

BOROUGH OF NEW MILFORD
7:00 PM WORK SESSION
OPEN SESSION immediately following
7:45 PM PUBLIC MEETING
Wednesday, July 23, 2012



WORK SESSION:

Mayor Subrizi reads the Open Public Meeting and Mission Statements.

Councilwoman Randi Duffie	Absent
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; Frank Papapietro, Chief of Police;
Christine Demiris, Administrator/ Clerk

Mayor Subrizi stated that the closed meeting agenda is lengthy and that Police Chief Papapietro is present to discuss specific closed topics. 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. Pending Litigation - Police
2. Personnel – Court Coverage
3. Personnel – Sr. Van Staff Compensation
4. Personnel – Fire Dept. LOSAP
5. Collective Bargaining – PBA Salary Negotiation

At the conclusion of the Closed Session the meeting was reopened on a motion by Councilman Colucci seconded by Council President Berner. All present in favor, none opposed.

OPEN SESSION:

The Council began the meeting with item number 2 in open session.

2. Police Department Staffing

Chief Papapietro joined the Mayor and Council to discuss current and future plans for police staffing. The Chief said that thirteen officers have retired and eight officers, have been hired since 2003 at which time there were thirty-seven officers on the force. A grant paid the salaries of three of those newly hired officers. Currently the

borough has thirty-one officers. Of those thirty-one officers, two have given notice, one is going out on disability and one is leaving for a new position. This will leave twenty-nine active officers on the force, of which twenty-three of them share the patrol rotation. The patrol rotation is designed for staffing using twenty-eight officers.

Officer's salaries were discussed. The two officers leaving are earning salaries at the top of the pay scale. If the borough hires new recruits through the police academy it will be able to hire four to five new officers for the same salary as the two outgoing officers. Overtime was discussed and it is agreed that the cost of overtime will go down if more officers are hired. At this time the police budget is showing a \$50,000 deficit based on last year's numbers. Chief Papapietro said that burn-out time will diminish with the hiring of new officers. The Mayor stated that standardizing the number of officers on the force will help alleviate the need to make the decision of whether or not to hire new officers each time someone leaves. The Chief asked for two officers to be hired at this time and two or three more from the police academy in January. The Mayor said that thirty-three officers on the force is her target number, and she understands that the Chief would like to have a total of thirty-eight officers. The Mayor and all Council members discussed scheduling the start dates of two new officers and two to three police academy graduates with the budget in mind. Chief Papapietro spoke about the starting salary figures for new hires and the overtime that will be needed between now and the end of the year without further extenuating circumstances. The pay outs for the two police officers that are retiring were discussed. The officers may need to be paid this year using money from this year's budget but there is a possibility that it could be spread out into 2013. The Mayor asked if the Council was prepared to move forward to begin the hiring process of two PTC certified officers on or about October 1, 2012. Resolution 2012:223 will be added to agenda. The static number of officers on the police force will be discussed further at the September 10, 2012 meeting.

7. No Parking Recommendation from Sgt. Jones
Topic was tabled to the September 10, 2012 work session.
3. Middle School Turf Field Referendum
Information was confirmed to have been distributed to the Mayor, members of Council and the Administrator for review prior to this meeting. The decision that is needed to be made at this meeting is whether to put a referendum question on the November 2012 ballot regarding the funding for construction of a turf field at the middle school. Language on the draft resolution for the referendum can be changed but the approval of a referendum question needs to be voted on at this meeting because August 17, 2012 is the deadline to turn referendum documentation into the county. It was decided at the last meeting that a decision of whether or not to place a question on the ballot would have to be made at this meeting.
4. Budget Shortfalls – Legal, Engineering, Rent Leveling
The Administrator stated the legal budget for this year is depleted. Although extra money was put in the 2012 budget compared to the 2011 budget to compensate for

arbitration funding, due to an appeals process following the arbitration, the borough is at the extent of its legal budget. The general engineering budget is also at its limit due to the PERC test that was done in the beginning of the year at the middle school. Rent leveling budget is at its limit but is not a problem. In November funds can be transferred and the engineering budget will not be an issue. The legal line item cannot continue to incur expenses without an appropriation. The CFO and Auditor agree that an emergency appropriation should be passed. A resolution can be ready for the next meeting. The additional money needed for this year will affect next year's budget. The dollar amount to be requested in the emergency appropriation will be determined and forwarded to the Mayor and Council prior to the next meeting. The Administrator asked Mayor and Council if they would be agreeable to holding a special Mayor and Council meeting earlier than the first scheduled meeting in November in order to make transfers in a timely fashion. A work session on November 1, 2012 at 7:00pm was agreed upon. The meeting of November 14, 2012 will be cancelled.

5. Bonim Builder's Request to Extend Waiver of Ordinance 4-2.8

Habitat for Humanity's waiver to allow work on Sundays has expired and they are requesting an extension to continue work on future Sundays. After a brief discussion, it was agreed that resolution 2012:224 would be drafted to allow the organization an extension to continue working on Sundays until the end of October.

6. Swim Club

Topic was tabled to the following work session meeting.

1. Rezoning Report

Borough Planner, Mr. Paul Grygiel reviewed his report with Mayor and Council regarding recommendations to either change the zoning of Block 1309, Lot 1.02 from single family to another zoning district or deem it an area of redevelopment and create a plan for the site. He suggested designating the property as a non-residential zone with an affordable housing component on the site for several reasons. He spoke about New Milford's COAH obligations and how it has in part been satisfied only through proposed projects. Ms. Grant asked if Mr. Grygiel's recommendation to change the zoning status of the property being discussed was possibly irrelevant considering that the property is in front of the zoning board and any changes that the Mayor and Council propose now would not be able to be enforced if the application is approved. Mr. Grygiel agreed that if the application is approved than the redistricting work could not be enforced. If the application is not approved than the groundwork for the rezoning/redistricting would be in place. No conversations between Mayor and Council regarding the property's being redistricted have taken place since the application was submitted to the zoning board. Ms. Grant asked if grants to buy the property have been looked into. Mayor Subrizi said that funding and grants have been looked into since before her tenure as Mayor. She said that she has continued to look into grants, but when the property value reached the current sale price of eight million dollars it became apparent that the municipality could not afford to buy the parcel. Mr. Colucci asked if there were any other areas in the borough that could be

used to satisfy COAH's affordable unit requirements. Mr. Grygiel said that some of the apartment complexes or the racquetball club might be an option. The cost of rehab work, rezoning, COAH costs, and COAH requirements were discussed.

Due to the time of evening and the nature of the topic, Mayor Subrizi asked for a motion to reconvene in the Council Chambers to begin the Public Session with the continuation of the Rezoning Report. A motion was made by Council President Berner, seconded by Councilman Robalino and unanimously approved.

PUBLIC SESSION:

Mayor Subrizi called the meeting to order, asking for a moment of silent prayer and/or reflection. She made mention of the passing of former Police Chief James Rittgers. She wished a safe journey to the 508th military police platoon that recently left the Teaneck Armory to go overseas. She asked that the moment also be taken to reflect upon the recent tragic event that took place in Colorado.

The Mayor led the flag salute; read the Open Public Meeting Law and Mission Statements and pointed out the fire exits in the Council Chambers.

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

Mayor Subrizi asked that **APPOINTMENTS** and **COUNCIL COMMITTEE REPORTS** be suspended in order to allow Borough Planner, Paul Grygiel to present his report and answer public questions.

Before the report began, Councilman Ashley recused himself from the discussion due to legal aspects surrounding the relationship of the water company property and his hiring of legal counsel regarding the development application. Mr. Ashley joined the public in the courtroom audience. Mr. Berner recused himself for reasons not directly related to the water company property. Mr. Berner joined the public in the courtroom audience.

Mr. Grygiel, Borough Planner presented his borough commissioned zoning study on Block 1309 Lot 1.02, commonly known as the United Water property. Mayor and Council requested the report approximately one and half months ago. He was asked for the report to include some ideas for the property's future. The report is dated June 2012. He said that this property has a long history and is important to New Milford for a number of reasons. The report outlines some of the current planning, zoning and COAH issues that are relevant to future development regulations of the property. The history of the planning of the property is also included. The outline lays out what uses may be

appropriate if new regulations were in place and what type of tools would be appropriate for implementing recommendations.

The property is 13.6 acres in area. The site is bordered by streets on all sides and is presently vacant. Contamination that was present at one time has been cleaned up. The zoning districts surrounding the property are diverse but the United Water property is in a residential zone. The lot could be divided into approximately 35+ lots according to present zoning rules. Master plan recommendations made over the years for this property include mixed use development on the site (Master Plan 2004). A Fair Share Housing Plan, adopted in 2008 by the Planning Board suggested two hundred residential units on the property, of which approximately forty would be set aside as affordable housing, satisfying the borough's third round COAH obligations. The Planning Board reexamined the Master Plan again in 2010 and went back to the prior recommendation for mixed use. Mr. Grygiel stated that the status of COAH's future is uncertain at this time and therefore municipalities are not clear on current COAH requirements. Mayor Subrizi asked how many units New Milford is obligated to have at this time. Mr. Grygiel said that it is unclear but went on to say that sometime in the future, New Milford will have some definitive COAH obligations. Mayor Subrizi stated that the Brookchester apartment complex does not qualify as COAH compliant because it was built prior to 1988.

Mr. Grygiel spoke about the potential rezoning of the United Water property keeping with the consistency of the area. Ideas included residential, recreational mixed use and commercial uses. He spoke about the property's fiscal and physical impact on the borough. Concerns of flooding are an issue on the property, whatever the use.

Mr. Grygiel said that the Council has the power to consider the rezoning of the district but he stated that even with prior rezoning of the United Water property, rezoning would not have stopped the request for the use variance that is now in front of the zoning board. He gave several examples of different projects that could be put on the property and spoke about redevelopment and rehabilitation plans. There are strong legal provisions in courts of law given to municipalities to utilize specific concepts.

Mr. Grygiel's stated that his recommendation is to consider either rezoning the property or using a rehabilitation and redevelopment plan with affordable housing "set aside". A non-residential development plan would need strict limitations put on it in regards to setbacks, building heights, traffic, landscape buffers, as well as other regulations. It is not realistic to think that nothing should be done on the property. Affordable housing could easily be accommodated on this property. Flood issues need to be looked at closely, either by the borough engineer or other professionals. The borough engineer can also determine the reasonable amount of units that the property can sustain. At some point the Planning Board would need to get involved in the rezoning if the Council pursues that option.

Ms. Grant asked if it would be irrelevant for the Council to work toward rezoning the property if the application in front of the zoning board is approved. Mr. Grygiel agreed that any rezoning changes that the Mayor and Council approved would not be

enforceable, but if the application is not approved than the groundwork would be in place for rezoning. Also, even if the application is approved, the property owner could change his mind on the use for the property and work within the new proposed zoning restrictions.

Mr. Robalino asked if by using a redevelopment/rehabilitation plan, the borough could have more power to decide what the property is used for, should the property owner's application be denied and the case is taken to a higher court. Mr. Grygiel said that although the property does not meet all redevelopment plan criteria, if the borough came up with a fair plan they would have more power in a higher court.

Mayor Subrizi stated that her goal is to protect the borough going forward. She asked if the borough had approved the first proposed concept, which called for commercial and recreational use, could a future developer, proposing a new project, sue the municipality for not having addressed the affordable housing obligations. Mr. Grygiel said that the municipality needs to have a plan for their affordable housing obligation in order to avoid that potential situation.

A motion was made by Ms. Grant to open the public portion of the meeting to ask questions of the planner only. The motion was seconded by Mr. Colucci. All present in favor, none opposed.

John DeSantis, 190 Powell Drive – Mr. Powell asked if the report considered any grants to purchase the property? Mr. Grygiel said that buying the property with grant money was not a part of his report. Mr. DeSantis asked if, other than DEP flood maps were any flood reports used in the report. Mr. Grygiel stated no. Mr. DeSantis asked about the lack of clarity regarding the COAH rules and if the Mayor has spoken to legislators about the problems it is causing municipalities? Mayor Subrizi said that she has expressed her concern to legislators. Mr. DeSantis asked about the COAH restrictions on affordable units and the possibility of converting existing non-qualifying units into units that would satisfy the requirements. Mr. Grygiel stated the conversions of older units is allowable.

Ulises Cabrera, 659 Columbia Street – Mr. Cabrera asked Mr. Grygiel why he was hired by the Mayor and Council. Mr. Grygiel said that he was asked to prepare an analysis of the zoning of the property and to recommend potential rezoning as well as look at affordable housing issues. He stated that while he focused on the water company property for the zoning analysis, he took a broader look at the entire borough for the affordable housing issues. Mr. Cabrera asked how many years the borough been out of compliance with COAH. Mr. Grygiel stated that the borough submitted a plan in 2008 that complied with the regulations of that time. As of today there is a plan that has been submitted that is compliant. The plan includes two hundred units to be built on the water company property site. It was specified that the borough is compliant with the filing of the COAH plan, but not the number of units that are required. Mr. Cabrera asked if Mr. Grygiel has ever worked for Hekemian or any of its entities. Mr. Grygiel said only on the opposite side of the table of Hekemian in zoning applications. Mr. Cabrera asked if the property could be classified as open space if it is purchased by the borough. Mr. Grygiel

said yes, as long as the COAH obligations could be met elsewhere in the municipality. Mr. Cabrera asked if a current apartment complex updated units to meet COAH criteria would they be counted in the required number. Mr. Grygiel said yes, as long as COAH requirements are met.

Joann Prisendorf, 317 River Road - Ms. Prisendorf asked that if the two hundred new units are built in New Milford, and therefore New Milford's population increases, will the COAH requirements also go up. Mr. Grygiel said yes.

Thomasina Schwartz, 676 Cooper Avenue, Oradell - Ms. Schwartz asked if the applicant is asking for a D variance in a RA zone. She stated that it is an assumption that the present application will be approved and asked how the decision is made. Mr. Grygiel stated that there is a huge burden of proof on the applicant. Decisions are based on whether the property is particularly suitable for the proposed project, considered a hardship, or the use is inherently beneficial. Ms. Schwartz spoke about the need for the municipality not to be developers. Ms. Schwartz stated that she wanted to go on record that a question posed earlier was not answered completely to her satisfaction when the planner did not specifically mention that the water company property application in front of the zoning board is requesting a D use variance.

Betty Verdaga, 21 South William Street, Bergenfield - Ms. Verdaga said that she recently moved from New Milford. She said that when the report to COAH was filed in 2008, in her opinion, it was at that time the Council had made the plan to build over two hundred units on the water company property. Mayor Subrizi said that in 2008 the Master Plan was devised by the Planning Board and voted on with public opinion as prescribed by law. The designation of the property stated that it was underutilized. There were many options put in the report for the property. The Zoning Board applicant looked at the Master Plan when they began looking into the development of the property. Many other municipalities are in the same situation as New Milford regarding COAH rules. Ms. Verdaga asked if Mr. Grygiel knows if any towns that have been sued by developers over COAH requirements and was told yes and he gave several examples of nearby towns that lost COAH cases in court.

Casey Hittle, 544 Windsor Road - Ms. Hittle asked how the 2008 Planning Board intended to fund and build the two hundred unit complex that was suggested in their Master Plan. Mr. Madio stated that the proposed development was a realistic opportunity for the property. The Master Plan document is considered a long term vision for the borough and it was the vision of the 2008 Planning Board for the property in question to one day be developed and to include in the development the borough's COAH required units. If the units are not built on the United Water property, the borough will need to find another way to satisfy the COAH requirements. Mayor Subrizi said that it is not, and never has been the intention of the Mayor and Council to fund any COAH project with borough money. The borough is obligated to create the opportunity to provide affordable housing, not to fund the project.

Nick D'Amelio, 349 Trench Drive – Mr. D'Amelio said that the property could become contaminated again and that the river itself is contaminated. The history of how the property first became contaminated was discussed and how it has been remedied. Mr. Madio stated that the DEP has deemed the property clean and developable. Mr. Madio and Mayor Subrizi offered to look into what entity is monitoring the river's water quality levels.

Miriam Picket, 222 Baldwin Avenue – Ms. Picket asked Mr. Grygiel if the United Water property is an appropriate site for a supermarket of that size. Mr. Grygiel said that it is his opinion that commercial use is suitable for the property, but not necessarily a supermarket of that size. If the project is properly designed then the supermarket would be suitable. Mayor Subrizi suggested that Ms. Picket's questions should be presented to the Zoning Board. Mr. Grygiel said that his recommendations for the property include office, small scale retail, or large scale retail. Proper restrictions need to be in place no matter what project is approved. Imposed buffers and setbacks were discussed.

Betty Verdago, 21 South William Street, Bergenfield – Ms. Verdago asked how Planning Board members are selected. Mayor Subrizi explained the class designations of the Planning Board and who sits on the board. Ms. Verdago asked the Mayor to demand that the Planning Board create a new Master Plan. The Mayor stated that only the Fair Housing Element portion of the plan was done in 2008. In 2010 the Master Plan was reexamined. The New Milford COAH requirements were discussed. Ms. Verdago said that there are organizations willing to fund the purchase of all or most of the property. She stated that New Milford should consider buying the United Water property instead of considering spending three million dollars on the refurbishing of the football field. Mayor Subrizi said that the borough searched for funding to buy the United Water property.

At this time several people in the audience insisted that they knew people who would fund the purchase of the property. Mayor Subrizi said that she would like to meet with them and asked that they come see her.

Ms. Grant stated that there is a private sales agreement between United Water and Hekemian. The land is not available for purchase at this time.

Donna Hittle, 277 Boulevard – Ms. Hittle told Mr. Grygiel that she felt his report was fair. She asked how much influence the borough has over setbacks, buffers and aesthetic factors. Mr. Grygiel said that the Zoning Board will have limited ability to impose restrictions if the application is approved. If the project is not approved and the property is rezoned then the borough officials will have the authority to dictate many restrictions.

Michael Gadaleta, 270 Demarest – Mr. Gadaleta thanked the Mayor and Council for allowing the public to voice opinions and ask questions. He referenced an unofficial flood map that was created after Hurricane Floyd and its origins. The map was created by a planner. He said that no matter what project is proposed on the United Water site there will be water issues. He said that the borough should not ignore the planner's map.

Mayor Subrizi stated that the boundaries of the flood zones have changed since the last FEMA maps came out in 1988 and that the borough will be receiving new maps from FEMA. The new lines in the FEMA maps will be different than they are now but will not mirror the planner's map. It was stated for the record that Mr. Gadaleta was a member of the New Milford Planning Board until 2004.

Michael Putrino, 494 James Street – Mr. Putrino asked if the Mayor and Council spoke to Blue Acres regarding the property before it went into a private purchase contract. Mayor Subrizi confirmed that they were in contact with Green Acres, of which Blue Acres is a subsidiary, but their program was set up only for purchasing homes to be demolished in flood areas. Bergen County Open Space funding was limited to 1.2 million dollars in total to go for all applications received throughout the county. Mr. Putrino asked if the borough spoke to Bergen Swan or the Riverkeeper about the property. Mayor Subrizi said that the Riverkeeper could benefit from the sale of the property as he did on the Weehawken Reservoir property sale.

Frank DeBari, 120 River Road – Mr. DeBari, former Mayor of New Milford, clarified that in the 2008 Master Plan, the property being discussed was suggested to hold “up to” two hundred units, “up to” are key words. He asked the Mayor to go on record for a statement regarding the purchase of the property. He spoke about the potential football field referendum and stated that he felt that the borough could have found funding in the form of grants for the purchase of the United Water property. He said that Mayor Subrizi was not in favor of buying Carlton Place even though there was the potential of a Builder's Remedy lawsuit. Mayor Subrizi stated that she did not want to buy the Carlton Place property. The person who did purchase it spent 389 thousand dollars to buy it and the town had to repurchase the property from him for 1.285 million dollars plus interest due to the need to bond for purchasing funds. The borough received about 600 thousand dollars back. She said that a discussion is planned for the football field referendum after the United Water property discussion has concluded for the evening. She stated that she is not going to decide it; it will be decided by referendum. Mr. DeBari asked if a Right of First Refusal letter went out from the borough saying that we were not interested in the water company property. The Mayor said she did not know if there was ever a letter. Mr. DeBari asked how they would have known the Borough was not interested. Councilman Robalino stated no letter came in and therefore no letter went out.

Mr. Rutledge, 335 River Road – Mr. Rutledge asked if the Mayor and Council had discussed with Mr. Grygiel a viable alternative for the property. Mr. Grygiel said not as of this time. Mr. Rutledge asked if the Planning Board has discussed alternative plans for the property. Mayor Subrizi said not at this time. Mr. Rutledge spoke about the DEP letter regarding the property deeming that no further DEP action was needed. He asked about ground water requirements and Mr. Grygiel stated that the applicant would need to follow borough rules and the borough engineer's recommendations.

Peggy Saslow, 278 Ridge Street – Ms. Saslow asked if affordable property must be built on the United Water property. She was told no, housing must be addressed and the requirements satisfied, but not necessarily on that parcel. She asked if the State of NJ

looked at that property and found it undesirable/unbuildable would the town have to build any affordable housing in the Borough if there were no place to do it. He said the question deals more with the third round obligation – the growth share obligation. Hypothetically, if there was nowhere at all in New Milford to grow, then you would not have to provide housing; the prior round obligations would still exist but the growth share would not have to be addressed because, theoretically, there would be no place to put them.

John Rutledge, 335 River Road – Mr. Rutledge asked if COAH obligations are still transferable. Mr. Grygiel stated that the obligations are not transferable the way they once were.

Mr. Madaio asked Mr. Grygiel what the borough should do next and it was agreed that the topic will be continued either at a special meeting or the next scheduled meeting.

APPOINTMENTS: JACK CLARK – JR. FIRE DEPARTMENT

Councilman Dominic Colucci recommended and nominated Jack Clark to the Junior Fire Department, Mr. Robalino seconded the motion. All present in favor, none opposed.

OLD BUSINESS:

ADOPTION OF ORDINANCE 2012:12

BOND ORDINANCE TO AUTHORIZE THE IMPROVEMENT OF CENTER STREET (FROM BOULEVARD TO RIVER ROAD) IN, BY AND FOR THE BOROUGH OF NEW MILFORD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$183,000 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 Grant made a motion, seconded by Councilman Colucci to open the Public Hearing. All present in favor, none opposed.

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

A motion was made to close the Public Hearing by Councilwoman Grant, seconded by Councilman Colucci. All present in favor, none opposed.

A motion was made by Councilman Colucci, seconded by Councilman Robalino to adopt ORDINANCE 2010:12 on second and final hearing. The motion was passed in a roll call vote. All present in favor, none opposed.

NEW BUSINESS:

INTRODUCE ORDINANCE 2012:13

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 10-7 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD

ENTITLED "CERTIFICATE OF OCCUPANCY FOR RESALE OF HOMES" TO ENSURE PROPERTY DOES NOT HAVE ILLEGAL SUMP PUMPS OR ILLEGAL CONNECTIONS TO THE SANITARY SEWER SYSTEM

A motion was made by Council President Berner, seconded by Councilwoman Grant to introduce and approve this ordinance on its first reading. The motion was passed on a roll call vote. All present in favor, none opposed.

The ordinance will be published in the Record and a public hearing is scheduled for August 20, 2012.

RESOLUTIONS:

The Mayor announced that two resolutions have been added to the agenda, 2012:23, to authorize the hiring of two new police officers and 2012:24, a waiver for construction on Sundays for Bonim Builders through October 2012.

Discussion of Resolution 2012:222 Referendum for Middle School Field – Mayor Subrizi spoke about the possibility of putting a question on the November ballot to ask voters opinion on municipal funding of a turf field at the middle school. Information given to the Council included engineer's estimated cost, auditor cost of financing the project and a draft of the referendum language from the attorney. The Mayor read the question to the public as drafted.

"Assuming that necessary agreements with the board of education shall the borough of New Milford undertake the construction of a turf field and appurtenances for recreation use to be located at the David E Owens Middle School. To do so the borough would be required to issue a bond of approximately 2.6 million resulting in approximately 62 dollars in additional taxes annually every year for ten years for the average home base on current market and subject to fluctuations with the average home assessed at \$410,000. Approval of this non-binding measure will give the elected officials of the borough of NM the sentiment of the voters concerning the installation of a turf field at the David E. Owens Middle School."

Mayor Subrizi stated that the resolution to authorize the question for the November ballot will need to be voted on at this meeting in order for it to be sent to the county in time to be placed on the ballot.

Councilman Ashley questioned the discrepancy in the engineer's estimated cost and the auditor's estimated cost. The Mayor went over items that were included in the engineer's detailed estimate and stated that some items could be left off bringing it down closer to the auditor's estimate.

A motion was made by Councilman Colucci, seconded by Councilman Robalino to open to the public for discussion. All present in favor, none opposed.

George Adelung, 723 Berkley Street – Mr. Adelung asked that residents come out to vote. Mayor Subrizi stated that there will be wording in the referendum regarding the maximum amount of the cost of the project.

Michael Putrino, 494 James Street – Mr. Putrino asked if the borough's property reassessments will change the actual extra tax amount to be paid per household. He was advised the reassessment should be complete prior to the referendum and it does not apply until 2013.

Anna Leone, 505 Boulevard – Mrs. Leone asked if the referendum will state the per household cost within the question. She was told yes.

John Minko, 477 Marion Street – Mr. Minko stated that he did not think that the Council is prepared to vote on the resolution. He said that the poor condition of the varsity football field at the high school is a large reason why the middle school field referendum is being considered. He cited his opinions on why the varsity field is in poor condition. He spoke about the soil samples that were taken by the engineer. Mr. Minko asked if there is property in the borough that could be made into a viable field for less money. Mayor Subrizi stated that the borough is in need of additional field space for recreation programs. The field, if improved, would be shared by the Board of Education and the borough. Mr. Minko questioned the outcome of the traffic study. He was advised that a study has not yet been done.

Darlene Minko, 477 Marion Street – Ms. Minko stated that if more housing units are built on the United Water property then the 3 million dollars mentioned in the referendum will need to go back into the school due to overcrowding and the need to expand the classrooms.

Mary McElroy, 297 Greve Street – Ms. McElroy said that she is in favor of the field improvement. She asked if there will be an open meeting before the referendum is voted upon in November. She asked if there is a possibility that some of the money could be offset by finding grants. Mayor Subrizi said that open meetings, various studies and seeking out grant money will take place after the referendum is voted on.

George Adelung, 723 Berkley Street – Mr. Adelung said that the borough needs to put a realistic dollar amount on the project and put the question on the ballot.

John DeSantis, 190 Powell Drive – Mr. DeSantis stated that he is in favor of giving the residents a chance to vote on the project.

Frank DeBari, 120 River Road – Mr. DeBari stated that the correct estimate needs to be placed on the referendum. It is important that people know the amount of money the project is going to cost when they vote.

John Bigger, 325 Williams Street – Mr. Bigger said that the referendum only needs to say the dollar amount would not exceed three million dollars. He talked about the money and work that the borough puts into its own recreation fields to keep them in good shape.

Joseph Stancato, 506 Marion Street – Mr. Stancato said that he thinks that the referendum is being rushed through and the estimated amount of money attached to the cost of the field should be very accurate.

Mayor Subrizi requested that Resolution 2012:222 be taken off the Consent Agenda and voted on separately.

A motion was made by Councilman Berner, seconded by Councilwoman Grant to close the public discussion on Resolution 2012:222. All present in favor, none opposed.

COMMENTS FROM THE PUBLIC

A motion was made by Councilman Berner, seconded by Councilman Colucci to open the general public discussion. All present in favor, none opposed

Michael Putrino, 494 James Street – Mr. Putrino questioned resolution 2012:213 and the measures were being taken to address the report of audit. He was told that any problems that were addressed were being fixed.

Bill Maltinberg, 304 Madison Street – Mr. Maltinberg asked if the No Parking Recommendations would be discussed at this meeting and was told the topic was tabled until the next meeting.

Anna Leone, 505 Boulevard – Ms. Leone asked if the borough independently rechecks the DEP results regarding the contamination report on the United Water property. She was told that the borough does not reexamine or retest the DEP's results. Mrs. Leone asked if giving approvals to Bonim Builders will open the borough up to additional requests from residents. She was told that the waiver is based on religious reasons that the builder can not work on Saturdays.

John Rutledge, 335 River Road – Mr. Rutledge asked if SWAN had gotten in touch with the Mayor and Council in regards to acquiring the United Water property. He was told no, not to the Mayor and Council's knowledge. Mr. Rutledge asked if the borough had any dedicated public parks. Mayor and Council named several parks. Mr. Rutledge asked Council President Berner if the Riverkeepers offer of 1.5 million to go towards the purchase of the United Water property was ever discussed in Council meetings. Council President Berner said he spoke to other Council people about it and after many exhaustive meetings over months of what it would take to purchase this property 1.5 million dollars would not do it. Mr. Rutledge asked who the meetings were held with. Council President Berner said most were in closed session as acquisition of property falls within the exemptions of the Open Public Meeting Act.

Ulises Cabrera, 659 Columbia - Mr. Cabrera said that he spoke to the directors of SWAN and that they could come up with the funding to buy the United Water property if the borough designates the property as open space. He asked if the Riverkeeper ever came to the Mayor and Council with a financial offer. Mr. Cabrera was told that there was never a formal offer for financing.

John DeSantis, 190 Powell Drive – Mr. DeSantis said that SWAN will go to great lengths to fund the purchase of the United Water property if the property will remain open space. They would like the governing body to pass a resolution declaring the property as open space under the borough's ownership. Mayor Subrizi said that the borough could not designate the entire portion of the property as open space due to the COAH obligations.

Councilman Ashley announced that the Rent Leveling Board has been working on something for a long time and would like the topic to be put on the September Agenda.

RESOLUTIONS:

- 2012:207 Closed Session
- 2012:208 Payment of Bills and Vouchers
- 2012:209 Appoint P/T Violations Clerk – Jessica Conforti
- 2012:210 Approve Raffle License 2012:16 – PTO New Milford High School
- 2012:211 Authorize one (1) year extension to the contract with eRevival for the Collection and Recycling of Used Electronics
- 2012:212 Authorize acceptance of third one-year option with S. Rotondi & Sons, Inc. for Loading, Transportation and Disposal/Recycling of Leaves/Vegetative Waste
- 2012:213 Approve the Corrective Action Plan for the 2011 Municipal Audit
- 2012:214 Award 2012 Riverside Cooperative Road Improvement Program to Smith Soudy Asphalt Construction Company in the base amount of \$239,917.85
- 2012:215 Approve Extension of Premise Permit – Jersey Boys Grill – October 7, 2012
- 2012:216 Authorize application for 2013 Municipal Alliance Grant
- 2012:217 Authorize Indemnification of Police Chief
- 2012:218 Authorize Public Question for November 2012 General Election – Open Space
- 2012:219 Authorize Application to BCOS for Multi-Park Project – Babe Ruth Rehab and Kennedy Field Rehab – Final Phase
- 2012:220 Authorize Capital Alternatives to prepare and submit BCOS Application – Babe Ruth Rehab and Kennedy Field Rehab – Final Phase
- 2012:221 Approve Social Affairs Permit – New Milford-Teaneck Lodge #2290 BPOE for August 12, 2012
- 2012:222 Authorize Public Question for November 2012 General Election – Turf Field at DEO Middle School
- 2012:223 Authorize Chief to begin hiring process for two PTC Certified Officers
- 2012:224 Approve request to waive Ordinance 4-2.8 for a limited duration

VOTE ON RESOLUTIONS

The Administrator stated that she will look into getting a more accurate figure on the middle school field project. The Council agreed it would not be necessary to remove Resolution 2012:222 from the Consent Agenda for a separate vote.

Councilman Ashley asked to have 2012:221 removed from the Consent Agenda for a separate vote.

A motion was made to pass Resolution 2012:221 by Council President Berner, seconded by Councilwoman Grant. The motion passed on a roll call vote as follows:

For the Motion: Robalino, Colucci, Grant, Berner

Against the Motion: None

Abstain: Ashley

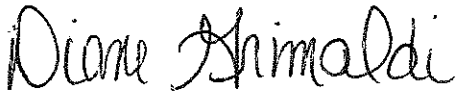
Councilman Ashley explained that he is an officer in the Elks Lodge #2290 and thereby needed to abstain from the vote.

Councilman Robalino made a motion to pass the Consent Agenda, resolution 2012:07 through 2012:220 and resolution 2012:222 through 2012:224, seconded by Councilman Colucci. All present in favor, none opposed.

ADJOURNMENT

Councilwoman Grant made a motion to adjourn. Councilman Colucci seconded the motion. All present in favor, none opposed. Time 11:31 PM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Diane Grimaldi".

Diane Grimaldi, RMC
Deputy Borough Clerk