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

Minutes of: Township Council Special Meeting  
Date of Meeting: March 29, 2011  
Time of Meeting: 7:00 P.M.  
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Mayor Bettina Bieri called the Special Meeting of the West Milford Township Council to order.

**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 March 27, 2011; 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.

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 Philip Weisbecker, Joseph Smolinski, Michael Ramaglia, Edward Rosone, Luciano Signorino, Daniel Jurkovic, Mayor Bettina Bieri.  
Absent: None.  
Also Present: Township Administrator Kevin Boyle, Township Clerk Antoinette Battaglia, Chief Financial Officer Arthur Magnotti.

Agenda No. II

**Purpose**

Review of the proposed 2011 Municipal Budget.

Budget Overview

Formal action may be taken at this meeting.

Agenda No. III

**Review of 2011 Municipal Budget**

Mayor Bieri commended the Administrator who, without a full time CFO, has achieved a zero percent this year. Since she took her oath of office in 2008 she has made significant administrative changes that affected finances. She reviewed actions taken and said that the work has paid off resulting in her and her department heads achieving a 0% increase. She summarized some changes including the restructuring of the Land Use, Health and Finance departments. Council President Smolinski interrupted telling the Mayor that we are here to have the Administrator introduce the budget. This is why we did away with the public display.

Mayor Bieri continued with her statement and Council President Smolinski left the room. Mayor Bieri stated that she achieved savings through attrition and negotiated with banks which resulted in reduced interest. Department heads have been cooperative. Councilman Jurkovic interrupted stating that these are Council meetings and questioned the Mayor's right to speak at this time.

Mayor Bieri stated that, despite pressure from the former Chief of Police, she restructured the Police Department. She urged the Council to reconsider their decision not to hire more police officers. Acting Chief Chiosie has recommended increased attention to in drug enforcement and requires manpower to support this effort. She thanked the Administrator and department heads for their ongoing work to save costs throughout the year. She thanked the Council for their input, attendance at meetings and the direction they gave the Administrator. She deferred to Administrator Boyle.

Council President Smolinski returned to the meeting.

Mr. Boyle introduced the Township auditor, Chuck Ferraioli who handed out information advising that it is the budget that is in compliance with current state laws. The library, he said, is now a new ballgame because several laws impacting the library have an impact on the budget. The library must go online to determine if there is any excess surplus to be turned over to the municipality for tax relief. He does not believe this applies in West Milford but it does cause the library tax levy to be moved to a separate line item in the budget. On sheet 11 of the budget, we will now separate out the library tax levy. He noted that these changes have been numerous and rapid.

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Council President Smolinski asked about state mandates. Mr. Ferraioli stated that the library must input the latest numbers online and libraries are allowed to maintain a surplus of 100% of their expenditures plus 20%. Any capital reserves are not included in the calculation. If they are over that dollar amount, the state library association will determine if the excess funds can be turned over to the town. This budget assumes that there is no such surplus coming. If any funds are realized, the municipality must take it as a reduction in taxes in the current year. This will have a negative effect on next years budget. Council President Smolinski asked what has happened to the library surplus from prior years. Mr. Ferraioli stated that they were carrying a surplus that has been moved to capital reserve. If a library has a million dollars of expenditures they can keep \$1 million in surplus plus 20%. The appropriation this year is less than last year because their appropriation is based on the tax rate in town. Mayor Bieri noted that revenues are down by \$92,000 which affects the library appropriations.

Mr. Ferraioli reviewed the budget document advising that the ratable base declined. He reviewed tax points noting that every time the tax levy increases by \$150 the taxpayer will see the levy increase by one tax point. In West Milford a tax point is \$130,000. That means that the one tax point equals \$13. This year our new library levy is 1/3 of a million. The library appropriation is decreasing by \$91,000.

Mr. Ferraioli advised that the open space levy went down too by \$660 and he reviewed the municipal levy, net of library. Because the base is less there is no increase to the average home in the municipal budget. Both the County and school budgets have increases and he advised that next year comparisons will be different because of the revaluation. It will be hard to compare the impact to the average home because of the result of a revaluation; one cannot do an apples to apples comparison. Council President Smolinski stated that it is estimated that property values will increase in West Milford which means that open space tax will increase too. Mr. Ferraioli stated that in towns where there is flexibility when you have a revaluation, it will increase in stages in each year after the revaluation. We will have to have attorney review of the ordinance to make that determination.

Mr. Ferraioli reviewed that various CAPS that affect the municipal budget and the recent changes in legislation that dictates those items that are within and exempt from the CAP.

Mr. Ferraioli reviewed the annual debt statement saying that this has to be filed every year and shows outstanding municipal debt. The total debt is less than 1% which is a number he likes to keep at. By law the Township can go to 3% but the equalized value is declining every year. He reviewed last year's percentage. He stated that ratings agencies will look at this number and every municipality is seeing this kind of drop. This year's capital budget is well under \$2 million.

Mr. Ferraioli reviewed the current Fund which is the statement of operations. He stated that credits are good, debits subtract from surplus. He reviewed the credits.

Mr. Ferraioli reviewed the deferred school tax advising that every time the school levy increases by a dollar our surplus increases by fifty cents. That is because we are in a calendar year and they operate in a fiscal year. Last year this generated \$877,941. If this year's budget passes that will increase to \$1.2 million. Last year we fell short on revenue and taxes collected than anticipated and we also owed in interfunds. We generated \$1,918,308.26 in surplus which is down about \$91,000 from last year exclusive of interfunds. He is anticipating using \$100,000 in the 2011 budget.

He reviewed revenue generated from licenses and advised that court fines were down. Interest on taxes were down as was interest on assessments. Interest on deposit investments was down but a it is still a good number based on current market conditions. Recreation fees were down while fire safety remained level. SMAC tests were also down. State aid remained the same except green acres funding which was supposed to decline. Everything else stayed the same. There is a law that says that franchise & gross receipts tax, from which the state can take money and then must return some to towns, is not supposed to decrease, but the state reduced state property tax relief by the same number as the increase in the franchise & gross receipt increase.

Construction code fees have increased in most towns, but West Milford saw a reduction in construction fees. Could be the economy or the Highlands Act. We should monitor this because if it is the Highlands then we must petition the state to provide relief for the water protection. We do not have the anticipated grants number as yet and are anticipating zero right now. We need that number to do proper comparisons although there is no effect on the tax rate. He reviewed chargebacks, pension, and insurance for the library which we now bill directly.

Administrator Boyle reviewed the capital budget advising that the Township sold debt a few years ago. Last year the capital budget came in under \$2 million in an effort to keep debt service low and level out long term debt and he did that again this year. During meetings he looked at being fair yet mindful of any

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impact on debt. He reviewed proposed capital funding for 2011 saying that this capital budget is fair and meets each department's needs.

Mr. Ferraioli advised that the Township must introduce the budget, have public hearing about 28 days later and the DCA should give approval to adopt. He stated that he does not think the state budget should hold up our tax bills advising that there is a benefit because if we get tax bills out we don't have to do estimated tax bills and money comes in timely. This could happen this year. He stated that he is optimistic about getting the budget adopted and the tax rate certified. Councilman Weisbecker stated that the County has introduced but not adopted their budget. Mr. Ferraioli stated that all budgets must be adopted, County, school, state and municipal before we can certify the rate. He expects the County will adopt on time. We can adopt our budget but cannot certify tax bills until all budgets are adopted.

Council President Smolinski asked Mr. Ferraioli to discuss a recreation utility. Mr. Ferraioli stated that the Township could establish a recreation utility that would be able to operate alone with separate finances. They would have to generate revenue and spend it. By setting up a recreation utility we reduce our revenue and our appropriations. The Council would still control the recreation utility budget and they must operate in the black. If they have a deficit it will affect the tax base. The Township could opt to take some expenses in the municipal budget for recreation and move those costs over to the recreation utility. The theory is that those benefiting from recreation, pay for recreation with the ultimate goal being to have them completely self sufficient. Jefferson has an open space tax for recreation. Mayor Bieri asked if this would require the transfer of salaries and soft costs to the utility. Mr. Ferraioli answered in the affirmative saying that the Township would have to determine what is truly recreation and what is community services. Revenues must meet appropriations. The Township could decide it is not necessary to charge all maintenance costs to the utility but that is the ultimate goal. From a social viewpoint, those who use the programs pay for the programs. Council President Smolinski stated that these items were discussed by committee with an eye toward future budgets.

The Mayor and Council thanked Mr. Ferraioli for his time and effort.

Mr. Boyle recalled that the Council decided to review the budget by committee and he reviewed the committee structure and the budgets each reviewed. Over the course of six weeks they met with department heads, the auditor, and the administration. In January the budget reflected a \$60 increase to the average household and adjustments to come to zero. He stated that he had to adjust some things that were not plugged in at that time and now all numbers are in.

Mr. Boyle discussed the specifics of the budget by department.

The Administrators budget is up to reflect the GIS contract that was formerly in engineering. There is no longer a personnel division. Legal went down \$25,000 because we have not renewed labor counsel and thus reduced costs. General services increased and salary & wages went down in tax collection. An increased floater has been funded to cover the operations. Insurance remained flat as did the Clerks office including elections. Without a full time CFO, he has prorated salary & wages in the Treasurers office and thus there is a reduction. He is also seeking to finalize an interlocal agreement with Ogdensburg. The tax collector budget went up due to the online billing process. He reviewed the various divisions in Land Use advising that their budgets remained flat.

Mr. Boyle advised that the police department budget does not include any new officers but does reflect the 4% contract salary increase. There is funding for two new vehicles and operating expenses increased. The Acting Chief reduced the budget by \$50,000 from the original request. The only noticeable increase is in firearms because ammunition is becoming very expensive and hard to get because of ongoing international conflicts. Savings have been realized due to retirements with one officer who retired early in the year. OEM saw a reduction of \$2,000. First aid contributions remained level as did contributions to fire companies. He stated that they found \$3,000 savings relative to equipment. Last year we did not fully fund LOSAP and now we must replenish LOSAP this year. Engineering has been restructured and the committee considered shared services with engineering and DPW. He stated that he is waiting to hear from DOP and if approved it will allow us to forego replacing retirees. Unfortunately, snow removal is a large cost. This year the snow removal was an expensive proposition. The health department remained the same and it too was reorganized in 2010.

Administrator Boyle reviewed the various divisions within the Department of Community Services & Recreation. The Veteran's bureau and public events remain the same. The library is down based on the ratable base and court remained same.

Mr. Boyle advised that the Township signed with Optimum Lightpath for telephone and internet and will see savings of \$30,000. This will also allow for the elimination of \$100,000 in capital appropriations for

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upgrades appropriated some years ago. Next year he said we can expect pension numbers to remain relatively flat. This year appropriations for compensated absences is reduced by \$20,000.

Township Attorney Semrau stated that this is not the final budget, this is a working document. The ultimate decisions will be made at introduction and adoption. This is an administrative summary of the initial budget and reflects input from Council. This can be changed through the process from introduction to adoption and even beyond.

Council President Smolinski asked about the police department. He stated that the salary & wage appropriations reflected funding of over \$100,000 for an officer who has since retired. Now we have \$100,000 in the budget for that position. Administrator Boyle confirmed this to be accurate and advised that we can hire new officers with those funds. If experienced, an incoming officer will cost about \$60,000. Academy personnel will cost less. He recommends replacing the retired officer and hire new officers in succeeding years adding that it will be a long process to bring the staffing levels up in this department. We have 42 officers budgeted in this budget. Councilman Jurkovic suggested that we could add 2 trainees for the \$100,000. Councilman Ramaglia asked what labor counsel cost in 2010 to which Mr. Boyle replied \$65,000 and noting that we have not expended this year what we did last year. Councilman Jurkovic stated that he is okay with the proposed police budget but would like to have an executive session discussion with the Chief about staffing going forward and how he would use the \$100,000. Acting Chief Chiosie said from audience that he is comfortable speaking about this.

Councilman Weisbecker applauded the Council for doing a good job to get a zero percent budget stating that it was the Council who accomplished this.

Mayor Bieri asked about reserves about labor contracts and Administrator Boyle stated that there is funding in the budget. Councilman Jurkovic objected to discussing this and Mr. Semrau advised that the Council cannot discuss specifics. Mr. Boyle stated that both unions went to impasse and then on to mediation. As such, he has factored monies into the 2011 budget as appropriate. Mayor Bieri noted that the reserve for tax appeals is \$20,000 and there is no appropriation for the reserve for uncollected taxes. Mr. Boyle stated that he will check those numbers with the Auditor. Mayor Bieri noted that the budget reflects an appropriation of \$50,000 less for snow removal and she asked if this is related to reserves. Mr. Boyle stated that the basis is an estimated four storms between now and the end of the year adding that we have a snow reserve account. In response to Mayor Bieri he advised that the appropriations for Hillcrest have been made in capital cash. The \$500,000 for the Wallisch estates will come from the redevelopment money but it is ultimately a Council decision. He stated that the Township will get about two miles from left over funds for road work the plan being to proceed with Otterhole Road and we are seeking CDBG grant money for Upper Greenwood Lake roads. Mayor Bier asked if we have reserves or funding available for potential payouts for retirement and Mr. Boyle replied in the affirmative. Discussion ensued about the Lincoln Hill sidewalk and the streetscape project with Mr. Boyle stating that we are applying for additional funding and there are many easement issues to be addressed.

The Council commended Administrator Boyle. Mayor Bieri thanked Mr. Boyle and all the department heads.

Agenda No. IV

**Public Comments**

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

Gene Chiosie, West Milford stated that he is new to this process. Last year meetings were held in public and there was talk about manpower. Manpower is his main concern. He applauded the Council for supporting the former Chief's recommendation of 48 officers. The Council fought for more manpower and has always backed police. Now he is hearing that we are not replacing police officers even though he can provide reports from all former chiefs saying we need 48 officers or better. He stated that he is seeking 46 officers and he needs people now.

Doris Aaronson, 19 Bearfort Road, West Milford stated that under this form of government, the Mayor runs Council meetings. She commended Council members Ramaglia, Rosone and Signorino for listening. She stated that she is shocked at Council members Jurkovic, Smolinski and Weisbecker when the Mayor was talking. Their actions constitute bullying and their actions may be in part because the Mayor is a democrat or maybe it is because she is a woman. Councilman Jurkovic took exception stating that these comments do not pertain to the budget. Ms. Aaronson stated that she can speak about any matter during the public portion of a public meeting. She stated that any resident who cares about women should not vote for people who are biased against women.

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Gary Steele, North Glenwood Road, West Milford stated that he has been trying to get an agenda item listed since the second Council meeting this year. Now it is a moot point but he would still like to see his resolution adopted. He congratulated the Council for a great job and thanked them for their public service.

George Richnavsky, Newfoundland echoed the comments made by Acting Chief Chiosie regarding staffing in the police department. He said that since the nineties West Milford has had 48 officers and three past chiefs have recommended staffing at that level. The PBA, he said, sent out a proposal to reduce raises and starting salaries and extend the contract for a year to realize savings on labor fees. The also sent out a letter last year in regard to the budget. While the budget may be large, the police department operates 365 days per year, seven days per week. This equates to \$1.63 per taxpayer for invaluable police coverage. He does not think anyone would object to that for police coverage and an officer in the school.

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

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Moved: Weisbecker Seconded: Rosone  
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino, Jurkovic.  
Voted Nay: None.  
Motion carried.

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Agenda No. V

**Council Comments**

Township Attorney Semrau advised Council not to respond to discussion about labor negotiations saying that they cannot comment for, against, or in any way about contract offers. The public has the right to do so.

Council President Smolinski objected noting that the Acting Chief and the PBA President have taken a position on staffing. He is aware of comments made at budget meetings last year and he said there were several issues that developed from that point. One was that the Mayor took a stance on police funding in opposition to the COPS program. Mayor Bieri, he said, was adamant on not increasing staffing at that time. The Council supported that, and therefore lost the grant money. It would be beneficial to taxpayers to get a free police officer rather than to pay from taxes. He expressed hope that such a grant becomes available this year. The Council is not saying no to staffing at this time. Before anyone takes a stand against this Council they should know that the Council always support the West Milford Police Department. It should never have been politicized. The Council never argued against police department. They are responsible to taxpayers to provide the best for the least. Acting Chief Chiosie presented a budget with two potential retirements. One already retired and the second is the Chief himself. If the Chief retires Council President Smolinski said, there will be funding available to hire multiple officers. He stated that the Council does not know when the Chief is retiring. He is trying to be respectful but wants to know where he stands. Acting Chief Chiosie, from the audience, stated that those statements are inaccurate adding that each year the members of the police department who are eligible to retire must notify the Township of that eligibility. Council President Smolinski stated that patrol officers are the meat of the Police Department, and that is where we are lacking right now. He asked Acting Chief Chiosie what his future plans are. Councilman Jurkovic stated that he was uncomfortable with staffing of 38 officers and would like to discuss the requested increase. Ultimately he wants to see the Police Department fully staffed although that may take a couple of budget cycles. The Council, he said, cannot correct this overnight. He noted that the Police Department is funded at 90% of the highest optimum level being argued for to date. He stated that he appreciates what the Acting Chief and the staff has done. He stated that the Acting Chief's comments are not being dismissed, but the Council is trying to be objective and responsible to taxpayers. Council President Smolinski stated that police officers are being laid off by the hundreds because they are at maximum staffing. The current staffing levels in West Milford provide security for people working in those departments in because they don't have that fear. So being at maximum staffing levels does not provide that comfort level to the employees.

Mr. Semrau stated that the discussion thus far is appropriate for public meeting. We should have a public discussion with a disclaimer that certain matters may be more appropriate for executive session. He will review what parts of the FBI Leeda report has been released and what should remain confidential.

Mayor Bieri thanked the Council for hearing Acting Chief Chiosie's comments. She stated that he was not retired but was on terminal leave for some time last year. It is standard procedure that those eligible for retirement in the Police Department are listed as eligible for retirement as was the practice in prior administrations. We are currently staffed at 42 officers. Prior chiefs have asked for 48 officers. She

