
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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that the proposed fees are comparable to surrounding communities and the proposed ordinance has the added benefit of addressing zoning and health issues.

Council President Smolinski questioned how this ordinance would be applied in an “as-is” real estate transaction. Mr. Ligus advised that he has been working with the Township attorney to address such situations. While further modifications may be necessary, at this time it is proposed that provisions will be made for temporary certificates of occupancy to be issued, escrow accounts to be established and, if the requisite repairs are not completed as agreed upon the temporary certificate of occupancy would be revoked. Councilman Nolan asked if the provisions associated with section 100-14 would apply to shelters to which Mr. Ligus replied that it would not because facilities of that nature have annual state and local inspections which would supersede this local legislation.

Mr. Svrcek advised Council that this ordinance is not intended to replace or substitute for regular generally sought by a prospective homebuyer in the transfer of real estate; Township officials are not home inspectors. Discussion ensued as to timelines wherein the inspections can be scheduled and the related proposed costs. Mr. Ligus noted that this process will be interfaced with the software being authorized by resolution later in the evening which will also assist in streamlining the process as well as providing for accurate interdepartmental records.

Agenda No. V

Proclamations

None.

Agenda No. VI

Public Comments

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

Doris Aaronson, 19 Bearfort Road, West Milford asked residents to participate in the survey being circulated on behalf of the cable television committee. Responses thus far indicate that viewers find the Council meetings boring and she asked the Council to make a concerted effort to make the meetings more interesting. She suggested a “thumbs up” section for each meeting wherein Council members take turns to acknowledge positives from within the community.

Jim Novack, Larchmont Drive, West Milford expressed hope that the proposed certificate of habitability ordinance will be adopted and that it will result in local business complying with ADA regulations. He stated that there is a prevailing issue in West Milford wherein many local businesses utilize handicapped parking spots for accumulated snow when their parking lots are plowed. He stated that Vernon Township has such an ordinance and relayed an anecdote about his positive personal experience in that municipality. He supports this legislation in West Milford. He stated that there is too much grit on the roadways making traction difficult.

Michele Brijbag Blundetto, 40 Orleans Lane, Hewitt gave a “thumbs up” to the Mayor & Council for scheduling a joint meeting with the Board of Education (BOE) despite the fact that the BOE did not approve a meeting with a committee of the Council. This action shows that the Council is willing to work as a team with the BOE to find a solution to the issues associated with Hillcrest.

Tara Donohue, 98 Riverside Road, Hewitt requested that the Council reconfigure the agenda for the joint meeting with the BOE to allow public comments prior to any executive session discussion. She encouraged Council members to vote on behalf of the taxpayers and asked them not to be swayed by personal opinions or personal agendas. The taxpayers are asking for an investment into the Hillcrest building.

Andrew Gargano, 40 Apshawa Crossroads, West Milford stated that the public can view the last joint meeting with the BOE and Council on www.municipaltv.tv.

Ada Erik, Macopin Road, West Milford thanked the DPW and the Police Department for their efforts during the most recent storm. She asked the Council not to lose sight of the fact that the taxpayers own Hillcrest.

There being no more comments from the public Mayor Bieri moved to close the public portion of the meeting.

Moved: Nolan Seconded: Weisbecker
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.
Voted Nay: None.
Motion carried.

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Agenda No. VII

Council Comments

Councilman Weisbecker stated that both he and Council President Smolinski thanked DPW and all emergency services for their efforts during the ice storm in Upper Greenwood Lake.

Councilman Nolan noted that the video quality on cable television was extraordinarily poor during the airing of the last Council meeting. He stated that it is not reasonable to expect fruitful negotiations of any contract in a public forum and favors the establishment of a committee to broker a solution with the BOE. If that is not feasible, he fully supports hiring an arbitrator and he would abide by the findings of such a person.

Councilman Jurkovic agreed with Ms. Erik noting that the Council should devote some time to focusing on the good in this community. He agreed that the COH ordinance should address ADA issues. He agrees with Councilman Nolan about negotiating contracts in a public forum. However, he asserted that the Council will do everything possible to work toward a solution with the BOE.

Councilwoman Lichtenberg stated that had the COH been enacted four years ago, the Township would have generated over \$300,000 in revenue.

Council President Smolinski stated that he submitted questions to the Administrator on the teen center after the last meeting but has not received a response as yet. Administrator Boyle stated that he received all the necessary data today, he will review it and send it out to Council.

Mayor Bieri expressed frustration with the delay caused by the BOE's unwillingness to allow her and the Board President to meet to discuss Hillcrest. She committed to working diligently with the Council and the BOE to reach a workable and amicable solution with the interest of the residents foremost on the agenda.

Agenda No. VIII

Discussion Items

1)	West Milford's 175 th anniversary – Mr. Boyle advised that he met with the Chairperson of the Committee, Lorraine Kirwan, this morning. The Committee is seeking input from the Council with the list of proposed events throughout the year and they are asking for Council approval for the sign. Councilwoman Lichtenberg stated that she attended the meeting of the committee and they are seeking volunteers. There will be a parade and a picnic on September 13 th and a number of events throughout the year. The Heritage Committee will host a dinner dance on November 7 th in honor of the 175 th anniversary. West Milford will host the senior olympics this year which is also their 20 th anniversary. The Council discussed the proposed 175 th events and related issues such as traffic control, potential business concerns and sponsors. Councilman Jurkovic commended all the volunteers working on this event and noted that these are the same people who work on ALF year after year. The Council gave unanimous consent for the committee to move forward with the proposed events. The Council discussed the signs and banners and their possible locations throughout the municipality.
2)	Ordinance – Background Checks for Employees – Administrator Boyle reminded Council that they introduced the background check ordinance for volunteer organizations at the last meeting. There are two other background check ordinances on the tickler list and he is seeking Council direction as to how they would like to proceed. Councilman Nolan stated that, in his opinion, all employees who work with seniors and children should be subject to a background check but enacting such legislation for youth-clientele based businesses equates to unnecessary bureaucratic oversight. Mr. Boyle stated that he will begin contract negotiations with various labor groups in April and can address any related issues during that process. Councilwoman Lichtenberg stated that elected officials should be subjected to this process also and Council President Smolinski stated that new hires should be compelled to pay for their own background check as a condition of employment.
3)	Ordinance – Acceptance of Laurel Hollow Road as a Township road – Mr. Boyle stated that the request to have this road accepted has been distributed to various departments and no objections have been stated. Mr. Semrau reviewed the process for such acceptance and advised that Mr. Scala has satisfactorily met all the requisite conditions. Councilman Nolan requested a report on all non-accepted roads being plowed by the Township.
4)	Request from Lakes Committee seeking Permanent Status – Councilman Weisbecker stated that this committee is comprised of members who are very committed and dedicated to all issues affecting lakes in our community. Additionally, he stated, these lake communities constitute some of the most significant ratables in West Milford. He supports the request to have this committee having permanent status. Councilman Nolan recommended that the Heritage Committee also be made a permanent body. The Council gave consensus to have the Administrator seek input from both committees as to permanent status, potential structure, terms, qualifications of appointees and the mission of the respective committees. Councilman Jurkovic stated that he approves of the current practice wherein each lake community

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	appoints a representative to the committee rather than the governing body assuming that role on their behalf. In response to Councilwoman Lichtenberg's query, Mr. Semrau advised that she is not conflicted on this discussion by virtue of her residency in a lake community.
5)	Shared Services Agreement with Ringwood (Construction Official) – Administrator Boyle advised the Council that Ringwood and West Milford have fostered a mutually beneficial working relationship regarding construction matters and he would like this formalized by virtue of a shared services agreement. The Council gave him consensus to proceed.
6)	Library Funding Resolution – Mr. Boyle advised the Council that the State of New Jersey has proposed legislation wherein the formula used to fund public libraries would be revamped thus reducing the appropriations to the libraries. The West Milford library has requested that the Council oppose such legislation and send a resolution to the legislature opposing the proposed legislation and requesting that funding remain the same. Mayor Bieri reviewed the current funding formula and the services the library offers the community. She advised that these services cost the average taxpayer \$33 per \$100,000 of assessed value. Councilman Jurkovic acknowledged the hard work done by library staff and volunteers but stated that there is a fiscal crisis in America and all factions in this economy must make cuts. He asked that the library provide more information about their fiscal policies specifically what saving measures they plan to implement. He stated that the State is not proposing cutting library funding but rather they are proposing reducing the funding. Council discussed the state mandates that dictate the funding which is provided through local property taxes. The Council requested that the library director be asked to provide detailed information to the Council in this budget process. The consensus of the Council is that no resolution shall be drafted until after the current budget cycle.
7)	Planning Board Charter and By-laws – Council President Smolinski asked that this discussion be deferred. Councilman Nolan noted that there is a conflict between local ordinances and the State statute governing the Planning Board and, as such, State statute prevails. He opined that this matter should be addressed. Council President Smolinski stated that he is not ready to discuss this matter at this time.
8)	Tax Search Officer – Mr. Boyle stated that the State requires the appointment of a tax search officer. He proposed appointing the Tax Collector to this title with no additional compensation. The Council gave consensus to proceed.
9)	Sale of Property in Pinecrest – Mr. Boyle advised that he recently received a request to purchase a piece of Township-owned property in Pinecrest and noted that the Township owns quite a bit of property in that area. Councilman Weisbecker recalled that it has been the consistent consensus of multiple Councils since the 1980s that these properties would be banked although he could not readily recall the exact reasons. He cautioned the Council about proceeding with sales in this area without fully understanding the past decisions. Council gave direction to the Administrator instructing him to ascertain the reason the properties were banked.
10)	Establish Dedication by Rider Accounts for Summer Day Camp Scholarship Fund and Indigent Trust Fund – Mr. Boyle directed the Council to a request from the CFO for the establishment of these funds. He reminded Council that they had previously instructed that no trust accounts are to be established without Council approval. Councilman Nolan expressed concern about establishing such accounts without having parameters as to the base amount needed and policies governing the distribution of the funds. He noted that there is a significant amount of administration when such accounts are established. Council agreed and instructed that standards and guidelines be approved prior to the funds being established.
11)	Ice Control Aggregates and Rock Salt Change Orders – Council questioned the ratio of salt and grits used on Township roads. They asked if the roads can be swept due to the amount of grits from this past winter season. The Council gave consensus to proceed with the resolution.

Agenda No. IX

Action Items

The Township Council took action on the following items:

Agenda No. IX 1

~ Resolution No. 2009- 045~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING EXECUTION OF AN AGREEMENT WITH SUSANNE PAPPAS AS CARETAKER FOR WESTBROOK PARK

TABLED TO FEBRUARY 11, 2009 COUNCIL REGULAR MEETING

Discussion: Mr. Boyle advised that he received a request from Ms. Pappas seeking additional time for attorney review of this contract.

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Motion to table Resolution 2009-045 to February 11, 2009 Regular Council Meeting.

Moved: Weisbecker Seconded: Schimmenti
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.
Voted Nay: None.
Motion carried.

Agenda No. IX 2

~ Resolution No. 2009- 088 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF PROPRIETARY HARDWARE AND SOFTWARE WITH MODULES FOR BUILDING, PLANNING, ZONING LAND USE, ENGINEERING, HEALTH AND ASSESSOR DEPARTMENTS

WHEREAS, the Governing Body of the Township of West Milford County of Passaic, State of New Jersey has made funds available for the purchase of hardware and software for various departments to allow for compliance with state regulatory guidelines and improved services to the residents of the Township; and

WHEREAS, a purchase order shall be executed for this purchase in accordance with the Township's policy; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for same, said funds to be encumbered from account number C-04-07-947-201.

NOW THEREFORE, BE IT RESOLVED that the Township does hereby authorize the Township Administrator, Network Administrator and the Chief Financial Officer to execute and process a purchase with Spatial Data Logic in an amount not to exceed \$48,800 for Geologic software with modules for Building, Planning, Zoning, Land Use, Engineering, Health, and Assessor departments.

Adopted: February 4, 2009

Moved: Weisbecker Seconded: Lichtenberg
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.
Voted Nay: None.
Motion carried.

Agenda No. IX 3

~ Resolution No. 2009- 089 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PERSON TO PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-001-006 FROM LONGSTAFFS OAK RIDGE PUB & LIQUORS, LLC LOCATED AT 62 OAK RIDGE ROAD, NEWFOUNDLAND, NEW JERSEY TO HONKY'S OAK RIDGE PUB & LIQUORS, LLC FOR PREMISES AT THE SAME LOCATION

WHEREAS, an application has been received for a Person to Person transfer of 2008 - 2009 Plenary Retail Consumption License No. 1615-33-001-006 presently held by Longstaffs Oak Ridge Pub & Liquors, LLC located at 62 Oak Ridge Road, Newfoundland, New Jersey to Oak Ridge Pub & Liquors, LLC for Premises At The Same Location; and

WHEREAS, the Township Council has conducted a public investigation of the applicant as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control dated April 14, 1980, and

WHEREAS, as a result of that investigation the Township Council has determined the following:

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all financing obtained in the previous license year (July 1, 2007 - June 30, 2008).

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WHEREAS, as a further result of the public investigation and upon the recommendation of the Police Department the Township Council authorizes the license be transferred with current condition as follows:

1. Licensee must prevent liquor from being consumed in the fenced-in side yard which is not included in the licensed premises.

NOW, THEREFORE, BE IT RESOLVED that the application is hereby approved and the Township Clerk is authorized to endorse the transfer on the license and issue same.

Adopted: February 4, 2009

Moved: Weisbecker Seconded: Lichtenberg
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.
Voted Nay: None.
Motion carried.

Agenda No. X

Approval of Expenditures

None.

Agenda No. XI

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

Councilman Schimmenti – asked if Mr. Semrau had an opportunity to research Council President Smolinski’s recusal from discussion of Hillcrest matters. Mr. Semrau advised that he has looked into the matter and he believes it to be best practice for the Council President to continue to recuse from these discussions. Councilman Schimmenti thanked Mr. Boyle for doing an excellent job and for providing answers to queries posed. This Council, he stated, wishes the best for West Milford residents.

Councilwoman Lichtenberg – asked if the Tax Assessor had responded to questions about tax exempt groups in town. Mr. Boyle stated that he followed up and sent a memo to Mr. Townsend. He will contact the Tax Assessor again and follow up with the Governing Body. Mr. Semrau advised that the deadline to file appeals is April 1st. Councilwoman Lichtenberg expressed concern about the conditions at creative playground and asked that the funds in the trust account be used to address the deficiencies there. She advised that she is available to residents in Town Hall every Thursday morning from 10 a.m. to 12 p.m.

Councilman Jurkovic – stated that the Cable TV Committee is moving forward at a swift pace and he expects that the report will be presented to Council in the very near future. He commended Doris Aaronson for her diligence as Chair of this committee and Mr. Semrau for the attention his office gave to these matters. He stated that a representative from the cable company will meet with the committee next Tuesday to address questions and issues.

Councilman Weisbecker – asked Mr. Boyle to reach out to Warwick Valley Cable to determine why they are not regularly attending and recording meetings. He requested that there be a specific designation in the main meeting room for all media noting that the number of cameras recording the meetings is getting out of control. He expressed concern for residents who may trip on the wires and stated that the camera operators are often a distraction by constantly manipulating the cameras and zooming in and out when Council is speaking. He asked that the chairs from the back row be removed and that the area be reserved for the media.

Councilman Weisbecker made a motion to have a designated area for media at Council meetings.

Moved: Weisbecker Seconded: Lichtenberg
Voted Aye: Weisbecker, Smolinski, Schimmenti, Lichtenberg, Jurkovic.
Voted Nay: Nolan.
Motion carried.

Township Administrator – Mr. Boyle advised that there will be a resolution for Council consideration at the next meeting authorizing the purchase of paging materials from the Morris County Cooperative. The contract for Warwick Turnpike, Section 9 is in the closeout stage. He asked for and received Council consensus to draft a resolution regarding the Butler Highcrest bridge project. He stated that he will have a draft for discussion at a future workshop meeting. He stated that he has received a request from Paul Ferriero, the planning board engineer, seeking a \$5,000 appropriation so that he can begin work on the wastewater management plan (WMP). He will schedule this for discussion at a future workshop meeting. He is going to Trenton on Monday to meet with the DEP regarding the Random Woods property. He will broach the subject of the WMP with them. He stated that he is working with AXA Equitable to provide

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greater choices in deferred compensation providers. He is preparing a resolution for the Sustainable Jersey Program. He has drafted a letter to the Township's risk manager to ascertain if there will be any insurance coverage for the 2008 ice storm in Upper Greenwood Lake. He stated that the final plans are being formulated for the dispatch center renovation and the skatepark equipment has been ordered. He is awaiting the survey work for the roller hockey rink and he will schedule Council discussion of posting a video on the Township's website to showcase West Milford.

Township Attorney – Mr. Semrau advised that there are repeated problems with maintenance of roadways that have not been accepted by the municipality. There is much case law regarding municipal involvement in such maintenance and he asked Council consideration of forming a committee to review the Township's policies in this regard.

Agenda No. XII

Appointments and Resignations

Councilman Weisbecker made a motion to accept Raymond Guarino's resignation from the Parks and Recreation Committee.

Moved: Weisbecker Seconded: Smolinski
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.
Voted Nay: None.
Motion carried.

Councilman Smolinski nominated Michael Baez to the Advisory Parks and Recreation Committee.

Moved: Weisbecker Seconded: Jurkovic
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.
Voted Nay: None.
Motion carried.

Council Smolinski nominated Ed Spirko as a Citizen Member on the MUA.

Moved: Jurkovic Seconded: Weisbecker
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.
Voted Nay: None.
Motion carried.

Councilman Nolan nominated Edward Aldrich to the MUA. Motion not carried.

Moved: Weisbecker Seconded: Smolinski
Voted Aye: Nolan
Voted Nay: Weisbecker, Smolinski, Schimmenti, Lichtenberg, Jurkovic.
Motion carried: NO

Councilman Smolinski nominated Edward Rosone as Alt #2 member on the MUA.

Moved: Weisbecker Seconded: Smolinski
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.
Voted Nay: Nolan.
Motion carried.

Council nominated Doris Aaronson as a Citizen Member to the Advisory Board of Health Committee

Moved: Weisbecker Seconded: Smolinski
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.
Voted Nay: None.
Motion carried.

Agenda No. XIII

Executive Session

Mayor and Council went into Executive Session at 10:25 p.m.

~ Resolution No. 2009- 090 ~
MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 4th day of February, 2009 that:

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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.
 - Acquisition of Property – Hillcrest
 - Acquisition of Property – Block 8001, Lot 1 – Random Woods
 - () 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.
 - Potential Litigation – Teshkoyen v. West Milford (ADA Ramp)
 - Potential Litigation - Weiner/Lesniak
 - Contract Negotiations – Program Facilities
 - Contract Negotiations – Hillcrest
 - Contract Negotiations –Trinity Recycling
 - Litigation - O’Shea v. Township of West Milford Docket # PAS-L-1843-08
 - () b. (8) Personnel matters.
 - () 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: February 4, 2009

Moved: Weisbecker Seconded: Nolan
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.
Voted Nay: None.
Absent: None.
Motion carried.

Adjournment

Agenda No. XIV

There being no further business to come before the Council, the Township Council adjourned the meeting at 11:24 p.m.

Moved: Nolan Seconded: Weisbecker
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.
Voted Nay: None.
Absent: None.
Motion carried.

Approved: April 22, 2009

MAYOR BETTINA BIERI, PRESIDING OFFICER

ANTOINETTE BATTAGLIA, TOWNSHIP CLERK