
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: March 3, 2010
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Mayor Bieri advised that she has a proclamation, which she read into the record, acknowledging the “read across America” initiative and she advised that the proclamation will be mailed out tomorrow from the Clerk’s office.

Agenda No.IV

Presentations

Warwick Valley Telephone (WVT) – two representatives from Warwick Valley Telephone spoke before the Council to advise that they have submitted a petition to the Board of Public Utilities (BPU) to relocate their Vernon office. That process requires a public hearing which is the purpose of their attendance tonight. Councilman Weisbecker asked what the impact will be to residents in Upper Greenwood Lake and was advised that the Warwick office is more convenient to those residents than the Vernon office so they expect the impact to be minimal.

Mayor Bieri opened the meeting to the public to allow questions on this topic only.

James Novack, Larchmont Drive, West Milford stated that he received a letter today from the cable company advising that ten channels are to be eliminated from basic service. They did not lower rates or provide customers with any options. The WVT representatives advised that there will not be a rate reduction because costs have increased. They sought the changes through the proper channels and in accordance with statutory regulations. Mr. Novack objected to the change and the fact that the process only gives users 30 days notice. The letter he received also indicated that the franchise renewal process is about to begin and informs customers about how to register complaints with BPU. The WVT representatives advised that regulations require that this notice be sent out every year. Mr. Novack stated that the process is flawed and, as an example, relayed that he has complained every year about the quality of the Council meetings broadcast on WVT. The representatives apologized for what may have happened in the past.

Ted Hajek, 30 Cedarbrook Road, Upper Greenwood Lake questioned why WVT actively pushes customers to change service from cable to direct TV. He asked if there is an affiliation between direct TV and WVT. The representatives explained that WVT has a contract to sell direct TV which makes them a re-seller of direct TV. Mr. Hajek asked if the franchise renewal process can guarantee that channels will not be dropped in the future from cable service. The representatives advised that programming is not part of the renewal process or negotiations so such a guarantee cannot be provided. The regulations allow the cable provider to drop channels or change the line-up as they see fit.

James Hutchall, employee of WVT stated that he attends West Milford Council meetings because he actually records the meetings for WVT. He recalled that Councilman Weisbecker had previously complained that he leaves the meetings before they are concluded and he explained that he is required to do so because of labor laws. He stated that he works with a minor who cannot work beyond 11 p.m. He stated that he tries his best but he is a student who is doing this work to complement his studies. He commended WVT for providing such opportunities to students.

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

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

Risk Management Consultants – The Council noted that two prospective consultants will be addressing Council tonight and agreed that each should step out of the room when the other is presenting.

Frank Covelli, Professional Insurance Associates, Hackensack Street, Carlstadt distributed materials to the Council. He stated that he has met with and spoken to the Township Administrator where he presented his qualifications. He stated that those qualifications are outlined in the information he handed out along with a sample of the annual report he produces for other municipalities. He reviewed some of the components of that report saying that he brings a unique perspective to risk management. His firm was involved in founding a joint insurance fund in New Jersey about 25 years ago. He has served as a municipal administrator, a fund commissioner and has worked for PERMA. He has developed and nurtured positive working relationships with all these groups and has a positive relationship with the West Milford Administrator, Attorney and other professionals. Councilman Jurkovic stated that he works in Rutherford and knows the risk manager there who spoke very highly about Mr. Covelli. Mr. Covelli stated that he works for 27 government entities within four counties in the state. He has been working with the West Milford MUA for two years although he does not currently handle any clients for the Morris County JIF. Mr. Covelli reviewed the process by which risk managers are compensated and he advised that he will entertain discussion about reducing his fee for West Milford. He stated that he has reviewed accident and health policies for West Milford’s volunteer ambulance and fire departments which he considers to be

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old with antiquated billing processes. He stated that, if hired, he will recommended a three-year policy for these entities with 10-15% savings on premiums. He will review all other policies and make recommendations. He would look at all the insurance programs in town and consistently work to upgrade those programs. He reviews data regularly for accuracy and files reports with the JIF. He would immediately conduct an insurance audit and regularly reviews the loss control surveys filed with the JIF. He works with the safety director to constantly address and correct any deficiencies.

Councilman Nolan recalled that the Insurance Committee met with both Mr. Covelli and Mr. Vozza. He stated that West Milford is paying premiums to the Morris County JIF and has three other policies which, in 2009, cost about \$30,000. The cost in 2010 is somewhat less with the JIF premiums costing \$80,000 and the other three policies costing \$25,000. Mr. Covelli stated that he may be able to lower the JIF premiums. He would do this by having the JIF audit the Township's payroll and look at their insurance components to allow the JIF to develop an assessment. Before he can effectuate any savings, he would have to conduct an evaluation. However, Mr. Covelli stated, he will waive his fee for the first six months of his contract should West Milford hire him as risk manager. Councilman Nolan stated that West Milford may go out to bid at the end of the year when the contract with the Morris County JIF expires. Mr. Covelli stated that he will conduct a market analysis at that time to assist Council with that decision. However, he cautioned, it will be hard to beat the Morris County JIF.

Mayor Bieri noted that there are two Insurance Committee members in the audience as she asked if they have any comments or questions.

Andrew Gargano, 45 Apshawa Crossroad, West Milford stated that he is a member of the Insurance Committee and has been an insurance agent since 1986. He stated that he found it puzzling that Mr. Covelli did not do any homework specific to West Milford's insurance needs prior to tonight's meeting. Mr. Covelli stated that he did not have access to all the information necessary to do such a study and noted that when Mr. Vozza did a study in 2007, he received compensation for that work. In response to Mr. Gargano, Mr. Covelli advised that he does not represent any Morris County JIF member municipalities. He did represent Oakland in the past but was replaced for political reasons.

Mr. Covelli thanked the Council for their time this evening.

Dave Vozza, Vozza Agency, Park Ridge stated that he has been working in West Milford for a number of years on health benefit insurance. He provided an overview of his history with West Milford advising that he has saved the township substantial sums of money since the 1990's. He stated that he has always and continues to take an innovative approach to his work and as a result West Milford enjoys some of the lowest costs for health insurance. In 2007, the Township authorized him to do a study which ultimately resulted in a recommendation to join the Morris County Joint Insurance Fund (JIF). This has resulted in significant savings and increased coverage for West Milford. To complement the move and to effectuate additional savings, he worked with Township officials to establish a safety committee and has provided an aggressive approach in controlling claims. Prior to his assuming the role of risk manager, the Township experienced a high volume of workers compensation claims causing elevated premium costs. During his tenure, this trend has reversed and the claims are down drastically. He has enacted a mandatory training policy and has facilitated access to training sessions for all employees within the municipality. These measures have resulted in savings that are now being realized. He stated that he reviews contracts and bid specifications for the municipality. He reviewed the volunteer fire and first aid policies and, last fall, recommended that they be provided an opportunity to be added to the municipality's JIF policy. This will result in annual savings of about \$25,000 and will mean much greater coverage for each entity.

Mr. Vozza stated that he is the second generation operating this family business. He represents 27 towns four of which are in the Morris JIF and both he and his father have been instrumental in founding various JIFs throughout the state. Councilman Nolan stated that the number of worker compensation claims filed has dropped significantly in the past two years. He asked Mr. Vozza how he accomplished that reduction. Mr. Vozza reviewed the process by which combined efforts and training systematically has that effect. He stated that he established the safety committee, reviews claims, provides regular training through the MEL safety institute, established a data base to track training and anticipates PEOSHA issues before they are realized. He advised that the Township will see reduced premiums from the JIF as a result of these measures although it takes a three-year history before these savings are realized. After five years of such a track record, the Township will likely begin receiving dividends. Council President Smolinski commended Mr. Vozza for his work. Mr. Vozza reviewed his future plans for West Milford if he is retained as risk manager as well as the work he does during contract negotiations to realize the vision of the Council for the provision of health benefits to employees.

Mayor Bieri noted that there are two Insurance Committee members in the audience as she asked if they have any comments or questions.

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Andrew Gargano, 45 Apshawa Crossroad, West Milford asked Mr. Vozza if he had been instructed to study the first aid and fire companies, and if so, by whom. Mr. Vozza advised that he took that initiative alone and then brought the recommendation to the Insurance Committee.

Mr. Vozza thanked the Council for their time this evening.

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 stated that she read an article in the local papers about a proposed synthetic field at CYO. She reminded Council that residents previously opposed synthetic turf in a referendum question in part because of the high cost of maintenance and replacement. She stated that such a facility would come with significant capital costs every decade. Recently the newspapers reported that the local Democratic Party was hosting a census information session at a local restaurant. She stated that a member of the local republican club notified the census bureau that this was a political event causing the census to cancel. She stated that she changed the program and described her efforts to continue with venue without the benefit of the census bureau input. She stated that it was never intended to be a political symposium but rather an educational opportunity for West Milford residents and she expressed disappointment that a local republican would try to sabotage this community event.

Andrew Gargano, 45 Apshawa Crossroads, West Milford noting that there are forecasts of inclement weather for the upcoming weekend. He asked the Administrator to impress upon the DPW the need to have roads plowed in such a way that allows for the roadway to remain as wide a possible. He stated that Mr. Vozza has done a good job for West Milford as risk manager and added that agents in the insurance industry can earn as high as 15% while Mr. Vozza has been compensated at 5% of the JIF premium. He commended Mayor Bieri for seeking to have the DCA study the police department. He stated that a local store is selling drug paraphernalia and he asked if there is a process that disallows such sales.

Eric Hastings, West Milford stated that he is installing an upgraded septic at a property in Upper Greenwood Lake. The West Milford building and planning departments are requiring him to do excess and unnecessary work. He is being asked to present an environmental impact statement even though, in his opinion, his property is exempt from such requirements under the municipal land development ordinances. He stated that he and his engineer brought this matter to the Environmental Commission who advised that they do not have any jurisdiction in such matters. His engineer is recommending that he retain legal counsel and resolve this matter in the courts but he is seeking Council interference to avoid litigation. He stated that he received a stop work order thirty days after he began work and he asked the Council to have that stop order lifted.

Jim Novak, Larchmont Drive, West Milford stated that he has resided in his current home for 23 years. During the past 3-4 weeks his road has fallen apart and the Engineering Department looked at it yesterday. Today a garbage truck came through and the road caved in. The DPW will do a quick fix of the problem until spring. His road is not the only road in West Milford that has problems and he urged Council to open a dialogue with Engineering and DPW to properly fund the road maintenance budget. He expressed shock at seeing certain recreation parking lots plowed during recent snowstorms even before roads had been cleaned. While sidewalks in front of town hall were shoveled in a timely fashion, local businesses and property owners continuously fail to do likewise and there continues to be problems at local businesses where snow banks are formed over handicapped parking spots.

Joyce Leinberger, ALF Chairperson asked the Council if they received information from the committee outlining various scenarios for the 2010 Autumn Lights Festival. She reviewed some of the proposed scenarios and asked for Council direction sooner rather than later.

Rocky Hazelman, ALF Committee Member stated that he is a member of the ALF committee and a member of the West Milford Chamber of Commerce. He recommends moving ALF to Jungle Habitat and has discussed this proposal with local businesses. He stated that he has received signatures from 24 business owners who support the proposed move stating that more businesses support this move than not. ALF, he stated, is a West Milford celebration and a relocation to Jungle Habitat would serve to provide greater opportunities for the success of the festival.

Jane Amend, 51 Lindy's Drive, West Milford stated that she has served on the ALF committee for four years and also served as a member of the 175th anniversary committee. She prepared the financial report provided to Council and has concerns about funding. She stated that seeking sponsors is vastly different from obtaining funding. If ALF is returned to Town Hall, there will not be enough space for

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vendors. The Committee recommends that the Council appropriate funds for this event. Union Valley Road served its purpose well but there was not sufficient space for vendors last year and there will be similar problems with that location this year.

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

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

Agenda No. VII

Council Comments

Councilman Jurkovic asked Mr. Semrau to research the issues broached by Mr. Hastings. Mr. Semrau stated that he has been contacted by Mr. Ferriero about this matter and there are issues that need to be addressed. He recommended that the Administrator be instructed to obtain all pertinent data and information from the departments before Council takes a position. Mr. Boyle stated that he will have the Land Use Administrator issue a report. He advised that he and other Township officials met with Mr. Hastings last year and made it clear, at that time, that he had to meet certain obligations based on the municipal code and planning documents. He will obtain updates as to compliance.

Councilman Nolan commended the staff in the Department of Public Works for their repeated diligence during the recent snowstorms. He asked Administrator Boyle to research the validity of comments regarding plowing of recreation facilities as the Council has proposed merging the parks staff with DPW staff for snow removal operations.

Council President Smolinski asked that people get their facts straight about synthetic turf before coming to the microphone in a public forum to address the subject. The replacement value and repair costs, he said, are far less than installing a new field. He stated that comments made about the local republican organization were misstated and he encourages everyone to respond to the census.

Councilwoman Lichtenberg commended the DPW on their work during the recent snowstorm. In her opinion, recreation facilities should not be plowed and there should be better coordination between DPW and parks staff to ensure better service. She would like to see more cross training and shared services for snow removal. She asked Mr. Semrau if narrow municipal roads can be converted to one-way streets during inclement weather conditions. Mr. Semrau stated that he learned a lot last week about declaring a state of emergency. He learned that OEM has many rights and he will research this and prepare a summary for Council. Councilman Jurkovic stated and Mr. Boyle confirmed that certain recreation facilities are plowed to serve as medi-vac facilities for emergency services.

Administrator Boyle agreed that the DPW and plowing contractors did a great job throughout what was an extraordinary storm. He stated that there were problems with passage on narrow roads because there was simply too much snow and nowhere to put it. In reviewing the efforts expended to keep up with the heavy snow, he has learned that DPW staff and contractors worked over 160 hours throughout the weekend and all equipment was out. Everyone invested their heart and souls into the effort took great pride in their work.

Councilman Ramaglia asked Mr. Boyle to get definitive answers for Council. He stated that he and Council President Smolinski visited Upper Greenwood Lake during the weekend and the snow banks were very high. He gave kudos to the staff in DPW.

Councilman Weisbecker commended the DPW and contractors for the work during the snowstorm. Upper Greenwood Lake, he said, got over 40" of snow which fell on roads that are quite aged. He relayed an incident that occurred during the snowstorm where a young child was having difficulty breathing and the plowing contractor assisted emergency vehicles by clearing a path all the way to the hospital. He commended all the efforts made during this major storm.

Mayor Bieri stated that she spent considerable time researching and determining how to declare a state of emergency. She also toured the Township with OEM and filtered a number of complaints. She reminded residents that the Township maintains over 200 miles of road and the DPW personnel worked over 100 hours each on this one storm notwithstanding the storms they worked through earlier in the week. Snow banks were simply too high, there was no place to put all the snow and it continued to fall throughout the weekend. There were multiple downed trees and wires and all available crews and vehicles were out. She commended everyone involved including staff and contractors. She emphasized that safety and emergency services remained a priority throughout.

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Agenda No. VIII

Discussion Items

8)	<p>Autumn Lights Festival / Jungle Habitat – Councilman Ramaglia made a motion, seconded by Councilman Weisbecker, to keep the ALF event on Union Valley Road. Council President Smolinski stated that the event organizers should not take this personally because they are the victims of their own success. The Council, he said, sought input from residents and as a result have been inundated with emails. Elected officials must listen to the people and most want to keep the festival in the center of town. Most of the support to move the event to Jungle Habitat came in the form of chain letters from businesses. The sentiments to keep the event on Union Valley Road appeared more heartfelt. While it appears that this event is growing in leaps and bounds, bigger is not always better and residents enjoy this as a community event. Councilwoman Lichtenberg stated that she received equal commentary on locations and recommended having the recently established EDC review the matter and make a recommendation. She favors keeping it on Union Valley Road for this year pending such a recommendation. Councilman Nolan stated that the Council would have to fully fund the event if it stays on Union Valley Road while the committee is confident it can be self-sustaining if it is moved to Jungle Habitat. Council President Smolinski expressed concern that the committee is seeking to expand this local event into a Passaic County event when residents have clearly indicated that this should retain its local flair. Councilman Weisbecker agreed stating that expending the funds on a local event benefits local residents but the Township should not be asked to shoulder financial responsibility for a County event that will lose its local flair. Councilman Jurkovic expressed concern that this topic is consuming too much time. He stated that the proposed move to Jungle Habitat means that Passaic County is becoming involved which in turn raised financial concerns. If it moves to Jungle Habitat and expands beyond the Township, those additional entities should be contributing financially. However, the committee is not proposing such an infusion of funds. If the event remains on Union Valley Road the Township will provide level funding for this community.</p> <p>-----</p> <p>Moved: Ramaglia Seconded: Weisbecker Voted Aye: Weisbecker, Smolinski, Ramaglia, Lichtenberg. Voted Nay: Jurkovic. Present: Nolan. Motion carried.</p> <p>-----</p>
1)	<p>Limiting Presentations, Discussion Items & Council Comments – Councilman Nolan stated that tonight is a prime example of the need to limit presentations specifically the time Council expends on issues when there is a full agenda. He noted that it is now 10:30 p.m. and the Council has just begun delving into discussion and agenda items. He asked for Council consensus to implement a policy whereby the Administrator limit the length of time afforded to presentations and that each Council person limit his or her follow up to five minutes. The intent of such a policy would be to streamline the agenda and allow the Council to focus on Township business. Councilman Weisbecker stated that he would agree to such a policy but, under such circumstances, the Mayor should not be allowed to decide if a discussion is to continue beyond the pre-designated time frame. Council President Smolinski objected to the concept stating that all presentations are not created equal. They are necessary. Council consensus was to try to abide by such a policy henceforth.</p>
2)	<p>Deferred Compensation Agreement – Prudential Insurance Company of America – Administrator Boyle advised that a committee was formed last year which is comprised of representation from department heads and the bargaining units. The purpose of the committee was to research investment vehicles for optional retirement investments. The committee has recommended that these services be provided by Prudential while also offering to continue with VALIC and Lincoln Financial.</p>
3)	<p>Johner Building Construction/Retrofit Estimate – Mr. Boyle reviewed the history of the work done thus far to possibly utilize the Johner Building as municipal office space. Councilman Jurkovic has advised that the Facilities Assessment Committee recommends moving customer service departments to Johner. The Council gave consensus to consider a professional services resolution to obtain an estimate of how much this work would cost.</p>
4)	<p>Establishing a Charter Study Commission – Councilman Weisbecker asked that this discussion be deferred to the April 7, 2010 meeting.</p>
5)	<p>Ordinance – Amend Chapter 135, “Fees” – Council President Smolinski expressed concern that certain fees are being increased without Council having sufficient information to determine if such increases are warranted. Some fees, he said, would increase by 400% under this proposed ordinance. Councilman Jurkovic agreed stating that business-related fees pertain to entities who are making money off the particular license or item while resident-related fees pertain to quality of life issues. He stated that proposed recreation fee increases should not occur in this economy. Councilman Nolan agreed adding that revenue in</p>

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	recreation decreased in 2009 compared to 2008 which is also a reflection of current economic conditions. Council President Smolinski reviewed specific proposed increases and asked Administrator Boyle to provide justification for these increases before Council is asked to take action. The Council gave consensus to proceed with the fee ordinance excluding any proposed increases to recreation fees.
6)	Land Conservancy Proposal for Amended Open Space Master Plan – Administrator Boyle stated that the Land Conservancy is proposing an update to the open space and recreation master plan in order to assist West Milford to obtain DEP and Green Acre funding in the future. He recommends that this service be funded through the monies in open space trust fund. He advised that the DEP has indicated that this update is necessary when seeking Highlands’s approvals and Highlands Council exceptions. The Council gave consensus to proceed.
7)	Land Mitigation Projects – Councilman Weisbecker asked for consensus to look into the potential of generating revenue by leasing municipal property for mitigation projects. He expressed the need to research the matter prior to the Tennessee Gas Pipeline having such a need and the Township may not be prepared to address that need. Mr. Boyle stated that he will have the Township Engineer research this matter and report back.
8)	
9)	Communications Equipment Shelter – The Council asked Mr. Boyle to provide them with an accounting of funds appropriated for the communication upgrades and to convey if there are any more expected costs. They gave consensus to proceed with a resolution for the shelter for the next meeting.
10)	ANJEC Smart Growth Grant – Administrator Boyle advised that the Environmental Commission has requested that the Township apply for funds for a trails master plan. The township would be required to contribute \$5,000 toward this ANJEC grant if the application is approved.
11)	Urging the Elimination of the 4% Cap on the Local Tax Levy – Mr. Boyle advised that the NJLM is seeking resolutions supporting the elimination of the 4% cap. He provided a background and recommended that West Milford adopt such a resolution. The Council gave consensus to proceed.

Agenda No. IX

Action Items

The Township Council took action on the following items:

Agenda No. IX 1

~ Ordinance No. 2010-001 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES WITH THE ADDITION OF CHAPTER 297, SECONDHAND PRECIOUS METALS, DEALERS IN

BE IT ORDAINED by the Municipal Council of the Township of West Milford, County of Passaic, State of New Jersey, as follows:

SECTION 1. The West Milford Township Revised General Ordinances are hereby amended and supplemented with the addition of Chapter 297, “Secondhand Precious Metals, Dealers In”, to read as follows:

CHAPTER 297 SECONDHAND PRECIOUS METALS, DEALERS IN

§297-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DEALER- Any person, partnership or corporation, who through any means, buys or sells secondhand gold, silver, precious metals or jewelry, and includes anyone advertising the purchase or sale of any of the aforementioned items.

MINOR- Any person under the age of 18 years.

§297-2 Registration and license required; fee.

Each dealer conducting business within the jurisdiction of the Township of West Milford shall first register with the Chief of Police, who shall investigate the applicant, and shall obtain a license from the Township Clerk by paying a fee of \$25.

§297-3 Records of purchases and sales required.

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WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from account number C-04-09-940-294.

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

1. The Township Council hereby authorizes the award of Contracts A & B to Trius of New York, Cornell Equipment in a total amount not to exceed \$72,225 for two 2009 Various Stainless Steel Dump Bodies.
2. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: March 3, 2010

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

Agenda No. X

Approval of Expenditures

Agenda No. X

~ Resolution No. 2010-107 ~

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.	\$286,935.05
2	Reserve Account	16,733.26
3	Animal Control Trust	2,925.50
6	Capital.	48,172.07
7	Grants.	14,444.50
8	Refuse.	129,931.23
9	Refunds.	0.00
12	General Ledger.	0.00
16	Heritage Trust.	0.00
14	Open Space Trust	252,100.00
17	Trust	1,600.00
18	Development Escrow.	0.00
19	LOSAP	0.00
20	Special Reserve	0.00
Total		\$752,841.61
Less Refund Resolution		0.00
Actual Bill List		\$752,841.61
Other Payments ck# 41797 cyo acquisition		\$6,000.00
Less Refund Resolution		
Total Expenditures		\$758,841.61

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Approved: March 3, 2010

Discussion: Councilman Nolan noted that the labor attorney will be receiving \$16,912 for work done in January. Much of that work is related to the police department.

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

Agenda No. XI

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

Councilwoman Lichtenberg – advised that the Model UN at the High School will moderate a debate for Board of Education candidates on April 1, 2010 at the High School auditorium. She recalled that the Planner spoke to Council about the master plan process and the potential for rezoning at a prior meeting. At that time, she had requested that the Planner meet with the Tax Assessor to review zoning in the Township as part of the master plan updates. Ringwood has conservation zoning that should be considered in West Milford. Certain properties in West Milford may be specifically suitable as conservation or conservation/commercial zones. Green energy and green concepts are very important and West Milford has properties that may prove beneficial if properly zoned. She gave Mayor Bieri maps of certain properties that, along with others, should be properly analyzed to be properly zoned and which will result in necessary ratables. Some R-4 properties may meet the criteria for conservation or conservation/commercial zoning. She stated that it is imperative that these matters be addressed now to coincide with the master plan updates and the impending revaluation.

Councilman Jurkovic – stated that he took exception to zoning and taxes for the Newark Watershed when he was running for office. Tax revenue on property is based on the highest and best use. He requested that the Planner review this matter to determine if that property has potential as a green ratable. He has continued to work on this subject since he took his oath of office. He has worked with Council President Smolinski and Councilman Weisbecker along with Assemblyman Webber's aide, Frank Hannon. A considerable amount of research has been done. Assemblyman Webber is supportive and, to that end, he arranged for a meeting with the Newark City Mayor Cory Booker. Two weeks ago, Councilman Jurkovic and Frank Hannon met with various Newark and Newark Watershed officials where the subject of green energy uses was broached. The concept was very well received and the Newark Watershed officials believe it possible that such use would also generate revenue for them while increasing ratables for West Milford. In fact, at that meeting, they learned that the Newark Watershed had commissioned a study for solar panels and they fielded the notion that this could be pursued as a joint venture with West Milford. He agreed with the need to zone this land properly and stated that green energy uses are inherently beneficial uses. West Milford should embrace ideas of this nature. They help protect the environment and are a sound approach to increase the value of Newark Watershed land while increasing the ratable base for West Milford Township. He stated that Newark would like to form a subcommittee with representation from Newark City, Newark Watershed and West Milford Township.

Councilman Weisbecker – commended Councilman Jurkovic for his proactive approach to Newark Watershed. He stated that he met with the CEO of Chilton Hospital when he was confined there recently. Chilton is very interested in working with West Milford on a satellite medical facility in town and he will be meeting with them, Councilman Jurkovic and representatives from the first aid squads in the near future.

Council President Smolinski – commended Councilman Jurkovic on his work on Newark Watershed.

Councilman Nolan – asked Administrator Boyle to prepare a resolution for Council consideration at the upcoming special meeting on Monday to voice the Township's opinion on the time of decision rule. He asked that the Administrator schedule discussion of the risk manager for the next meeting.

Mayor Bieri – stated that she, Mr. Semrau, Mr. Ferriero and Doug Ott from the Library Board went to the DEP yesterday to discuss the library project and Random Woods. Tomorrow they are going to the Highlands Council. She stated that Governor Christie plans on freezing grant funding for Highlands municipalities. She asked for Council consensus to have a resolution opposing those freezes and seeking restoration of funds prepared for the next meeting. Councilman Nolan stated that the cuts have already been made and he suggested waiting until after the Governor's budget address on March 16th to determine how to proceed.

Township Administrator – Mr. Boyle stated that Passaic County will be offering funding to offset septic and home repairs to those who meet the criteria. He urged interested parties to contact the building and health departments for information. He stated that he has instructed staff to move forward on the

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Bubbling Springs dam project. The bond sale is scheduled for April 6th. The Lakes Committee has asked if Paul Ferriero can look into the proposed project for West Milford Lake and he will give that authorization. The Tax Assessor is awaiting word from the State of New Jersey on the revaluation.

Township Attorney – Mr. Semrau stated that the Council may take action after executive session on Random Woods.

Agenda No. XII

Appointments and Resignations

The Council made the following appointments to the Recycling Advisory Committee and the Economic Development Committee:

Council Weisbecker nominated Councilman Ramaglia as Council Liaison to the Economic Development Committee seconded by Councilman Jurkovic.

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

Council President Smolinski nominated Joyce Miller to the Recycling Advisory Committee seconded by Councilman Ramaglia.

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

Councilman Weisbecker nominated Paul Zarillo and Robert Nicholson to the Economic Development Committee seconded by Councilman Ramaglia.

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

Agenda No. XIII

Executive Session

~ Resolution No. 2010-108 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 3rd day of March, 2010 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.
□ Contract Negotiations – Random Woods, Block 8001, Lot 1
() b. (8) Personnel matters.

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() 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: March 3, 2010

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

~ Resolution No. 2010-109 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING AN ADDENDUM TO THE CONTRACT FOR SALE OF REAL ESTATE KNOWN AS BLOCK 8001, LOT 1, RIDGE ROAD, BETWEEN THE TOWNSHIP OF WEST MILFORD AND DTAK WEST MILFORD, LLC

WHEREAS, the Township of West Milford and DTAK West Milford, LLC previously entered into a contract for the sale of property known as Block 8001, Lot 1 in the Township of West Milford for an initial price of \$2.4 million; and

WHEREAS, after further negotiations the parties have agreed that the contract would be modified to reflect a sales price of \$2,250,000 and the property owner would construct an all purpose field, access area and parking lot on the property for recreational use prior to closing; and

WHEREAS, the Township negotiated an Addendum to the contract to include the construction of said field.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford that the Mayor is hereby authorized to execute an addendum to the contract between the parties which will provide for the construction of an all purpose field, an appropriate escrow and revise funding sources with a view towards a closing date of March 15, 2010.

This Resolution shall take effect immediately.

Adopted: March 3, 2010

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

Adjournment

Agenda No. XIV

There being no further business to come before the Council, the Township Council adjourned the meeting.

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

Approved: May 19, 2010

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK