
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: March 11, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 1 of 8

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 4, 2009; copies were provided to the Suburban Trends, the Record, Star Ledger, and Greenwood Lake News 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.

Pledge of Allegiance

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

Roll Call

Present: Councilmembers Philip Weisbecker, Joseph Smolinski, Salvatore Schimmenti, Robert Nolan, Marilyn Lichtenberg, Daniel Jurkovic, Mayor Bettina Bieri.
Absent: None.
Also Present: Township Administrator Kevin Boyle, Township Clerk Antoinette Battaglia, Township Attorney Frederick Semrau.

Agenda No. II

Reading of or Approval of Unapproved Minutes

None.

Agenda No. III

Meetings

Mayor Bieri noted the future meeting schedule:

March 25, 2009 Regular Meeting	April 1, 2009 Workshop Meeting
April 8, 2009 Regular Meeting	April 22, 2009 Workshop Meeting

Agenda No. IV

Proclamations

Mayor Bieri invited Darla VanSickle, the elementary school music teacher, to accept the proclamations for music in our schools and youth art month. Mayor Bieri read the proclamations aloud and presented them to Ms. VanSickle who thanked the Mayor, Council and residents for supporting these programs. West Milford students are both talented and award-winning and they represent the Township very well throughout the state. She and the staff in the school system are very proud of these kids and honored by the support of the residents in this community. She stated that these proclamations are greatly appreciated. Mayor Bieri stated that the success of these programs is a testament to both the kids and the teachers and she commended the staff in the school system.

Agenda No. V

Presentations

None.

Agenda No. VI

Public Comments

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

Ada Erik, Macopin Road, West Milford gave a thumbs up to Richard McFadden and Tim Ligus. At the ADA meeting yesterday she posed a question to these two Township officials and received an immediate response. She asked if the Township has an ordinance pertaining to snow removal during storms stating that this has been an issue in the past.

David Watson Hallowell, West Milford urges the council to reestablish the tourism and economic revitalization commission. The prior tourism commission did not succeed for a number of reasons. With the current state of the economy and the increased unemployment rolls, local tourism is on the rise in New Jersey. Tourism and economic redevelopment should be viewed as one commission with a joint task to address opportunities and seek grant funding for the Township. Such a commission is also an important component of the master plan.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Township Council Workshop
 March 11, 2009
 7:30 P.M.
 Page 3 of 8

	<p>prudent to allocate funding to such a commission without giving it significant consideration. If Council wishes to pursue this matter, he recommended establishing a committee comprised of Council members to structure a workable, cohesive commission. Councilman Nolan disagreed stating that Sustainable West Milford has been very successful and the failures of the past should not impact progress. Because the Township is drafting a master plan, this is a good time to establish an economic development & open space commission. Council President Smolinski stated that the appointments are an important component. The Council asked that any persons interested in serving on such a commission send in letters of interest and that the public provide comments. They stated that they will send any comments or suggestions they have to the Township attorney before he drafts an ordinance.</p>
2)	<p>Ordinance – Amend code to create an Economic Development Commission – Mr. Boyle stated that this discussion became incorporated into the previous discussion.</p>
3)	<p>Ordinance – Amend code to create an Open Space Commission – Mr. Boyle advised that currently the Environmental Commission handled open space issues for the Township and he is seeking Council direction on this matter. In response to Councilwoman Lichtenberg, Mr. Boyle advised that he has not broached this subject with the Environmental Commission. Council President Smolinski stated that the Environmental Commission has been handling this for quite some time and they have been doing a great job. He does not recall receiving a request from them to transfer these tasks to another entity. Councilman Nolan agreed noting that there is no intent to disparage the Environmental Commission. However, West Milford is one of the very few towns that has an open space tax but no open space commission. Such a commission would also devote time to seeking out grant opportunities which may have been beneficial last year when the Council was seeking funding for Random Woods. He stated that the last committee was too large and a smaller focus group dedicated to open space issues and related funding would be beneficial. Councilman Jurkovic stated that West Milford is located entirely in the Highlands Preservation area which protects the Township against development. Purchasing open space removes properties from the tax rolls and is a burden when one recognizes that 17% of the property owners in West Milford pay 100% of the taxes. Establishing an open space commission is premature and should not be considered until the planner has completed the vacant land analysis and the master plan. Those two elements are critical before any further action is taken. Until the land analysis is complete, the Township cannot properly determine which properties should become a priority. In his estimation, pocket lots should be a priority because of the potential danger to the lakes in which they are located. He recommended that the Environmental Commission discuss this matter before Council at a future workshop meeting.</p>
4)	<p>Ordinance – Background Checks for Employees – Mr. Boyle stated that he is seeking Council direction on this matter. Councilman Nolan stated that the Council adopted a similar ordinance that applied to volunteers and he believes that employees who work with children and seniors should be subject to background checks. The Council asked Mr. Semrau to revise the ordinance so that it applies to Township employees who work with children and seniors. The Township will assume the cost of the background checks.</p>
5)	<p>Ordinance – Amend Chapter 414, Land Development Fees – Mayor Bieri advised that the Planning Board reviewed this proposed ordinance and supports it. The fees have not been adjusted since 1991. This will bring fees to the appropriate levels and address issues related to escrow accounts. She commended Ms. Fox for her work on this ordinance. The Council gave consensus to proceed.</p>
6)	<p>Update Building Use Rules and Security – Mr. Boyle stated that the Administrator is primarily responsible for setting the parameters for building use and he is asking for Council consent to draft a policy related to building use. At a later date, he will seek an executive session discussion about building security matters.</p>
7)	<p>Transfer Resolution – Mr. Boyle advised that transfers can only be effectuated at certain times during the year. He is recommending transfers totaling \$94,000 primarily for snow removal. This will be the final transfer in the 2008 budget. The Council gave consensus to proceed.</p>
8)	<p>Resolution in Opposition to Binding Arbitration – Mr. Boyle advised that during his tenure in Pequannock, he served on the NJLM resolution committee. That committee researched binding arbitration issues and has requested adoption of resolutions opposing binding arbitration. Mayor Bieri stated that the League sent out a bulletin today asking that binding arbitration laws be repealed. Councilman Jurkovic stated that binding arbitration was instituted to protect labor unions that are prohibited from striking. While he agrees that the law requires amendments he questioned the wisdom of repealing it in its entirety. Councilman Nolan stated that the current law requires three meetings before going to arbitration. This has relegated the meetings to a perfunctory process because arbitrators generally base raises on recent awards. The system is broken and must be changed. The Council gave consensus to have a resolution recommending reform prepared for the next meeting.</p>

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: March 11, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 4 of 8

Agenda No. IX

Action Items

The Township Council took action on the following items:

Agenda No. IX 1

~ Resolution No. 2009- 119~

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$17,458,834 BOND ANTICIPATION NOTES OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY

TABLED TO MARCH 12, 2009 SPECIAL MEETING

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

Discussion: Councilman Nolan stated that the Council was previously advised that Administration is recommending rolling bonds over in the amount of \$6 million and he asked how this figure became \$17 million. Mr. Boyle stated that he reviewed the debt service in addition to the \$6 million rollover. He reviewed 2007 and 2008 capital projects with staff. He is taking steps to curtail spending and bonding will be considered next year. At this time, interest rates are good which allows for debt restructuring in 2009. Mayor Bieri stated that Council approved \$7.8 million in capital projects in 2007 and \$3.7 million in 2008. Council President Smolinski stated that the Council will scrutinize 2009 capital projects. The Council, noting that there is a special meeting scheduled for tomorrow, asked that this matter be tabled until then.

Councilman Weisbecker made a motion to table this resolution to March 12, 2009.

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

The following resolutions were moved as one: 2009-120, 2009-121, and 2009-122.

Agenda No. IX 2

~ Resolution No. 2009- 120 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ESTABLISHING A RECORDS COMMITTEE

WHEREAS, the Mayor and Township Council has dedicated resources to improving and updating records management within the Township of West Milford; and

WHEREAS, municipal departments have been informally and actively involved in this process.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council does hereby formally establish a Records Committee comprised of representation from each department within the Township as designated by the respective department heads; and

BE IT FURTHER RESOLVED that the committee shall work with the Records Custodian to develop, implement, and maintain a long-term, strategic and systematic system for records management within the Township; and

BE IT FURTHER RESOLVED that the committee shall seek funding sources to implement and support such record initiatives; and

BE IT FURTHER RESOLVED that the committee shall make recommendations to the Governing Body pertaining to records management as necessary.

Adopted: March 11, 2009

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: March 11, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 5 of 8

Agenda No. IX 3
~ Resolution No. 2009- 121 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMITTAL AND ACCEPTANCE OF A 2009 PARIS GRANT APPLICATION

WHEREAS, the New Jersey State Legislature established a grant program in 2003 which is funded by the New Jersey Public Records Preservation Account; and

WHEREAS, this program, the *Public Archives and Records Infrastructure Support (PARIS)* is intended to serve as a catalyst in the establishment, enhancement and/or expansion of public records management, preservation and storage programs; and

WHEREAS, West Milford, a community with a population of under 45,000, is a category V community under the eligibility requirements for PARIS grant funding; and

WHEREAS, the Township of West Milford has exhibited a commitment to improved records management within the municipality.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of West Milford hereby authorizes the submittal of a grant application to the State of New Jersey, Department of State, Division of Archives and Records Management for \$40,000.

BE IT FURTHER RESOLVED that the grant funding shall be utilized to continue with the on-going process of records sorting, records re-housing, creating detailed inventory and identification of records, and purging records in accordance with N.J.A.C. 15:3.

Adopted: March 11, 2009

Agenda No. IX 4
~ Resolution No. 2009- 122 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RULES AND REGULATIONS OF THE SKATEBOARD PARK AT MOUNT LAUREL

WHEREAS, the Township proposes to undertake the construction of a sign at the skateboard park located within the municipality upon Block 405, Lot 1, and commonly referred to as Mount Laurel Park; and

WHEREAS, the Township has a plan to have the aforementioned Rules and Regulations posted on the skateboard park fence; and

WHEREAS, the Township has reviewed the aforementioned Rules and Regulations and exercised its judgment and/or approved the Rules and Regulations as presented.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford that the Township does hereby approve the Rules and Regulations prepared by the Department of Community Services & Recreation to be posted at the skateboard park at Mount Laurel Park located on Block 405, Lot 1.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be placed in the permanent project file together with one copy of the Rules and Regulations referred to above with a notation referring to the Resolution of Approval placed thereon.

Adopted: March 11, 2009

Agenda No. X

Approval of Expenditures

~ Resolution 2009-123 ~
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.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
 Date of Meeting: March 11, 2009
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 6 of 8

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.	\$424,956.76
2	Reserve Account	127,004.98
3	Animal Control Trust	100.00
6	Capital.	11,449.00
7	Grants.	12,821.24
8	Refuse.	192,355.83
9	Refunds.	
12	General Ledger.	
16	Heritage Trust.	102.94
14	Open Space Trust	7,222.50
17	Trust	56,552.31
18	Development Escrow.	
19	LOSAP	700.00
20	Special Reserve	
Total		\$833,265.56
Less Refund Resolution		
Actual Bill List		\$833,265.56
Other Payments		2,120.00
Less Refund Resolution		
Total Expenditures		\$835,385.56

Approved: March 11, 2009

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

Agenda No. XI

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

Councilman Weisbecker – stated that there are still residual issues in Upper Greenwood Lake as a result of the major ice storm last December. He asked if there is any possibility that this can be addressed now before spring and summer is here and residents are left struggling with cleaning up the debris. This was a catastrophic event; an act of God. He asked Mr. Boyle to discuss this with the DPW Superintendent and asked the Council to consider adopting a resolution instructing the DPW to remove the brush in Upper Greenwood Lake. Mr. Boyle stated that the cost for such a clean-up effort is significant, even prohibitive. Council President Smolinski stated that DPW should cast other projects aside and remove some brush without causing any overtime expenses. Mr. Boyle stated that he will research the feasibility of removing brush from the rights-of-way and report back to Council. Councilman Weisbecker apologized for missing the last meeting advising that his absence was because he lost his family pet.

Councilman Nolan – stated that, in addition to the resolution opposing binding arbitration, there were resolutions in the Council packets regarding Cablevision. Woodland Park and Clifton both adopted resolutions opposing the cable companies removing channels from the basic cable and requiring residents to upgrade their subscription and get a cable box to have access to these channels. He asked the Council to consider adopting a similar resolution. Councilman Jurkovic stated that the channel that was lost was a result of converting from analog broadcasting to digital broadcasting. The cable box is required to access the digital band. All adversely affected persons were contacted by Cablevision and offered a free box and those who wish to receive a box can contact their cable provider. Councilman Nolan stated that he missed last week's meeting because his daughter sat for her RN exam and relocated to North Carolina.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: March 11, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 7 of 8

Councilwoman Lichtenberg – advised that the Lions Club will be hosting “Broadway in the Highlands” on March 29th at the Highschool at 3:00 p.m. The Model UN will be making a presentation before Council at the next regularly scheduled meeting. She is at Town Hall every Thursday from 10:00 a.m. to noon to meet with residents.

Mayor Bieri – advised that work on the skatepark is nearing completion. The grand opening is scheduled for April 18th at 9:30 a.m. She stated that many municipalities have had to lay off employees to deal with the budget crisis and asked if discussions can be initiated with the labor unions to seek contributions to medical benefits. Mr. Semrau will research and advise accordingly.

Township Administrator – Mr. Boyle advised that he attended the kick-off meeting for Thunder in the Highlands and reviewed some of the proposed parameters. There will be a mock set-up for the roller hockey rink tomorrow and the streetscape and West Milford Lake reports have been postponed to March 25th. He will ask Council to consider a resolution authorizing a professional services agreement for GIS services at the next meeting. The committee for Hillcrest negotiations will meet with the BOE committee on March 17th at the school. He has scheduled a meeting for the garbage & recycling committee for this coming Monday and he will also attend the Lakes Committee meeting that night. He asked Council to consider reducing the number of Council meetings from three per month to two per month. He stated that he believes that this will result in more productive meetings will eliminate frustration for staff.

Township Attorney – Mr. Semrau advised that West Milford received a favorable report at the Morris County JIF meeting earlier today relative to the skate park. He advised tha the Township is in compliance with COAH. He received a fax after 5:00 p.m. today from the Upper Greenwood Lake Property Owner’s Association requesting a meeting with the Township Administrtor, Mayor, Engineer and other officials. He sought and received consensus from Council for himself, the Adminsitrator, and the Mayor to meet with them on March 25th prior to the Council meeting. He asked for a discussion at a future workshop meeting about the maintenance of roadways. Councilman Weisbecker stated that he will also attend the UGL meeting on March 25th.

Agenda No. XII

Appointments and Resignations

None.

Agenda No. XIII

Executive Session

**~ Resolution No. 2009- 124 ~
MOTION FOR EXECUTIVE SESSION**

BE IT RESOLVED by the Township Council of the Township of West Milford on the 11^h day of March 11, 2009 that:

1. Prior to the conclusion of this **Workshop Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.
 - () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - Potential Litigation –Tax Appeals
 - Contract Negotiations – Hillcrest Lease
 - () 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).

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: March 11, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 8 of 8

Adopted: March 11, 2009

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

The Council convened in executive session at 10:10 pm.
Returned to Workshop meeting at 11:09 pm with all present as before.

Mr. Semrau stated that the Mayor and Council discussed modifications to the BOE proposal for the Hillcrest Lease in anticipation of the committee meeting scheduled for next Tuesday. The Council is proposing that the BOE dedicate \$400,000 of the \$500,000 funding from the sale of Wallisch to immediate improvements at Hillcrest. They will request that the remaining \$100,000 be held in reserve and dedicated those funds toward capital repairs throughout the years. The township will pay \$2 per square foot for the entire facility. Those funds will be set aside for repairs to the facility. The township will continue to assume all maintenance and custodial costs. There will be notification and termination clauses in the agreement. Mr. Semrau will outline all these terms in a letter to be sent to the BOE tomorrow morning.

Adjournment

Agenda No. XIV

There being no further business to come before the Council, the Township Council adjourned the meeting at 11:15 p.m.

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

Approved: June 10, 2009

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK