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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council Workshop  
Date of Meeting: March 7, 2012  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 1 of 14

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

**Adequate Notice Statement**

Mayor Bieri read the following statement:

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

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

**Pledge of Allegiance**

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

**Roll Call**

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

Agenda No. II

**Reading of or Approval of Unapproved Minutes**

Councilman Ramaglia moved to adopt the November 2, 2011 Workshop Meeting as presented:

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

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Agenda No. III

**Meetings**

Mayor Bieri noted the future meeting schedule:

March 21, 2012 Regular Meeting April 4, 2012 Workshop Meeting  
April 18, 2012 Regular Meeting

Agenda No. IV

**Presentations**

2012 Budget Process – John Reinhardt Epic Solutions – Mr. Rheinhardt gave an overview of the services he provides including his personal background and the background of his partner. He is here to discuss the budget module which has been developed to facilitate control and monitoring of the budget through all phases. Utilizing a computer, screen and projector, he provided an overview of what a public budget is and how it evolves. He reviewed the software that he and his partner have developed and how it makes the budget process easier to understand and how it is a tool in budget development. He went through how the program affects each area of the budget and how it can be used. Mr. Rheinhardt advised that this program is a budget planning tool, placing the process in the hands of the governing body. It provides a structure and process and allows the governing body to see the impact of proposed financial decisions instantaneously.

Councilwoman Horton asked how the Council can determine the aggregate amount of expenditures by category and department. Mr. Rheinhardt replied that the Edmunds system can break out expenses by category and by vendor. Epic Solutions is a program that runs in Excel. He reviewed how the program allows immediate indication of the affect of proposed budget changes to the bottom line. He reviewed how the program tracks revenues and reflects the impact on the budget.

Mayor Bieri stated that the Township has been using the Edmunds system for some time and she finds that it provides inadequate reporting. The Council has repeatedly complained about lack of revenue numbers, lack of summaries, and an inability to see the impact of decisions. Answers often take weeks to

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come forth. In her opinion Mr. Rheinhardt's program is exactly what one would want from an accounting perspective.

Councilwoman Horton asked the Administrator who would use the tool and who would enter the data. Ms. Gage advised that there are a number of options as to who would input data. She stated that she will be meeting with the auditor to discuss his role in the process. She envisions a team effort in the process including the auditor, Mr. Reinhardt, Administration staff and finance staff and ultimately the Council will use the data in the budget process. Mr. Reinhardt could be sitting at budget meetings and utilizing the system for the Council's benefit at some of the meetings. She described this as an interactive process to provide Council with instantaneous results. The public will be able to see the decisions made by Council. Council President Signorino stated that he could readily see the benefits to the Council. Ms. Gage added that the Council will see detail they have not seen in the past. Council President Signorino expressed concern that this would have a negative impact on staff. Mr. Reinhardt stated that the system is designed specifically for the Township and becomes their property thereafter. Councilman Smolinski asked what happens next year and Mr. Reinhardt stated that he will return every year to provide updates generally at a cost between \$1,500 to \$2,000. Councilman Smolinski asked if the Council has looked into any other software that could do more for the Council for less money. He stated that when interviewing CFOs there was discussion about many other packages. Ms. Gage replied in the negative stating that she is concerned that we are behind in the process now. She has used this system before. Mayor Bieri stated that the Township did research other systems. She stated that she pays \$5,000 per year for tax software as a CPA so this appears to be a good value. Councilman Smolinski stated that we have a part time CFO and that is a problem. He asked for an update on that. There are many issues that have not been discussed as yet. We need to upgrade. We cannot deal with a part time CFO in a town this size.

Councilwoman Erik asked if this program can keep track of all accounts and Mr. Reinhardt answered that this an operating budget and what she is speaking about is a capital program. Mr. Reinhardt gave an overview of the four systems available for public accounting. Councilman Smolinski stated that every \$150,000 taken off the budget saves residents \$13 per year. That is easy math. That will be impacted by the revaluation. He stated that this program is great for the CFO. He asked if the salary component includes the effect on benefits and worker's compensation. Mr. Reinhardt explained that it would not because worker's compensation is budgeted separately in West Milford. He would develop the module based on how our budget is set up.

Council President Signorino stated that he is leery about consulting firms. He asked what glitches can the Township expect to encounter. Mr. Reinhardt stated that the module is all inclusive. If he is hired to be part of the process he charges for his time. Councilman Ramaglia clarified if it includes staff training and Mr. Reinhardt answered in the affirmative. He advised that Mount Olive, Dover, Wharton, North Haledon, and Florham Park use this program. In response to Councilman Smolinski he stated that not all those towns have a full time CFO. Mayor Bieri stated that having a full time or part time CFO does not affect this. Regardless, the CFO cannot provide this data. Mr. Reinhardt reviewed the number of years the various towns have been using this system which ranges between one and fifteen. Mayor Bieri stated that the Township has been paying for budgetary assistance through the auditor in recent years. She stated that the cost in tax monies is \$0.65 and this program would address complaints she has heard for years.

Agenda No. V

**Proclamations**

None.

Agenda No. VI

**Unfinished Business Final Passage of Ordinances**

None.

Agenda No. VII

**Public Comments**

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

Don Partington, Snake Den Road, West Milford stated that he is here to talk about an accident at Bubbling Springs last year. There has been no action taken to address the situation. Employees, he said, were incompetent. His son hit his head on a cement block and they have a claim for medical expenses. He needs to meet with Administrator Gage. He submitted an OPRA request and got most of the information. The health department does an inspection before any pool is opened. He complained to the State who is

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conducting an investigation. The staff at Bubbling Springs needs to be retrained. Reports indicate that the police removed the concrete blocks but the blocks are still in the water as is the one that his son hit. The police were asked to dive in Bubbling and they did on 6/6/11. His son was diving in an area where the town knew of the existence of blocks. The Township needs to fill in the canal and install a pipe. There are rocks and blocks throughout the area. Prior to camp opening the Township must remove blocks and pipes. He has been going to Bubbling for four years and trusts Jane & Sue. However, the facility has problems and people running it are not doing their jobs. Preparations were minimal last year. Bubbling Springs would not exist without the day campers but they are treated like second rate citizens. The money is not being spent on the campers. The Township should paint docks which was not done last year. He reviewed the deficiencies that he has identified and he wants to know what Council plans to do to make Bubbling Springs safe. The State will not issue a license to operate. The health department is responsible for checking all bathing areas in town. Bubbling Springs should be run by the BOE because they understand child safety.

Bill Pearce, Sparta, President of Lake Hopatcong Racing Association stated that he is to request an amendment to the Township's resolution to allow two boating races this year. The letters he sent to the Council highlight all the surrounding circumstances. There are misgivings between the Greenwood Lake and Hopatcong associations. He has a lot of people who want to know if they will have the races. The club does not want to take money out of town. They want to donate funds to local charities. They could not last year because they lost money. It will take several years before they can make enough money to make those donations. It is a win/win situation for the town to do two separate events. They are a non-profit organization. They will support local businesses. Their budget is available for scrutiny. They had to pay fees for marine patrol. The Hopatcong Racing Association brought this event back to West Milford after many years without it. They are not looking to take away from the September event and would like a resolution to make that happen.

Al Rubinsky member of the American Power Boat Association and affiliated with the Hopatcong Association stated that he was part of the Greenwood Lake racing years ago. It should not be an issue of one club versus another. The Hopatcong Boating Association brought this race back last year and got this race up and going. They should be able to do so again. If another club wants to run a race they can do so at another time.

Kat Renshaw, Lake Succasunna and a member of the Hopatcong Race Association stated that she has been involved in racing her whole life. She and her family worked on this event last year. They are all about boat racing. There are many people excited about coming here again. After twelve years of not having a race here their organization got 41 boats to attend. People stayed locally, and bought liquor and food locally. With last year's success they think many people will participate this year. The Association is seeking to add events and add participants. It would be great to have a May event and another one again in September. It would be good for West Milford too.

Robert Nicholson, 20 Hyde Road, Stockholm would like to renew the conversation about the film fee amendments and administration fees for police services. He would like to see those items come to completion. He questioned if the Township can give authority to use Brown's Point. There is interest in events at Brown's point. He asked about the cable contract.

Doris Aaronson, 19 Bearfort Road, West Milford spoke about the Strategic State Plan and her discussions with various persons in the field. She asked Council to monitor that. She invited everyone to the West Milford Democratic Club's presentations which will host on April 3<sup>rd</sup> BOE candidates giving presentations with an hour for questions and answers. All five candidates were invited and the event will be at 7:30 p.m. at Momentos.

Frank Urn, Succasunna stated that he is a member of various boating associations. To effectuate a race in May there is a time line to adhere to and the associations need a decision sooner rather than later. He listed the things they must do to proceed including arranging safety precautions and getting vendors.

Lori Hopper Ringer, Hewitt stated that she met with the Director of CS&R, Jayme Mulhern, about the Greenwood Lake Boat Association's September boat race event. They are in communication with several groups and local organizations. The event organizers plan to donate to the West Milford Special Olympics team.

Kristi Masone, 31 Hilltop, West Milford advised that she teaches at a local school and coaches the Special Olympics team. The team has expanded over years with 30 athletes and over 50 volunteers. These athletes are very special. She reviewed the specifics of the Special Olympics adding that she is eager for donations for the team. They now travel to other out of town events and she reviewed some of the expenses they incur. Without this community they could not have accomplished so much and they need

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donations to continue. This is the only outlet for many of these kids. The goal of all involved is to continue to grow. West Milford is known for special education programs and she is thankful that the Greenwood Lake Boating Association plans to donate to this organization.

Jim Lewis, 36 Hampton Road, West Milford stated that he is involved with the boat races. He does not know about the discord. He supports both races as he does with every local charity. They want two races. It is beyond our control but he supports this charity and both teams and will donate 50% for each. He stated that he also regularly supports the PBA. He asked if the Council will consider two races and two resolutions. They are good teams and both organizations have good people. He wants to see everyone benefit and wants no hard feelings. He stated that he will donate to the Special Olympics too.

There being no more comments from the public Councilwoman Erik moved to close the public portion of the meeting.

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

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Agenda No. VIII

**Council Comments**

Mayor Bieri stated that the Township takes Mr. Partington's comments seriously. The accident and conditions at Bubbling Springs are being handled by staff. The Council, she said, will proceed with filming ordinance amendments and the Administrator has been meeting with the Chief of Police on administrative fees.

Attorney Semrau stated that there was a thorough investigation on the incident at Bubbling Springs. He advised that he talked with the Director today about preparations for this year's season. In fairness, the message should not be that things are not addressed. The health department, state officials and local police were involved and worked with recreation and administration staff to understand the accident and prepare for this season. He has contacted the Township Engineer as an additional precaution. There has been sufficient evaluation to determine that Bubbling Springs provides a safe environment. This was an isolated incident. He stated that he is not at liberty to discuss all the facts and circumstances and he cannot comment as to whether all of the statements made were factual. The staff is prepared for the upcoming season and all officials have expressed confidence that everything is in order. Councilman Ramaglia stated that we have very competent staff who have all the issues in hand.

Mr. Semrau stated that the Township is in holdover status with Browns' Point lease. As such, the Township has the right to make applications for special use permits. There is an application that has been filed with the Director of CS&R to comply with making a special use application to the DEP. That is a thorough application that addresses health, safety and all those issues. The Greenwood Lake Boating Association has made that application which has been circulated to all departments. At this time he has record that on or about February 20<sup>th</sup> an application was submitted for a temporary outdoor permit by the Hopatcong Association. We are two months away from the actual event. The Greenwood Lake application has to now go to the DEP and the time frame is extremely narrow. There are policy issues as to what event the Council wishes to support. The Lake Hopatcong application is not complete and it has not been filed with the Director of CS&R. We are two months away. At this point the Governing Body ought to return the Temporary Outdoor Permit application. The Council has already endorsed the Greenwood Lake power boat application and it is being sent to the DEP.

Mr. Semrau stated that last year he called the BPU Director in Trenton with regard to the Cablevision contract. In November Administrator Boyle received a verbal communication that all was processed. Administrator Gage advised that the Township has received a check.

Agenda No. IX

**Discussion Items**

1)	Police Patrol for Local Churches – Ms. Gage stated that this issue arose some time ago. The police have been providing traffic control services for certain churches. It was raised that some churches were getting these services at no cost and some churches were being charged. Administrator Boyle sent a letter out to churches indicating that these services may no longer be provided at no cost. Councilman Smolinski stated that in past years we removed garbage and provided snow plowing. Now, he said, we want to remove traffic control. The point here is the churches are the residents and they are the community. We need to protect our residents and our community. Special police do this at a discounted fee. Someone could argue separation of
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	<p>church &amp; state but these churches provide many services at no cost. Their doors are always open to the residents. We cannot charge them every time they use a service. If you take that away the churches are struggling. They may not be able to provide that service in their budgets placing people at risk. That will incur emergency response costs. Councilwoman Horton stated that she sits on the Council at her church. Her church is her business and her responsibility. That is true of every church. Police have to provide for public safety. If that discriminates against one group and we are not providing services equally, that is wrong. She stated that in her opinion we cannot charge one and not all. Councilwoman Erik stated that she goes to the Living Word Church in Upper Greenwood Lake and they pay. Chief Chiosie, from the audience, stated that it costs \$135 per week per church and the Living Word pays while the others don't. The annual cost is about \$12,000 for that detail. Mayor Bieri stated that if would appear that all agree that it should be equal. She asked if churches can hire crossing guards and asked if that would be acceptable. Chief Chiosie stated that he does not know of a company that provides these services. Councilman Rosone asked, because the Township provided these services for past 40 years, is the Township liable if we cease providing these services. Mr. Semrau replied that the Township is not liable if we take a consistent approach. Councilman Ramaglia asked Administrator Gage to reach out to the churches and solicit their opinions and follow up at a future workshop meeting. The Council agreed.</p>
2)	<p>Ordinance – Amend Ch.42 “Rules of Council” – Council President Signorino directed Council to section 42-5 of the code. He believes that council should set the agenda through the Council President to balance the government. This is a Council meeting. Within the first month of this year an item he requested was not on the agenda. He asked for simple changes to 42-5. He checked with Berkley Heights who goes through the Council President. He wants that level of collaboration in West Milford. It will provide for a more inclusive process. Mayor Bieri stated that this ordinance was amended in May 2011 by Council. Discussion ensued about the duties of Council President as dictated by the Faulkner Act which legislates several forms of government in New Jersey. Councilwoman Horton stated that the Council President is an equal member of the Council except to preside at meetings in the absence of the Mayor. Council President Signorino objected stating that this gives unilateral power to one branch of government, the executive branch, over the legislative branch. Mayor Bieri noted that that staff puts agenda items together based on a tickler list prepared by Council at meetings. She stated that she relies on staff and does not micro manage. Mr. Semrau stated that there are a number of ways in this form of government for items to get on the agenda. Last year’s amendments were to be consistent with this form of government. The Council can have items placed on agenda through Council reports or a member can ask for consensus. However Council members cannot act individually but individuals can ask the administrator to place items on an agenda. The public can ask at a meeting for Council consideration of certain items and consensus for further discussion. It is important that everyone is aware of the options. This prevents one Council member from overloading an agenda. Council places trust in the administrator and each member has the right to ask. Council President Signorino asked for consensus for changes. Discussion ensued about how to set an agenda. Mr. Semrau advised that the consensus is given at a public meeting so as to conform with the Open Public Meetings Act. Councilman Ramaglia asked Council President Signorino if he wants to set the agenda and the Council President answered in the affirmative. He stated that last year so many times we had agendas that had items on the agenda that did not belong on there. Discussion ensued about the lakes ordinances not getting on the agenda. The Council would not give consensus to amend this ordinance. Councilman Ramaglia stated that he did not feel it appropriate to surrender his responsibilities and his authority to the Council President. Councilman Smolinski asked Council President Signorino to give suggested language to the Administrator.</p>
3)	<p>Ordinance – Authorize a Yield Sign at Bayonne Drive &amp; Croton Road – the Council gave consensus to proceed.</p>
4)	<p>Ordinance – Amend Ch.135 “Fees” to Amend Certain Recreation Fees – the Director of CS&amp;R, Jayme Mulhern, addressed the Council advising that the Red Cross has instituted a \$5 per child additional fee for swim lessons. Online registrations have begun so we will not be collecting this \$5 this year. In reviewing the ordinance she had some minor verbiage and suggested changes that she is bringing to Council’s attention. This will ensure that the brochure is in line with the code. The Council gave consensus to proceed. The Council commended Ms. Mulhern for her report.</p>
5)	<p>Resolution – Oppose S959 &amp; A1811 “Public Water Supply Fluoridation Act” – Councilman Smolinski stated that he provided the entire Council with information from Assemblywoman DeCroce supporting this bill. We already have fluoride in our water. Councilwoman Horton stated that she did some research and does not favor this proposed legislation because it is one more thing we have to do. With the MUA problems right now she does not want another regulation. Council President Signorino stated that he has a problem with mass fluoridation. In large amounts it can be toxic. Certain forms of fluoride comprise the main ingredient in rat poison. He would oppose this legislation. The Council gave consensus to have the resolution on the next agenda for action.</p>
6)	<p>Resolution – Oppose S303 &amp; S1452 &amp; S405 “Martin O’Shea OPRA” – the Council directed that</p>

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	resolutions be drafted to indicate those provisions the Township supports and those that the Township considers to be too oppressive or extreme. The Council will discuss the draft resolutions at the next workshop meeting.
7)	Resolution – Seek Passaic County Support for Pedestrian Path on UVR – the Council approved the draft resolution and agreed that there should be one additional reference to the need for pedestrian safety along this route. The Council gave consensus to proceed at the next meeting.
8)	Resolutions – Submittal & Acceptance of two CDBG Grant Applications – the Council gave consensus to proceed.
9)	Resolution – Increase Appropriations for Special Labor Counsel - Mayor asked for discussion of items 9 and 10 as one. Administrator Gage stated that she is asking Council to approve a contract for labor counsel to proceed with labor negotiations. Current labor counsel has done a good job assuming these negotiations and progress is being made. The other is for special labor counsel who is defending us on litigation. There has been a lot of activity and there will be activity in foreseeable future. The Council stated that they wish to discuss these contracts in executive session before proceeding.
10)	Resolution – Professional Services Contract – Labor Counsel
11)	Resolution – Approve Tax Appeal Settlement – 3002 Route 23 – the Council gave consensus to proceed.
12)	Resolution – Oppose S-1451 – Reforms to the Open Public Meetings Act – the Council asked that this be addressed in the same manner as discussion item #6.

Agenda No. X

**Action Items**

The Mayor asked to move Resolutions 2012-104, 2012-105 and Resolution 2012-106 as one.

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

Agenda No. X 1

~ Resolution No. 2012- 104 ~

**MAYOR’S APPOINTMENT OF NANCY GAGE AS COMMISSIONER AND CATHERINE SHANAHAN AS ALTERNATE COMMISSIONER TO THE MORRIS COUNTY MUNICIPAL JOINT INSURANCE FUND**

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that they do hereby provide advice and consent to the Mayor’s appointment of the Nancy Gage as Commissioner and Catherine Shanahan as Alternate Commissioner to represent the Township of West Milford’s interests as a member of the Morris County Municipal Joint Insurance Fund MJIF).

Adopted: March 7, 2012

Agenda No. X 2

~ Resolution No. 2012- 105 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMITTAL AND ACCEPTANCE OF A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FOR THE FIRST, SECOND, THIRD AVENUE ROAD IMPROVEMENT PROJECT**

**WHEREAS**, the County of Passaic anticipates having \$640,000 available to the twelve eligible municipalities of the County and to eligible non-profit agencies under the Community Development Block Grant (CDBG); and

**WHEREAS**, the Township Council of the Township of West Milford has determined that there is a need for these grant funds to offset a portion of the assessable costs for the improvements to the nearly one mile of dirt roads remaining within the West Milford Lakes development.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford hereby authorizes the submittal of a grant application entitled Community Development Block Grant (CDBG) for \$150,000 with the Township to provide in kind services for the survey, design and construction phase oversight of the improvements.

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**BE IT FURTHER RESOLVED** that the Mayor or the Township Administrator be authorized and directed to approve the acceptance of said grant should it be awarded.

Adopted: March 7, 2012

Agenda No. X 3

~ Resolution No. 2012- 106 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMITTAL AND ACCEPTANCE OF A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) TO RETROFIT SEDIMENT CONTROL DEVICES AT THE FIREHOUSE COVE AND THE AUDUBON COVE, UPPER GREENWOOD LAKE**

**WHEREAS**, the County of Passaic anticipates having \$640,000 available to the twelve eligible municipalities of the County and to eligible non-profit agencies under the Community Development Block Grant (CDBG); and

**WHEREAS**, the Township Council of the Township of West Milford has determined that there is a need for these grant funds to retrofit sediment control devices within a qualifying block of Upper Greenwood Lake near the storm drainage outfalls at the Firehouse Cove and the Audubon Cove.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford hereby authorizes the submittal of a grant application entitled Community Development Block Grant (CDBG) for \$50,000 with the Township to provide in kind services for the survey, design and construction phase oversight of the improvements.

**BE IT FURTHER RESOLVED** that the Mayor or the Township Administrator be authorized and directed to approve the acceptance of said grant should it be awarded.

Adopted: March 7, 2012

Agenda No. X 6

~ Resolution No. 2012- 109 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SETTLEMENT OF CERTAIN TAX APPEALS**

**WHEREAS**, an appeal of the 2010 and 2011 real property tax assessment of the following property has been filed in the Tax Court of New Jersey:

<b>PROPERTY OWNER</b>	<b>BLOCK</b>	<b>LOT</b>
Thomas & Jeanne Dayon Family Trust	15701	37

and;

**WHEREAS**, the Tax Assessor is of the opinion that it is in the best interest of the Township to settle these appeals.

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

1. The settlement of the following tax appeals filed at the Tax Court of New Jersey is hereby authorized as follows:

<b>PROPERTY OWNER</b>	<b>YEAR</b>	<b>ORIGINAL ASSESSMENT</b>	<b>PROPOSED SETTLEMENT</b>
Thomas & Jeanne Dayon Family Trust	2010	\$1,488,400.	\$1,000,000.
Thomas & Jeanne Dayon Family Trust	2011	\$1,488,400.	\$1,000,000.

2. All municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.
3. The Tax Collector is hereby authorized to credit the appropriate taxes in accordance with the terms of this resolution.
4. This Resolution shall take effect immediately.

This Resolution shall take effect immediately.

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

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Agenda No. X 7

~ Resolution No. 2012- 110 ~

**DEFEATED**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT TO EPIC SOLUTIONS, LLC FOR BUDGET CONSULTING SERVICES AND USE OF PROPRIETARY SOFTWARE**

Discussion: Mayor Bieri asked why Council would not want this tool for budget planning. Councilman Smolinski stated that there are several issues that must be addressed. He would like to know what is happening with the contract with Ogdensburg. He lamented that the Mayor has not appointed a CFO so he deems this request inappropriate. There are other issues pending at this time. Mayor Bieri stated that the CFO position has nothing to do with this process. Funding is available for this budget tool. Council President Signorino thought the idea was great but stated that he is not ready to act tonight. He will ask questions of administration and come to a determination. In response to Councilwoman Horton, Ms. Gage advised that for the past two years the Township has used auditor services at a cost of approx \$10,000 per year for the budget. She doesn't know what that entails except that he assisted with the preparation of the budget document. The CFO has told her that happened last year and it is the plan this year. In her opinion, the Administrator said, an auditor must be circumspect about how involved he can be in budget process. She scheduled this quickly because we need to move on budget quickly. She has worked with this system and she finds it cost effective. We are paying the auditor to do work that can be done in house. She advised that she has used the Epic Solution software in the past and finds it to be a user-friendly system. Councilwoman Horton stated that she was impressed with the program. She wants to support the Administrator's request to do her job efficiently. We will have the system in years going forward. It is a good investment. Councilman Rosone noted that the resolution said not to exceed \$17,000 and Ms. Gage stated that this includes additional services. Councilman Ramaglia stated that we should have our first budget meeting with a full quorum. Mr. Ferraioli can lead that meeting to give an overview to show where we are at. Council President Signorino stated that he would like to have discussion on matters that are not to be acted on at the same meeting. If the Administrator has more ideas of this nature, he asked her to advise the Council sooner rather than later. Ms. Gage stated that in this instance she had sense of urgency because of the budget timeline. She will not hesitate to present ideas. She is meeting with Mr. Ferraioli next week at which time, among other things, she will discuss his active role in the budget process.

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Moved: Ramaglia Seconded: Rosone  
Voted Aye: Erik, Horton.  
Voted Nay: Smolinski, Ramaglia, Rosone, Signorino.  
Motion defeated.

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**Approval of Expenditures**

Agenda No. XI

~ Resolution No. 2012- 111 ~

**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:

**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Acct #	Account Name	Amount
1	Current Account . . . . .	\$377,431.19
2	Reserve Account . . . . .	44,974.07
3	Animal Control Trust	2,416.34
6	Capital. . . . .	91,463.38
7	Grants. . . . .	39,659.63
8	Refuse. . . . .	62,270.08
9	Refunds. . . . .	0.00
12	General Ledger. . . . .	0.00
16	Heritage Trust. . . . .	4,585.00
14	Open Space Trust	0.00
17	Trust . . . . .	0.00
18	Development Escrow. . . . .	1,488.00
19	COAH	0.00
20	Special Reserve	0.00
Total		\$624,287.69
Less Refund Resolution		0.00
<b>Actual Bill List</b>		<b>\$624,287.69</b>
Other Payments Snowplowers		42,670.09
<b>Total Expenditures</b>		<b>\$666,957.78</b>

Approved: March 7, 2012

Discussion: In response to Councilwoman Erik, Administrator Gage advised that the library board is back charged and makes restitution to the Township for employee health benefits. Ms. Gage will check on the purchase order for staff t-shirts for recycling. Councilwoman Horton asked if the cost to frame a quilt as indicated on check 48653 appears excessive. Council President Signorino answered in the negative stating this is for a heritage quilt for the museum.

Moved: Erik Seconded: Ramaglia  
 Voted Aye: Erik, Smolinski, Ramaglia, Rosone, Signorino, Horton.  
 Voted Nay: None.  
 Abstain: Horton abstained on check 48653 only.  
 Motion carried.

Agenda No. XII

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

Councilwoman Horton stated that she received additional information and talked with the Administrator regarding snow bills from the last bill list. The Administrator will be reviewing the policy and modifying it to provide better service in a cost effective manner. She participated as council liaison at the senior citizen advisory committee and she commended the Administrator's office for their response to safety issues. She advised that she will speak with the lakes committee next week.

Councilwoman Erik stated that there was an eleven page answer to questions about snow plowing bills and seven of those pages were from Accuweather. The plowable depth is generally 2". She reviewed the Accuweather reports that contradicted our callout. The snow was gone the next day. That was an expensive snow storm. She questioned the bills for the private contractors. She thought 4" is the callout but Mr. Storms says it is 2". If that is the case, she said, something is wrong with the system. In her estimation the DPW could have handled the whole storm. She conveyed condolences to the family of DPW employee Kevin Bastible who just passed away. Services will be held at Richard's funeral home tomorrow. She recalled that at the last meeting Mr. Witherspoon from Green Terrace Way showed photos from his damaged property. The zoning officer has since issued summonses to the neighbor to force the neighbor to file an application with the planning board and ultimately make the drainage improvements that will protect the neighboring properties. In her emails she received communications from Mr. Nelson on Osage Drive. She read from the emails. Capital funding for road work has not been approved since 2009. Mr. Nelson is alleging that the town created the problem and that he has been suffering the consequences. If this is true, she said we must do something to remedy this situation. We have wide shoulders on certain roadways that must be swept but bikers cannot use them because of grits. We must clean our roads. She had a complaint today from two seniors about the drain at end of Marshall Hill Road. The MUA has drain covers from Marshall Hill Road by the Birch Hill plant that are sinking.

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Councilman Smolinski stated that he received a call from Senator Pennachio advising that rumble strips will be put on Route 23 at the "S" turns. The DOT will widen stripes in the road and reduce the posted speed limit. Some action is being taken until long term solutions are devised.

Councilman Ramaglia asked if administration is determining when we call out contractors during snow storms. He cautioned that we should be careful about micromanaging DPW and to be sure that we allow professionals to weigh in. Councilwoman Erik reviewed the plowing & sanding of Macopin Road during the January snowstorm. Councilman Ramaglia stated that the county uses a calcium liquid in addition to the sand. Chief Chiosie stated that the police department calls out DPW based on road conditions not on measurement of snow. These callouts are based on safety concerns. Administrator Gage advised that the policy is to call out DPW when there is 2" on the ground and the DPW Superintendent has advised that we call out contractors when they are predicting 6". Councilwoman Horton stated that she would rely on the professional judgment and any policy should allow for informed decisions. She asked that the cost measures are considered noting that not all things are equal. Councilman Ramaglia stated that he doesn't want to micromanage any of the departments.

Councilman Rosone thanked Administrator for following up on things he broached at the last meeting. He travels during early morning hours and there are times when the roads are made safe in the early morning hours. Staff knows how to make these safety decisions and he relies on the Chief and DPW Superintendent.

Council President Signorino recalled having a conversation with Dave Richards, BOE President, about sharing weather service with the BOE. He spoke with Mr. Storms and Mr. Ligus about Mr. Witherspoon and he learned that it became a civil matter. The State became involved and issued a stop work order. Administrator Gage confirmed that it is a civil matter and we can still have our planning board weigh in on resolving the matter but we need to have him come to the Planning Board thus the summons. Council President Signorino advised that the FAC has grave concerns and would like to meet with the library board to discuss certain issues. Mayor Bieri advised that members have met with them in past and plan to meet with them again when there are more concrete plans. The Mayor stated that she had suggested a meeting to discuss various options and will ask the library board president to coordinate that. Council President Signorino asked for an update on the phone system.

Mayor Bieri conveyed condolences to Kevin Bastable's family. He was a long serving DPW employee and a Greenwood Lake resident all his life. He came to West Milford in 1979 as an employee and has served for more than 32 years. He was ill and hoping to recover. His service & dedication will be greatly missed and his coworkers will miss him. She advised that on March 5<sup>th</sup> the Highlands Council issued reforms to streamline the exemption process. Certain parameters will allow a restoration of some home rule for certain applications. She gave kudos to Mr. Semrau for trying to get updates on the streetscape. Mr. Semrau advised that Mr. Ferriero met with Dewberry on Monday and will meet with Ms. Gage next week to give an update. Mayor Bieri stated that Council has repeatedly asked for fuel tank safety since 2008. Progress is being made on that issue by Ed Steines from DPW. She asked that Administrator Gage schedule a presentation to Council on this. She and Mr. Semrau had a meeting regarding the MUA and they have been corresponding with the DEP since last May and with the abrupt resignations she contacted them. They met last Friday in Trenton with twelve high ranking officials from three state departments. The general consensus was that the meeting was engaging. It was agreed by all that Council should fill vacancies to allow operations to proceed. Several options for the future of the MUA were discussed. Most agreed that an eventual sale would be the best option for improved services, economies of scale and BPU regulation. The DEP expressed concern about decisions of the recent administration and their commitment is to minimize that damage and rehabilitate the MUA. The DEP and DCA were most cooperative and pleased at the prospect of a fresh new start. They are now envisioning civil discussions and recalled that there was previously an antagonistic relationship. They insisted that their goal is to continue seeking solutions to health concerns. As a result of this renewed cooperative spirit the DEP is considering an administrative consent order (ACO) to stop fines accumulating. She appreciates their cooperative efforts. She will be attending a future MUA meeting to discuss that meeting with State officials and will send a script to the local newspapers to keep residents apprised. The DEP made it clear that they will be willing to meet with new commissioners and are available for questions, answers and discussions. Councilman Smolinski asked if Mayor Bieri corresponded with Senator Joe Pennachio about the reduced fines stating that it would be proper for the Mayor to advise him and allow him to help.

Administrator Gage advised that the Township has three sweepers and a VAC truck. One sweeper is old and beyond repair. The second has a transmission problem that will be addressed anon. The third will be on the road tomorrow. Usually sweeping is completed by Memorial Day and we expect to be ahead of schedule this year. The vactor follows after the sweeping and is currently under repair. It is a costly repair. The repair will take about a month and will not affect the schedule. Some of this funding to repair this equipment could come from clean communities funds.

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Attorney Semrau stated that with respect to the MUA we recognize that it is an autonomous agency and the Mayor is seeking consensus to assist them. The ACO is a means to help them to prioritize and the Mayor's goal is simply to work with the DEP to coordinate this. In order to make a record of the boat race issue he asked for a motion to have him send back the temporary outdoor permit application from Hopatcong Boating Association. Councilman Ramaglia made such a motion which was seconded by Councilwoman Erik and carried by unanimous roll call.

Council President Signorino stated that the FAC raised issues that require consulting with the Township engineer. He asked if they could be authorized to meet with the engineer before a planning board meeting when the engineer is present. The Council gave consensus to have Council President Signorino speak with Mr. Ferriero directly. Council President Signorino recalled that he went to the prosecutor's office with the Mayor last year and stated that he would have liked to do likewise with the DEP meetings. He asked the Mayor to consider that in the future.

Agenda No. XIII

**Appointments and Resignations**

~ Resolution No. 2012- 112 ~

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

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

<u>Name</u>	<u>Position</u>	<u>Date Tendered</u>
Martin Perricone Citizen Member 2	Municipal Utility Authority Term expiring December 31, 2014	February 23, 2012
James M. Burns Citizen Member 3	Municipal Utility Authority Term expiring December 31, 2013	February 24, 2012

Adopted: March 7, 2012

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

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Councilman Smolinski made a motion to appoint Edward Spirko to Citizen Member 3 on the MUA. Councilman Ramaglia seconded the motion. Motion to close and confirm.

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

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Councilwoman Smolinski made a motion to appoint Mr. Heres to Citizen Member 4 on the MUA. Councilman Ramaglia seconded the motion. Motion to close and confirm.

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

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Councilwoman Smolinski made a motion to appoint William Bassett to Citizen Member 5 on the MUA. Councilman Ramaglia seconded the motion. Motion to close and confirm.

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

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Councilwoman Smolinski made a motion to appoint Mr. McGill to Alternate #1 on the MUA. Councilman Ramaglia seconded the motion. Motion to close and confirm.

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Moved: Ramaglia Seconded: Signorino  
Voted Aye: Erik, Smolinski, Ramaglia, Rosone, Signorino, Horton.  
Voted Nay: None.  
Motion carried.  
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Councilman Smolinski asked to leave alternate #2 open for someone with a financial background and the Council agreed. Councilman Rosone asked for and received consensus to propose a resolution asking MUA to give quarterly reports to council.

Agenda No. XIV

**Executive Session**

~ Resolution No. 2012- 113 ~

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 7<sup>th</sup> day of March, 2012 that:

1. Prior to the conclusion of this Workshop Meeting, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
  - ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
  - ( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
  - ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
  - (X) b. (4) A collective bargaining agreement including negotiations.
    - Update on Labor 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.
    - Sparkes v. West Milford
    - Hardin v. West Milford
    - Costello v. West Milford
  - ( ) 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: March 7, 2012  
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Moved: Horton Seconded: Signorino  
Voted Aye: Erik, Smolinski, Ramaglia, Rosone, Signorino, Horton.  
Voted Nay: None.  
Motion carried.  
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Resolutions 2012-107 and 2012-108 were moved on the agenda to after the Executive Session.

Agenda No. X 4

~ Resolution No. 2012- 107 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING THE 2012 CONTRACT WITH DAVID F. CORRIGAN, ESQ. FOR THE**



