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

Minutes of: Township Council Workshop  
Date of Meeting: April 23, 2008  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 1 of 14

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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 6, 2008; 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, Carmelo Scangarello. Mayor Bettina Bieri.  
Absent: None.  
Also Present: Interim Township Administrator and Township Clerk Antoinette Battaglia, Township Attorney Frederick Semrau.

Agenda No. II

**Reading of or Approval of Unapproved Minutes**

Councilman Weisbecker moved to adopt the minutes of the February 27, 2008 Executive Session Minutes as presented.

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

Councilman Lichtenberg moved to adopt the minutes of the March 5, 2008 Regular Meeting Minutes as presented.

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

Agenda No. III

**Meetings**

Mayor Bieri noted the future meeting schedule:

May 7, 2008 Regular Meeting  
May 14, 2008 Workshop Meeting  
May 28, 2008 Regular Meeting

Agenda No. IV

**Presentations**

Volunteer Appreciation Night – Mayor Bieri noted that the evening was a special evening and thanked everyone for coming. She took a moment and recognized all of the volunteers in West Milford. She said that the Township takes pride in having one evening to give all volunteers a chance to speak about their organizations. She personally thanked all volunteers and proceeded to present two individual awards.

**Individual Awards:**

Recipient of the Mary Haase Lifetime Volunteer Award - James O'Bryant (posthumous award)

Mayor Bieri expressed with great pleasure her awarding this to Mr. O'Bryant's family. She invited Mrs. O'Bryant and family forward and took a moment to introduce them. Mayor Bieri said that she had served with Mr. O'Bryant on the Planning Board for a number of years and fondly remembered him whenever she used the phrase "moving right along". She expressed his dedication to his family and his desire to make West Milford a better town. Some of his accomplishments in the Township included saving the Newark Watershed and opposing a transfer station in Oak Ridge. She said that as a thirteen year

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member of the Planning Board he had earned and deserved the respect of many with his keen memory and elder statesman ways. Mrs. O'Bryant accepted this award with pride and commented that this was her birthday and no better gift could have been given.

Mayor Bieri added that she felt both privileged and lucky to have known both recipients of the Volunteer Awards.

Recipient of the Volunteer of the Year Award - Edwin Rodda

Mayor Bieri asked Mr. Rodda to come forward, joined by his son Bucky. She said that he was being honored both as a 2007 Volunteer of the Year and also for his 60+ years as a loyal and dedicated public servant to West Milford. He was appointed in September of 1947 at a meeting held in the old town hall in Oak Ridge. He operated in the capacity of Registrar first out of his home, then moved to an office contained in what is now the West Milford Museum and lastly to the current Town Hall. At the time he was appointed, Truman was President, a first class stamp was .03 and Jackie Robinson was presented with the 1947 Rookie of the Year Award. Mayor Bieri quoted Mr. Rodda from his retirement speech given in 2007 where he expressed his sentiments over recording marriages, births and passings of many Township residents. She asked all to give thanks to Mr. Rodda and to help in celebrating his 91<sup>st</sup> birthday which is in May.

**Group Presentations:**

- 1) Township Nursing Division – representing the Township Nursing Division was Bobbie DeSol, a 19-year Township employee and Nursing Supervisor of the Township Health Department. She defined a volunteer as one who offers willingness without legal concern or interest and without compensation. She recognized those volunteers who have assisted her and were in the audience as well as those volunteers who were not able to attend this meeting. She said that these people have saved the municipality quite a lot of money and that she could not conduct her clinics without them. She said that her volunteers treat residents with dignity and respect. She defined public health as being the art and science of dealing with the protection and improvements of the health of the community through organization of community efforts toward the prevention of disease and the promotion of sanitary and social sciences. She went on to list the 10 essential public health services and noted that the primary health concerns are juvenile obesity, child and baby clinics, immunizations, speech tests, hearing tests and lead screening. Her department audits 18 preschools in town. Dental programs are offered because a dentist volunteers his time. Various cancer screenings are also offered. Her department also offers SMAC testing, diabetes screening, stroke screening, osteoporosis and hearing conservation. She says that dealing with health issues is a concern for our nation. She says that she loves her job and thanked the Mayor and Council for the opportunity to speak.
- 2) Association for Special Children & Families – representing this organization was Tom Sebanko, a West Milford resident for many years. He has six children and has utilized the Township health services. He spoke about the Association for Special Children & Families and explained that it is a non-profit organization established by families with special needs including a full range of disabilities. He said that the Association encourages all children to reach their full potential. This is the organization's 30<sup>th</sup> year, and he is currently serving as President of the Board. He explained that the organization began with four parents and now has served hundreds of families. They have received recognition from various organizations and have recently received grant money. He listed the agencies from which they receive funding. They work with families to empower parents to advocate for their children, to help them achieve their full potential. He expressed that the system can be very difficult to navigate and asked for support from the community. He thanked everyone for their time this evening.
- 3) Our Lady Queen of Peace School – no one in attendance.
- 4) West Milford Animal Shelter Society – represented by President, Jean Bremy. She explained that she has been a volunteer at the shelter for 12 years. The West Milford Animal Shelter is a 100% volunteer organization that runs all operations of the municipal shelter. The shelter is recognized by the ASPCA. She said that approximately 40 volunteers operate the facility for 365 days a year. They are open to the public 7 days per week. She reviewed some of the animals that have come to the shelter. She expressed that the shelter exceeds state and local standards for cleanliness. Among some of the services they provide is evaluating animals, abiding by strict guidelines in matching pets with families. The main building of the shelter has doubled in size over the last 10 years. She reviewed the specifics and stated that she is proud of the adoption rate of the shelter, which is about 70%. They offer coupons to residents for discounts in spaying and neutering their animals. She expressed that they are in need of volunteers and invited everyone to come by and visit the shelter.

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- 5) The Historic Preservation Commission – Jim Van Hooker spoke on behalf of this commission and advised those in attendance that there are 8 volunteers that work on this commission and that they are currently seeking an alternate volunteer. He said that before this commission was organized, in 1984 when the Township was organizing a committee for the 150<sup>th</sup> Birthday celebration, 16 volunteers were part of this committee. Shortly after that, the Heritage Committee was formed. The State of New Jersey then wanted a Historic Preservation Commission. The commission is governed by State law and is established by local Ordinances. The Commission inventories all historic sites and districts in the municipality. He reviewed some of the areas that have been inventoried and listed some of the properties in the Township that are on the historic list. The Commission meets the third Tuesday of the Month at 7pm in the Planning Department.
- 6) The West Milford Players – Erica Crocco, President of the West Milford Players thanked everyone for the opportunity to speak. She congratulated those who were awarded this evening. She explained that this is the 29<sup>th</sup> year of the West Milford Players and that they bring community theater to West Milford. She said that they perform three shows per year, one of which is family oriented. The proceeds from the shows are given to various charities of which she named a few and told everyone that the proceeds from the last show were used to send care packages to our troops overseas. The organization also helps local charities such as Creative Playground and PRIDE. They have donated to eradicate racism and bias in the West Milford Township High School. She explained that the Alexi fund was founded as a result of an accident some years ago where a child was paralyzed. They have donated funds to help build a rehabilitative pool in the child's back yard and this in part is enabling the child to soon be back in school. The next production will be Willy Wonka and the Chocolate Factory and it's coming up soon. She asked for support and said that the West Milford Animal Shelter will be receiving some of those proceeds.
- 7) Senior Advisory Committee – Doris Osterhoudt began by thanking everyone who was in attendance. She explained that this committee is a sub-committee of the Parks and Recreation Department. She said that it is part of the older adult services and that they are open Monday through Friday from 8:30am-4:30pm. She advised that Gail Anderson and Vivian Gunther are the people who work with seniors. She gave some details of the services and said that these people are very special to the seniors. There are nine members of this commission and they meet the first Wednesday of each month at 1pm. She said that the Township Council President is the Council liaison and religiously attends their meetings. She explained that the senior program offers tax assistance to the seniors who are on fixed incomes, many of whom are facing foreclosure on their home. Some have no place to go. She appealed for more ratables to reduce taxes. Transportation is provided through the municipal, county and federal programs that Ms. Palermo, Recreation Department Director works hard on securing. She said that the seniors are appreciative of the hard work that has been done on their behalf. The seniors are now practicing for Olympic games that will be played against the Sparta Seniors at the end of May. She said that there is something for every senior and ended by congratulating Diana O'Bryant and expressed appreciation for Jim O'Bryant's years of service. She also congratulated Mr. Rodda.
- 8) Friends of Long Pond Ironworks, Inc. – Beth Timsak, President, gave out packets explaining this organization. She said that the organization's mission is to preserve and restore Long Pond. She reviewed upcoming events being held to help achieve their goals. She said that the museum is open every weekend and that walking tours are hosted. They also offer school tours. She expressed that they are attempting to open the program to West Milford students. Some of the events they host are the Civil War Living History weekend and the Annual Shakespeare in the Park. They need help with fundraising and public relations. They have monthly meetings and invited everyone to visit the site. She then thanked the Mayor and Council for their time.
- 9) Women's Club of West Milford – Debbie Kolbe, Vice President, told the Mayor and Council that the Women's Club is part of the oldest women's organization in the world. She said that the West Milford club was organized in 1960. They provide assistance to many groups including the 6 fire companies and 2 first aid companies in West Milford. They help with Meals on Wheels, assisting the Township nurse with clinics, and working with the Township middle school and high school plays. In the past they have helped the Township Library. They hold one large fundraiser per year, which is the Victorian Christmas at Ringwood Manor. They dress in costume, decorate the rooms and have a lot of fun. The funds that they raise help the community. They meet the second Monday of the month at Echo Lake Baptist Church at 7:30pm. Anyone interested is invited to come out and they are encouraged to join in.
- 10) Rotary Club of West Milford – Alan Edelstein, on behalf of the Rotary Club congratulated the family of Jim O'Bryant and Ed Rodda. He explained that the Rotary Club is the oldest service

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organization in the world. The West Milford Chapter has 25 members and they are one of 33,000 clubs in 200 countries. They pride themselves in service of self. Rotarians work to help diminish the number of children who die each year from curable diseases. He reviewed some of the projects that help achieve this throughout the world. The club grants two scholarships each year. They also sponsor and work with the Interact Club of West Milford High School. He said that as part of their literary program they distribute dictionaries to the 3<sup>rd</sup> grade students of West Milford. Some of the other donations made by the Rotary Club are the lights at the West Milford Township football field, the gazebo at Bubbling Springs and the mural that is in the Council chambers of Town Hall. He ended by encouraging everyone to count their blessings and to take time to help others.

Mayor Bieri explained that the Lifetime Volunteer Award recipient is selected by former Township Mayors. She asked former Mayor DiDonato who was present to step forward. Mayor DiDonato stated that the committee is made up entirely of all former mayors and noted that Councilman Weisbecker is a member as are other noteworthy township residents. He said that it is an honor for them to meet and select a lifetime volunteer and that this year the choice was very easy. He congratulated Mrs. O'Bryant as well as Ed Rodda. Mayor Bieri said that West Milford Township is blessed to have so many volunteers working with a number of organizations. She thanked all of the volunteers and asked for a round of applause for them. This concluded the volunteer section of the meeting.

Meeting recessed at 8:51pm and resumed at 8:58pm.

Agenda No. V

**Proclamations**

None.

Agenda No. VI

**Unfinished Business Final Passage of Ordinances**

None.

Agenda No. VII

**Public Comments**

Mayor Bieri opened the meeting to the public after advising that there is a five-minute limit for each speaker. She invited interested parties to raise their hand and come forward when called upon.

Martin O'Shea, 10 Lakeshore East, Stockholm – spoke regarding the meeting agenda saying that it has been upgraded since the original draft however he feels that with respect to the executive sessions he feels that further expansion is needed. He clarified that Township Attorney Semrau gives an explanation of the topics which are being discussed. He then referred to items on the agenda and asked for further explanation as to why these things were being discussed. He said that on the surface one cannot tell why a topic is being discussed and expressed that in the future this could create confusion. He referred to a settlement of a lawsuit as well as an agreement that he has with the township that stipulates that the topics up for executive discussion be explained. He stated that the township, by terms of the agreement, shall make every effort to respond to an OPRA request for records so that information is provided in advance of 7 business days. He said that this has been slipping and is nearly noncompliant. He furthered by saying that it is also agreed that notifying the requester on the 7<sup>th</sup> day by mail is not responsive. This has been happening consistently to the point of having requests due soon and having no idea as to whether he will be receiving them or not. He is requesting better attention be paid to the agreement.

Arthur McQuaid, Morestown Road – thanked the Mayor and Council for the opportunity to address them. He said that he was in attendance as a private citizen although he serves on the Zoning Board of Adjustment. He explained that the board has been asked to interpret a portion of Land Use Ordinances. He said that it first appeared that a citizen was right and that because Township Planning Director Drew had been working for the Township for so long that he was able to speak from the spirit of the Ordinance. He expressed that when reviewing staff and expenditures, the value of return must be reviewed. He feels that if the Township benefits from having longterm employees with the experience not only of the writings of Ordinances but also with the municipality.

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

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

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Agenda No. VIII

**Council Comments**

Township Attorney Semrau - disagreed with Mr. O'Shea. He said that the agreement was with Mr. O'Shea and the Township of West Milford. The Township has listed executive session items with greater detail and he gives an overview of explanation before going into executive session. It is his responsibility to expand on the explanation and that was done this evening. He will address this on future agendas and said that it was a point well taken.

Agenda No. IX

**New Business, Introduction of Ordinances, Resolutions**

The Township Council took action on the following items:

Agenda No. IX 1

~ Ordinance No. 2008- 022 ~

**AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY RE-DEDICATING EXCESS PROCEEDS FROM ORDINANCE 2007-018 TO A FIRE EQUIPMENT STUDY AND TO SERVE AS A DOWN PAYMENT FOR FUTURE PURCHASES OR ACQUISITION OF FIRE EQUIPMENT**

**BE IT ORDAINED** by the Municipal Council of the Township of West Milford, County of Passaic, State of New Jersey, as follows:

Excess proceeds contained in Ordinance 2007-018 in the amount of \$19,250 be and are hereby re-dedicated to fund a fire equipment study and after completion of such study, remaining proceeds shall be used as a down payment for future purchases and/or acquisition of fire equipment.

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

Mayor Bieri advised the second reading and public hearing for this ordinance is set for the Regular Meeting of the Township Council scheduled for May 7, 2008. Notice of this public hearing shall be published in the Herald News on or about April 27, 2008.

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

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No discussion:

Agenda No. IX 2

~ Resolution 2008- 151 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE COUNTY OF PASSAIC FOR THE REHABILITATION OF WESTBROOK PARK**

**WHEREAS**, the Mayor and Council had previously authorized funding by way of the Passaic County Open Space and Farmland Preservation Trust Fund for the rehabilitation of Westbrook Park; and

**WHEREAS**, such funding was awarded by the County of Passaic Board of Chosen Freeholders whereby the County of Passaic would provide a \$60,000 grant to match the municipality's contribution of \$60,000 for improvements to Westbrook Park; and

**WHEREAS**, the Chief Financial Officer certifies that funds are available for this project in the amount of \$60,000 said funds to be encumbered from C-04-55-933-225; and

**WHEREAS**, the Township Attorney has reviewed the Agreement and advised that it is acceptable under the circumstances and the terms are acceptable as stated therein.

**NOW, THEREFORE, BE IT RESOLVED**, by the township Council of the Township of West Milford, County of Passaic and State of New Jersey that the Mayor is hereby authorized to execute an Agreement between the Township of West Milford and the County of Passaic for the grant in the amount of \$60,000 for the rehabilitation of Westbrook Park.

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Moved: Weisbecker Seconded: Scangarello

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Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.  
Voted Nay: None.  
Motion carried.

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Agenda No. IX 3  
~ Resolution 2008- 170 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING RESOLUTION 2008-157 WHICH RESOLUTION ESTABLISHED A SAFETY COMMITTEE TO ADD A COMMITTEE MEMBER FROM THE DEPARTMENT OF COMMUNITY AFFAIRS AND RECREATION**

**WHEREAS**, the Mayor and Township Council did establish a Safety Committee to review and discuss with management safety issues concerning the Township of West Milford.

**WHEREAS**, the purpose of the Safety Committee is to provide greater flexibility in complying with future safety requirements and meeting the needs of the Township of West Milford.

**MEMBERSHIP:** The Committee membership shall be amended from seven (7) members to eight (8) members as follows:

- 1 Staff Member - Health Department
- 1 Staff Member - Building & Planning Departments
- 1 Staff Member - Administration
- 1 Staff Member - Police Department
- 1 Staff Member - Department of Public Works
- 1 Staff Member - Fire Department
- 1 Staff Member - Department of Community Affairs & Recreation
- Fire Commissioner

**WHEREAS**, the Personnel Administrator shall serve as the secretary to the Safety Committee responsible for providing meeting notifications, preparing agendas, and filing related reports with the Morris County Joint Insurance Fund (JIF) and/or its affiliates as necessary.

**WHEREAS**, each of the following organizations shall be notified of every scheduled safety meeting to provide them an opportunity to send one representative to the meeting, said representatives to be afforded the right to fully participate in the meeting(s):

- Each of the Township's Bargaining Units
- Ambulance Squad(s)
- Township's Insurance Committee

**BE IT FURTHER RESOLVED**, that the Safety Committee shall report to the Township Administrator, making recommendations, rendering opinions and providing input with respect to safety issues affecting the Township of West Milford.

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

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Agenda No. X

**Items For Discussion**

The Township Council discussed the following items:

1)	Agreement with Greenwood Lake Bi-State Commission – Township Attorney Semrau said that he has sent an agreement out with the same terms as last year for the weedharvester. He has received a letter from Passaic County saying that it will be discussed with the County Freeholders. He will report back to the Mayor and Council when he has responses. Councilman Scangarello asked that another notification be sent out to Passaic County. Township Attorney Semrau said that they had indicated that they will be responding soon and that he will send follow ups to both Passaic County and the Bi-State Commission.
2)	Use of Recycling Facilities by Residents with Commercial Vehicles – Councilwoman Lichtenberg said that she feels this is not explicit enough. Councilman Schimmenti asked if it can be introduced soon. Councilman Weisbecker said that he was present when this

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	<p>was first discussed in 2000. He said that the idea was to limit commercial landscaper use. At that time there were other violations. The \$250 fee is for the purchase of a booklet of passes. Residents were originally supposed to receive with tax bills a decal indicating that they were residents. Over the years, the Township has gotten away from this. He understands Councilman Schimmenti's urgency, however, this must be done right. He said that it will cost the Township money to control the volume. One of the questions that he posed was being able to identify which companies were landscapers and said that some landscapers are not commercially registered. Councilman Schimmenti said that the Township would be paying someone to check on cars when one can readily see whether a commercial vehicle belongs to a landscaper or not. Mayor Bier asked that this be sent to the Township Engineer for his comment as well as having it reviewed by the other various departments. Councilman Scangarello asked whether the employees at the recycling center are being permitted to accept money. Township Attorney Semrau said that this has been an audit issue in other municipalities and that he would not recommend doing this. Mayor Bieri asked what the Councils intent was with handling this Ordinance tonight. It was suggested that Township Engineer McFadden be asked for his input with regards to checking residency. Councilman Smolinski requested to abandon the current procedure of residents vehicles requiring a sticker to enter. Township Attorney Semrau requested direction from Mayor Bieri with regards to commercial vehicles. Councilman Smolinski stated that he owns a commercial vehicle, he is not a landscaper, and should not have any restrictions with using the center with his vehicle. Councilman Weisbecker asked that landscapers are identified. This is because the Department of Environmental Protection controls what can be dumped at this site. The Township can be held liable for what is disposed of at the facility. He said that things have been functioning well but that they must find a way to identify a landscaper vehicle. Councilman Weisbecker also said that all non landscaping residents who drive commercial vehicles must give proof of residency. Mayor Bieri asked the the load size be restricted. Councilman Scangarello asked Township Attorney Semrau to determine how other townships handle this and that it is being blown up too much. Interim Township Administrator Battaglia said that she will research this and bring any information to the upcoming budget meeting.</p>
3)	<p>Credit Card Payments – Council consensus was to proceed. Township Attorney will check to see if a Township Ordinance is required and commented that Resolutions are needed.</p>
4)	<p>Accurate Analytical Laboratories Voucher – Councilman Nolan said that he had asked for this and now there is documentation. The Township Health Department provided the bill and it is correct with supporting documents. It is okay to put on the next bill list. Mayor Bieri asked that with the company no longer in business, who receives the payment? It was answered Garden State Labs.</p>
5)	<p>Establish Facilities Assessment Committee – Interim Township Administrator Battaglia stated that this had been first requested by Councilman Scangarello and at the time there were numerous recommendations for appointees. Councilman Nolan asked who would be the appointing authority and that there is no mention of Council liaison. He said that a time frame for appointments would need to be established. Councilman Scangarello agreed and asked to be appointed as Council liaison. He said that the Energy Committee already has ideas and suggested to use the end of the year as the time frame. It was suggested that the Council be the appointing authority with appoints from construction, the Energy Commission, a Council liaison, ADA and 4 citizen members with experience in the field.</p>
6)	<p>Fireworks Display – July 3, 2008 – Interim Township Administrator clarified that this was an annual Resolution to permit the discharge of fireworks for "Thunder in the Highlands", the Township's Independence Day celebration. Consensus was to proceed.</p>
7)	<p>Auditor Contract – Mayor Bieri asked if everyone had reviewed the Auditor options that had been provided by Township Finance Director Magnotti. Councilman Nolan said again that he was in favor of Samuel Klein &amp; Co. and furthered by saying whoever the Council decides to hire, should be invited before the Council before signing a contract. Councilman Smolinski asked why Councilman Nolan favored Samuel Klein &amp; Co. and Councilman Nolan explained that it was because this firm was the least expensive with the most extensive experience. Councilman Smolinski said that he felt the services were unclear and that in the proposal he said that there would be additional fees for additional services. The Townships Pay to Play Ordinance says direct or indirect contributions. He said that this company donated \$3000 to Holpak and then Holpak donated to local election campaigns. This is the same auditor who audits the City of Newark's books. He furthered by saying that he has a problem with going into a contract with them when one of this Townships largest taxpayers are also audited by them. Councilman Nolan said that in addition to Newark, they audit a host of other towns. Councilman Schimmenti said that the Township had a very fine auditor, a West Milford resident and now the Council is spinning its wheels. He said the consideration should be given to amending the Ordinance because the Council has a working relationship with Mr. Ferraioli. Mayor Bieri stated that auditors are independent so bringing up an issue with the City of Newark is moot. Councilman Nolan said that it is not good financial practice to have the same firm auditing the</p>

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Townships books for so many years. Mayor Bieri said that when the Council went out to RFP, the Township's auditor reduced his rates by \$10,000 which indicated that he had been overcharging for many years. Councilman Scangarello said that a point was mentioned about the Townships auditor working for the Township for 20+ years. It was said that it is not good to have long term working relations, yet Klein has been with towns for up to 25 plus years. Councilman Nolan clarified that it is not good to have the same partner for many years and that it is beneficial to have new eyes review things from time to time. Councilman Scangarello said that the firm of Lerch, Vinci & Higgins appears to be a larger firm. Councilman Nolan said that he has no objections with interviewing more than one firm and that the Council must begin to move on this. Councilman Smolinski commented that the firm of Nissivoccia has no clients in Passaic County and that it might be a good thing. Councilman Scangarello suggested to get representatives from three firms and schedule presentations from them on May 7 with the meeting being advertised to begin at 7pm. The presentations will need to be limited to 10 minutes each and advise that the interview will be in a public meeting forum. Interim Township Administrator Battaglia said that she would schedule this and advised that it will be a rather lengthy workshop meeting because of West Milford Lake also being on the agenda for that evening. It was agreed that the partner who would be performing the audit be the one to appear for the interview as well as to advise each firm that they would be waiting outside of the meeting for their turn to interview.

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Agenda No. XI

**Approval of Expenditures**

**~ Resolution 2008- 171 ~  
 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 . . . . .	\$361,588.08
2	Reserve Account . . . . .	15,165.72
3	Animal Control Trust	100.00
6	Capital . . . . .	6,130.86
7	Grants . . . . .	8,271.21
8	Refuse . . . . .	
9	Refunds . . . . .	128,801.08
12	General Ledger . . . . .	
16	Heritage Trust . . . . .	
14	Open Space Trust	6,450.00
17	Trust . . . . .	1,146.75
18	Development Escrow . . . . .	3,538.00
19	LOSAP	
20	Special Reserve	
	Total	\$531,191.70
	Less Refund Resolution	(128,801.08)
	Actual Bill List	<b>\$402,390.62</b>
	Other Payments	
	Less Refund Resolution	
	<b>Total Expenditures</b>	<b>\$402,390.62</b>

Moved: Nolan Seconded: Weisbecker  
 Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.

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Voted Nay: None.  
Abstained: Councilman Nolan abstained Valley Health only  
Motion carried.

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Agenda No. XII

**Reports**

Council President Smolinski thanked everyone for coming to Volunteer Night. He congratulated Mrs. O'Bryant and Mr. Rodda. He stated that Mr. Rodda is always pleasant and that most people don't realize what services the Health Department provides. He encouraged everyone to avail of those services. He appreciates all the help that volunteers offer. He complimented the Township Animal Shelter and reminded that the Senior Advisory Committee meets the first Wednesday of each month. He said that this is a sincere, honest committee. He is honored to serve as liaison to this committee. He commended our fire companies and first aides for volunteering and mentioned that they are subjected to much training. He thanked those serving in the military.

Councilman Schimmenti – extended his congratulations to the Townships volunteer organizations. He stated that they make West Milford a nice, safe and healthy town to live in. He congratulated Mr. O'Bryant and Mr. Rodda, stating that Mr. Rodda is a true gentleman who cares a lot. He wished Mr. Rodda and his wife best wishes.

Councilman Nolan – expressed his congratulations to the O'Bryant Family and to Mr. Rodda. He thanked all volunteers with special thanks being given to Paul Zarillo for keeping the Mayor and Council in the loop. He will try to attend the May Telecommunications meeting. He said the Telecommunications Committee was formed last year and did a lot of work. Unfortunately it has fallen by the wayside because of a lack of administrative support. He said that it doesn't make sense to reconvene during this interim period. They need someone to write a proposal for state of the art PBX system and until there is an Administrator to make this type of decision, he will keep the committee on hold.

Councilwoman Lichtenberg – said that like those who have spoken before her, she too extends her congratulations to those who have been honored tonight and to all volunteers. She commended the Beautification and Recycling Committee members for their great Township Clean-Up. She was honored to attend the Heritage Committee program recently where Ann Thornton spoke about life in West Milford. On May 3<sup>rd</sup> there will be a presentation of a West Milford Love Story with Mr. And Mrs. Kochka. She asked that support be given to Bill A752 in accordance with a letter from a resident who would like to access past medical history. The bill would allow for release of medical history of birth parents. She reminded that the Highlands Greenfest was being held on May 3<sup>rd</sup> from 10am-6pm and that the Highlander Band Tricky Tray was also being held on May 3<sup>rd</sup>. She reminded everyone that she is available at Town Hall on Thursday from 10-12.

Councilman Scangarello – thanked all volunteers as well as the recipients of tonight's awards. Without volunteers in West Milford many things would not happen. In the April 21, 2008 newspaper there was a culmination of a 5-month investigation by three police departments that resulted in a large drug raid and arrest of a husband and wife team from this town. The husband works for the Save Our Sisters Thrift Shop and she works as a school bus aide. They are being held in Passaic County Jail. This reminded him of the importance of securing background checks and that it is something that needs to be addressed. He commended the fire departments that have been extremely busy. He mentioned three fires, one on Clinton Road, Ridge Road and the Clinton Motel. The fire departments are always there for the Township and they put their lives on the line. He asked Interim Township Administrator Battaglia the specifics regarding the signage for the airport saying that he has heard that there were some issues. Evidently the wrong lot and block numbers were written on the lease agreement and he is seeking who is to blame for that.

Councilman Weisbecker – Congratulated all volunteers and particularly the family of James O'Bryant and Ed Rodda. He said that he had worked with Mr. O'Bryant who had an electrifying personality. He remembered him as always standing up for the betterment of West Milford and that he misses him. He also expressed what a gentleman Mr. Rodda is. West Milford is fortunate to have so many volunteers. It is part of what makes this Township so special. He said that all of the organizations that were presented earlier were great. He expressed that the residents and businesses of the Township should begin to conserve water because to date, in April, there had been only .50 inch of rain following a very light snow pack from winter. During winter the reservoirs were low. He commented that we need rain desperately and that forest fires are becoming an issue. The forest floor acts as kindling. He asked that all remain vigilant.

Mayor Bieri – thanked the Township's volunteers and expressed that they make this Township very special. She thanked everyone for their compliments regarding the animal shelter. She reviewed some of the shelters upgrades and recent changes. She again thanked all volunteers.

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Interim Township Administrator Battaglia – expressed that vacancies for board committees and commissions have been posted on the Township website and that in the spirit of volunteerism, it can be checked out and interested people would be warmly received. She said that there will be a presentation at the May 7, 2008 meeting regarding West Milford Lake. The presentation will be done by Princeton Hydro. She also mentioned that she is working on scheduling a budget meeting and will be contacting everyone via email when that date and time is secured. She agreed to contact the Bi-State Commission regarding the West Milford Lake presentation, as it was requested by Councilman Nolan.

Township Attorney, Fred Semrau – told everyone that Castle Rock was approved right after the Highlands legislation was adopted. It has been the best challenge to the Highlands Act. He said that a 90 count complaint had been filed in Passaic County and from there went to the Appellate Division. Dismissal was upheld and after review by the NJ Supreme Court it was denied a hearing and was then taken to the US Supreme Court. He has recently received word that the petition has been denied and that the matter is now favorably concluded. He then said that in the executive session this evening they will be discussing the ANJO Associates potential acquisition of Block 2801 Lot 1 which is the property at the corner of Warwick Tpke and Lakeshore Drive. He said that the Weiner Lesniak bills dating back to 2005 and threatened litigation will also be discussed. Regarding NJ Transit, he has received a draft complaint stating that they will seek reimbursement of one half of the costs for training of Officer Amato shortly after NJ Transit hiring. Valley Ridge a potential property acquisition of Block 8002 Lot 4 will be discussed. He said that Ordinance 2008-023 will be discussed from a legal perspective as it is a drafted Ordinance that the township is in desperate need of, addressing development fees for affordable housing. Thus far the Township has not collected any funds. After executive session he is suggesting that the Council move forward with introducing an Ordinance. The Council needs to address this because if the Township needs to make contributions to COAH Fund for affordable housing and planning tools. This trust fund has been available to the Township for the past fifteen years and has never been contributed to. He said that the Ordinance would provide for 2% of fair market value be contributed to this fund for any developing of two or more lots. Single lot development would require 1% of fair market value. He would like to discuss this from a legal standpoint. He also requested to remove discussion of the ADA ramp from the executive session of this meeting. He said that he is not prepared to discuss this at this meeting.

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Agenda No. XIII

**Appointments and Resignations**

~ Resolution 2008- 172 ~

**MAYOR'S APPOINTMENT OF VINCENZO STAMPONE, ESQ. AS ASSISTANT PROSECUTOR WITH THE ADVICE AND CONSENT OF COUNCIL**

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that they do hereby provide advice and consent to the Mayor's appointment of Vincenzo Stampone, Esq. to the position of Assistant Prosecutor effective May 1, 2008 for a term that shall expire on December 31, 2008.

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

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Discussion: Councilman Nolan asked that since this is a professional services contract, should there be a not to exceed amount and a certification of funds from the Township Finance Director. Township Attorney Semrau explained that at the next meeting there will be an appointment, a contract and passage of a second Resolution authorizing execution of the contract.

~ Resolution 2008- 173 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE APPOINTMENT OF A HEALTH ADMINISTRATOR/INTERIM HEALTH OFFICER**

**WHEREAS**, the Township of West Milford is required by law to provide for a Health Officer for the municipality; and

**WHEREAS**, Dennis SanFilippo is a licensed Health Officer and has 35+ years of experience in the State of New Jersey; and

**WHEREAS**, Mr. SanFilippo is willing to serve as the Health Administrator/Interim Health Officer for the Township from May 1, 2008 through June 30, 2008; and

**WHEREAS**, the Mayor hereby appoints Mr. SanFilippo as the Health Administrator/Interim Health Officer to serve from May 1, 2008 through June 30, 2008 based upon the terms and conditions set forth in an agreement to be executed by both parties.

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**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that Dennis SanFilippo is hereby appointed as Health Administrator/Interim Health Officer for the Township of West Milford from May 1, 2008 through June 30, 2008 in accordance with the terms and conditions as set forth in the Agreement between the Township and Mr. SanFilippo, which Agreement shall remain on file in the office of the Township Clerk.

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

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Discussion: Township Attorney Semrau explained that the terms of the contract have been drafted and that they are acceptable. This will be brought back in form at the next meeting. He expressed that this Resolution is for the appointment and that if the Council is amenable, this unique arrangement will be capped at \$15,000, with an hourly rate of \$60. The candidates qualifications have been presented and that acutal terms will be outlined in the agreement. In reality Mr. SanFilippo will start the day after the next meeting and according to his contract will be working as needed to complete his responsibilities.

Agenda No. XIV

**Executive Session**

**~ Resolution 2008- 174 ~  
MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 23rd day of April 2008, 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.
    - ❑ Block 2801, Lot 1 – Anjo Associates
    - ❑ Valley Ridge – potential property acquisition of Block 8002 Lot 4
  - ( ) 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.
    - ❑ Weiner/Lesniak Bills
    - ❑ New Jersey Transit v. West Milford and reimbursement for training costs related to Officer Amato
    - ❑ Valley Ridge
  - ( ) 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).

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

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Discussion: Councilman Nolan said that he would like to give the public more information about the Weiner Lesniak bills. He is concerned that there are bills going back to March, April, May and June of 2006. They have sat in the Planning Department for over 2 years. They were signed by the Planning Director as okay to pay but the Administrator asked for further clarification. The Planning Director cannot justify these bills. Nobody is certain what is being billed for because they are so out of date. Members of

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the Council think that there is billing for TCR at Valley Ridge, where there was a conflict whereby it was thought that Glen Keinz found out that Weiner Lesniak in addition to representing the Township Planning Department was also representing TCR. This was supposedly discovered on May 2. Additionally there is an invoice from Glatt who was the substitute attorney for that matter where on May 5 he billed for a conversation with Keinz about the substitute attorney. He knew a week early and Councilman Nolan wants this on the record. He said that perhaps if the Planning Board, in 2006, had reviewed invoices, this would not be a predicament. Mayor Bieri said that she would be recusing herself from discussion of Ordinance 2008-023. Township Attorney Semrau said that this is related to Planning Board discussions.

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Agenda No. XV

Action Items

~ Ordinance 2008-023 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, REPEALING CHAPTER 470, "SUBDIVISION OF LAND AND SITE PLAN REVIEW", SECTION 470-69, "DEVELOPMENT FEES FOR AFFORDABLE HOUSING", OF THE LAND DEVELOPMENT ORDINANCE AND REPLACING SAME WITH A NEWLY CREATED SECTION 470-69 ENTITLED, "MANDATORY DEVELOPMENT FEES"

BE IT ORDAINED by the Municipal Council of the Township of West Milford, County of Passaic, State of New Jersey, as follows:

SECTION 1. Chapter 470, "Subdivision of Land and Site Plan Review," Section 470-69 "Development fees for affordable housing," of the aforesaid Land Development Ordinance for the Township of West Milford is hereby repealed in its entirety and replaced with the newly created Section 470-69, "Mandatory Development Fees" to read as follows:

§470-69. Mandatory Development Fees.

- A. Purpose - The purpose of the mandatory development fee is to provide funding for the Township's Housing Element and Fair Share Plan approved by the Township Council of the Township of West Milford.
B. Residential Development Fees - Amount: Prior to the issuance of a building permit, all developers of residential subdivisions or site plans of two (2) or more units shall incur a mandatory development fee equal to one percent (1%) of the equalized assessed valuation for each residential unit constructed. This mandatory fee shall be calculated as follows: 1 % x equalized assessed valuation x number of units.
C. Non-Residential Development Fees - Amount: Prior to the issuance of a building permit, all nonresidential developers shall incur a mandatory development fee equal to two percent (2%) of the total equalized assessed valuation of the non-residential development, provided, however, no development fee shall be required where the total equalized assessed value of the development is less than \$15,000 as established by the Tax Assessor. The mandatory fee shall be calculated as follows: 2% x total equalized assessed value.
D. Timing of Payments
1. Fifty percent (50%) of the total mandatory development fee owed to West Milford Township whether for residential or non-residential development, shall be paid prior to the issuance of any building permit required in connection with the development, and shall be calculated as follows:
a) For residential developments, the fifty percent (50%) payment required prior to the issuance of any building permit shall be calculated using an estimated equalized valuation of each residential unit as determined by the West Milford Township Tax Assessor.
b) For non-residential developments, the fifty percent (50%) payment required prior to the issuance of any building permit shall be calculated using an estimated total equalized assessed valuation of the non-residential development as determined by the West Milford Township Tax Assessor.
2. The remaining portion of the development fee shall be paid prior to the issuance of any Certificate of Occupancy for any development or any part thereof, whether residential or non-residential, and shall be calculated using the actual assessed valuation of the development as determined by the West Milford Township Tax Assessor.
3. Because the initial payment required prior to the issuance of a building permit is calculated using an estimated assessed valuation based on estimates for construction costs, the following adjustments are permitted to compensate for differences between the estimated assessed valuation and the actual assessed valuation: a) If the estimated assessed valuation used to calculate the initial fifty (50%) payment was over-estimated or under-estimated, causing the actual assessed valuation to be less than or greater than the estimated assessed

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valuation used to calculate the initial fifty percent (50%) payment, the developer's Certificate of Occupancy payment shall be equal to the difference between the actual assessed valuation and the initial fifty percent (50%) payment as determined by the West Milford Township Tax Assessor.

- E. Exemption, Eligible Exactions and Ineligible Exactions
1. Developments with on-site low and moderate income housing units...
2. Low and moderate income dwelling units...
3. Development that expands an existing structure...
4. Developers of houses of worship...
5. Developments that have received preliminary or final approval...
F. Affordable Housing Trust Fund
1. All mandatory development fees...
2. If the Court determines that West Milford Township's spending...
G. Use of Funds
1. Money deposited in the Affordable Housing Trust Fund...
2. No more than 20 percent of the revenues collected...

SECTION 2. All ordinances of the Township of West Milford which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. This ordinance shall take effect upon final passage and approval in accordance with law.

Mayor Bieri advised the second reading and public hearing for this ordinance is set for the Regular Meeting of the Township Council scheduled for May 7, 2008. Notice of this public hearing shall be published in the Herald News on or about April 27, 2008.

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

Agenda No. XVI

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 11:32 p.m.

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

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Approved: June 11, 2008

Respectfully submitted:

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MAYOR BETTINA BIERI  
PRESIDING OFFICER

Judy Manning, Part-time Secretary

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ANTOINETTE BATTAGLIA  
TOWNSHIP CLERK