
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: February 25, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 2 of 8

increased awareness about environmental issues. Typically food products travel 1,500 miles from origin to table. A farmer's market will provide West Milford residents with a cost-effective option to consume organic food. They are considering a mid-week market to minimize competition with surrounding municipalities who currently host weekend markets.

Mr. Watson-Hallowell stated that they are proposing the Wallisch property because it is an appropriate and attractive setting for a farmer's market and it provides an opportunity to use this property to serve the West Milford community. This would not be a permanent fixture, but rather a one-day event each week for the summer months. He asked for Council support and direction as to what needs to be done to proceed with this concept. He has contacted the Land Use Administrator to discuss planning and zoning requirements.

Mayor Bieri expressed support for this concept stating that she will defer to the Township Attorney for direction as to how to obtain support from the Board of Education who also owns this property. She stated that beginning with the Land Use Administrator is the correct first step and she encouraged Mr. Watson-Hallowell to also speak with the police and fire departments. Council President Smolinski stated that the Township has been seeking a fitting use of this property for many years and this proposed use seems to be quite apropos. Mr. Watson-Hallowell advised, in response to Council President Smolinski, that they chose the hours of 3 p.m. to 7 p.m. in an effort to capture both homemakers and commuters. Mrs. Watson-Hallowell stated that vendors will be charged a nominal fee to cover marketing costs. They will require access to electrical outlets for music and some vendors and the grass would have to be cut shorter than usual to accommodate the market. If restrooms are not available, Sustainable West Milford would rent portable restroom facilities. Councilman Schimmenti advised that, based on his prior experience organizing community events at Wallisch, electricity is not available at the site and they have used portable generators in the past. Councilman Weisbecker verbalized his support for this event. He advised Mr. & Mrs. Watson-Hallowell that they will need the support of the Board of Education who co-owns the Wallisch property. He advised that the Planning Board's ordinance committee has drafted a special events ordinance to address such needs within the Township. The draft ordinance may need revisiting to allow for a farmer's market. In the meantime, the Council gave consensus to have Mr. Semrau send a letter to the BOE conveying the Council's support for Sustainable West Milford's farmer's market at the Wallisch estates.

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 recalled that the Council previously agreed to a "thumbs-up" section at Council meetings. She stated that she would like to see this on the agenda. She also requested that the Mayor provide explanations about resolutions and ordinances prior to the Council voting on them. This, she said, would help the public understand the events of the meetings.

Jean Bremy, 2012 Macopin Road, West Milford stated that she is here tonight as President of the West Milford Animal Shelter. The Animal Shelter submitted their annual report as usual and subsequent questions related to the report arose at the most recent budget meeting of the Township Council. She is here to address those queries. She stated that the animal shelter is operated by volunteers who are fiscally responsible. The organization engages in very aggressive fundraising and tries to save money for unexpected costs. All monies raised are used to directly benefit the animals and, unlike other volunteer organizations, no amenities are provided to volunteers. They do not receive clothing allowances nor do they have appreciation or installation dinners. Volunteers work between three and eight hours per day. The funding received from the Township equates to less than \$1 per household and the monies are invested into this Township-owned facility. Every opportunity to reserve any money for capital improvements has been availed of and the Shelter has not incurred debt on past capital projects nor have they asked the Township to contribute to such improvements. She stated that the volunteers were pleased to have Council President Smolinski visit the shelter on Saturday morning. While the shelter opens at 10 a.m., volunteers are there at 8 a.m.. This time is used to take care of the animals before visitors arrive. For safety reasons, volunteers are instructed to prohibit public interaction with animals that have not been cleared and approved. Volunteering at the animal shelter is hard work that can sometimes be emotionally draining but it is also very rewarding. She encouraged the Council to join in this effort if their schedules allow and to she asked them to visit the shelter again.

Jim Novack, Larchmont Drive, West Milford noted that the agenda does not include a schedule for budget meetings. He would like to know the times and dates of budget meetings. He asked that, in an effort to halt the rumor mill, the Township attorney give an update on on-going personnel issues in town.

Peter Bremy, 2012 Macopin Road, West Milford expressed support for Sustainable West Milford's farmer's market. He noted that this is a good idea and thanked the Council for their support.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
 Date of Meeting: February 25, 2009
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 3 of 8

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

Agenda No. VII

Council Comments

Township Attorney Semrau stated that he cannot assuage the rumor mill and, in the public sector, personnel action is not subject to public disclosure. Employees have certain rights and an expectation of privacy. Neither he nor the Council are at liberty to disclose or discuss personnel actions because such disclosure would violate the employee's rights.

Councilwoman Lichtenberg gave a thumbs-up to Rocky Hazelman for designing the logo for the 175th anniversary. She stated that this does not have to be a specific agenda item.

Councilman Jurkovic stated that he values the animal shelter and the volunteers who work there. He raised questions at the budget meeting because such questions are a factor of the process. The animal shelter and at least one other organization is banking a substantial portion of money and he questions if it is prudent to give money so that the funds can be deposited into bank accounts. This is not a negative reflection on the animal shelter. He stated that he would like to know more about capital improvement projects and hopes that his questions are not perceived in a negative way.

Agenda No. VIII

Discussion Items

1)	Note Sale – Mr. Boyle advised that the Council has been discussing the note sale as part of the budget process. When the Auditor, Mr. Ferraioli, spoke with the Council, he strongly recommended that the \$6 million note due in April be rolled over. He also recommended that any other outstanding debt be financed in this process also. When this was first presented to Council, the recommendation was to roll over the \$6 million note and add an additional \$4 million in funding. Having reviewed the Township's capital obligations, Mr. Boyle is now recommending that the Township finance \$17 million in debt which includes the rollover. He will revisit the capital projects that were approved but have not yet been funded to determine if some can be cancelled. He stated that the Council approved \$7 million in debt in 2007 which is almost twice the amount historically approved in West Milford's past. This has impacted the Township's funding scenario. There is no time to go out for a bond sale because of the amount of work involved in that process. He will report back to Council next week with more definitive numbers. Councilman Nolan expressed exasperation that the Council is between a rock and a hard place without alternatives. He asked if it would be wise to hold off until after the budget process. Mr. Boyle stated that the sale cannot be delayed but he will try to cut the amount by reviewing prior capital authorizations and cutting where possible. The roll over would be for one year and then the Township may seek to conduct a bond sale in 2010. Discussion ensued about the current market conditions and the viability of the sale.
2)	Ordinance Concerning Salaries and Compensation – Mr. Boyle stated that this proposed amendment is a matter of housekeeping. The Council did not approve ordinance 2009-002 which resulted in two employees not receiving the percentage increase that other employees received in 2009. He asked Council to reconsider this ordinance as the defeat of the ordinance has created an equity issue. Discussion ensued as to the intent of a salary ordinance and the ability to control salaries. Mr. Boyle stated that the Township's policy in the past has been to give department heads annual raises in accordance with negotiated raises awarded to the guild bargaining unit. Council President Smolinski stated that this discussion is not about the two employees but rather it is about the process. He stated that it is not logical to be discussing layoffs while giving raises at the same time. Councilman Jurkovic concurred noting that it is necessary to improve the policies that govern the municipality. He stated that it is effective to cut from the top rather from the bottom. The Council asked for a future workshop discussion of the Township's policy governing salary increases for non-union employees.
3)	Ordinance Amending Chapter 135 Fees – Mr. Boyle asked Council to defer discussion of this matter to a later date.
4)	Ordinance Providing for Compliance with Americans with Disabilities Act – Mr. Semrau advised that there is no provision within the Americans with Disabilities Act (ADA) to have a compliance officer to monitor businesses. The Township could designate a compliance officer who would be specifically trained to serve as a point person when issues arise.
5)	Live Where You Work Mortgage Program – Mr. Boyle advised that he has been contacted by a West Milford resident, Leslie Wilson of Residential Home Mortgage Corporation asking the Township to explore participating in a "Live Where You Work" program. The program is designed to offer low interest mortgages to persons who work near their homes. The Council asked the Administrator to gather additional information about the program and report back to them before they give consensus.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of:
 Date of Meeting:
 Time of Meeting:
 Minute Page No:

Township Council Workshop
 February 25, 2009
 7:30 P.M.
 Page 4 of 8

6)	<p>Policy Regarding Use of E-Mail for Township Business – Mr. Semrau advised that this matter was discussed last year and many municipalities throughout the state are facing issues pertaining to e-mail policies. The township is responsible for maintaining e-mails as a government record and there are related storage and retention issues. It has been the Township’s policy to provide e-mail to elected and appointed officials. Certain volunteers, specifically planning and zoning board members have been offered accounts. The zoning board declined the offer and the planning board chairman now has access to a Township account. The Township system cannot accommodate storage and retention of e-mail accounts for all volunteers and thus staff is researching web-based options to assign out accounts. As this evolves, the Township must establish a policy for use of these accounts because of personal accounts for municipal business will have implications for the account owner. In addition to concerns about records retention, municipalities are also dealing with issues concerning possible violations of the open public meetings act (OPMA) when people communicate via e-mail. Mr. Semrau stated that he will recommend a policy for the Township wherein all employees, elected and appointed officials will be instructed on use of e-mail.</p>
7)	<p>Proposed Amendments to Resolution 2009-026 – Emergency Management Council Membership – Council gave consensus to amend resolution 2009-026 so that all appointments to the OEM Council are made by title only.</p>
8)	<p>Community Development Block Grants – Mr. Boyle advised that he has instructed staff to prepare an application for CDBG grant funds to continue the sidewalk project from Lincoln Hill to Shop Rite. Councilman Nolan stated that other municipalities have successfully applied for funding for ADA projects including curb cuts. As we look toward our streetscape projects, perhaps such funding could benefit West Milford. The Council agreed and instructed that staff determine if any other ADA projects would qualify for CDBG funding. Council President Smolinski asked how the low income census information is factored into the CDBG process. Mr. Boyle advised that this information is gathered every ten years as part of the federal census. West Milford has a number of enclaves which are not clearly defined and thus applications that would benefit the entire populace, such as ADA-related upgrades, may qualify.</p>
9)	<p>PARIS Grants – the Council gave consensus to the Township Clerk to prepare resolutions for the next meeting related to records management and the PARIS grant application.</p>
10)	<p>Support of Senate Bill No. 445, Transparency in Government Act – Councilman Nolan stated that this bill is intended to force the State of New Jersey to post more financial information on their website. A number of municipalities have adopted resolutions in support of this proposed legislation and he sought Council consensus for such a resolution at the next meeting. He stated that West Milford could also post more financial information on the Township website including bill lists, resolutions, and contracts. Council President Smolinski cautioned against posting the bill list on the website noting that it is simply a synopsis and, if the Township were to consider posting it, he would recommend that the format be changed.</p>
11)	<p>Proposed Lease of Hillcrest School – Mayor Bieri stated that the Township Attorney received a facsimile transmittal from the Board of Education (BOE) attorney at 5:15 p.m. today regarding Hillcrest and thus she is adding this item to the agenda. The BOE adopted a resolution at their meeting last night in response to the Township’s proposal for a Hillcrest lease. Mayor Bieri read the resolution aloud. The resolution indicated that the BOE will appoint a subcommittee to negotiate a long term lease with the Township and in the interim the BOE is willing to enter into a short term agreement to allow the parties to work out the terms of a long term lease agreement and to obtain state approval. Councilman Jurkovic stated that the BOE did in fact appoint their committee and he asked that the Council do likewise. Councilman Nolan expressed the need to expedite this matter. Councilman Jurkovic agreed and asked that, as a show of good faith, the Township execute the current lease agreeing to the terms as the BOE perceives them to be. Councilman Schimmenti volunteered to serve on the committee as did Councilman Jurkovic. In the interim, Councilman Weisbecker recommended proceeding with the other options available. Discussion ensued as about expediting these negotiations, establishing time frames, and focusing on the longterm needs of the community.</p> <p>Council President Smolinski noted that he is recused from this discussion and asked for special consideration to be heard as a private citizen on this matter. Joseph Smolinski, 28 Camelot Drive, West Milford stated that he has learned through this process that there is a need to establish a committee to discuss this matter with a committee from the BOE. He asked the Council to work toward keeping all the programs at Hillcrest. He objected to the constant negativity surrounding this subject and, despite Council’s assurances, he does not believe that other options are fiscally viable. If programs were to be housed at any facility outside of Hillcrest, the taxpayers will have a double expenditure because they would still be paying for Hillcrest as an empty building. He urged the Council to continue a dialogue with the BOE.</p>

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
 Date of Meeting: February 25, 2009
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 5 of 8

The Council resumed discussion about the formation of a committee. They agreed that the committee shall be comprised of Councilmen Schimmenti and Jurkovic, Mayor Bieri and Administrator Boyle. Mr. Boyle shall work with the school's business administrator to schedule meetings.

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 THE MARCH 11, 2009 COUNCIL WORKSHOP MEETING

Councilman Weisbecker made a motion to table Resolution 2009-045 to March 11, 2009 and to extend the current agreement through that date.

Discussion: Mr. Semrau advised that he received a response from Ms. Pappas' attorney. The specifics will require an executive session discussion and an agreement will not be reached this evening.

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

Agenda No. X

Approval of Expenditures

~ Resolution No. 2009 - 108~

RESOLUTION APPROVING THE PAYMENT OF BILLS AS AMENDED

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	\$183,252.43
2	Reserve Account	22,003.10
3	Animal Control Trust	2,310.00
6	Capital.	85,630.02
7	Grants.	4,100.09
8	Refuse.	119,174.00
9	Refunds.	250.00
12	General Ledger.	
16	Heritage Trust.	2,120.00
14	Open Space Trust	
17	Trust	
18	Development Escrow.	7,750.50
19	LOSAP	
20	Special Reserve	
	Total	\$426,590.14
	Less Refund Resolution	(250.00)
	Actual Bill List	\$426,340.14

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
 Date of Meeting: February 25, 2009
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 6 of 8

Other Payments	\$2,313.60
Less Refund Resolution	
Total Expenditures	\$428,653.74

Adopted: February 25, 2009

Councilman Weisbecker made a motion, seconded by Council President Smolinski to place this resolution on the table for discussion.

Discussion: Councilman Jurkovic noted that there is a payment on page 12 pertaining to the Gordon Lakes Dam improvement. He asked if the assessment is being billed and collected. Mr. Semrau answered in the affirmative. Councilman Jurkovic asked about a \$2,100 payment for a scanner, printing and ink on page 7. Councilwoman Lichtenberg advised that these expenses are related to a scanner purchased by the heritage committee for the preservation of old documents. Councilman Nolan noted that the Township is on a Centrex telephone system, which is very expensive. He stated that the telecommunications committee should be reconvened now that the Administrator is here and alternatives should be researched.

Councilman Weisbecker made a motion to amend resolution 2009-108 removing the invoice pertaining to the scanner and related supplies as discussed. The Council asked Mr. Boyle to research this expense and report back to Council.

Moved: Weisbecker Seconded: Nolan
 Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.
 Voted Nay: None.
 Abstain: Councilman Nolan abstained only Valley Health.
 Motion carried.

Agenda No. XI

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

Councilwoman Lichtenberg – stated that the high school play starts tomorrow and runs through Saturday. She encouraged everyone to attend. She advised that she is available at town hall every Thursday from 10 a.m. until noon.

Councilman Weisbecker – stated that the garbage and recycling contracts will be expiring soon. He would like to see a committee meeting scheduled soon. Mr. Boyle advised that a memo will be going out to that effect tomorrow or Friday.

Council President Smolinski – thanked Sam Kirk on behalf of West Milford, this Council, the State of New Jersey and this nation. Mr. Kirk graduated from West Milford High School last year and has now joined the National Guard. He advised that the Transportation Committee met yesterday and is progressing with the proposed changes to the program. An RFP is being drafted and will be going out soon. The committee chose the name “Highlander Express” for the new line. He commended the committee members for their patience and commitment to improving the transportation system.

Councilman Schimmenti – gave a thumbs up to all the volunteers in West Milford for all they do.

Mayor Bieri – stated that she recently met with three High School students from the Model UN. These three young West Milford residents are incredibly impressive and well informed about national issues. They are planning several events and she commended the focus they are placing on the academic abilities of our youth.

Township Administrator Boyle – stated that he recently met with representatives of Keller Kirkpatrick and Township staff to review proposed improvements to Bubbling Springs. The engineering department has taken spot elevations for the roller hockey rink and they are putting the plans together. He met with representatives of Dewberry Goodkind last week and they will present the Planning Board with a conceptual for the streetscape improvements tomorrow night. The tax sale is scheduled for March 25th and the number of properties listed is indicative of the national economic distress. He stated the proposed HUD sale of the house on Arlington Avenue fell through and he will be proposing a long term approach to Council at a future workshop. He will be asking Council to adopt a resolution for the purchase of diesel fuel at the next meeting. He has received a request for a property donation from a resident. He will provide details at the next workshop meeting. Tennessee Gas Line is moving forward with the proposed upgrades.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: February 25, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 7 of 8

Township Clerk – Ms. Battaglia advised that petitions for the June primary are available in the Clerk’s office.

Township Attorney – Mr. Semrau advised that the Council will be discussing alternate sites for programs and the caretaker agreement in executive session tonight.

Agenda No. XII

Appointments and Resignations

~ Resolution No. 2009- 109 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ACCEPTING RESIGNATION TENDERED

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby accept the following resignation tendered to the Township:

Name	Position	Date Tendered
Stephen J. Sangle	Municipal Utilities Authority Board	February 10, 2009

Adopted: February 25, 2009

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

Agenda No. XIII

Executive Session

~ Resolution No. 2009- 110 ~
MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 25th day of February, 2009 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.
 - (X) 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.
 - Possible 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.
 - Contract Negotiations – ~~Hillcrest Lease~~ Alternate site for Community Center
 - Contract Negotiations – Caretaker Agreement
 - () 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 25, 2009

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: February 25, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 8 of 8

Discussion: Councilman Nolan stated that he will not participate in the discussion about the caretaker agreement. The Township has offered a fair agreement and this is becoming the theatre of the absurd.

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

Council convened in executive session at 10:42 p.m.

Council reconvened in public at 11:38 p.m. with all present as before with the exception of Councilman Schimmenti.

Adjournment

Agenda No. XIV

There being no further business to come before the Council, the Township Council adjourned the meeting at 11:38 p.m.

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

Approved: June 10, 2009

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK