by remaining at the table the Council has defacto consented to the continuation of the meeting. Councilwoman Grant made a motion to continue the meeting. Councilwoman Duffie seconded the motion.

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

RESOLUTIONS:

- 2012:180 Resolution to go into Closed Session
- 2012:181 Payment of Bills and Vouchers
- 2012:182 Authorize Mayor to Sign BCOS Grant Agreement – Kennedy Field/Prospect Park Playground Improvements in the amount of \$47,500
- 2012:183 Approve Change Order #2 & Final – 2011 CDBG Barrier Free Curb Ramps
- 2012:184 Authorize Mayor to Sign Grant Agreements with County of Bergen – ADA Cooperative Engineering Design and ADA Cooperative Curb Ramp Construction

- 2012:185 Endorse S-1900/A2921 to restore Energy Tax and Consolidated Municipal Property Tax Relief Aid funding
2012:186 Acknowledge receipt and review of the 2011 Municipal Audit
2012:187 Waive Sign Permit Fee for Presbyterian Church
2012:188 Authorize Volunteer League Sports Coverage with VFIS

VOTE ON RESOLUTIONS

Council President Berner made a motion to approve the consent agenda, resolution 2012:180 through 2012:187. Councilman Robalino seconded the motion. All present in favor, none opposed.

Councilman Colucci made a motion to approve resolution 2012:188. Councilman Ashley seconded the motion. The motion passed on a roll call vote as follows:

For the motion	Ashley, Robalino, Colucci Berner
Against the motion	Duffie
Abstain	Grant

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

CLOSED SESSION:


1. FEMA Acquisitions – Status
2. Personnel – Deputy Ct. Adm., P/T Receptionist, P/T Violations Clerk, DPW
3. Dorchester Manor LLC v. New Milford Zoning Board – Scibal Settlement Offer

At the conclusion of the closed session the meeting was reopened on a motion from Council President Berner. The motion was seconded by Councilwoman Grant. All present in favor, none opposed.

ADJOURNMENT

Councilwoman Grant made a motion adjourn. Councilwoman Duffie seconded the motion. All present in favor, none opposed. Time 11:12 PM.

Respectfully submitted,


Christine Demiris
Borough Clerk

BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2012:180

Offered by: 

Seconded by: 

Member	Aye	No	Abstain	Absent
DUFFIE	✓			
ASHLEY	✓			
ROBALINO	✓			
COLUCCI	✓			
GRANT	✓			
BERNER	✓			
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. FEMA Acquisitions – Status
2. Personnel – Deputy Ct. Adm., P/T Receptionist, P/T Violations Clerk, DPW
3. Dorchester Manor LLC v. New Milford Zoning Board – Scibal Settlement Offer

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 June 11, 2012.

SEAL



BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No.

2012-181

Offered by: [Signature]

Seconded by: [Signature]

Member	Aye	No	Abstain	Absent
DUFFIE	✓			
ASHLEY	✓			
ROBALINO	✓			
COLUCCI	✓			
GRANT	✓			
BERNER	✓			
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 \$2,577,960.72.

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 June 11, 2012.

SEAL

Christine Bernieris

BOROUGH OF NEW MILFORD**Bill list****JUNE 11, 2012**

<u>Vendor</u>	<u>Amount</u>	<u>Description</u>	<u>Account</u>	<u>Check #</u>
FORD MOTOR CREDIT	3456.30	PAYMENT NO. 21 ACCT.5381015 (4)	POLICE	859
FRANK PAPAPIETRO	15.00	NMPD REPLENISH PETTY CASH	POLICE	860
FRANK PAPAPIETRO	0.00	NMPD REPLENISH PETTY CASH	POLICE	860
FRANK PAPAPIETRO	120.26	NMPD REPLENISH PETTY CASH	POLICE	860
FRANK PAPAPIETRO	6.25	NMPD REPLENISH PETTY CASH	POLICE	860
JOHN KIENE	145.64	REIMB. FOOD FOR HONOR GUARD	POLICE	861
WINE & ROSES, INC.	555.00	INV. 603804 2012 WREATHS FOR	CELEBRATION	862
D. & E. UNIFORMS	676.65	INV.1004,48293,48308	POLICE	863
D. & E. UNIFORMS	800.00	INV. 1008 LAMORGES CLOTHING	POLICE	864
P & A AUTO PARTS	926.43	INV. 13-979851 PARTS FOR VARIOUS	FIRE 0/E	865
GUARD LINE FIRE &	79.95	INV.54495 REPAIR GAS METER	FIRE 0/E	866
REGIONAL	301.00	INV.115905, 115904, 104354 REPAIR	FIRE 0/E	867
FIREFIGHTER ONE	200.00	INV. 2017097 5	POLICE	868
KEN SMITH	462.73	INV.20812,20853,21398,21387	VEHICLE	869
LEXIS NEXIS	68.89	INV.32342977 NJMV UPDATES	POLICE	870
STATE LINE	837.00	INV. 84254 PARTS FOR POLICE CAR	VEHICLE	871
ALL POINTS	60.00	TOWING-CAR 303 5/28/12	VEHICLE	872
APP PRODUCTS	1399.05	INV. 93746 PAPER PRODUCTS	PUBLIC	873
RRONE'S FARM &	1060.85	INV. 1223 FLOWERS, MULCH ETC BORO	PUBLIC	874
A. DEFINO MASONRY	1150.00	INV. 0639 REPLACE BRICK TIER ON	PUBLIC	875
AUTOMOTIVE BRAKE	175.00	INV.123301 BOLT ASSEMBLY	PUBLIC	876
DURIE LAWN MOWER &	97.90	INV. 10729 PARTS FOR LANDSCAPE	PUBLIC	877
J.E. RODGERS	243.80	INV. 3661 4 " STOP AHEAD" SIGNS	PUBLIC	878
J.E. RODGERS	90.00	INV. 3665 6 BOROUGH SEAL DECALS	PUBLIC	879
SIOGRAM	420.00	INV. 233550 55 GAL. DRUM OF MOTOR	O/E GAS &	880
SANITATION	1544.62	INV. 40092,40103 REPAIR GARBAGE	PUBLIC	881
RACHLES/MICHELE'S	704.78	INV.151406 5/22 234 GALS DIESEL	O/E GAS &	882
TILCON NEW YORK,	176.04	INV.1586709,1588490 3.23 TONS	PUBLIC	883
WASTE MANAGEMENT	29342.34	JUNE RESIDENTIAL GARBAGE	GARBAGE &	884
BERGEN COUNTY	24166.56	343.91 TONS APRIL RESIDENTIAL	GARBAGE &	885
CIGNA HEALTHCARE	127277.26	PREMIUM JUNE 2012	INSURANCE	886
HOLY NAME HOSPITAL	850.83	APRIL BACK-UP AMBULANCE	FIRST AID	887
STEWART BUSINESS	169.00	INV. 18G929 MAY COPIER MAINTENANCE	MUNICIPAL	888
KEN SMITH	1612.10	INV. LICS124286 REPAIRS TO SR VAN	SENIOR	889
AMERICANWEAR	32.00	ACCT. 2175 MAY UNIFORMS	RECYCLING	890
AMERICANWEAR	602.00	ACCT. 2174 MAY UNIFORMS	PUBLIC	891
MAIN AUTO SUPPLY	29.58	INV.64992507403 3/5/12	PUBLIC	892
FALASCA & SON	125.00	INV. 124115 VEHICLE #69 WHEEL	PUBLIC	893
PALMERS HOME	96.28	INV.644988,645080,432075,645324,64	PUBLIC	894
NORTHEAST GAS	68.00	INV. 13461 APRIL WELDING RENTAL	PUBLIC	895
SAFETY-KLEEN	720.11	INV. 57901252 PARTS, WASHERS,	RECYCLING	896
XINGTON	155.00	INV. 146441 CHAIR BASE REPLACEMENT	POLICE	897
S. ROTONDI & SONS,	1080.00	INV. 23 APRIL BRANCH DISPOSAL 180	RECYCLING	898
S. ROTONDI & SONS,	2990.00	APRIL GRASS DISPOSAL 299 CU YDS	RECYCLING	899
RACHLES/MICHELE'S	4391.88	INV. 16499 1419.30 GALS GAS	O/E GAS &	900
UNITED WATER NEW	3580.44	WATER CHAGES APRIL 2012	O/E WATER	901
FERRETTI CARTING,	4333.34	INV. 3716 MAY APTS.NMHS/NMMS	RECYCLING	902

<u>Vendor</u>	<u>Amount</u>	<u>Description</u>	<u>Account</u>	<u>Check #</u>
FERRETTI CARTING,	12083.33	INV. 3717 MAY RESIDENTIAL	RECYCLING	903
NEW MILFORD BOARD	2285296.25	JUNE 2012 SCHOOL APPROPRIATION	SCHOOL	904
EDIE RYERSON	70.00	MAY 1, 2012 ENVIRONMENTAL MTG	ENVIRONMENT	905
MEDICAL INSURANCE	310.00	MAY 2012 EMPLOYEE REIMBURSEMENT	INSURANCE	906
MAIN STREET USA	6669.57	JANUARY-JUNE 2012 VISION COVERAGE	INSURANCE	907
MAIN AUTO SUPPLY	177.62	INV.649920,649381,649623,649266	FIRE O/E	908
ESPE PEST	125.00	INV. 15473BB TREATMENT @ FIRE	PUBLIC	909
PALMERS HOME	14.27	INV. 645425	PUBLIC	910
PALMERS HOME	209.07	INV.644543,644733,426459,644908,64	PUBLIC	911
STAPLES ADVANTAGE	106.45	INV.3175818330 9 RM COPY	ASSESSMENT	912
RELIANCE STANDARD	1336.71	STD PREMIUM JUNE 2012	INSURANCE	913
XTEL	75.24	MAY 2012 LONG DISTANCE CHARGES	O/E	914
N.J. STATE LEAGUE	128.00	ID 12M-9059 8 NJ MUNICIPALITIES	MUNICIPAL	915
DE COTIIS,	75.20	MAY RWDSU/AFL CIO-CLC FILE	LEGAL	916
DE COTIIS,	471.09	MAY DPW NEGOTIATIONS FILE 11-009.5	LEGAL	917
DE COTIIS,	2238.77	MAY LABOR COUNSEL FILE 11-009	LEGAL	918
DE COTIIS,	6393.50	MAY PBA CONTRACT-FILE 11-009.4	LEGAL	919
TREASURER, STATE	82.00	JAMES TAORMINA-CONST.OFF'L LICENSE	CODE	920
STAPLES ADVANTAGE	75.45	INV.3173164698 SUPPLIES	RECREATION	921
LEXIS NEXIS	70.79	INV. 32342993 2012 CRIMINAL	POLICE	922
LEXIS NEXIS	104.24	INV. 32342985 2012 CRIMINAL LAW	POLICE	923
DE MAURO TOWING	175.00	TOWING-INV.67126, 65577	VEHICLE	924
BEHNKE'S BUILDING	197.11	INV.35417 HOSE, NOZZLE, CABLE TIES	RECREATION	925
SCREEN STYLES	1147.00	INV. 54245 SOFTBALL SHIRTS AND	RECREATION	926
BAUER SPORT SHOP	312.00	INV. 2727 39 UGALS T-SHIRTS	RECREATION	927
BAUER SPORT SHOP	1994.50	INV. 2773,2789,2788 UNIFORMS AND	RECREATION	928
TOWN TROPHY	997.95	INV. 30860 SOFTBALL TROPHIES	RECREATION	929
NEW MILFORD	2400.00	UMPIRE FEES FOR UGALS-SEASON	RECREATION	930
UNITED WATER NEW	15437.43	MAY 2012 HYDRANT CHARGES	O/E WATER	931
CANTERBURY VILLAGE	3543.64	2011 FIRE HYDRANT MUNICIPAL REIMB.	O/E WATER	932

Total fund: 01 Current 2559712.04

Total Bill List: 2559712.04

BOROUGH OF NEW MILFORD

Bill list

JUNE 11, 2012 CAPITAL

<u>Vendor</u>	<u>Amount</u>	<u>Description</u>	<u>Account</u>	<u>Check #</u>
P.A. CONTRACTORS,	14902.18	2011 CDBG BARRIER FREE EST.NO.3 &	2011	1024
BOSWELL MCCLAVE	769.50	INV. 65847 NM-581 2012 ROAD	2012	1025

Total fund: 04 CAPITAL 15671.68

Total Bill List: 15671.68

BOROUGH OF NEW MILFORD

Bill list

JUNE 11, 2012 ANIMAL CONTROL

<u>Vendor</u>	<u>Amount</u>	<u>Description</u>	<u>Account</u>	<u>Check #</u>
NJ STATE DEPT. OF	27.00	MAY 2012 MONTHLY DOG LICENSE FEES	RES'V FOR	1001
Total fund:	13	ANIMAL		27.00

Total Bill List: 27.00

BILL LIST FOR MEETING OF:**JUNE 11, 2012****JUNIOR POLICE ACADEMY****TRUST FUND****VENDOR****CHECK NO. AMOUNT**

NEW MILFORD SWIM CLUB

1001

\$300.00

TOTAL

\$300.00

BOROUGH OF NEW MILFORD

Bill list

JUNE 11, 2012 OPEN SPACE TRUST

<u>Vendor</u>	<u>Amount</u>	<u>Description</u>	<u>Account</u>	<u>Check #</u>
MILLER-RINALDI &	2250.00	APPRAISAL OF 5 PROPERTIES	RES'V FOR	143
Total fund:	16	OPEN		2250.00

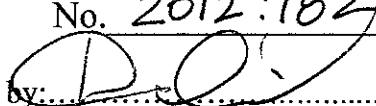
Total Bill List: 2250.00

BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2012:182

Offered by: 

Seconded by: 

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

BE IT RESOLVED, that the Mayor and Council of the Borough of New Milford wish to enter into a grant agreement with the County of Bergen for the purpose of using \$47,500 grant award from the 2011 Funding Round of the Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund ("Trust Fund") for the project entitled Kennedy Field/Prospect Park Playground Improvements; and

BE IT FURTHER RESOLVED, that the Council hereby authorizes Mayor Ann Subrizi to be the signatory to the aforesaid grant agreement contract; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Christine Demiris to sign all County of Bergen Payment Vouchers submitted in conjunction with the aforesaid project; and

BE IT FURTHER RESOLVED that the Mayor and Council recognize that the Borough of New Milford is liable for a dollar for dollar match for any funds awarded in accordance with the Trust Fund's requirements.

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 June 11, 2012.

SEAL

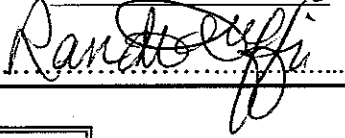


BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2012:183

Offered by: 

Seconded by: 

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

CHANGE ORDER #2 & Final
2011 CDBG Barrier Free Curb Ramps
P.A. Contractors, Inc.
105 Davis Avenue
Kearney, NJ 07032

WHEREAS, it has been determined that Change Order #2 is necessary in connection with the above project; and

WHEREAS, the nature and reason for the Change Order is to reflect as-built quantities as outlined in the attached and quantified as follows:

Amount of Original Contract	\$99,616.75
Contract Amount after Change Order #1	\$117,461.85
Plus Additions – Change Order #2	\$2,076.00
Amended Contract Amount	\$119,537.85

NOW, THEREFORE, BE IT RESOLVED that Change Order #2 in the increased amount of \$2,076.00 be approved by the Mayor and Council of the Borough of New Milford.

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 June 11, 2012.

SEAL



Job No. NM-562

BOSWELL McCLAVE ENGINEERING
330 PHILLIPS AVENUE
SOUTH HACKENSACK, NJ 07606
(201) 641-0770

Borough of New Milford/Bergen County
OWNER/COUNTY

Nature and Reason of Change:	As-Built Quantities
-------------------------------------	---------------------

DATE _____

BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2012:184

Offered by: *Ann Subrizi*

Seconded by: *Mike*

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

WHEREAS, the New Jersey Department of Transportation (NJDOT), Federal Highway Administration (FHWA), the Americans with Disabilities Act Accessibility Guidelines (ADAAG), and Public Right-of-Way Accessibility Guidelines (PROWAG) mandate that public sidewalks at intersection provide, at a minimum: depressed curb cuts, detectable warning surfaces and a landing area at crosswalk locations, as designated by the County Engineer or his designee on county roads within the municipality; and

WHEREAS, public sidewalks are a municipal responsibility in as much as the County's road responsibility is limited to improved road areas from curb face to curb face as set forth in N.J.S.A. 27:16-8; and

WHEREAS, the Uniform Shared Services Consolidation Act (N.J.S.A. 40A:65-1 et. seq) promotes the broad use of shared services to reduce local expenses funding by property tax payers; and

WHEREAS, the County seeks to assist municipalities with their obligation to comply with NJDOT and Federal ADA regulations through an ADA Engineering Design Grant Agreement for intersections, as designated by the County Engineer, on County roads as further set forth in a separate Cooperative ADA Construction Grant Program; and

WHEREAS, the Borough of New Milford wishes to enter into grant agreements with the County of Bergen for ADA Cooperative Engineering Design and ADA Cooperative Curb Ramp Construction; and

WHEREAS, the Borough Attorney has reviewed and approved the agreements as drafted by the County Counsel.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of New Milford hereby authorize Mayor Ann Subrizi to sign the grant agreements and the Borough Clerk to attest to the same.

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 June 11, 2012.

SEAL

Christine Bernier

BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2012:185

Offered by: [Signature]

Seconded by: [Signature]

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

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities, and when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; and

WHEREAS, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, municipalities lost \$331 million in combined Energy Tax and Consolidated Municipal Property Tax Relief Aid (CMPTRA) funding in Fiscal Years 2009, 2010, and 2011, while also being denied scheduled incremental funding; and

WHEREAS, as a result of these cuts, in a number of municipalities property taxes are higher now, despite the fact that they are spending less, proving that the State's diversion of tax relief funding has overwhelmed local efforts to reduce property taxes; and

WHEREAS, S-1900, sponsored by Senators Paul Sarlo and Linda Greenstein, and A-2921, sponsored by Assemblyman Troy Singleton, would phase-in, over five years, the restoration of \$331 million in municipal property tax relief funding, and ensure that each municipality will be restored to the 2007 (SFY 2008) ETR/CMPTRA level.; and

WHEREAS, the sponsors recognize that the loss of those revenues has led to increased property taxes and has hampered local efforts to meet local needs; and

BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2012:185

Offered by:.....

Seconded by:.....

WHEREAS, the sponsors agree that the time has come to begin to restore to local budgets the millions that were cut to meet State needs in FY 2009, 2010 and 2011; and

WHEREAS, the restoration of \$66.2 million this year is a great first step, which should be easily manageable in a budget that is slated to grow to \$32.15 Billion in the coming year; and the restoration of \$331 million, in 20% increments, over five years will make a big difference in municipalities all around New Jersey; and

WHEREAS, the bill would apply the protection of the 'poison pill' to the SFY 2012 distribution of CMPTRA funding, which will prevent further shifts of CMPTRA funding; and which will help to further restrain the appetites of future State policy makers for these municipal property tax relief resources; now therefore be it

RESOLVED, that the Mayor and Council of the Borough of New Milford salutes the sponsors for listening to the Mayors in their districts and all around New Jersey and for advancing this legislation; and be it further

RESOLVED, that we enthusiastically support S-1900/A-2921, together with any refinements that may be needed to account for any recent changes in the statutes governing local budgets in order to provide municipalities with appropriate budgetary flexibility; and be it finally

RESOLVED, that certified copies of this Resolution be forwarded to Governor Chris Christie, Lieutenant Governor Kim Guadagno, Department of Community Affairs Acting Commissioner Richard Constable, State Senator Robert Gordon, Assemblywoman Connie Wagner, Assemblyman Timothy Eustace and to the New Jersey League of Municipalities.

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 June 11, 2012.

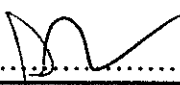
Christine Bernier

SEAL

BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2012:186

Offered by:.....

Seconded by:.....

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

WHEREAS, N.J.S.A. 40A:5-4 requires the Mayor and Council of the Borough of New Milford to have made an annual audit of its books, accounts, and financial transactions within six (6) months after the close of the fiscal year; and

WHEREAS, the 2010 Municipal Audit was presented to the Mayor and Council on June 4, 2011, 2011 by Gary W. Higgins, Lerch, Vinci & Higgins, LLP; and

WHEREAS, the Annual Report of Audit for 2011 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs as per R.S.52-27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

WHEREAS, the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

As evidenced by the group affidavit form of the governing body, and

BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2012:186

Offered by:.....

Seconded by:.....

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, failure to comply with the promulgation of the Local Finance Board of the State of New Jersey may subject the members of the Local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit

R.S.52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than a year, or both, in addition shall forfeit his office"

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of New Milford hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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 June 11, 2012.

SEAL

Christine Lemis

BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2012:187

Offered by:....Councilwoman Duffie

Seconded by:..Councilman Robalino...

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

WHEREAS, the Mayor and Council have received a request from the New Milford Presbyterian Church to waive the permit fee associated with their application for a sign permit; and

WHEREAS, the Mayor and Council have waived modest building permit fees for religious organizations in the past;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of New Milford that the building permit fee for the New Milford Presbyterian Church Early Learning Center be waived; and

BE IT FURTHER RESOLVED, that those certain fees collected on behalf of the State of New Jersey and not under the jurisdiction of the Borough of New Milford, shall not be waived; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the New Milford Building Department and the New Milford Presbyterian Church.

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 June 11, 2012.

SEAL

Christine Demus

BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 2012:188

Offered by:..... Councilman Colucci

Seconded by:..... Councilman Ashley

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

WHEREAS, the Borough of New Milford provides an accident policy from VFIS for the New Milford Fire Department and the New Milford Volunteer Ambulance Corps; and

WHEREAS, the Mayor and Council would like to reinstate the coverage for League Sports which was inadvertently dropped from the policy;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of New Milford that the \$775 quote for League Sports coverage be approved; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Nelson Patterson Agency, Inc., 746 River Road, 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 June 11, 2012.

SEAL

Christine Bernese