

---

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

Minutes of: Township Council Workshop  
Date of Meeting: April 22, 2009  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 1 of 18

---

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 arrived at 9:00 pm, Township Attorney Dominic DiYanni arrived at 7:30 pm.

Agenda No. II

**Reading of or Approval of Unapproved Minutes**

Councilman Weisbecker moved to adopt the following meeting minutes as presented:

February 4, 2009 Workshop Meeting February 4, 2009 Executive Session

---

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

---

Agenda No. III

**Meetings**

Mayor Bieri noted the future meeting schedule:

May 6, 2009 Regular Meeting May 13, 2009 Workshop Meeting  
May 27, 2009 Regular Meeting June 3, 2009 Workshop Meeting

Agenda No. IV

**Proclamations**

West Milford Day of Prayer – Mayor Bieri read the proclamation and presented it to Ms. Lois Carmichael. Ms. Carmichael thanked the Mayor & Council and invited everyone to attend prayer services to be held on May 7<sup>th</sup> at Memorial Park. All denominations will be represented and everyone is welcome.

Agenda No. V

**Presentations**

Volunteer Appreciation Night

Mayor Bettina Bieri stated that this very special Council meeting provides an opportunity to recognize many of the volunteers in our community. West Milford, she said, is very blessed with dedicated volunteers who contribute so much to this community. The Township Council received nominations for volunteer of the year and they have selected Julia Held as the 2008 Volunteer of the Year. She invited Julia Held to the podium to address the Council. Mayor Bieri stated that Ms. Held is no stranger to volunteerism and she read a brief biography of Ms. Held's philanthropic contributions to this community and stated that it is clear that Ms. Held loves Upper Greenwood Lake and West Milford. She single handedly produced *Reflections of the Past* for which she is being recognized tonight. Ms. Held stated that she is honored to be nominated and to be selected for this award. Volunteers do not serve because they want such recognition but receiving this award is nonetheless an honor. Her work gathering the memories that are outlined in this volume was very fulfilling. If we do not reduce these recollections to writing, they will be lost forever. She commended all the volunteers in this community and expressed her appreciation for this recognition. Mayor Bieri read the inscription on a plaque and presented that plaque to Ms. Held.

---

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

Minutes of: Township Council Workshop  
Date of Meeting: April 22, 2009  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 2 of 18

---

Mayor Bieri stated that the former Mayors of West Milford have nominated Mr. & Mrs. Robert Kochka to receive the Mary B. Haase Lifetime Volunteer Award and she stated that she is very honored to make that presentation here tonight. This is quite unusual because the Mayor's could not recognize one of the recipients without automatically recognizing the other. Mr. & Mrs. Kochka are known together in this community as one bastion of dedication to the history and community spirit of West Milford. With Mr. & Mrs. Kochka and their family at her side, Mayor Bieri read a biography of the many years and many facets of service they dedicated to West Milford. Mr. & Mrs. Kochka thanked the Mayor & Council, their family whom they introduced, and the members of the Heritage Committee. They thanked the former Mayors for bestowing this honor upon them stating that all their efforts have come from their heart in an effort to keep their ancestors alive. Volunteering is wonderful and gives them immeasurable pleasure. They knew Mary Haase personally, which makes this award ever more special to them. Mayor Bieri thanked the Kochka's on behalf of all the residents of West Milford.

Mayor Bieri stated that the Council will devote time this evening to hear from a variety of volunteer organizations about their work in this community.

**Volunteer Group Presentations:**

- 1) 175<sup>th</sup> Anniversary Committee/A.L.F. Committee – Representatives from these committees came forward to advise that West Milford will celebrate her 175<sup>th</sup> birthday this year. They are planning a number of celebratory events including a parade on September 13<sup>th</sup>. They encouraged everyone to come out to all the events, participate when possible, and volunteer as best they can. Information can be found on their website [www.westmilford175.com](http://www.westmilford175.com) which also lists the upcoming events this year. In addition to the 175<sup>th</sup> anniversary, this will be the 15<sup>th</sup> year for the Autumn Lights Festival to be held in October. Last year's ALF was very successful and this festival showcases West Milford as the beautiful town it is.
- 2) Christian Life Center – A representative from this non-profit organization thanked the Governing Body for this opportunity to share their mission with the community. Volunteerism is the backbone of a community and the Christian Life Center has an outreach department that strives to meet the needs of the community. This provides the volunteers with opportunities to invest in our town without an expectation of anything in return. He listed some of the upcoming events. May 17<sup>th</sup> is *Faith in Action Day* when people will joint together to forego traditional Sunday services in favor of helping their neighbors and community. He listed a number of projects they have scheduled for that day and encouraged any interested volunteers to reach out to the Christian Life Center to join in.
- 3) West Milford Environmental Commission – A representative from the Environmental Commission stated that this appointed Commission serves as an advisory board to the Township's Planning Board. They review plans to determine the potential environmental impact of impending projects on the municipality. They report their findings to the Planning Board. The Environmental Commission is a key component to protecting the natural resources that abound in West Milford. He reviewed the projects they worked on last year and the grant funding applied for and received. Their work included monitoring West Milford Lake, working with the Lakes Committee, serving as an open space advisory board, becoming a member of Sustainable New Jersey to make West Milford a green community, and they assisted the Township in drafting septic and fertilizer ordinances. They participate in the Autumn Lights Festival each year to educate the public about environmental issues and to stress the importance of protecting our resources. This committee meets on the first Monday of each month and he encouraged everyone to attend their meetings.
- 4) West Milford Heritage Committee & Museum – Mr. & Mrs. Kochka addressed the Council to speak about the Heritage Committee and West Milford museum. They provided a brief history of how this committee evolved and how the museum was started. The museum helps people search their ancestry and is open every Saturday afternoon. Special appointments will be honored and they have special speaking engagements twice each year. This year marks the 17<sup>th</sup> annual tennis tournament which is their largest fundraiser and sponsors are needed for that event. The museum will sponsor a dinner dance on November 7<sup>th</sup> in honor of the 175<sup>th</sup> anniversary of the Township at the Elks Lodge. There are six openings on this committee and they encouraged people to become involved. The history of West Milford is wonderful and it is very fulfilling to show people what our past was like.
- 5) West Milford Animal Shelter Society – Ms. Bremy, President of the Animal Shelter addressed the Council and advised that the animal shelter is operated by volunteers 365 days of the year. The shelter provides homes for stray and unwanted animals including wildlife. There are currently 28 dogs and 4 cats being housed there that were removed from one house. This situation is placing a lot of strain on the volunteers who nonetheless continue to cumulatively dedicate twenty-five hours a day to the shelter. They are all proud of their adoption rate of 75-80%. She thanked the public for their generous donations and encouraged any interested parties to join and volunteer with this great group of people.

---

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

Minutes of: Township Council Workshop  
Date of Meeting: April 22, 2009  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 3 of 18

---

- 6) West Milford Newcomers Club – the President of this club, Blanche DeSimone advised that this is a social and recreation group dedicated to helping those in need. People can find out more about this group by picking up one of their brochures in the library or at Shop Rite.
- 7) Rotary Club of West Milford – A representative of the Rotary Club advised that West Milford is one of 33,000 rotary clubs worldwide and they are very proud of their work. The emblem is a symbol of service and their members are dedicated to serving those in need. Every year children in this world die from preventable disease. It is the goal of the Rotary Club to eradicate such diseases. On the local level, the West Milford Rotary works with local High School clubs. They have donated a gazebo to the Township and they donated the seal in the main meeting room of Town Hall to the municipality. This is their 50<sup>th</sup> anniversary.
- 8) West Milford Girl's Softball Association – Mike Baez, President of this association provided an overview of this youth-serving organization which offers three distinct programs to the community. They have an in-town program, a travel program, and an over-40 division. The primary objectives are to have fun, promote teamwork and support a healthy lifestyle. They are supported by local businesses and are very grateful for that support. They contribute to local scholarship programs and have hosted championships for the past three years. He thanked the community for their support.
- 9) Bobbie Del Sol, Health Department – stated that this division of the West Milford Health Department is very busy providing health services to residents of this community. In 2009, the nursing division administered 1,300 flu shots with a very dedicated but limited staff. Volunteers help tremendously and she thanked all those who dedicate their time to this work.
- 10) Force for Good – this organization is part of the Shiloh Bible Camp and they are committed to teaching our youth the rewards of giving back to the community. Young people are a force for good and a joy to work with.
- 11) UGL Volunteer Ambulance Corp – Representatives from this volunteer organization stated that they are known for their swift response in times of need. They thanked the Mayor & Council and all West Milford residents for their support. They are in need of more volunteers and invited anyone interested in serving to join either their squad or the West Milford First Aid Squad. They respond to calls, work town events and loan out medical equipment when needed. They hope you never need their services, but if you do, they are here for you.
- 12) Tonya Cubby, a private resident, took this opportunity to thank Cark Richko for instituting volunteer appreciation night when served as Mayor of West Milford.
- 13) Alissa Tourneau stated that she has established a new organization called the West Milford Alchemy Guild in the hopes of raising funds to provide services to the community at large. The members of this group are primarily people who are involved in the arts and they are working on obtaining non-profit status with the State. They will do their best to contribute to this wonderful community.
- 14) Doris Osterhoudt stated that she serves on two committees in West Milford, the Transportation Committee and the Senior Advisory Committee. She thanked Council President Smolinski for his dedication to seniors and his involvement in senior programs. They are currently working on the senior Olympics which will be hosted by West Milford this year at Bubbling Springs.

Mayor Bieri called for a brief recess to allow those wishing to leave the meeting to do so.

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.

Prior to the public speaking, Council President Smolinski requested an opportunity to address the public. He stated that the Council, at Monday's budget meeting, requested that employees from Engineering and Health be notified that Council wishes to review their respective departments. This is required when elected officials wish to discuss the operations of a department and is the mechanism used to allow Council to have such a discussion. The Health Department is comprised of multiple divisions and without legal representation at that meeting on Monday it was assumed that the Council wished to review each of the divisions within the department. That is not the case. It was never the intention of the Council to involve the nursing, registrar, or animal control divisions in this process. Rather the Council wishes to review the environmental health division of the Health Department. He apologized for the fear that has resulted from this confusion and he stated that he has no desire to review the public health division of the Health Department.

Larry Tourneau, Richmond Road, West Milford stated tha the Council recently adopted a septic ordinance which will require oversight from the registered environmental health specialists. These sanitarians do more than septic inspections, they also ensure that food establishments are operated in a manner that

---

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

Minutes of: Township Council Workshop  
Date of Meeting: April 22, 2009  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 4 of 18

---

ensures the health and safety of their patrons. He stated that it is folly to suggest eliminating those positions.

Bobbie DelSol, 4 Telemark Drive, Vernon stated that, as a public health nurse in West Milford, she spends more time in this municipality than she does in her hometown. She loves this job that allows her to serve these residents who are here tonight to support her. She read the definition of public health and listed some of her experience and qualifications. In addition to the health services they provide, the West Milford Health Department is a pivotal component of emergency response. In this current economic climate, many people have lost insurance and need the health services provided by this local department. She is proud of the work she does here in West Milford to serve this community. She has served three generations of families in this town.

Alissa Tornow, 13D Concord Road, West Milford stated that she is a small business owner in West Milford running a consulting business. As a business owner, she is concerned about outsourcing vital services because of the longterm impact the loss of these services will have on the quality of life and ultimately the population of the town. We need our Health Department. One serious outbreak could bring West Milford down and we don't need that.

Doctor Patricia Baron, Oak Ridge stated that she has been a pediatrician in West Milford for years and has worked with the Health Department for many of those years. She is deeply concerned about outsourcing the Health Department because it will ultimately result in reduced services to our residents. This department offers a multitude of services and makes health care accessible to those who need it. Communicable diseases can prove disastrous in any community but West Milford is prepared because the Health Department is well trained.

Doris Aaronson, 19 Bearfort Road, West Milford thanked those responsible for the Cable TV Committee report. She thanked the Council for appointing such qualified people. She thanked Blanche DeSimone for serving as secretary and Barry DiGicento for his technical advise. She thanked Harry Clarke for his wealth of experience and sharp mind and Ada Erik for doing her homework. She thanked Dan Jurkovic for serving as Council liaison and his legal experience. She thanked the West Milford AIM for giving a discounted price to print the survey and the 245 residents who responded to the survey. She thanked a number of West Milford employees for their assistance throughout this process.

Tracy Clarke, 7 Belmar Court, West Milford asked for an update on the Hillcrest lease. She wants to see a signed contract and asked that the Director of Community Services & Recreation be compelled to provide accurate answers to residents queries. She asked that the local parks be sprayed for insects before Saturday's softball parade.

Jim Novack, Larchmont Drive, West Milford stated that cleanup day is this coming Saturday at Bubbling Springs. Yesterday he was denied access to his polling site for the third time. In the past State, County and municipal officials promised him that this problem would be addressed. He requested that the Council issue a suspension to the Municipal Clerk for failure to do her job.

Carol Little Perry stated that she came here tonight to see Mr. & Mrs. Kochka honored for their lifetime of service to this community. Her family has lived in West Milford for generations and despite her fear of public speaking, she will be speaking at the museum soon.

Henry Opat, Oak Ridge stated that he is hoping that the budget is being addressed and he asked that professionals conduct a cost analysis before any department is disbanded. He was on the original cable TV franchise committee and is a dissatisfied customer of Cable Vision. He has reported innumerable problems and is repeatedly told that it is the system. He urged the Council to seek greater competition in this process and demand upgrades to technology.

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, Schimmenti, Nolan, Lichtenberg, Jurkovic.  
Voted Nay: None.  
Motion carried.

---

Agenda No. VII

**Council Comments**

Councilwoman Lichtenberg stated that she is not in favor of outsourcing any department in West Milford. She commended the Administrator, the CFO and the Council for working hard on the budget. She will speak to the Administrator about access to polling sites.

---

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

Minutes of: Township Council Workshop  
Date of Meeting: April 22, 2009  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 5 of 18

---

Councilman Nolan thanked Doris Aaronson and all those who worked on the Cable TV Committee for a job well done. He stated that all residents of the United States need universal health care because medical bills are causing significant financial stress.

Councilman Weisbecker thanked Bobbie DeSol for coming out tonight and stated that he understands the importance of the services she provides to this community. People in this Township are hurting and some came out tonight to show support for the nursing division. Nonetheless, Rice notices are required when elected officials wish to speak to employees about their jobs, performance, or operations. This is the mechanism used to provide an opportunity to learn about various positions and why they should be funded. He stated that the executive branch of this government issued a directive prohibiting the legislative branch from speaking with employees. Rumors have accused Council President Smolinski of wanting to outsource certain departments and that is a lie. Council President Smolinski has been an advocate of all employees. It was he, Councilman Weisbecker, who asked for a meeting with these two departments in an attempt to understand the workings of those departments. Mayor Bieri has said that she is opposed to removing employees and he has listened to her say that for two years while Mr. Warden and Councilman Nolan have been reaming the Council about an 800 lb gorilla. The Mayor even suggested issuing Rice notices to all employees which would only serve to create hysteria. The Council wishes to understand the workings of two departments which is logical in an economy where the State and County have laid people off. He took issue with a department head telling his staff that the Council will be laying people off and he asked the Administrator to speak with that department head about such a lack of professionalism.

Council President Smolinski stated that he is appalled that a department head would make such comments to his staff about the process of issuing Rice notices. These statements are just wrong and he is shocked to learn that any supervisor would attempt to instill fear in his subordinates. When the budget process began, the impact to the average homeowner was \$250, it then went to \$187 and now it is down to \$137. The Council is still working on that budget and abiding by its responsibility to West Milford residents. He congratulated Mr. & Mrs. Kochka and Ms. Held on their respective awards.

Councilman Schimmenti stated that at budget meetings Council requested that obsolete services be cut. The Council has always been adamant that essential services be maintained.

Councilman Jurkovic stated that Rice notices are required by law to protect the employees if elected officials are to speak about their jobs. This has been misconstrued and Council's sole intention here is to have a conversation about how these two departments operate. People must recognize that if you want a leaner budget there must be cuts. Government has continued to grow and provide services to people. However, people do not want to pay for those services. There is an association between costs and services. He stated that the Township received a proposed lease from the BOE for Hillcrest at the beginning of the month. As is standard in any negotiating process, changes were required. The BOE has not met since then and thus have not had an opportunity to discuss the changes. He thanked Doris Aaronson for her work on the Cable TV Committee and noted that all the members worked very hard. While greater competition would be welcomed, having another company provide these services is a matter of practicality. A new company would have to invest heavily in infrastructure and when you calculate the population of West Milford against the size of the municipality it is not practical.

Mayor Bieri stated that the details of the Board of Education lease for Hillcrest are being worked out. It is not inappropriate for Township officials to expect that the Township will continue to operate out of Hillcrest. She encouraged everyone to listen to the actual recording of Monday's budget meeting to properly determine what was said. The Council gave a directive at that meeting and it is unfair to blame a department head for repeating the directive of the Governing Body. She stated that she did suggest issuing Rice notices to every employee because she believes it appropriate to discuss furloughs, contributions to benefits, and renegotiating contracts to save taxpayer money. If employees understand that such concessions will ultimately protect jobs, she believes they will make the concessions. Layoffs will ultimately impact services and cost more in the long run. While the budget is a Council decision, the process does not preclude her from providing input and opinions. The increases and terms of labor contracts in West Milford are too generous. She stated that she provided the Council with details on how business is to be conducted in this form of Government which mandates adherence to a very specific chain of command. Council was circumventing this process and issuing directives to department heads causing disruption. The Council can seek any information through the Administration and have the Administrator seek the answers in accordance with the rules governing this form of Government.

Council President Smolinski agreed with Mayor Bieri's statements but stated that this process is cumbersome to those who serve as liaisons to committees. As such, he believes it is necessary to be allowed direct communication with department heads. He cannot fulfill his responsibilities to the electorate by being limited in his communications. The notice issued to employees was a form of intimidation and instilled fear and it does not provide for efficient governance.

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

Minutes of: Township Council Workshop  
 Date of Meeting: April 22, 2009  
 Time of Meeting: 7:30 P.M.  
 Minute Page No: Page 6 of 18

Mayor Bieri called for a five-minute break before beginning discussion items.

**Discussion Items**

1)	Cable TV Franchise Renewal – Report from Committee – Mr. Boyle advised that the Committee has submitted their report and the Township Attorney will provide Council with direction tonight on how to proceed. Mr. Semrau advised that he recommends that the Mayor & Council review this report and pose any questions or comments at the next meeting. Public input will be sought at the May 13 <sup>th</sup> meeting and a public hearing will be scheduled later in the year after the report has been submitted to the State. Councilman Jurkovic concurred saying that the Council should have an opportunity to digest the report. The Committee Chairperson, Doris Aaronson, addressed the Council advising that the report contains many appendices which are evidence of the public needs. Quality of service appears to be the most significant issue to be addressed by Council during the negotiation process.
2)	Mayor’s Wellness Campaign – Mr. Boyle stated that he received an email from David Watson-Hallowell asking the Township to support this campaign. Mr. Boyle has reached out to the League of Municipalities and expects to receive information soon which he will convey to Council.
3)	Updates to Building Use Rules – Mr. Boyle stated that he has provided Council with the Police Chief’s comments on proposed changes to the rules governing use of the building. If Council has no objection he will begin the process of implementing these new policies. This will improve security.
4)	Request to Conduct a Geological Survey Requiring a Right-of-Way on LaRue Road – US Geological Survey has asked for a ROW on La Rue Road to monitor temperatures in certain waterways in town. The Council gave consensus to proceed.
5)	Resolution Regarding Wastewater Management Plan Funding – Mr. Boyle stated that he sent a letter to the DEP outlining the Township’s disappointment in the level of funding being provided to draft a wastewater management plan. Mr. Semrau reviewed the history that has now placed this responsibility on the municipality advising that he has drafted a resolution requesting assistance from the State and the County in this process. Councilman Nolan requested that the wording paragraph 9 be strengthened to convey that the \$10,000 from the State does not even begin to cover the cost of this work. The Council gave consensus to proceed instructing that the resolution be copied to the DEP and Passaic County.
6)	Resolution Supporting Senate Bill 2711 – Revises Procedure for Reassessment of Certain Real Property by Assessor – Mr. Boyle stated that he has provided the Council with information from the League of Municipality about this proposed legislation. He stated that, in his opinion, this is good legislation which will allow the tax assessor greater flexibility when needed. Mr. Semrau concurred stating that this legislation provides relief to the municipality while providing a tool for fair assessments. The Council gave consensus to proceed.
7)	Resolution Amending Schedule of Township Council Meetings – The Council gave consensus to proceed with a twice-monthly meeting schedule as proposed in their packets and during prior discussions. Councilman Nolan asked that the resolution approving payments of certain bills also be amended to allow payments due in 30 days in light of the new schedule.
8)	Ordinance – Amend LDO to Allow for Temporary Outdoor Displays, Farmer’s markets and Amend Site Plan Waivers – Mr. Boyle stated that the Council has received a draft ordinance in their packets and this is also reflected as an action item later in the meeting. The Planning Board has reviewed this ordinance and it will be sent to them again for comment.
9)	Ordinance – Permanent Utility Easement to Passaic County for Union Valley Road Bridge – The Council gave consensus to proceed with introduction of this proposed ordinance at the next meeting.
10) + 11)	Contract – 6 Cubic Yard Dump Truck with Plow and Central Hydraulics and Tandem Dump Truck with Plow and Center Hydraulics – Mr. Boyle advised that the Council has received recommendations from both the Township Engineer and the DPW Superintendent on these bids. Councilman Nolan expressed concern that bid specifications were sent to 40 vendors and only two responsive bids were received. He suggested that the service area be expanded from 35 miles to 50 miles and questioned why all our vehicles must be custom made. It appears that the Township is drafting specifications that can only be filled by one company. Council President Smolinski stated that he reviewed the specifications and there were deviations from the bid. Council gave consensus to proceed at the next meeting but asked that their concerns be addressed.
12)	Contract – Maintenance of Ball fields and Other Sites – the Council gave consensus to proceed at the next meeting.
13)	Contract – Change Order – Mount Laurel Park - Mr. Semrau asked that this discussion be deferred to the next workshop meeting.
14)	Defeated School Budget – Mr. Boyle stated that he and the CFO received two proposals to review the defeated school budget. Discussion ensued about what cuts the Council is allowed to make and the Council concurred that Mr. Pladdys who has a background in education is the best candidate for the position. Councilman Nolan asked that the past years’ spending be

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

Minutes of: Township Council Workshop  
 Date of Meeting: April 22, 2009  
 Time of Meeting: 7:30 P.M.  
 Minute Page No: Page 7 of 18

	reviewed to determine if cuts can be made in areas not cut in the past. The last time the budget was defeated the Council only received nine months of spending reports. Councilman Jurkovic asked that Mr. Pladdys be asked to attend the May 6 <sup>th</sup> Council meeting.
15)	2009 Municipal Budget – Mr. Boyle reviewed the budget process and advised that the State of New Jersey has set April 22 <sup>nd</sup> as the deadline date for municipalities to determine if they plan to for pension deferral and the levy CAP waiver. He stated that the budget will be amended before adoption and West Milford is requesting the waiver on pension benefits. This will take about 15 years to pay off at a rate of 15.5% interest. He reviewed the CAP bank ordinance and the resolutions scheduled for action later in this meeting. The hearing on this budget is scheduled for May 27 <sup>th</sup> and there will be a future hearing on amendments as they become necessary. He will address staffing issues later in the year and he anticipates that there will be attrition savings to be realized also. He is proud of this budget and he demanded prudence from the department heads during this process. Councilman Nolan asked what the forecast is for next year. Mr. Boyle stated that the budget is a living document which is affected by past actions and requires foresight. He hopes to regenerate surplus and effectuate savings. He and the CFO will look at making cuts in July using projections for next year. Discussion ensued about funding for tax appeals and Mr. Magnotti reviewed the reserves for tax appeals funding in the budget.

Councilman Schimmenti left the meeting at 11:30 p.m.

Agenda No. IX

**Action Items**

The Township Council took action on the following items:

Agenda No. IX 1

~ Ordinance No. 2009- 007 ~

**AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSE TO AMEND AND SUPPLEMENT CERTAIN PORTIONS OF CHAPTERS 414, 420, 470, and 500 PERTAINING TO THE TOWNSHIP'S LAND USE REGULATIONS TO ESTABLISH PROCEDURES TO PERMIT THE TEMPORARY OUTDOOR DISPLAY AND/OR SALE OF MERCHANDISE IN THE COMMERCIAL ZONE DISTRICTS, TO PERMIT THE OPERATION OF FARMERS' MARKETS AND TO REPLACE THE PROVISION FOR A SITE PLAN WAIVER WITH NEW ADMINISTRATIVE PROCEDURES AND EXEMPTIONS**

**WHEREAS**, the Township of West Milford has duly adopted land use and zoning regulations in conformance with a Master Plan, consistent with the standards set forth in the Municipal Land Use Law and in particular with regard to N.J.S. 40:55D-62; 65; and

**WHEREAS**, the Township Council and the Planning Board find it appropriate and desirable to allow certain temporary commercial activities including a farmers' market within West Milford subject to controls to protect the public's health and safety and quality of life and does wish to implement such regulatory controls to this effect; and

**WHEREAS**, the Planning Board has proposed certain standards applicable to temporary commercial activities as set forth in this Ordinance and does recommend same to the Township Council; and

**WHEREAS**, the Planning Board has also determined that the current procedure by which an applicant may seek a site plan waiver from the Planning Board should be replaced by a clearly defined process to permit administrative review and approval by the Zoning Officer and the issuance of a Zoning Permit for certain land use activities; and

**WHEREAS**, the Planning Board does recommend to the Township Council of West Milford that the modifications and supplements described herein will advance the purposes of zoning as set forth in N.J.S. 40:55D-2 in promoting the public health, safety, morals, and general welfare and to provide in appropriate locations a variety of land use activities according to their respective environmental requirements, and will further the objectives of the West Milford Master Plan in general and its Land Use Element in particular and the policies of the Highlands Regional Master Plan with respect to a farmers' market, specifically Policy 3B5; and

**WHEREAS**, the Township Council of the Township of West Milford does concur with the recommendations of the Planning Board with respect to such modifications to the various chapters of the Township's Land Development Ordinance.

---

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

Minutes of: Township Council Workshop  
Date of Meeting: April 22, 2009  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 8 of 18

---

**NOW, BE IT ORDAINED** by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Land Development Ordinance shall be amended and supplemented as provided herein.

**Section 1.** Chapter 414 Fees, Land Development

A new section shall be created as follows:

§ 414-6 Temporary Outdoor Commercial Sales Permit

A permit shall be required to conduct a Temporary Outdoor Commercial Sales event as defined in Chapter 420, § 420-6 and as regulated in Chapter 500, §500-36.1. The fee for each permit shall be fifty dollars (\$50).

**Section 2.** Chapter 420 Land Use Procedures

A new definition shall be created as follows:

§ 420-6 Definitions

TEMPORARY OUTDOOR COMMERCIAL SALES EVENT – The outdoor display and/or/or sale of merchandise which shall also include a farmers’ market for a specified period of time in accordance with the requirements set forth in Chapter 500.

**Section 3.** Chapter 470 Subdivision of Land and Site Plan Review

The following section shall be revised as follows:

§470-4 When an application is required

A – D: No change.

Existing subsection E shall be revised and amended in its entirety to read:

E. Exemptions. A change in use, occupancy or tenancy which involves a permitted principal use in the applicable zone district and which does not require additional off-street parking pursuant to Township ordinance standards is exempt from the requirements of this section but shall obtain a Zoning Permit in accordance with the requirements set forth in Chapter 470, §470-44. Exemptions shall not apply to any use which is classified as a conditional use or any proposed change in use, occupancy or tenancy within a building or structure that was approved by the approving authority subject to a condition that requires an amended site plan review and approval for any such change.

**Section 4.** Chapter 500 Zoning

A new section shall be created as follows:

§ 500-36.1 Temporary Outdoor Commercial Sales Event and Seasonal Farmers’ Market Sales.

A. Purpose. The purpose of this section is to permit and regulate the outdoor display and/or sale of merchandise within the Township of West Milford in such a manner as to protect the public’s health and safety and to ensure the integrity of the Township’s land use plan and zoning regulations.

B. Designated zones. Temporary outdoor commercial sales events shall be permitted in the following zone districts within the Township of West Milford: NC, VC, CC, HC, and LC with the exception of a farmers’ market which, in addition to the aforementioned districts, shall be permitted on any lands owned by the Township of West Milford or the West Milford Board of Education.

C. Permit required. No property shall be utilized for the temporary sale of merchandise as defined in Chapter 420 without the issuance of a Temporary Outdoor Commercial Sales Event Permit from the Township’s Administrative Officer in accordance with the provisions of this chapter.

D. Term of permit. A Temporary Outdoor Commercial Sales Event Permit shall not exceed three (3) consecutive days in duration, however; for events conducted on consecutive weekends may be covered by a single permit. There shall be a maximum of six (6) permits for any individual property identified by one or more tax lots in the Township within a calendar year. A farmers’ market may operate between the months of June through October on the basis on a single permit.

E. Hours of operation. Functions authorized by a Temporary Outdoor Activity Permit shall be limited to hours of 9:00 a.m. and 9:00 p.m.

F. All temporary outdoor activities shall adhere to the following standards:

---

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

Minutes of: Township Council Workshop  
Date of Meeting: April 22, 2009  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 9 of 18

---

1. Applicant shall be responsible for securing all requisite permits from the Township's Construction Code Official and sub-code officials and from the Township's Health Department, if applicable. Applicant shall abide by any and all provisions to ensure the public's health, safety and welfare that may be attached as conditions of a Temporary Outdoor Activity Permit as determined by the Township.

2. No structures, tables, stalls or other appurtenances shall obstruct a sidewalk or emergency access lane.

3. Temporary signage shall be subject to §500-160 of this chapter.

G. Permit fee.

1. The fee for a Temporary Outdoor Activity shall be as set forth in Chapter 400, §420-6.

H. Exemptions. The display and/or sale of merchandise by non-profit organizations for fundraising purposes shall be exempt from the requirements of this section.

I. Appeals. Where there is a dispute regarding a decision by the Township's Administrative Officer as to whether an activity qualifies for a permit under this section, the matter shall be referred to the West Milford Zoning Board of Adjustment for a determination pursuant to N.J.S.A. 40:55D-70a.

**Section 5.** All ordinances of the Township of West Milford, which are inconsistent with the provisions of the ordinance, are hereby repealed to the extent of such inconsistency.

**Section 6.** If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**Section 7.** This Ordinance may be renumbered for purposes of codification.

**Section 8.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

INTRODUCED: April 22, 2009

Second reading and public hearing for this ordinance is set for the Regular Meeting on May 6, 2009.

---

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

---

Agenda No. IX 2

~ Ordinance No. 2009- 2008 ~

**CALENDAR YEAR 2009 - ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Township Council of the Township of West Milford in the County of Passaic finds it advisable and necessary to increase its CY 2009 budget by up to 3.5% over the previous years final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Township Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$235,443.01 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Township Council of the Township of West Milford, in the County of Passaic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2009 budget year, the final appropriations of the Township of



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

Minutes of: Township Council Workshop  
 Date of Meeting: April 22, 2009  
 Time of Meeting: 7:30 P.M.  
 Minute Page No: Page 11 of 18

**SOLID WASTE COLLECTION DISTRICT RESOLUTION**

Section 1.  
 Municipal Council of the Township of West Milford, County of Passaic, for  
 Do it Resolved, that the following statement of revenues and appropriations shall constitute the Municipal Budget for the year 2009  
 Be it Further Resolved, that said Budget be published in the  
 This Council of West Milford, 2009  
 The Governing Body of the Township of West Milford does hereby approve the following as the Budget

**RECORDED VOTE**

(Wolschke)		Abstained
(Smolinski)		(None)
(Nolan)		
(Ayer, Lichtenberg)	None	
(Starkovic)		
( )		Absent (Schimmanti)

Resolved hereby given that the Budget and Tax Resolution was approved by the  
 of the  
 County of Passaic, on April 22, 2009.  
 A hearing on the Budget and Tax Resolution will be held at the Township Office on May 2, 2009 at 7:00 PM. at which time and place objections to said Budget and Tax Resolution for the year 2009 may be presented  
 other interested persons.

**REVENUE and APPROPRIATION SUMMARIES**

Summary of Revenues	Anticipated	
	2009	2008
1. Surplus	2,402,000.00	3,495,000.00
2. Total Miscellaneous Revenues	7,380,047.00	7,429,078.00
3. Receipts from Delinquent Taxes	1,100,000.00	850,000.00
4. a) Local Tax for Municipal Purposes	19,232,972.00	17,616,139.00
b) Addition to Local District School Tax		
Total Amt to be Rsd by Taxes for Sup of Mun. Bud	19,232,972.00	17,616,139.00
Revenues	Total General 30,115,019.00	29,390,217.00

Summary of Appropriations	2009 Budget	Final 2008 Budget
1. Operating Expenses: Salaries & Wages	13,442,327.00	12,614,916.00
Other Expenses	10,371,573.00	11,458,855.00
2. Deferred Charges & Other Appropriations	1,800,404.00	780,953.00
3. Capital Improvements	375,818.00	248,573.00
4. Debt Service (Include for School Purposes)	2,136,977.00	2,299,000.00
5. Reserve for Uncollected Taxes	1,987,920.00	1,987,920.00
Appropriations	Total General 30,115,019.00	29,390,217.00
Total Number of Employees	196	196

**2009 Solid Waste Collection District Budget**

Summary of Revenues	Anticipated	
	2009	2008
1. Surplus	165,550.00	152,000.00
2. Total Miscellaneous Revenues	249,733.00	200,000.00
3. Amount to be Raised by Taxation	2,418,950.00	2,418,950.00
Total Revenues	2,834,233.00	2,770,950.00

Summary of Appropriations	2009 Budget	Final 2008 Budget
1. Operating Expenses: Salaries & Wages	179,000.00	205,000.00
Other Expenses	108,500.00	127,950.00
2. Contracted Services	1,475,000.00	1,388,000.00
3. Disposal Fees	1,050,000.00	1,050,000.00
4. Deferred Charges & Other Appropriations	21,733.00	
5. Surplus (General Budget)		
Total General Appropriations	2,834,233.00	2,770,950.00

Balance of Outstanding Debt		
	General	Water Utility
Interest – Budgeted	641,977.00	
Principal – Budgeted	1,845,168.01	
Outstanding Balance	33,058,714.82	

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

Minutes of: Township Council Workshop  
Date of Meeting: April 22, 2009  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 12 of 18

Public hearings for this budget is set for the Workshop Meeting scheduled for May 27, 2009.

Discussion: Councilman Nolan asked what numbers were used for solid waste disposal in light of the fact that the contracts expire this year. Mr. Magnotti stated that for this budget the appropriations were held level.

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

Agenda No. IX 4

~ Resolution No. 2009- 181 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING INCREASE IN DEFERRED SCHOOL TAXES FOR LOCAL SCHOOL TAXES**

**WHEREAS**, the Division of Local Government Services requires that the Governing Body of any municipality which has Deferred School Taxes must authorize any increase in the deferral of any additional amounts, and

**WHEREAS**, the Governing Body has decided that an increase in Deferred School Taxes is in the best interest of the Township at this time,

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body that the following Deferred School Taxes be hereby increased for the year ended December 31, 2008 as follows:

	Deferred LocalSchool Taxes
Amount Deferred 12/31/08	23,115,364.50
Amount Deferred 12/31/07	22,683,170.00
	<b><u>432,194.50</u></b>

**BE IT FURTHER RESOLVED** by the Governing Body that a certified copy of this resolution be filed with the Director of the Division of Local Government Services.

Adopted: April 22, 2009

Discussion: In response to Councilman Nolan, Mr. Magnotti advised that this will have an affect on next years budget not this years budget.

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

Agenda No. IX 5

~ Resolution No. 2009- 182 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:4-45.46 SEEKING A LEVY WAIVER**

**WHEREAS**, the Governing Body of the Township of West Milford in the County of Passaic desires to make application to the Local Finance Board for its approval of a proposed levy waiver pursuant to N.J.S.A. 40A:4-45.46 and,

**WHEREAS**, the Governing Body believes that:

it is in the public interest to accomplish such purpose; and,

**WHEREAS**, the levy waiver is for the health, wealth, convenience or betterment of the inhabitants of the Township of West Milford; and,

---

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

Minutes of: Township Council Workshop  
Date of Meeting: April 22, 2009  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 13 of 18

---

**WHEREAS**, the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Township of West Milford and will not create an undue financial burden to be placed upon the Township of West Milford;

**NOW THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of West Milford as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the Chief Financial Officer, along with other representatives of the Township of West Milford are hereby authorized to prepare such application and to represent the Township of West Milford in matters pertaining thereto.  
Section 2. The Municipal Clerk of the Township of West Milford is hereby directed to file a copy of the proposed surplus, levy waiver with the Local Finance Board as part of such application.  
Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

**Recorded Vote**

AYE: 5 NO:  
ABSTAIN: ABSENT: 1

Adopted: April 22, 2009

Discussion: Councilman Nolan stated that he is investing faith in the Administrator's commitment to begin working on the 2010 budget in a timely fashion and addressing the issues.

---

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

---

Agenda No. IX 6

~ Resolution No. 2009 - 183 ~

**RESOLUTION OF TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD FOR A REDUCED PENSION CONTRIBUTION PURSUANT TO N.J.S.A 43:15A-24(C) AND/OR N.J.S.A. 43:16A-15(9)**

**WHEREAS**, the Township Council of the Township of West Milford in the County of Passaic desires to make application to the Local Finance Board for its approval of a reduced pension contribution pursuant for its Police and Fire Retirement System contribution pursuant to N.J.S.A. 43:15A-24(c) and its Public Employee Retirement System contribution pursuant to N.J.S.A. 43:16A-15(9) for certain normal and accrued liability contributions in the amount of:

Police and Fire Retirement System in the amount of \$513,339  
Public Employee Retirement System in the amount of \$376,797; and,

**WHEREAS**, the Township Council has made certain determinations concerning this application as required by statute and has completed the required Attachment that documents said determinations; and,

**WHEREAS**, the Township Council determined that it needs to pay the reduced contribution and said determination is in the public interest; and,

*the inability of the Township of West Milford to meet the cap without jeopardizing public safety, health, and welfare or jeopardizing the fiscal stability; or*

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

*Section 1.* The reduced pension contribution Attachment, as attached hereto, is incorporated by reference into this Resolution as if contained fully within.

*Section 2.* The reduced pension contribution for PFRS in the amount of \$513,339 and PERS in the amount of \$376,797, pursuant to N.J.S.A. 43:15A-24(c) and/or N.J.S.A. 43:16A-15(9) et. Seq. have been confirmed by the Chief Financial Officer and are the amounts deemed by the governing body for application to the Local Finance Board and as allowed by the New Jersey Division of Pension and Benefits.

---

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

Minutes of: Township Council Workshop  
Date of Meeting: April 22, 2009  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 14 of 18

---

*Section 3.* The application to the Local Finance Board is hereby approved, and the Chief Financial Officer, along with other representatives of the Township of West Milford are hereby authorized to submit such application and to represent the North Haledon in matters pertaining thereto.

*Section 4.* The Certification of the Chief Financial Officer of the Township of West Milford, is incorporated into this Resolution as a certification of the truth and accuracy of the facts submitted in the application for pension deferral.

*Section 5.* The Clerk of the Township of West Milford is hereby directed to file a copy of this reduced pension contribution resolution as part of the application with the Local Finance Board.

*Section 6.* The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by law.

Recorded Vote

AYE: 5 NO:  
ABSTAIN: ABSENT: 1

Adopted: April 22, 2009

Discussion: Councilman Nolan stated that the Township is deferring almost \$900,000 at a rate of 8.5%.

---

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

---

Administrator Boyle thanked the Council for adopting these resolutions and ordinances and for placing their confidence in himself and the CFO, Mr. Magnotti.

Agenda No. IX 7

~ Resolution No. 2009- 177 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXTENSION OF A 2008 AGREEMENT WITH SUSANNE PAPPAS AS CARETAKER FOR WESTBROOK PARK**

**WHEREAS**, the Township of West Milford did enter into an agreement with Susanne Pappas on the 26<sup>th</sup> day of March 2008 by virtue of Resolution 2008-128; and

**WHEREAS**, said resolution authorized the execution of an agreement for caretaker services for Westbrook Park in the Township of West Milford; and

**WHEREAS**, said agreement has been extended from month to month by virtue of motions adopted by the Township Council at regularly scheduled meetings of that body throughout the months of January through April 2009; and

**WHEREAS**, the Township Council wishes to extend the 2008 caretaker agreement between the Township of West Milford and Susanne Pappas, which agreement provides for the provision of caretaker services for Westbrook Park, for a period through and including June 30, 2009.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford does hereby extend the term of the contract executed in 2008 between the Township of West Milford and Susanne Pappas for caretaker services at Westbrook Park for a period through and including June 30, 2009.

Adopted: April 22, 2009

Discussion: In response to Councilman Nolan's query as to whether or not Ms. Pappas has indicated a willingness to sign this agreement, Mr. Semrau advised that he has not heard from her attorney. Insurance papers have not been filed in either the Administrator or Clerk's offices. The Council gave consensus to allow the Administrator to make nonsubstantive changes to this agreement.

---

Moved: Weisbecker Seconded: Smolinski  
Voted Aye: Weisbecker, Smolinski, Nolan, Lichtenberg, Jurkovic.

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

Minutes of: Township Council Workshop  
 Date of Meeting: April 22, 2009  
 Time of Meeting: 7:30 P.M.  
 Minute Page No: Page 15 of 18

Voted Nay: None.  
 Motion carried.

**~ Resolution No. 2009- 179 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF OVERPAYMENTS**

**WHEREAS**, there appears on the tax records overpayments as shown below; and

**WHEREAS**, the overpayments were created by reasons stated below and the Collector of Taxes recommends the refund of such overpayments.

**NOW, THEREFORE, BE IT RESOLVED** that the proper officers be and they are hereby authorized and directed to issue checks refunding such overpayments as shown below:

**REASONS:**

1. Tax Sale MUA Reimbursement
2. Duplicate Payment

Block/Lot	Name	Amount	Year	Reason
	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$19,629.32	2009	1
3907-1.01	Robert E. Rothman Pension Plan 411 Grand Avenue Englewood, NJ 07631-4104	\$812.34	2009	2
<b>TOTAL</b>		<b>\$20,441.66</b>		

Adopted: April 22, 2009

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

Agenda No. IX 9

**~ Resolution No. 2009- 184 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING EXECUTION OF A 'NON-FAIR AND OPEN' PROFESSIONAL SERVICES CONTRACT FOR CONSULTING SERVICES TO REVIEW AND MAKE RECOMMENDATIONS TO THE TOWNSHIP COUNCIL ON THE DEFEATED SCHOOL BUDGET**

**WHEREAS**, the general fund tax levy for the base budget and additional spending proposals of the West Milford School District were defeated by the voters in the Township of West Milford at the School Elections held on April 21, 2009; and

**WHEREAS**, in accordance with N.J.S.A. 18A et seq., the Township Council must review the defeated budget and certify the taxes in the form of a resolution to the County Board of Taxation no later than Tuesday May 19, 2009; and

**WHEREAS**, the Governing Body is desirous of obtaining the services of a professional to assist in the process and ensure complete compliance with the law; and

**WHEREAS**, the Township Administrator has obtained proposals from professionals to review the school budget, make recommendations to the Mayor and Council and attend Township Council meetings as needed; and

**WHEREAS**, this professional service agreement is exempt from the provisions of Ordinance 2006 – 020 as it meets the standard contained in section 2.7.2.3 (D) of the Township Code which waives the local 'pay to play' requirements for matters determined to be public exigencies pursuant to NJSA 19:44A-20.12 .

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

Minutes of: Township Council Workshop  
 Date of Meeting: April 22, 2009  
 Time of Meeting: 7:30 P.M.  
 Minute Page No: Page 16 of 18

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

1. The Township Administrator be and is hereby authorized to execute an agreement with Edward J. Pladdys of 18 Wits End Drive, Hamburg New Jersey 07419 for professional services to review the defeated school budget, make recommendations to the Mayor and Council and attend Township Council meetings as necessary.
2. The Chief Financial Officer has certified as to the availability of funds in an amount not to exceed \$7,000 said funds to be encumbered from account number 9-01-20-100-450.
3. This contract is awarded without competitive bidding as "Professional Services" pursuant to *N.J.S.A. 19:44A-20 et seq.* and the local public contracts law.
4. That a notice of this action shall be published in accordance with law, said notice to provide that the contract awarded and this resolutions authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: April 22, 2009

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

Agenda No. X

**Approval of Expenditures**

~ Resolution No. 2009- 178 ~

**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. . . . .	\$89,612.46
2	Reserve Account . . . . .	5,182.78
3	Animal Control Trust	50.00
6	Capital. . . . .	24,714.70
7	Grants. . . . .	1,603.30
8	Refuse. . . . .	68,135.75
9	Refunds. . . . .	27,240.65
12	General Ledger. . . . .	49,454.10
16	Heritage Trust. . . . .	0.00
14	Open Space Trust	0.00
17	Trust . . . . .	270.00
		9,917.59
18	Development Escrow. . . . .	
19	LOSAP	
20	Special Reserve	
Total		\$276,181.33
Less Refund Resolution		--27,240.65
Actual Bill List		<b>\$248,940.68</b>
Other Payments		0.00
Less Refund Resolution		
<b>Total Expenditures</b>		<b>\$248,940.68</b>

---

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

Minutes of: Township Council Workshop  
Date of Meeting: April 22, 2009  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 17 of 18

---

Adopted: April 22, 2009

---

Moved: Weisbecker Seconded: Nolan  
Voted Aye: Weisbecker, Smolinski, Nolan, Lichtenberg, Jurkovic.  
Voted Nay: None.  
Abstain: Councilman Nolan abstained from Valley Health only.  
Abstain: Councilman Jurkovic abstained from Lindy Lake only.  
Motion carried.

---

Agenda No. XI

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

Councilman Nolan – stated that the Council received a memo in their packets indicating that the new preschool director passed the State inspection.

Councilwoman Lichtenberg – stated that the library book sale starts tomorrow and the Relay for Life garage sale will be held on April 24, 25, and 26<sup>th</sup>. There is an upcoming rabies clinic for cats and beautification day is this Saturday. She gave a thumbs up to Kevin Boyle and Art Magnotti for their work on the budget and a thumbs up to Doris Aaronson for her work on the Cable TV report. She is available to residents on Thursday mornings between 10 a.m. and noon in Town Hall.

Councilwoman Jurkovic – stated that the Facilities Assessment Committee worked on proposed renovations to the Johner Building and they would like to request proposals to determine what the cost would be. Mr. Boyle stated that there are concerns about the septic that will be negated if the Department of Community Services & Recreation remains at Hillcrest. In the meantime, he plans to seek a waiver from the DEP so that ultimately the building can house a greater number of people.

Council President Smolinski – stated that he is happy that the municipality plans to seek Passaic County open space funding for the roller hockey rink.

Mayor Bieri – thanked the Director of Community Services & Recreation for ensuring that the Township meets all requirements for the continuance of the pre-school program. She asked that those attending the rabies clinic bring their cats in carriers and she encouraged participation in beautification day this Saturday. Before this meeting she attended a grand opening for an expansion to Kiddie Academy which will accommodate older children. She wished them much success. She had a preliminary meeting with a company conducting a feasibility study for the firm that proposed a recreation dome at Random Woods to give them an overview of the municipality. This firm will focus on the feasibility of the project only and not on the specifics about the location.

Township Administrator – stated that he will meet with Senator Pennachio on April 30<sup>th</sup> to discuss police patrols on Greenwood Lake. The Police Chief will have a resolution for the Click-It-Or-Ticket program at the next meeting. The garbage & recycling committee will meet on May 8<sup>th</sup>. He stated that the Township will receive \$16,000 stimulus grant funding for police equipment. Warwick Turnpike section 10 is going out to bid in May. He is working on drafting a caretaker agreement and a request for proposals for these services.

Township Attorney Fred Semrau – stated that he met with officials from the Land Use division to address matters concerning their department. He has also met with the Health Department and will provide Council an update on those matters. He will then meet with the Engineering Department and all other departments. He has subpoenaed Newark's appraisal reports on their properties. The DEP sent a letter to the owner of West Milford Lake Dam saying that if they do not receive a decommissioning plan by June 15<sup>th</sup>, the DEP will step in. He stated that the Council may wish to direct him or the Administrator to send a letter in the DEP stating that absent such a plan the Township does not support another extension. The Council gave consensus to have Mr. Semrau draft such a letter and also instructed him to send a letter to Mr. Patire advising him of the Township's decision and to copy the Bi-State Commission on those letters.

Agenda No. XII

**Appointments and Resignations**

None.

Agenda No. XIII

**Executive Session**

~ Resolution No. 2009- 180 ~

**MOTION FOR EXECUTIVE SESSION**

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

Minutes of: Township Council Workshop  
Date of Meeting: April 22, 2009  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 18 of 18  
-----

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 22<sup>nd</sup> day of April 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.
  - (X) 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.
    - Hillcrest Lease
  - ( ) 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.
  - ( ) 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 – Bald Eagle Commons Tax Appeals
  - ( ) 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 22, 2009

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

The Council convened in executive session at 12:10 a.m. on 4/23/09.

The Council reconvened in public at 12:25 a.m. on 4/23/09 with all present as before.

**Adjournment**

Agenda No. XIV

There being no further business to come before the Council, the Township Council adjourned the meeting at 12:25 a.m. on 4/23/09.

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

Approved: July 8, 2009

\_\_\_\_\_  
MAYOR BETTINA BIERI  
PRESIDING OFFICER

\_\_\_\_\_  
ANTOINETTE BATTAGLIA  
TOWNSHIP CLERK