
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: January 7, 2012
Time of Meeting: 2:50 P.M.
Minute Page No: Page 1 of 9

The Workshop Meeting of the West Milford Township Council was called to order by Mayor Bettina Bieri.

Adequate Notice Statement

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Workshop meeting was advertised in the Herald News in its issue of January 1, 2012 copies were provided to the Suburban Trends, the Record, Star Ledger, and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

Please also make note of all fire and emergency exits – located to the left, right, and rear of this room - for use in case of an emergency. Thank you.

Pledge of Allegiance

Mayor Bieri led all in attendance in a salute to the flag.

Roll Call

Present: Councilmembers Ada Erik, Joseph Smolinski, Michael Ramaglia,
Edward Rosone, Luciano Signorino, Carl Horton, Mayor Bettina Bieri.
Absent: None.
Also Present: Township Clerk Antoinette Battaglia, Township Attorney Frederick Semrau.

Agenda No. II

Reading of or Approval of Unapproved Minutes

Councilman Ramaglia moved to adopt the September 21, 2011 Regular Meeting as presented:

Moved: Ramaglia Seconded: Rosone
Voted Aye: Erik, Smolinski, Ramaglia, Rosone, Signorino, Horton.
Voted Nay: None.
Motion carried.

Agenda No. III

Meetings

Mayor Bieri noted the future meeting schedule:

January 18, 2012 Regular Meeting February 1, 2012 Workshop Meeting
February 22, 2012 Regular Meeting

Agenda No. IV

Presentations

None.

Agenda No. V

Proclamations

None.

Agenda No. VI

Unfinished Business Final Passage of Ordinances

None.

Agenda No. VII

Public Comments

Mayor Bieri opened the meeting to the public after advising that there is a five-minute limit for each speaker.

Bob Nicholson, 20 Hyde Road, West Milford congratulated Mayor Bieri and Councilwomen Horton & Erik. He said there is a code on the bottom of the revaluation letter that can be used online to determine what your 2012 taxes will be. If you enter that code on the website it takes you to your property. He recalled that Councilman Weisbecker talked about working with Vernon for shared snowplowing services. He said that Anderson Road is in need of paving and would be affected if not taken into consideration if there was a plowing agreement. There is always icing problems with that road and he hopes Vernon would be responsive. He is also opposed to the forestry legislation because it will affect the local economy. It would negatively impact our parks and woodlands. He questions the motives of bringing in private logging companies and he relayed his personal experience with such a venture.

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Marilyn Lichtenberg, 37 Hudson Drive, West Milford suggested that when residents see their revaluation sheet, even if they think it is right, go to the meeting and see your property card. If we ever invoke a CO ordinance upon resale there would be issues. This is done for safety and proper permitting.

Doris Aaronson, 19 Bearfort Road, West Milford distributed handouts about another bill that will be voted on by the State legislature. She asked them to vote "no" on S3156 and A4335 which will impact water quality. She offered the reasons and advised of the people she spoke with in various state offices with regard to this legislation. Despite the fact that our planner and engineer say it won't affect Highlands communities, various other officials from many environmental offices say that it will. The Council could vote to oppose this bill today. She suggested a simple resolution and read it. If our planner and engineer are right, then nothing is lost by approving such a simple resolution. However, if they are wrong it may be important that Council's opposition be on record. This is too much government.

Wayne Gottlieb, 20 So. Ridgefield Road, West Milford congratulated Mayor Bieri and the two new Council members. He said that he is speaking in his official capacity as vice chair of the BOE. On December 13th the BOE had workshop meeting with PCIA officials who made a presentation on solar panels. Hillcrest was discussed. The lease has now been executed and has a fifteen-month opt out provision. Locking the BOE into the solar panel contract would force the BOE to be responsible for costs. He understands that the BOE chair asked Administrator Boyle to have Hillcrest removed from the PCIA bid list. PCIA said the building could be withdrawn but it would be a breach of faith. The PCIA bid failed and the building is still on the list. The BOE chair sent him today to ask Council to formally have Hillcrest removed.

There being no more comments from the public Councilman Ramaglia moved to close the public portion of the meeting.

Moved: Ramaglia Seconded: Rosone
Voted Aye: Erik, Smolinski, Ramaglia, Rosone, Signorino, Horton.
Voted Nay: None.
Motion carried.

Agenda No. VIII

Council Comments

Mayor Bieri asked Mr. Semrau to address the Hillcrest issue. Mr. Semrau stated that at the last meeting Mr. Boyle indicated that there were no interested parties for that project. He will contact the PCIA to determine if they are moving forward. The Township did make a request to the BOE to have the panels installed in the parking lot to realize the approximate \$30,000 per annum savings. He will ask PCIA if Hillcrest is part of plans, and if so, the Township will seek a formal response from the BOE. Mayor Bieri asked the Township Clerk to look into the records for an email from PCIA saying there were no interested bidders. She recalls that the email said that the Township is no longer included. Mr. Semrau will reach out to PCIA.

Mr. Semrau stated that there will be a vote on January 9th on S3156. ANJEC is credible on environmental issues. He read the emails from Messrs. Ferriero & McGroarty. It has been said that this may overturn the Highlands Act. It may create concerns, but for West Milford it appears that it does not apply to preservation areas. The legislation is written in poor fashion as it relates to wastewater management plans. It is significant legislation. It won't result in an Eagle or Valley Ridge situation but it could cause concerns from planning perspectives. Council, he said, may want to watch the legislation and ask legislators not to take action until the meaning is clear. Council President Signorino stated that he would like to know more about this.

Councilwoman Horton made a motion for Fred Semrau Esq. to send a letter to legislators asking them to hold off on S3156 until there is clarity about its impact.

Moved: Horton Seconded: Signorino
Voted Aye: Erik, Smolinski, Ramaglia, Rosone, Signorino, Horton.
Voted Nay: None.
Motion carried.

Agenda No. IX

Discussion Items

1)	Transportation Committee - Mayor Bieri directed Council to a memo from the Director of Community Services & Recreation. He is of the opinion that there is no need to reestablish
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	<p>this committee. Councilman Smolinski synopsised the history of the need for this committee. He commended the committee for their work. He stated that the committee should continue but could reduce the meetings from quarterly to monthly. He does not agree that disbanding the committee is the right approach. Mayor Bieri asked for discussion at the next workshop.</p>
2)	<p>Council Liaisons to Newark – Councilman Smolinski stated that in the past there were hopes of working with Newark. Newark has one interest and that is taking money from West Milford. He applauds efforts made by prior Councilmembers to reach out but those efforts have not been effective. There was one meeting but it did not go anywhere. Newark, he said, sees West Milford as dollar signs. He does not think that Newark wants to partner with West Milford in any way. They even charge West Milford residents to use their property. That shows where they are coming from. He sees no need for the committee. Councilwoman Erik disagreed saying that she believes in keeping the door open. She suggested that we approach Newark and ask what they expect from us. In the past we have been demanding of them. We should negotiate with them and see what they want first. Councilman Ramaglia said that is not true. Former Councilman Jurkovic tried to seek partnership endeavors to have solar panels put on the water. The political climate did not support that initiative. More thought should be given to the approach. He believes that Councilman Smolinski is correct and on point. Councilman Smolinski stated that we can always form a subcommittee to deal with issues as they arise.</p>
3)	<p>Labor Attorney – the Council deferred this discussion to Executive Session as contract negotiations.</p>
4)	<p>Risk Manager - Mayor Bieri stated that another firm has expressed interest in this appointment and she is seeking Council direction. Council President Signorino stated he is very happy with Mr. Covelli even though he does not discount Mr. Vozza's efforts. Mr. Covelli, he said, deserves to be reappointed. Councilwoman Horton is inclined to go with Mr. Vozza based on his past history. She said that she would like to see him take back the reigns. Councilwoman Erik echoed that believing that he has excellent ideas. Councilman Smolinski stated that he supports Mr. Covelli noting that he brings forth new ideas. The new blood is an advantage to West Milford. Mr. Semrau noted that the fee is paid as a percentage based on the Township's premium. The consensus of the Council was to have an appointing resolution for Mr. Covelli at the next meeting.</p>
5)	<p>Interlocal Agreement Ogdensburg – CFO – Mayor Bieri noted that we are working on details and extending this contract on a month to month basis until we renegotiate. She personally does not feel that the monetary value covers our costs and would like to determine how to proceed. She is waiting for direction from the CFO.</p>
6)	<p>Interlocal Agreement Bloomingdale – Registrar – Mayor Bieri stated that we are also working on a month to month basis with this contract expecting some changes this year.</p>
7)	<p>Ordinance: Amend §15-49 of the Township Code - Mayor Bieri stated that this has been ongoing for about a year. In the past the issues have become confused. Officer Nevin has been working out of title. Past councils did not take action to allow for additional sergeants and therefore a desk audit was called for. Labor counsel and the Township attorney both recommend changing the code to reduce captains by one, lieutenants by one, and increase sergeants by one. There would be an annual savings and these changes would be in accord with recommendations from the Chief, the former Administrator, labor counsel and Township counsel. Mr. Semrau stated that this recommendation is following the outcome of a DOP audit. Labor counsel is seeking an extension to March 1st to allow for introduction and adoption of the ordinance. Mayor Bieri stated that these changes reduce the number of higher ranking officers. Councilman Smolinski stated that the Council put this off awaiting feedback from legal counsel about contractual matters. He said that he has no problem with this. Mr. Semrau stated that he spoke with labor counsel who recommends this amendment. Councilman Smolinski stated that he is shocked that we are talking about personnel matters in this public forum. He assumes that Officer Nevin will be put in the Sergeant position. Mr. Semrau noted that the civil service ruling is a public document. The Council gave consensus to proceed to introduction.</p>
8)	<p>Resolution: Opposing Forest Harvest on State Lands (A4358) – the Council gave consensus to proceed.</p>

Agenda No. X

Action Items

The Township Council took action on the following items:

Agenda No. X 1

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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY OPPOSING S-1954 AND A4358 ESTABLISHING COMMERCIAL LOGGING UNDER "FOREST HARVEST PROGRAM ON STATE OWNED LANDS"

WHEREAS, State Legislators are considering a bill that would open New Jersey's prized State owned land to commercial logging, (S-1954 and A-4358), Forest Harvest Program on State Owned Lands; and

WHEREAS, New Jersey's State lands, including its parks, wildlife management areas and forested Green Acres Lands have been set aside for conversation and recreation purposes; and

WHEREAS, these forested State lands were paid for and preserved with the support of a trusting public which assumed they would be protected from commercial exploitation; and

WHEREAS, the towering hardwood trees growing in our State parks and forests contribute a far greater ecological and recreational value to the citizens of the State than they would if they were to be cut and sold as commercial lumber; and

WHEREAS, according to information provided by the DEP, at the end of the five year contract for the proposed Forest Harvest Program, a \$2.7 million net operating deficit is projected due to the high cost of oversight; and

WHEREAS, commercial logging is likely to cause damage to roads, streams, and drainage swales in State lands that will cost money to restore and cause soil compaction and disturbance of the fragile ecosystem on the forest floor that will be impossible to restore; and

WHEREAS, 37 PhD biologists, forest scientists, and ecologists from across the State have signed onto a letter in opposition to this Bill, agreeing that commercial timber harvesting would be detrimental to the public forests; and

WHEREAS, this Bill does not properly address the most serious threat to today's forests; that common hardwood species such as oaks, hickory, poplar and birch among others, are not regenerating due to high deer densities; and

WHEREAS, because of high deer densities, openings in the forest canopy, occurring as a result of timber harvesting, are colonized not by young hardwood trees, but by noxious weeds, typically vines, briars, and invasive plants from Asia; and

WHEREAS, opening State lands to commercial logging would be detrimental to the flora and fauna, including the threatened and endangered species, that presently inhabit these lands;

NOW THEREFORE BE IT RESOLVED, that the Township of West Milford hereby finds and declares that the commercial exploitation of public lands that have been set aside for conservation and recreation purposes is a betrayal of the public trust; and

BE IT FURTHER RESOLVED, that the Township of West Milford urges the legislators of the State of New Jersey to vote NO to S-1954 and A-4358 Forest Harvest on State Lands.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Senator Bob Smith, the primary sponsor of S-1954, the members of the Senate Environment & Energy Committee, Senator Joseph Pennachio, Assemblyman Alex DeCroce, Assemblyman Jay Webber; Governor Chris Christie; and the New Jersey State League of Municipalities.

Adopted: January 7, 2012

Discussion: Councilman Smolinski stated that this shows that anyone can come in and rip through our lands and the Township cannot even cut a tree to build a ball field. This is an injustice. We have no say about what is done to our own land. He supports this resolution and has seen what loggers do. It is a revenue generator for the State of New Jersey. Councilwoman Horton stated that research shows that over a five year period such logging initiative resulted in an almost \$3 million lost to the state. She is opposed to this legislation

Moved: Erik Seconded: Horton
Voted Aye: Erik, Smolinski, Ramaglia, Rosone, Signorino, Horton.
Voted Nay: None.
Motion carried.

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Agenda No. X 2

~ Resolution No. 2012- 048 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY SEEKING ANY LEGAL MEANS TO HAVE A RECEIVER APPOINTED TO MANAGE THE OPERATIONS OF THE WEST MILFORD MUNICIPAL UTILITIES AUTHORITY (WMMUA)

TABLED TO EITHER FEBRUARY OR MARCH WORKSHOP MEETING

Discussion: Councilman Smolinski stated he will not oppose this resolution, in a sense. We had a proposition before election day by the WVRSA. It would be appropriate to reach out to them, he said. They reached out to the MUA. They have a seventeen member staff licensed to operate wastewater facilities. Some day we may need to recall our membership. Now we should reach out to them. They may take over the MUA at little cost. The discussion should be if Council wishes to get involved. At the meeting with Senator Pennachio there was discussion about MUA debt service. There was discussion about a possible sale. The debt was an obstacle. The Township, he said, would have to take that debt in order to sell and that is not fair. If the WVRSA took over, that may not be the case. It is worth exploring. He would like to look into that first. Mayor Bieri noted that appointing a receiver would not impact the debt in any way. It would simply put the management into other hands. WVRSA did not send a proposal. One member came forward at a Council and made comments. Councilman Smolinski stated that he does not want to assume any entity's financial obligations. He will support putting someone in there with required training, licensing and qualifications. But the terminology in the resolution is frightening. He objects to the language "to seek any legal means". Mayor Bieri stated that if Council will entertain this resolution she will defer to Mr. Semrau to refine the language to protect the Township. Councilwoman Horton stated that she also wants to ensure that those not responsible for MUA debt and are not held liable. We need to move forward with this to protect the users. Councilwoman Erik asked who is responsible if the MUA fails. Mr. Semrau stated that the responsibility would fall on the users of the system. He stated that the MUA, according to their own auditor, is an autonomous entity. They are ultimately responsible for the debt although if there was a crisis they may approach the governing body for assistance. But legally there is no affirmative responsibility with the Township. Councilwoman Erik asked why the Council appoints commissioners to the MUA. Mr. Semrau reviewed the statute and how it works comparing the process to that of the Zoning Board which is autonomous despite the appointment process. Councilwoman Erik stated that she spoke with some WVRSA people and they brought up these points. They would be happy to receive the MUA if West Milford guarantees the \$11 million. Councilman Smolinski stated that he got the same feedback. He said that 1,700 users cannot guarantee that debt so the Township would have to assume some responsibility. That would not be favorable to the Township. There is a lot to think about. Something has to be done. Mayor Bieri stated that she appreciates that we are finally having a civil conversation. This started in May and has not subsided since then. She is committed to making change and agrees that research is necessary. We cannot let this continue to fester nor can we continue to ignore it. It would be wrong for this governing body to continue to be inactive. If more research is necessary that is fine. Receivership is one possible avenue but not necessarily the only option.

Councilman Ramaglia stated that the Council can pass resolutions but the MUA does not have to accept the suggestions. We have not heard from them. They should continue to look at options. The Council should be kept apprised of their progress. Mr. Semrau stated that there are a couple of things; this resolution asks for DCA intervention to direct the DEP to be proactive. Councilman Smolinski stated that the message that the Council wants to send to the MUA is that we want them to take action on this. They should know that the Council wants them to address this issue quickly and effectively. Councilman Rosone stated that a subcommittee was formed months ago and he suggested that it be reformed and its members meet with MUA commissioners and report back to Council. Mayor Bieri disagreed adding that this was never about politics. It is about residents. It is not about sitting with MUA commissioners. They have had over 20 years to prove themselves and they have failed. The management must be put in capable hands. They continuously say they are frustrated and yet they continue to ignore the DEP. It is not about talking with existing commissioners. Councilman Rosone stated that prior to this there was only one meeting with the subcommittee. That was politically driven. We now need to work together. We need to keep moving forward to find solutions. We should continue with the subcommittee. Councilman Smolinski said that he thought Mr. Semrau would redraft another resolution. Mr. Semrau advised that he needs direction. Will there be a subcommittee or should he revamp the resolution? Councilman Ramaglia agreed that we need to form a subcommittee. Councilwoman Erik stated that government has stood still too long. We should show the MUA that there is a solution. She recommends having the attorney tweak the resolution and move forward. Councilman Ramaglia disagreed stating that the committee members need to sit down and do due diligence. Mayor Bieri asked for definitive direction. Should Mr. Semrau work on the resolution and other options to ensure there is no liability. Councilman Rosone stated that if there is agreement for a subcommittee he would like Council President Signorino on

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it with Mayor Bieri and Councilman Smolinski. Mr. Semrau should draft a resolution with the committee and bring it back at the next workshop for discussion. Council President Signorino agreed stating that in good faith some things have changed that would warrant another try. Mr. Semrau suggested that he amend the resolution and provide a memo to the full Council. There appears to be diverse differences as to how to handle this.

Motion to table to February or March Workshop Meeting

Moved: Erik Seconded: Horton
 Voted Aye: Erik, Smolinski, Ramaglia, Rosone, Signorino, Horton.
 Voted Nay: None.
 Motion carried.

Approval of Expenditures

Agenda No. XI

~ Resolution No. 2012- 049 ~

RESOLUTION APPROVING THE PAYMENT OF BILLS

WHEREAS, the Township Treasurer has submitted to the members of the Township Council a report listing individual disbursement checks prepared by his office in payment of amounts due by the Township.

NOW, THEREFORE, BE IT RESOLVED that the Township Treasurer's report of checks prepared by him be approved and issued as follows:

Acct #	Account Name	Amount
1	Current Account.	\$447,774.03
2	Reserve Account	68.00
3	Animal Control Trust	6,905.75
6	Capital.	38,136.54
7	Grants.	26,497.20
8	Refuse.	159,061.48
9	Refunds.	15.00
12	General Ledger.	0.00
16	Heritage Trust.	0.00
14	Open Space Trust	0.00
17	Trust	2,034.74
18	Development Escrow.	6,158.25
19	COAH	0.00
20	Special Reserve	0.00
Total		\$686,650.99
Less Refund Resolution		-15.00
Actual Bill List		\$686,635.99
Other Pyts Ck #48013 US Postmaster		1,630.30
Total Expenditures		\$688,266.29

Approved: January 7, 2012

Moved: Ramaglia Seconded: Rosone
 Voted Aye: Erik, Smolinski, Ramaglia, Rosone, Signorino, Horton.
 Voted Nay: None.
 Recuse: Smolinski recused 48101 only.
 Motion carried.

Agenda No. XII

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Reports of Mayor, Administrator, Council Members, Attorney and Clerk

Councilwoman Erik thanked every resident of West Milford for living here. She thanked every person who has ever volunteered in this town and every person ever elected to office in this town. It is a great town. She stated that her friends drove her nuts this week wondering what she would wear to her first Council meeting but she will remain true to her persona. She encouraged participation.

Councilman Smolinski congratulated the election winners stating that he looks forward to working with everyone. He expressed hopes for productive meetings.

Councilman Ramaglia wished everyone a Happy New Year.

Councilman Rosone wished everyone a Happy New Year. He congratulated Councilwomen Horton & Erik as well as Mayor Bieri. He stated that he looks forward to working with each of them. He conveyed congratulations to Council President Signorino and all those reappointed to various boards, committees and commissions. He asked the Mayor to look into repairing the major pothole at the intersection of Morsetown & Marshall Hill.

Council President Signorino congratulated Mayor Bieri and Councilwomen Horton & Erik. He said he looks forward to working with each of them and doing good. He thanked the Council for entrusting him with the position of Council President and he thanked those volunteers who sought reappointment to boards. He asked if he can get consensus to repeal the lakes ordinances. He stated that this legislation treats certain residents different from others. Councilman Smolinski opined that the subject was beaten to death. There was a severe reduction to the ordinance. He favors it the way it is. He does not favor repealing this legislation. Councilman Ramaglia would like the homeowners to have sufficient notification of any discussion and stated that no amendments should be proposed without first getting input from the Lakes Committee. The Council gave consensus to schedule this topic for the March or April workshop and to have the Lakes Committee weigh in by that time.

Councilwoman Horton stated that she is thrilled to serve on the Council. She thanked everyone who participated in the election process. Less than 100 years ago women were fighting for the right to vote. Now, three women are serving on this local governing body. She relayed an anecdote and added that she will work with everyone regardless of gender. She is eager to do the best job possible for West Milford.

Mayor Bieri wished everyone a healthy, happy & safe new year. She thanked everyone, residents and staff for their work and feedback. During her election bid, her prayers were that the people's will be heard and that the outcome proves to be best for West Milford. She is looking forward to a new cooperative spirit in local government. She noted that we received an award for a CDBG grant for the sidewalk on Lincoln Hill which totals almost \$300,000. Councilman Ramaglia stated that he would like to have a public meeting with the landowners on that stretch. He wants to hear their comments and input and would like that scheduled sooner rather than later. Discussion ensued about setting up such a meeting and the appropriate time for same. Councilman Ramaglia stated that he would like to see full Council participation with officials from Passaic County present. He would like a roundtable discussion in an informal environment. Mayor Bieri stated that she will work with administration, county and staff to coordinate that.

Mayor Bieri advised that she received acknowledgement from the state legislators for former Councilmembers Weisbecker & Jurkovic recognizing their services. She will have them sent on. There were a few things she withheld from the reorganization meeting agenda including appointing the tax appeals appraiser Scott Holzhauer pending submittal of proper paperwork. She did not reappoint public defenders. She would like to seek local interest before making a decision. In the meantime the existing public defenders are holdovers so the court is not affected. She is pleased to announce that she has been very busy trying to fill vacancies most importantly the Administrator's position. She has been performing extensive work for past six weeks. She has been thorough in her research choosing a different approach. The last search took too long and was limited to applicants who were jobless. She sought individuals who are gainfully & satisfactorily employed with qualifications and outstanding reputations. She also sought someone who is independent. She is excited to say she found an individual. She would like to add to the executive session agenda further discussion of this matter under personnel.

Mr. Semrau thanked the Mayor & Council & residents for the opportunity to serve again this year. He congratulated Councilwomen Horton & Erik stating that he looks forward to working with them. He advised that the Township has made a claim for coverage for Banker Road. The library and construction will be dealt with this year. Code book revisions are an administrative priority. His office is handling Upper Greenwood Lake v. West Milford litigation and today in executive session he plans to discuss a settlement proposal.

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Councilman Smolinski stated that he had asked for discussion about labor negotiations. Mr. Semrau stated that the labor attorney may need to provide updates especially for new Council members.

Agenda No. XIII

Appointments and Resignations

None.

Agenda No. XIV

Executive Session

~ Resolution No. 2012- 050 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 7th day of January, 2012 that:

1. Prior to the conclusion of this **Workshop Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.
 - () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - Upper Greenwood Lake POA v. West Milford.
 - Labor Attorney Contracts
 - (X) b. (8) Personnel matters.
 - Township Administrator.
 - () b. (9) Deliberations after a public hearing that may result in penalties.
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: January 7, 2012

Moved: Ramaglia Seconded: Rosone
Voted Aye: Erik, Smolinski, Ramaglia, Rosone, Signorino, Horton.
Voted Nay: None.
Motion carried.

The Council convened in executive session at 4:45 p.m.
The Council returned to the public meeting at 6:25 p.m. with all present as before.

The Council took action on Resolution 2012-034 that was tabled from the Organization Meeting to be acted upon after the Executive Session at the end of the Workshop Meeting.

~ Resolution No. 2012- 034 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT FOR THE POSITION OF SPECIAL LABOR COUNSEL TO PROVIDE LEGAL SERVICES ON OUTSTANDING LABOR MATTERS FROM 2010 AND PRIOR YEARS AND OPRA MATTERS IN AN AMOUNT NOT TO EXCEED \$22,000 AND \$3,000 FOR LABOR COUNSEL BRIAN GIBLIN

WHEREAS, the Township of West Milford has a need to appoint Special Labor Counsel as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5 as appropriate*; and

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WHEREAS, the Township of West Milford has a need to appoint Special Labor Counsel to assist in outstanding labor matters from 2010 and prior years and matters pertaining to OPRA; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et. seq.) requires that the Resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, David F. Corrigan, Esq. has submitted a Business Entity Disclosure Certification which certifies that his firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit the firm of David F. Corrigan, LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds said funds to be encumbered from account # 2-01-20-155-502 for services rendered as the Special Labor Counsel and for services rendered in conjunction with the above referenced legal matters; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey as follows:

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with David F. Corrigan, Esq. of the firm David F. Corrigan, LLC, with offices located at 54-B West Front St., Keyport, New Jersey 07735 to serve as Special Labor Counsel and to work with the Township Administrator on labor matters from 2010 and prior years and OPRA matters on behalf of the Township at a rate of \$125 per hour and in an amount not to exceed \$22,000.00.
2. The total fee authorized for this contract shall not exceed \$22,000.00 without the prior written approval of the Township Council.
3. Notice of this action shall be published once in the Township's official newspaper as required by law.
4. The Township Council further authorizes \$3,000 appropriated for labor counsel Brian Giblin to provide preliminary services with regard to labor negotiations.

Adopted: January 7, 2012

Moved: Erik Seconded: Horton
Voted Aye: Erik, Smolinski, Ramaglia, Rosone, Signorino, Horton.
Voted Nay: None.
Motion carried.

Agenda No. XV

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 6:30 p.m.

Moved: Erik Seconded: Smolinski
Voted Aye: Erik, Smolinski, Ramaglia, Rosone, Signorino, Horton.
Voted Nay: None.
Motion carried.

Approved: April 18, 2012

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK