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

Minutes of: Township Council Special Meeting  
Date of Meeting: March 12, 2009  
Time of Meeting: 7:30 P.M.  
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Mayor Bettina Bieri called the Special Meeting of the West Milford Township Council to order.

This meeting is being held at the Westbrook School Media Center, 55 Nosenzo Pond Road, West Milford, NJ 07480. Formal action may be taken at this meeting.

**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 special meeting was transmitted to the Herald News on February 8, 2009; copies were provided to the Record, Star Ledger, Suburban Trends 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.

Agenda No. I

**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 Fred Semrau.

Agenda No. II

**Purpose**

Mayor Bieri stated that the purpose of this meeting is to continue the review of the proposed 2009 Municipal Budget.

Agenda No. III

**Review of 2009 Municipal Budget**

Library Board – Debra Maynard, the Library Director, directed Council to reports she distributed for their edification. She reviewed the revenue, staffing, salary & wages and the budget sheets. Council President Smolinski thanked Ms. Maynard for her attendance adding that the Council has no control over library funding. He asked Ms. Maynard to provide an overview of the financial health of the Board. Ms. Maynard directed Council to the Library audit and advised that there is almost \$2 million in surplus funds. These funds are being held in reserve for a building fund as indicated in the January 30, 2009 internal financial report. These funds have been accumulated over a number of years and intended for a new civic arts, community center & library. Council President Smolinski verbalized his support for a new library facility but noted that in 1998 and 1999 West Milford residents did not back such an endeavor. He will throw his full support toward expenditure of public funds in this manner when the residents indicated that they favor such a project. He asked if the Board now feels it appropriate to seek public approval by referendum to which Ms. Maynard answered in the negative. She stated that the Board has saved over the years and is reviewing both new structures and renovating the existing building. The Library Board President, Doug Ott, advised that the Board is researching the possibility of obtaining stimulus funds from the Federal Government based on an anticipated cost of \$3 million. He stated that he recalls the referendum referred to by Council President Smolinski. The voters were asked to make a decision without the benefit of specific or conceptual plans. It may be more prudent to have more specifics before asking the voters to make such a decision. The Board is seeking to develop a concrete plan with concept designs to disclose to the public. The \$2 million in the bank includes generous donations. He stated that they have had very general conversations with a local architect. When and if specific plans are developed, the Board would have public meetings to disseminate that information. Council President Smolinski stated that other towns have successfully asked Library Boards to return surplus funds to the municipality to balance the budget and inquired if the West Milford Library Board would be willing to return funds not applied to operating expenses to the municipality. Mr. Ott stated that the process to refund monies to the municipality is long and involved. He would have to research that further before making any comment. Mayor Bieri cautioned against such action at this time because it would be difficult to determine operating costs at a new facility. Mr. Ott stated that a new library would provide invaluable services to residents and contribute to the amenities offered in West Milford. Ultimately this has a positive impact on property values.

Mr. Ott stated that of the twenty-one people who work in the library, twelve are part time. The library is open sixty hours per week and typically there are approximately seven people working at any given time. In response to Councilman Jurkovic, Mr. Magnotti stated that he will research contributions to PERS for library employees. Mr. Magnotti explained the state mandated library funding process which is based on

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equalized values and equates to about \$1.3 million dollars. Whenever the Township provides or pays for a service, the library is charged accordingly. Based on diminishing equalized valuations in this market, the library may see a reduction in funding. The Governing Body thanked the library representatives for attending tonight's meeting.

Municipal Court – Mr. Boyle reviewed the court statistics for 2006, 2007 and 2009 noting that the court system generates a significant amount of the Township's revenue. He reviewed the budget detail noting that the proposed budget is relatively unchanged this year.

Note Sale – Mr. Boyle stated that since last night's meeting, he and Mr. Magnotti have worked on gathering more information for the council. They utilized other funding sources for capital projects wherein Mr. Magnotti utilized current fund, open space funding and trust accounts to cover expenses. He reviewed projects, expenditures, encumbered amounts and balances remaining. He explained the funding process stating that, as a general rule, capital appropriations are funded in the year after the funding has been allocated. The Township did not roll the note over in 2008 because of delays in appointing a Township Auditor. As a result the 2007 debt was not included because there was no auditor to generate a debt statement. In 2007 the council approved close to \$8 million in debt based on the recommendation of the former administrator. That debt must now be funded. Discussion ensued about specific projects that have not been realized despite the capital appropriations. The Council asked about the previously funded fuel security system which has not proceeded as planned. Mr. Boyle indicated that he has addressed this matter with the DPW Superintendent and committed to its completion before year's end.

Agenda No. IV

**Public Comments**

Mayor Bieri opened the meeting to the public advising that there is a 5-minute time limit for each speaker.

Jim Novack, Larchmont Drive, West Milford stated that he is a member of the newly formed recycling committee. The committee has ordered sweat shirts for this year's awards and he asked that this be placed on the agenda for the March 25<sup>th</sup> meeting. He stated that the committee is planning to reach out to the schools to encourage greater participation next year.

There being no further comments, Councilman Nolan moved to close the public portion of the meeting.

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

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Agenda No. V

**Action Items**

**~ Resolution 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**

**BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD,  
IN THE COUNTY OF PASSAIC, NEW JERSEY, AS FOLLOWS:**

Pursuant to a bond ordinance of the Township of West Milford, in the County of Passaic (herein called "local unit") entitled: "Bond ordinance appropriating \$3,783,225, and authorizing the issuance of \$3,186,450 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey", finally adopted on September 7, 2005 (#2005-12), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$3,186,450 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefore.

Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance appropriating \$3,459,500, and authorizing the issuance of \$3,055,135 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey", finally adopted on March 14, 2007 (#2007-07), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$3,055,135 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefore.

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Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance providing for the improvement of various roads in and by the Township of West Milford, in the County of Passaic, New Jersey, appropriating \$4,688,250 therefore and authorizing the issuance of \$4,465,000 bonds or notes of the Township for financing such appropriation", finally adopted on March 28, 2007 (#2007-06), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$4,207,625 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefore.

Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance appropriating \$3,861,238, and authorizing the issuance of \$3,309,676 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey", finally adopted on July 11, 2007 (#2007-18), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$3,289,274 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefore.

Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance appropriating \$3,342,360, and authorizing the issuance of \$3,175,242 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey", finally adopted on September 3, 2008 (#2008-040), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$3,145,350 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefore.

Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance providing for the improvement of Magnolia Road in and by the Township of West Milford, in the County of Passaic, New Jersey, appropriating \$235,000 therefore, directing a special assessment of the cost thereof, and authorizing the issuance of \$175,000 bonds or notes of the Township for financing the same", finally adopted on September 24, 2008 (#2008-44), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$175,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefore.

Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance making a supplemental appropriation of \$420,000 for the improvement of Gordon Lakes Dam in and by the Township heretofore authorized to be undertaken by The Township of West Milford, in the County of Passaic, New Jersey, directing a special assessment of the cost thereof, and authorizing the issuance of \$400,000 bonds or notes of the Township for financing such supplemental appropriation", finally adopted on October 8, 2008 (#2008-390), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$400,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefore.

Pursuant to the provisions of Section 40A:2-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof and in lieu of the sale of more than one issue of bonds as provided for in said Local Bond Law, the several issues of bonds of this local unit authorized pursuant to bond ordinances of the local unit hereinabove in Sections 1 to 7 described, shall be combined into a single and combined issue of bonds in the principal amount of \$17,458,834.

The following matters in connection with said Bond Anticipation Notes are hereby determined: All notes issued hereunder shall mature at such times as may be determined by the treasurer or the chief financial officer of the local unit (the "chief financial officer"), provided that no note issued pursuant to Sections 1 to 7 hereof shall mature later than (i) one year from the date of the first such note issued pursuant to the respective ordinances referred to in said Sections, and (ii) three years from the date of the first note issued pursuant to each such respective ordinance unless the local unit shall have paid and retired amounts of such notes sufficient to allow it, in accordance with provisions of Section 40A:2-8 of the Local Bond Law, to renew a portion thereof beyond the third anniversary date of the first of such notes;

All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer of the local unit; and

The notes shall be in the form prescribed by resolution heretofore adopted by the governing body of this local unit determining the form of Bond Anticipation Notes issued pursuant to the Local Bond Law, and any such notes may be signed or sealed by officers of the local unit in any manner permitted by Section 40A:2-25 of said Local Bond Law notwithstanding that said form or resolution may otherwise provide.

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The chief financial officer of the local unit is hereby authorized and directed to determine all matters in connection with said notes not determined by this or a subsequent resolution, and the chief financial officer's signature upon said notes shall be conclusive as to such determinations.

The chief financial officer of the local unit is hereby authorized to sell said Bond Anticipation Notes from time to time at public or private sale in such amounts as the chief financial officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefore.

Any instrument issued pursuant to this resolution shall be a general obligation of the local unit, and the local unit's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

The chief financial officer of the local unit is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

The chief financial officer of the local unit is hereby authorized to execute and deliver all documents and to do all matters useful, convenient or desirable in connection with the sale, issuance and delivery of said notes, including without limitation, if necessary, (a) the preparation, delivery, distribution and execution of a "deemed final" preliminary official statement and a final official statement of the local unit relating to said notes, (b) the execution and delivery of an arbitrage and use of proceeds certificate in a form approved by bond counsel, (c) the execution and delivery of a continuing disclosure undertaking in a form approved by bond counsel and (d) the preparation, distribution and publication, if desirable, of a notice of sale with respect to said notes.

This resolution shall take effect immediately.

Adopted: March 11, 2009

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

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**~ Resolution 2009 - 125 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO MATTHEW S. KRAUSER TO REVIEW ASSESSMENTS WITHIN THE TOWNSHIP IN AN AMOUNT NOT TO EXCEED \$6,500.00**

**WHEREAS**, the Township of West Milford wishes to CONDUCT ANALYSES AND VALUATIONS AT Bald Eagle Commons subject to and in conformance with the Code of Ethics and Professional Conduct of the Appraisal Institute and the Uniform Standards of Professional Appraisal Practice (USPAP); and

**WHEREAS**, Matthew S. Krauser of Integra Realty Resources has such experience and expertise; and

**WHEREAS**, Matthew S. Krauser of Integra Realty Resources of Whippany New Jersey has submitted a proposal for such services in an amount not to exceed \$6,500; and

**WHEREAS**, the total amount of the contract shall not exceed \$6,500.00 without the written approval of the Township Council; and

**WHEREAS**, the Chief Financial Officer has certified availability of funds for these services said funds to be encumbered from the Reserve for Tax Appeals account; and

**WHEREAS**, pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-3, when the cost or price of any contract awarded by the contracting agent in the aggregate does not exceed in a contract year the total sum of \$17,500, the contract may be awarded by the contracting unit without public advertising for bids; and

**WHEREAS**, Matthew S. Krauser has completed and submitted both a Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that his firm has not made

