
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
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Team and the Environmental Commission. She hopes the Council will give it serious consideration. She suggested that the Council follow the example of Governor Christie who is considering renaming rest stops for corporate sponsorship. She suggested the Council do likewise with street names thereby generating revenue for the municipality.

Ronnie Glom, Storms Island, Hewitt stated that there are plans to draw down the lake this year. The lake commission has asked residents to waive their rights to a bridge to give access to their homes and they have said that if those rights are not waived they won't do the draw down this year. An article in a local paper stated that they will make \$90,000 this year in dock and boat fees. He asked the Council to inform residents of their position on the fees and also on the draw down. He stated that residents on Storms Island are generally seasonal homeowners who only have water for six months in the year. Without the bridge they will have no access to their homes during the winter months. The residents want a bridge.

Keith, Greenwood Point Marina, New York side of Greenwood Lake stated that he owns a marina on the New York side of the lake. He and other marina owners do not support user or dock fees and he considers these fees to be a violation of the New Jersey constitution. It is being proposed that the monies collected will be put in the general fund and not returned to Greenwood Lake. He has spoken with members of the Greenwood Lake Bi-State Commission at their meeting and has asked for a commitment in writing that they will not charge dock fees. They refused to provide such correspondence. The first lines in the bill relate to dock fees. The sponsors of the legislation are from locales in the state other than West Milford or even the local area. Article 8 of the New Jersey constitution, which relates to separation of power, is violated by virtue of this legislation. He referenced case law in Atlantic City to support this premise and offered to provide Council with copies of the court's ruling which said that an entity cannot take user fees without putting those monies in the general fund. The legislation does not address enforcement but rather wants enforcement to be handled at the local level. This bill, he said, was signed into law during the final hours of Governor Corzine's administration. He questioned why West Milford would collect fees that will never come back to this community.

Mike Hensley, 240 Maple Road, West Milford stated that he favors adoption of a water conservation ordinance. He worked as a plumber's assistant and has seen first hand the affects of a drought.

Alana Dykstra, Marina Owner stated that she opposes the dock fees which marina owners will have to pass along to customers. This is not business friendly especially at a time when business owners have seen their expenses rise considerably. People, she said, will not be able to afford this extra cost. The recent storms caused flood damage that must be repaired and coupled with increased insurance some businesses may not survive. Many lake properties also experienced flood damage which is another reason the lake needs the draw down this year.

Nancy Jesson, South Shore Marina opposes the dock fees. Increased fees will ultimately cause tax appeals from businesses and property owners. Enforcement will be necessary placing an undue burden on the West Milford police department. Our police department should not be spending time enforcing state legislation; their time would be better spent on public safety issues. This is another unfunded state mandate and there will be a host of local costs to enforce this law. It would be cheaper for West Milford to give money to the Commission and be done with it. People on the lake pay premium for their houses and the marinas bring ratables and money into this community.

Tim Smith, Storms Island, West Milford stated that he needs a boat to get to the island. Now, these property owners are facing both a boat and dock fees just to get to their homes. This is in addition to the taxes they already pay. This is unfair.

Bill, Lake Moosehead Marina opposes the boat and dock fees. The legislation pits homeowners on the lake against lake users who are generally local people. Marinas pay by the footage and this law in penalizing them for engaging in sound business practices. Lake Hopatcong is not subject to these fees and this law needs to be rewritten.

Bob Fun, 240 Lakeside Road, West Milford is a marina owner and was under the impression that the Township agreed to go along with this legislation if there were no dock fees included. The bill was passed with the dock fees and he asked what can be done now. Additionally, the state wants the Township to oversee enforcement. Most customers would not object to a boat fee if the money is going back into the lake. However, this money will not come back to the lake because it must, by law, go into the state's general fund. He asked if the Township can do anything to stop this.

Eric Hastings, West Milford appointee to the Greenwood Lake Bi-State Commission stated that he stood before this Council with other Commission members confident that dock fees would not be included in this legislation. The Commission did not mislead the Council. The dock fees will be implemented with his support or the support of other West Milford appointees. This law has already passed and the Commission was mislead about the dock fees. He stated that it would be okay if the money were to go back to the lake but that is not the case.

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Mayor Bieri asked Council if they wished to pose questions to Mr. Hastings as their appointee to the Greenwood Lake Bi-State Commission. Councilman Weisbecker asked Mr. Hastings what the consensus of the Commission is regarding the dock fees. Mr. Hastings advised that the Commission does not favor implementing the dock fees but does favor the boat fees. Councilman Nolan stated that the law must be changed but in the meantime the Commission must make a stand and not enforce the dock fee. Mr. Hastings agreed and added that the current appointees shall not be there indefinitely and not all commissioners oppose the dock fees. Mr. Semrau stated that the dock fee was not supported by the West Milford governing body and the Commission agreed not to assess that dock fee. The legislators are the only people who can remove this provision from the legislation. He stated that he is familiar with the case referenced earlier and advised that there is not much that the municipality can do. The Council requested that the Commissioners appear here tonight if they plan to enforce the dock fee. Mr. Boyle stated that he spoke with Commissioner Zarillo who stated that the Commission will not enforce the dock fees. He is already working with Assemblyman Smith to have this provision stricken from the law. Mr. Hastings stated that although he has been informed that there is a revision in the works, he has been unable to obtain anything in writing. He stated that the Commission would be required to take a vote to implement whether there will be boat or dock fees but they have not taken such a vote as of this time. In his opinion, not everyone on the Commission would oppose the dock fees. Many commissioners do not live on the lake or even in this community. Council President Smolinski stated that the Council never supported dock fees and were skeptical about the boat fees. If the dock fees are not removed from the bill, he will oppose boat fees. He stated that, without question, the dock fees are unfair. Businesses and residents on the lake already pay taxes. He asked for Council consensus to have Mr. Semrau prepare a resolution for next meeting demanding that the dock fees be removed from the legislation.

Councilman Weisbecker asked Mr. Hastings about Storms Island. Mr. Hastings stated that the bridge will cost about \$40,000 and the Commission simply does not have the money. Councilman Weisbecker asked that the Bi-State Commission provide the Council with a report on this matter through the Township Administrator. Mayor Bieri agreed and asked that the Bi-State Commission have a vote on both fees as soon as possible so that the Council clearly understands their position.

James Warden, 199 Highcrest Drive, West Milford stated that he just spoke with Steve DeFeo of the Bi-State Commission who is en route to the meeting to answer Council's questions. He stated that it was a requirement that the New Jersey bill mirror the New York bill in order for it to pass. The intention was to implement boat fees and not dock fees. He urged the Council to begin preparing for a defeated school budget in light of the fact that a block of candidates is campaigning on a defeated school budget.

Steve DeFeo, 7 Myrtle Avenue, Greenwood Lake, NY stated that he is a member of the Greenwood Lake Bi-State Commission. He stated that the Commission passed a resolution which was sent to the Speaker of the Assembly urging that dock fees be removed from this legislation. He stated that the Assembly adopted the Senate version of the bill which contained the dock fees. The Commission has been told that the Senate will work to have these fees removed by the end of the summer.

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

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

Agenda No. VII

Council Comments

Councilman Weisbecker stated that he opposes dock fees.

Councilman Nolan stated that he appreciates the input on the water conservation ordinance and he stated that this is scheduled for a future workshop discussion.

Administrator Boyle stated that the construction project in the police department is progressing and they are hoping to have the ADA accessible ramp open by the end of the week. During construction, every possible consideration was given to allow for handicapped accessibility to the building. He stated that revenue from the dock fees does not come to the municipality. Mr. Semrau stated that the legislation indicates that the monies are to be dedicated to a special Greenwood Lake fund however, he does not know if this is allowed by law. There are no enforcement provisions in the law and it does not assign any involvement to the Township.

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Agenda No. VIII

Discussion Items

1)	Volunteer of the Year Selection – Councilwoman Lichtenberg stated that one nominee on the list is already a lifetime recipient and thus can be removed. Councilman Nolan stated that all the nominees are worthy. Council President Smolinski stated that the resumes do not adequately convey the commitment these people make to the community. Her listed additional accomplishments of the nominees and stated that this is a tough decision to make. Councilman Weisbecker nominated Bill Remia, seconded by Councilwoman Lichtenberg. Councilman Nolan nominated Gary Oppenheimer, seconded by Mayor Bieri. Mayor Bieri closed the nominations. Councilmembers Weisbecker, Smolinski, Ramaglia and Lichtenberg voted to name Bill Remia volunteer of the year. Mayor Bieri announced that the former Mayors have selected Douglas Ott to receive the Lifetime Volunteer Award.
2)	Establishing a Charter Study Commission – Councilman Weisbecker stated that he asked that this be researched because the process allows such a commission to look at more than changing the form of government. The commissioners would be elected by the voters and they can research this form of government and how we operate. They can make recommendations for improved operations. He stated that the current representation is good although he prefers a system of wards whereby every area in town is equally represented on the dais. Councilwoman Lichtenberg agreed stating that she has heard many comments expressing a desire for a new form of government. She supports the concept of voters deciding this matter. Councilman Weisbecker stated that he was on Council when it was last decided to change the form of government. The current form, he said, was shoved down our throat and he would like to see greater public input. Mr. Semrau advised that to initiate this at the Council level, an ordinance must be adopted to place two questions on the ballot. The first question would be whether or not to support a charter study commission. If that is answered in the affirmative by the voters, members to the commission would be elected. The commission would then have nine months to draft a report and the recommendations would then be voted on by the voters. There would be a cost for professionals to provide input and guidance. Councilman Weisbecker made a motion, seconded by Councilwoman Lichtenberg to have Mr. Semrau draft an ordinance. All but Councilman Nolan voted to proceed.
3)	Temporary Budget – Mr. Boyle directed the Council to comments promulgated by the Township's CFO Arthur Magnotti. He asked for direction from the Council in the hopes of having a temporary budget adopted on April 21 st . He advised that staff has been diligent in monitoring accounts and spending is significantly below that from last year. He is only approving essential purchase orders. Council President Smolinski stated that the last temporary budget is intended to get the Township through April and Mr. Boyle replied that this temporary budget is to cover the bills from May to July. Council President Smolinski stated that for three weeks in a row, the Township has learned of cuts in state aid from the Governor's office. During that period, the Council has not had any budget meetings and yet the Administrator is asking them to adopt a temporary budget at the next meeting. He stated that the temporary budgets do not address cuts in state aid and he questioned where the money is coming from. He stated that the shortfall can only be made up in one of two ways, either raise taxes or lay people off. The board of education got hit with state aid cuts and they addressed the deficiencies in one week. He questioned what the Administrator is doing to address the municipal shortfall. He stated that he is not willing to approve any more spending and questioned why the Township proceeded with the Easter parade during this time of financial hardship. Mr. Boyle replied that the parade had already been paid for by the time the spending freeze was instituted. He stated that he will be scrutinizing all programs going forward. He stated that he could not schedule budget meetings until he had all relevant data and he urged the Council to allow him and the CFO to engage in due diligence. Council President Smolinski stated that the Council needs more budget hearings and is not in favor of approving more funding without having an opportunity to make educated decisions. Mr. Boyle stated that without a temporary budget, the Township cannot pay bills which ultimately means that people will not get paid. Mayor Bieri stated that she discussed a spending freeze with the Administrator several weeks ago. The Administrator and CFO have been working on potential options to present to Council and a special meeting has been scheduled for this upcoming Monday. Councilman Weisbecker questioned why there was not a budget meeting for three weeks and Mr. Boyle stated that he did not believe he was ready to give Council hard evidence where cuts and changes can be made. He met with staff and department heads last week for hours and will have recommendations by Friday. He stated that he will not address this critical issue in a haphazard manner. Councilman Weisbecker took exception stating that the budget is the Council's concern. He asked the Township Attorney to outline the process by which the Council can call for a special meeting. Mr. Boyle stated that he took deliberative action as soon as each announcement came from the Governor's office. He made calls the following day to Assemblyman DeCroce and the Hardyston Administrator. He has made every effort to engage in a logical approach to the situation and must have all relevant information before scheduling Council meetings. Council President Smolinski stated that it is important that Council be kept fully informed.

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4)	Periodic Financial Reporting – Mr. Boyle advised that the CFO is seeking direction from the Council as to what reports they would like to receive. Councilman Nolan stated that he would like to see condensed reports with variances representing percentages and dollar amounts similar to the last page of the temporary budget. Council President Smolinski agreed adding that a simplified, concise report would be most beneficial.
5)	Resolution Amending Personnel Policies and Procedures – Mr. Boyle advised that the new risk manager has recommended certain changes and updates to the manual in accordance with requirements promulgated by the Morris County JIF with a deadline date of April 15 th . Mr. Semrau advised that the MEL requires updates based on case law and changes to legislation. In addition to the resolution to be considered later this evening, Mr. Covelli will be conducting certain employee training sessions to further compliance. Council President Smolinski asked that the Council be provided with copies of existing policy when being asked to make changes. Councilwoman Lichtenberg asked Administrator Boyle to provide the Council with copies of the manual.
6)	Resolution Authorizing Purchase of one Ford F350 for Police Department – Mr. Boyle advised that the CFO has provided a certification of funds for this potential purchase which will replace an old vehicle used to transport police equipment as needed. The vehicle to be purchased is a utility truck and not an SUV. Councilman Weisbecker stated that the police department has made this request repeatedly for a number of years despite the fact that they have a number of SUV's in their fleet. They also have an ambulance that is in excellent condition and houses much of the equipment that would be towed with a new truck. He stated that there should be a spending freeze in light of current economic conditions and he believes that this purchase is not absolutely necessary at this time. Mr. Boyle stated that the funding for this purchase was appropriated in 2009. Council President Smolinski stated that this should not be purchased during these economic times if it is not essential. Council consensus was to not proceed with this purchase.
7)	Contract – Hydraulic Hammer Services Bids – Councilman Weisbecker recommended that the next three discussion items be rejected due to the economy and asked that Council defer a decision until the budget has been finalized. Mr. Semrau stated that, in accordance with local public contracts law, the Council must have specific reasons to reject the bids. It does not appear that such conditions exist. He stated that the Council could award this bid and instruct the Administrator that the services are to be used within specific parameters with justifications provided each time it is to be used. Discussion ensued about the type of machine being used and the precautions that are in place to ensure that the contractor sends the machine that is specified.
8)	Contract – Tioga Drive Improvements Bids – Council gave consensus to proceed because this project was bid in accordance with the local public contracts law.
9)	Professional Services Contract – Inspection & Evaluation of Various Bridges – Mr. Boyle stated that this contract and the next contract could be held in light of Council reservations due to budget and economic conditions. He explained the difference between requests for proposals and competitive bidding. Council consensus was to hold of on awarding this contract.
10)	Professional Services Contract – Rehabilitation of the Crescent Road Bridge – Council consensus was to hold of on awarding this contract.

Agenda No. IX

Action Items

The Township Council took action on the following items:

Agenda No. IX 1

~ Resolution No. 2010-133 ~

RESOLUTION OF THE TOWNSHIP OF WEST MIFLORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING FOR THE ASSIGNMENT OF TAX SALE CERTIFICATE AT PRIVATE SALE – BLOCK 2317, LOT 4

WHEREAS, the Collector of Taxes has reported to the Township Council the offer of Stephanie McClure to acquire by assignment the following tax lien certificate held by the Township of West Milford.

LIEN CERTIFICATE NO.	SALE DATE	BLOCK/LOT	AMOUNT DUE ON CERTIFICATE
99-044	4-12-99	2317-4	\$5,920.46

WHEREAS, the said Stephanie McClure has paid to the Collector of Taxes the sum of \$5,920.46 representing the amount due on said Certificate, together with subsequent liens thereon;

BE IT RESOLVED that April 21, 2010, at 7:30 P.M. prevailing time at the West Milford Town Hall, be set as the date, time and place when and where the Township Council shall take action on the said offer of Stephanie McClure;

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BE IT FURTHER RESOLVED, that the Collector of Taxes be and hereby is directed, pursuant to N.J.S.A. 54:5-114, to publish such notice in the Herald News, mail such notice and post such notices as shall be required by law prior to any action as shall be taken by the Township Council on said offer.

Adopted: April 7, 2010

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

Agenda No. IX 2

~ Resolution No. 2010-134 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AMENDMENT OF THE PERSONNEL POLICIES AND PROCEDURES

WHEREAS, it is the policy of the Township of West Milford to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act), (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters), the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meetings Act; and

WHEREAS, the Township of West Milford maintains a policies and procedures manual to effectuate the efficient and consistent treatment of all employees and further, to ensure that employees and prospective employees are treated in a manner consistent with the laws and regulations cited above; and

WHEREAS, the Municipal Excess Liability Joint Insurance Fund (hereinafter, the MEL), for which the Township of West Milford is a member, requires the update of the Township of West Milford's Policies and Procedures Manual to ensure compliance and adherence to recent changes to federal and State laws and regulations and through recent court case rulings.

NOW THEREFORE BE IT RESOLVED by the Township Council that the revised Personnel Policies and Procedures Manual is hereby adopted.

BE IT FURTHER RESOLVED that as with past revisions to the manual, these personnel policies and procedures revisions shall apply to all Township officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Township employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Township Council.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Township of West Milford's Risk Management Consultant, PIA, Inc. for their review and filing with the MEL in accordance with the requirements set forth by the Fund.

Adopted: April 7, 2010

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

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Agenda No. IX 3
 ~ Resolution No. 2010-135 ~

RESOLUTION AUTHORIZING A COMPLAINT TO BE FILED WITH THE COUNCIL OF LOCAL MANDATES FOR REINSTATEMENT OF WATERSHED AID TO THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY

WHEREAS, Governor Christie recently presented a budget which removes and is void of all of the watershed aid previously provided to West Milford in an amount of \$757,000; and

WHEREAS, this watershed aid was part of the Highlands Act which was to offset and financially support the mandates and requirements of the Highlands Planning and Protection Act when it was adopted by the State Legislature in 2004 for the protection of watershed lands and public drinking waters by Highlands municipalities for the benefit of residents throughout the State of New Jersey; and

WHEREAS, the Highlands Act included such funding in lieu of a tax or user fee or land steward fee for such communities as a financial offset of the land restrictions imposed by the Act; and

WHEREAS, without such watershed aid and funding in conjunction with the Highlands Planning and Protection Act, the State of New Jersey now proposes to eliminate funding that supports the mandates and requirements of the Highlands Act; and

WHEREAS, the Council of Local Mandates was created pursuant to the State Mandate State Pay Amendment by the New Jersey Constitution; and

WHEREAS, the Council of Local Mandates has authority to rule whether a State law, rule or regulation imposes an unconstitutional unfunded mandate upon municipalities; and

WHEREAS, the removal of funding to support the legislation known as the Highlands Act will transform said legislation to an unfunded mandate; and

WHEREAS, accordingly it is recommended that the Township of West Milford initiate a complaint before the Council on Local Mandates to challenge such a decision for the State to impose an unfunded mandate on Highlands municipalities such as West Milford Township.

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 that the Municipal Administrator is hereby authorized to either submit for the municipality or join with other Highlands communities as to the filing of a complaint with the Council on Local Mandates alleging that under the proposed State budget that the Highlands Act will become an unfunded mandate in violation of the New Jersey Constitution, Article VIII, §2, ¶5 and N.J.S.A. 52:13H-2, because it does not authorize resources other than property taxes to offset the direct expenditures required for the implementation of the Highlands Act.

This Resolution shall take effect immediately.

Adopted: April 7, 2010

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

Agenda No. X

Approval of Expenditures

~ Resolution No. 2010-136 ~

RESOLUTION APPROVING THE PAYMENT OF BILLS

WHEREAS, the Township Treasurer has submitted to the members of the Township Council a report listing individual disbursement checks prepared by his office in payment of amounts due by the Township.

NOW, THEREFORE, BE IT RESOLVED that the Township Treasurer's report of checks prepared by him be approved and issued as follows:

Acct #	Account Name	Amount
1	Current Account	\$455,482.76
2	Reserve Account	181,645.55

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Acct #	Account Name	Amount
3	Animal Control Trust	2,414.60
6	Capital.	34,129.30
7	Grants.	8,824.61
8	Refuse.	43,523.22
9	Refunds.	0.00
12	General Ledger.	5,498.49
16	Heritage Trust.	0.00
14	Open Space Trust	6,884.00
17	Trust	3,529.45
18	Development Escrow.	3,463.00
19	LOSAP	0.00
20	Special Reserve	0.00
Total		\$745,394.98
\$Less Refund Resolution		0.00
Actual Bill List		\$745,394.58
Other Payments		0.00
Less Refund Resolution		
AMENDED Ck# 42014 pulled		
Total Expenditures		\$745,394.98

Adopted: April 7, 2010

Discussion: Councilman Nolan asked for a separate vote on Mr. Glatt's bill on page 9 for \$800. Council President Smolinski asked for explanations for two invoices. Mr. Boyle advised that the payment to Barbarese Builders is to board up a house and was an emergent need. The payment for the lightning warning system is being funded by virtue of the 2009 capital funding and will be installed at Bubbling Springs. Council President Smolinski stated that this equipment takes the onus off referees or umpires to call a game. When the alarm goes off, the field must be cleared.

Motion to table Mr. Glatt's check #42014 to April 21, 2010 Regular Meeting.

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

Moved: Weisbecker Seconded: Nolan
 Voted Aye: Weisbecker, Smolinski, Ramaglia, Nolan, Lichtenberg.
 Voted Nay: None.
 Abstain: Councilman Nolan abstain Valley Health only.
 Motion carried.

Agenda No. XI

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

Council President Smolinski – stated that the Council packets contained information about online auction services for public entities. He asked the Administrator to research this potential further noting that Sparta will no longer be conducting auctions as in the past.

Councilwoman Lichtenberg – gave a thumbs up to the High School for their recent super bowl win. She distributed information about legislation being proposed by Assemblyman Webber and asked for consensus to discuss this at the next workshop with a mind to seeking Council consideration of a resolution supporting this measure. She is available to meet with residents at Town Hall on Thursdays from 10 a.m. until noon.

Mayor Bieri – advised that Standard & Poors has given West Milford an AA rating and she outlined some of the factors that contributed to that rating and advised that the Township got a favorable rate of 0.54% in the recent bond sale as a result of this S&P rating.

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Township Administrator – Mr. Boyle advised that representatives from the CDBG program visited West Milford recently to review the Lincoln Hill sidewalk project. They have determined that everything is in order and will be issuing approval to proceed with this grant allocation. He advised that residents can apply for federal assistance for damage resulting from the recent storm.

Township Attorney – Mr. Semrau reviewed the items to be discussed in executive session. He stated that he has filed a tax appeal against Bell Atlantic.

Agenda No. XII

Appointments and Resignations

None.

Agenda No. XIII

Executive Session

**~ Resolution No. 2010-137 ~
MOTION FOR EXECUTIVE SESSION**

BE IT RESOLVED by the Township Council of the Township of West Milford on the 7th day of April, 2010 that:

1. Prior to the conclusion of this **Workshop Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.
 - () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - Contract Negotiations – Hillcrest Lease
 - Contract Negotiations – Random Woods
 - Contract Negotiations - Kemp Property
 - Contract Negotiations – Caretaker’s Assistant
 - Litigation - O’Shea v. Township of West Milford Docket No. GRC-03343-2009N
 - Litigation – Robert Sparkes vs. Township of West Milford Docket No. PAS-L-4766-09
 - () 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: April 7, 2010

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

The Council convened in executive session at 9:50 p.m. and reconvened in the public forum at 10:25 p.m. with all present as before.

Agenda No. IX 4

~ Resolution No. 2010-138 ~

NUMBER NOT USED

