
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: May 5, 2010
Time of Meeting: 7:30 P.M.
Minute Page No: Page 1 of 12

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 December 20, 2009; and January 10, 2010 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, Michael Ramaglia, Robert Nolan, Marilyn Lichtenberg, Daniel Jurkovic, Mayor Bettina Bieri.
Absent: None.
Also Present: Township Administrator Kevin Boyle, Township Clerk Antoinette Battaglia, and Township Frederick Semrau

Agenda No. II

Reading of or Approval of Unapproved Minutes

Councilman Weisbecker moved to adopt the following Meeting Minutes as presented:

February 17, 2010 Regular Meeting Minutes

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

Agenda No. III

Meetings

Mayor Bieri noted the future meeting schedule:

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| May 19, 2010 Regular Meeting | June 2, 2010 Workshop Meeting |
| June 16, 2010 Regular Meeting | July 7, 2010 Workshop Meeting |

Agenda No. IV

Presentations

None.

Agenda No. V

Proclamations

National Day of Prayer – Mayor Bieri invited Helen Sedlak to join her at the podium to accept this proclamation. Mayor Bieri read the proclamation and Ms. Sedlak thanked the Mayor & Council for their annual recognition of the National Day of prayer. She invited everyone to join in this non-denominational event and listed venues and times. Our forefathers, she said, believed in God and prayer and this is a great national tradition in America. She encouraged everyone to participate in this event especially in light of the challenges we all face in this world. She said that God wants us to seek his help and advised that if one cannot attend in person there are opportunities to lend support on line.

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.

Doris Aaronson, 19 Bearfort Road, West Milford stated that she is here to address the lawn watering ordinance which is a discussion item on the agenda. She stated that this legislation was put forth by the Board of Health and the Health Officer after receiving an opinion from the State Department of Environmental Protection. She relayed statistics on water shortages in West Milford and the state of the aquifers in town. She encouraged everyone to read the M² report which said West Milford can sustain 8000 wells but we already have 11,000 wells in West Milford. We're in a long-term deficit she said. A Councilman recently said that we don't need big government to make ordinances about private property.

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But, in her opinion we do need these ordinances to protect the community. All building codes, as well as the fertilizer and septic ordinances are examples of the benefit these laws have. We have two sole-source aquifers. So if one person is abusing a well they are ultimately draining their neighbors wells. Another Councilmember said education and common sense is enough yet, in her opinion we have been educating people for two decades. Despite the fact that the well study was done in 1982 there are still problems. Council members said it would cost too much to enforce such ordinances but a NJLM article mentions that there are five towns that got grants to enact water conservation initiatives. She asked that those opportunities be researched.

Renee Alessio, Upper Greenwood Lake, West Milford stated that she finds comfort in turning on her faucet and getting clean water. She urged people not to take this for granted and to understand that this simple act requires a healthy supply ground water. Some people don't understand the difference between ground water and well water. Just because we had a lot of rain does not mean aquifers are healthy. Hydrology studies have shown that West Milford has a water deficit and the proposed ordinance is one way to curtail unnecessary waste of our water. Limiting water usage for lawn watering is not very restrictive. This ordinance is good and can save valuable water. It is supported by many environmental groups including local organizations. She stated that this is a priority action for Sustainable New Jersey. Wells may be on private property but the water is a common resource that flows underground. The Council, she said, has moral obligation to protect this resource for the common good of all residents to protect the public. Lack of government regulation leads to disaster and if the aquifer dried up, everyone will pay later. Our water source must be protected for those who live here now and for future generations.

Rebecca Byrne, 1335 Macopin Road, West Milford stated that when she was five yrs old she asked Governor McGreevy to save trees and water. If we don't conserve water now there will not be enough for everyone. Please save it now.

Ed Harkey, 21 Caro Drive, Oak Ridge showed some posters that were submitted for a recent poster contest in our local schools wherein the kids were asking that the water supply be saved. There were approximately 300 submissions which shows that the kids get the message. He recommended that, rather than ban all watering, the Council should just ban lawn watering in peak heat of the day hours because most of that water evaporates rather than it being absorbed into the grass as intended. He stated that the volume of available water differs from area to area within the Township with some areas having a very limited waters supply. He stated that development kills the ability for the water supply to recharge and climate change is having an impact that is being recognized nationally. One drought can have a very significant impact and he urged erring on the side of caution. He urged to the Council to think conservatively and to think green.

Ada Erik, Macopin Road, West Milford stated that there is talk that the Council is going to repeal the open space tax that voters overwhelmingly approved. The trees are the guardian of our water supply and developments take trees away. There are studies that prove that in this area 16 acres of recharge area is required to supply sufficient water for one family. Taking away open space funding and open space initiatives is dangerous. The Council must be diligent about keeping West Milford green.

Luke Slott 10 Ponderosa Place, Hewitt stated that he is here to support the proposed water conservation ordinance. There is no cost to enforce this ordinance but the real cost is in opposing it. Failure to act now will ultimately cost residents who will have to dig new wells. The Council can bring awareness by passing this ordinance and preserve the aquifer. This will allow water to return to water supply and thus will be available for residents. Failure to do so will negatively impact home values. He urged the Council to protect this valuable resource and protect West Milford for future generations.

Gary Oppenheimer, 24 Clover Road, West Milford agrees with a lot of comments already made and is not opposed to rules that make sense. These infringements are for the common good or his personal welfare. Even if education works well, people want to be good citizens and will obey laws; people want to do the right thing. There has been a lot of discussion about whether or not we are a sole source aquifer. The EPA says yes; the DEP says yes; the West Milford study says yes. For those who suggest otherwise, he asked that they show scientific data. Surrounding communities have already stated that they are sole source aquifer communities. If we are surrounded by sole source communities, it would be time to accept that we are also sole source unless there is substantial scientific study to the contrary.

Wendy Watson Hallowell 50 Linwood Road, Hewitt lives in UGL, and is not political or religious. She deals with the physical world on scientific side. The facts have told her that the source of water that supplies our wells is being used faster than we can replace it. If we can't replenish that, our wells will go dry. In Upper Greenwood Lake there is no other water source so loss of water will impact the value of homes. She has given a lot of thought to this proposed ordinance and has decided that what is best for our lawns is best for our town. If you water before 9 or after 6 you have better lawns. With this

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ordinance, it is up to the residents to take action together. Having legislation provides a means to get residents to take positive action for fear of enforcement. She asked the Council to please adopt the ordinance.

David Watson Hallowell 50 Linwood Road, Hewitt urged the Council to use common sense when considering the proposed water conservation ordinance and to take the advise of experts. We have three separate studies each of which say we use more water than we can replenish. The water will only return to the aquifer at its own pace. If we use more than we return, common sense tells us that the supply will run dry. This happened at Apple Acres. He said that it takes common sense to be proactive and to do what can be done. This is not a seasonal or short term issue. This is a long term issue that will impact the future for West Milford residents.

Carl Richko, 9 Shepard Road, West Milford stated that in 1993 West Milford was the first town in New Jersey to enact a ban on feeding bears. This decision was based on common sense. The Township also adopted legislation which banned phosphorous fertilizer use. He asked the Council to please adopt this ordinance to protect our aquifer. He noted that the agenda also includes a discussion about acquiring the Eagle Ridge property. He recalled attending a rally a few years ago to stall development at that property. He urged the Council to continue to protect our water and acquire open space. He supports the acquisition of the Eagle Ridge property.

Catherine Leonard, 5 Compass Avenue, West Milford supports the proposed water conservation ordinance. The Council is obligated to serve West Milford citizens and water is key to life. In the past few weeks kids in West Milford learned about water conservation. She asked the Council to preserve the water supply for our kids and for taxpayer wallets. If the aquifer is depleted people will be subject to great danger. People don't realize how often they use water throughout the day. On the other hand, watering lawns and plants during the day is not necessary and results in waste. People should be cognizant of their actions. She asked the Council to please adopt this ordinance.

Chris Garcia 200 Lakeshore Drive, West Milford recalled that he moved here in the height of a drought and, at that time people were drilling wells almost daily. He is a licensed real estate agent and his clients often have some concerns about our water supply and these water issues affect a person's ability to sell. The Council's role is to protect the citizens of West Milford. He stated that he is concerned about misconceptions expressed by Council. Gave an example using play dough, rocks and water explaining that he used to own an environmental consulting company. His scientific experiment shows the layers that can be found in our environment. The stones, play dough, sand and water represent our local geology. When it rains, water does not readily pass through the top layer of sand. Water does not always seep all the way to ground level.

Olivia Maltempi, 44 Vreeland Road, West Milford stated that water is valuable resource. This is a basic ordinance intended to safeguard our water and protect the environment for future generations. The High School green team would like to assist the West Milford Health Department with educational initiatives. They have begun in local elementary schools to teach kids how to safeguard the environment. She urged the Council to take action now to preserve our water and show the community that Town Council is proactive in protecting our civilization. This ordinance will also serve to increase public awareness.

Robin O'Hearn, Skylands Clean stated that this ordinance is not burdensome to homeowners. It simply limits the time people can water lawns, not days. In 2004 DEP had a public hearing about Eagle Ridge where attendees listened to many horror stories from people whose wells had run dry. She urged the Council to purchase this property. She reviewed the history of Eagle Ridge and the permit denials they received from various agencies and courts due to public activism. She urged the council to preserve that property to protect the residents of West Milford.

Lou Signorino 3 Redbarn Lane, West Milford stated that there is no disagreement about there being a water issue in town. However, he said, an ordinance is legislation. He does not water his lawn during the day. The idea that one must legislate for people is a concern. He questioned what is next. If we have a problem that problem should be addressed; we should not be taking steps to hide it. If there is a problem in a certain area, take proactive steps to find solution. Neighbors should help neighbors. He questioned how this legislation would be enforced and asked where we stop legislating people's activities.

Linda Connolly, 278 Wooley Road, West Milford supports the proposed water conservation ordinance. She lives in neighborhood where wells do run dry and knows that people's actions do affect their neighbors. She referred to studies from her neighborhood that indicates there is a problem.

James Warden, 199 Highcrest Drive, West Milford stated that he has not seen so many people at a Council meeting since 2005 when people came out to object to Hovnanian development in town. He was

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a Council person and had information about the proposed development. People came out because they love this town. He urged the Council to do what is right for town and put politics aside. He stated that he has taught his kids that actions speak louder than words. Eagle Ridge was a big problem for West Milford and he recalled that when he was on Council there were a number of debates. That project is not dead until that property is purchased. He said that the obvious choice is to purchase Eagle Ridge at a bargain price now that there is an opportunity to do so. That project died because of a downturn in the real estate market but that market is starting to rebound. Unless the Township purchases the property, it will be developed and will haunt the Township in the future. Other towns have restrictions on water usage. An ordinance is law. If the Council enacts this ordinance it makes a case that there is no room for development because it says we don't have water. He stated that the Council's actions will speak louder than words.

Celeste Hampton, 1335 Macopin Road, West Milford stated that every time West Milford has had an open space question on the ballot the vote has favored open space. People care about this issue and people care about the environment specifically West Milford residents like it green and blue. There is a fine line between statistics and tragedies. Newark Watershed purchased land in West Milford to provide clean water to their residents. Open space tax costs residents \$1.25 per month and we voted for this tax. She recalled that there were many hearings on Eagle Ridge and residents came out because people were passionate. They spoke and told state officials what they were thinking and many horror stories were relayed. Somehow open space has become a partisan issue and she stated that there is no doubt that West Milford's history will be tied to water. She asked Council to do what they can do for West Milford residents and urged them to enact this legislation.

Ross Kushner, Pequannock River Coalition stated that he conducts water quality monitoring in this area and noted that droughts are not pretty. More water is generated from ground water than from rivers and streams. Newark gets their water supply but very little goes into rivers and streams. Any measures taken to protect the water helps increase the supply. If the ordinance does not have the desired effect, it can be amended at a later date. Eagle Ridge, he said, is a beautiful property and the Township would be lucky to acquire it. He urged the Council to purchase Eagle Ridge so that it becomes open to the public adding that this is why we have the open space tax.

Al Demerast, 463 Warwick Turnpike, Hewitt stated that he attended the Board of Education meeting last night which ran on until 1:30. During the discourse it was said that a school will close. Before May 19th the Council will be making recommended cuts and he would like the Council to state tonight whether or not they support closing a school.

Maria Harkey stated that this is a meeting about environmental damage and she questioned why Council members hate the environment. The Council, she said, should purchase Eagle Ridge because if it is developed residents will have greater burdens. This year it would appear that West Milford has lost watershed aid. She recalled that many people took a bus trip several years ago to Trenton to speak to state representatives at which time Alex DeCroce got state aid for West Milford. She asked that Republican Council persons speak to representatives to urge them to have the watershed aid restored to West Milford. Asked if everyone understands the need for water conservation. Day time lawn watering, she said, depletes the aquifer and for that and other reasons there is no sense in watering during daylight hours. She asked what right does a neighbor have to take another's water supply away. She is here tonight to speak about rumors that the Council wants to stop the open space tax. She stated that voters voted for an open space tax in overwhelming numbers at a cost of \$15 per year to each property taxpayer. This will not make a difference in people's taxes and she asked again why the Council hates the environment. She urged them to think green and blue, not democrat or republican. This is an issue for all West Milford residents.

Andrew Gargano, 45 Apshawa Crossroad, West Milford stated that nobody wants to tell people what to do or to force people to do things they don't want to. He recalled that people watered lawns during the day during the last drought while some of their neighbors were simultaneously drilling for new wells. People don't always do what is right. He recalled that people in the past often smoked at recreation fields in town but West Milford adopted a no-smoking ordinance at these facilities. People sometimes just don't get it. We often need legislation.

Jennifer Cedeno, 26 Old Milford Lane, West Milford is a parent of a Paradise Knolls student and she asked the Council not to close our school. She moved here for the greenery and for the school system. Closing the school will cause overcrowding and negatively affect our educational system. Ultimately it affects property values. She has tolerated high taxes and shrinking home values. She asked what happens when the school system is so bad people don't want to move here. She again asked the Council not to close Paradise Knolls school adding that all the parents and kids agree on this issue.

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Barbara Carter, 23 Yancy Terrace, West Milford, member of the West Milford Board of Education is here speaking as private citizen tonight. She said that the State Department of Education website shows that West Milford spends 9% of its school budget on administration by comparison to 8% statewide. The minimum number that should be cut from the school budget in her estimation is \$1 million.

Michele Fenwick, 85 Vreeland Road, West Milford stated that May 19th is fast approaching and with it the deadline for the Council to recommend cuts to the defeated school budget. She thanked the Council for the thought given to public education and she understands that the Council will be fiscally responsible in accordance with the mandates before them. Council has invested time to understand their responsibilities and she asked that this approach continue with the new board. The money already cut from school budget is very damaging. She stated that the West Milford school system is unique and challenging, requiring management because of the sheer vastness of our geography. She thanked the Council for making educated decisions.

Susan Hazen, 34 Land Oaks Drive, West Milford stated that she is the parent of a Paradise Knolls student and is concerned. Last night at the Board of Education meeting she heard about the \$2.5 million cuts. It does not appear that much thought was given to the impact these cuts would have. She stressed the need to do research before making cuts. Paradise Knolls as a school has had great results, scores, and track record. The facilities are good for our kids. If closing a school is fiscally needed, that is understandable. Residents simply want to know that due diligence was performed before such important decisions were made. She listed a number of issues that should be considered before making these major decisions that impact the community and she urged elected officials to involve parents in the process. Randomly closing one school impacts the entire school system. New Board members came on board prepared to make major decisions within hours of assuming their seats and she urged them to do your homework first.

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

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

Agenda No. VII

Council Comments

Mayor Bieri asked the Council to hold their council comments for the first two agenda items until we are discussing those items to help move the agenda. She advised that the Council and the Board of Education each has formed a committee to meet and work on cuts to the defeated school budget. The Council will adopt resolution and make cuts based on recommendations from the Council committee. The Board does not have to cut those specific line items.

Councilman Jurkovic stated that he and Councilman Ramaglia comprise the Council committee that met with the Board committee. They have recommendations for Council consideration and some related matters to be discussed in executive session. None of the recommendations include the closure of any school and the recommended cuts do not rise to a level that would require such action by the Board. The committee has identified line items and amounts as is required by law.

Councilman Nolan stated that he is not prepared to make any decisions tonight on the school budget. He stated that, in his opinion, the public should be notified when such decisions are to be made and provided an opportunity to weigh in. He expressed confusion about comments made about a meeting with the school board because they just reorganized last night.

Councilman Jurkovic stated that he and Councilman Ramaglia had a productive meeting on Monday night with the Board committee and they have recommendations to present to the Council. He stated that he is prepared to present those recommendations to Council tonight. Councilman Nolan stated that there is no need to rush this process forward with two weeks left before the recommendation is due. He stated that if the new board is considering closing a school he has a number of questions not the least of which include a request to explain why the budget includes capital repairs for Paradise Knolls and an explanation of what due diligence has factored into such a decision. He asked the Township Attorney if the Board is compelled to expend the amount budgeted or if they can decide to make cuts that are greater than those recommended by the Council. Mr. Semrau reviewed the process by which the Board of Education can appeal a decision made by the Council advising that this mechanism is generally used when the BOE considers the cuts to be too steep rather than not deep enough. Mayor Bieri asked for Council consensus on how to proceed with the defeated school budget. By consensus of the Council it was decided to engage in discussion tonight with the intent of adopting a resolution containing recommended

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cuts to be submitted to the BOE in advance of the May 19th deadline date. Mr. Semrau advised that Council President Smolinski is recused from this discussion. Councilman Ramaglia stated that the BOE members cannot close a school without first having a plan in place and that has not been presented as an option to date.

Councilman Jurkovic reviewed the process by which the committee reached its recommendations. He advised that the school district began the process with \$1.2 million in surplus which was cut by the Governor. In March, the Governor's office made an additional \$3.3 million cut to the budget and of that \$600,000 came back to the district. He commended the board members who participated in the committee discussions stating that they were extremely helpful. The BOE committee made some recommendations that the Council members were not comfortable with in part because some of those cuts would require a great deal of due diligence research that would not be feasible to accomplish within the time constraints allotted in this process. After a lot of discussion and a review of various line items in the budget, the proposed cuts were narrowed down and he and Councilman Ramaglia can now bring those forth to Council. He commended the teachers for the givebacks they agreed to during the process and he advised that the recommendation of the committee is to cut \$750,000 from the defeated school budget. He advised that this is the largest cut ever recommended by a West Milford Township Council and combined with the state cuts, it is very significant. However, he has been assured that the members of the BOE can live with the proposed cuts and can operate the district efficiently within these parameters. Certain Board members wanted more stringent cuts but he and Councilman Ramaglia were not comfortable with the recommendations that would have resulted in a larger cut. In response to a query from Councilman Nolan, Councilman Jurkovic assured that the Council that the person who runs the special needs programs has indicated that he can continue to run these programs with the proposed cuts by utilizing aides and volunteers. He stated that West Milford has an exceptional special needs program and he has the utmost confidence in Mr. Heller's abilities. He stated that the recent closing of Our Lady Queen of Peace School will mean that there will be an increased student body in the public schools and the school bus routes will inherently become more efficient. He advised that while there are cuts being proposed to appropriations to supervisors salaries & wages, this cut is less than proposed by some BOE members and he believes it is a reasonable recommendation. He reviewed some recommendations made by the BOE committee members who were not all in accord with each other. However, all BOE members supported a \$750,000 cut and believe the impact to education will be minimal. By consensus of the Council, the meeting was opened to the public to speak to the defeated school budget only and attendees were advised that they would be limited to two minutes each.

Gary Steele North Glenwood Road, West Milford stated that the past practices relative to defeated school budgets were not always good. Fourteen days is sufficient to get additional input from the public. The school budget was soundly defeated and he urged the Council not to rush the vote. He suggested scheduling another meeting. This is in the Council's hands and he asked them to handle this responsibility.

Susan Hazen, 34 Land of Oaks Drive, Oak Ridge stated that the cuts would be acceptable to most people and are certainly less scary than people have heard. However, people have asked to know about this as an agenda item.

Ed Harkey, 21 Caro Drive, Oak Ridge stated that he is a former teacher. He reviewed how the budget was handled in the past and how teachers ensured that they expended funds to ensure that they would maintain the same level of appropriations for their respective departments in ensuing years. There should be established criteria and justifications for all expenditures and appropriations. He said it is unfortunate but true that BOE members do not know what is going on in the field. There are many hidden areas that can be cut.

Doris Aaronson 19 Bearfort Road, West Milford stated that she attended the Board of Education meeting and advised that there was a large turnout. Many people want to speak about the defeated school budget and they have very strong opinions. She urged the Council to schedule another meeting to allow comments on the proposed cuts. Such a meeting should be announced in the newspaper and posted on the Township website.

Aimee Thenell, 24 Christine Court, West Milford agrees that there should be an opportunity for people to be heard. She stated that residents were told at the BOE meeting that there would not be another meeting to provide that opportunity. It was made clear last night that the BOE will make \$2.5 million in cuts regardless of Council recommendations. She wants people to have an opportunity to come and speak out and she expects elected officials on the BOE to listen.

Al Demarest, 463 Warwick Tpk. Hewitt stated that he was at the BOE meeting last night. Regardless of how much the Council plans to cut, residents need an opportunity to vent. He and most others understand that it won't because the Council does not control the BOE. Nonetheless, people do not want

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to see Paradise Knolls school closed. He recalled that Wayne Township closed a school years ago and the property was developed. Recently Wayne Township had to build a new school.

Christine Sauerteig, 80 Paradise Road, West Milford thanked the Council for sharing information today rather than holding off. She urged the Council to have another meeting with the BOE to allow voices to be heard. The new school board is volatile and it appears as if they have a vendetta against Paradise Knolls. She asked what recourse residents have in light of the fact that the BOE must be reigned in.

Carl Richko, 9 Shephard Road, West Milford stated that he served on the BOE and the Council for a total of thirteen years. During those years from each perspective he dealt with defeated school budgets and has learned that this is an emotional issue. He suggested that the Council schedule another joint meeting that is advertised for parents and residents.

Andy Gargano, 45 Apshawa Crossroad, West Milford urged the Council to have another meeting about the defeated school budget and advertise so that residents can be heard.

James Warden 199 Highcrest Drive, West Milford stated that the BOE has become very political. He urged the Council to involve the public in this process.

There being no more comments from the public, Councilman Weisbecker moved to close the public portion, seconded by Councilman Nolan and carried by unanimous roll call vote.

The Council agreed to schedule a special meeting to provide an opportunity for members of the public to speak about the defeated school budget. After a review of potential dates, the Council instructed the Clerk to advertise for a special meeting on May 12, 2010 where the sole agenda will be an informational public session with no action to be taken. In response to a request for clarification, Mr. Semrau advised that the Council has no jurisdiction over the BOE. When a school budget is defeated at the polls, it provides for an opportunity for interaction between these two entities but the recommendations from the Council are not binding upon the BOE. The Council, he said, only has authority regarding the defeated school budget.

Agenda No. VIII

Discussion Items

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| 1) | Ordinance – Water Conservation & Irrigation – Councilman Jurkovic stated that he does not disagree with comments made about water deficits and the need for responsible action. However, he is concerned that this ordinance is merely putting a band aid on the problem rather than addressing it. 80% of surface water does not get to aquifer. Only 6% of water makes it back to aquifer to begin with. In the proposed ordinance there was a reference to private and community wells. People must consider that we have a municipal utilities authority as well as community wells. Passaic Valley Water Commission has a number of unmetered wells in West Milford and Newark also has a number of well heads. When the reservoirs run low they recharge their sixteen large capacity wells. When discussing a single source aquifer, we are asking our residents to cut back but we have no control over large drawers. He has asked the Township Attorney about preemption for private wells as well as questioning the issue of regulating private property. He is very concerned about how can we control the large entities who draw water from wells and ultimately the aquifer. The Council should address this if it is a problem but first, we should know if it really is a problem. He has asked to get usage data from the MUA for various seasons throughout the year. This would provide a real time sample of about 20% of residents and he would like to have that information. Councilman Nolan reminded the Council that twenty-six people spoke tonight and made excellent points. The younger speakers got it and they are the future of the town. He does not believe it an imposition to ask people not to water lawns for three months during limited hours. This proposed ordinance is a good starting point; it is innocuous, not burdensome and it make a statement that we are a green community. Councilwoman Lichtenberg concurred adding that if only one person were to comply with this ordinance we would realize an improvement. She favors this legislation. She recalled that West Milford, some years ago, adopted an ordinance which limits water usage during droughts and which requires restaurants to only serve water on request. These laws have helped protect our water supply in non-invasive effective ways. Council President Smolinski stated that Councilman Jurkovic makes a good point when he asks us to address the issue of Newark, the PVWC and the MUA have unfettered access to high yield wells. He asked for patience while information is gathered. He questioned why we always seek to impact the low-end users, our residents, while we never consider the high-impact users. He commended the Council for acting responsibly, enacting septic and fertilizer ordinances despite objections. If it is determined that this proposed legislation will save water, he believes the Council will adopt the ordinance. But, it is important to conduct due diligence and the facts. He urged patience stating that there is urgency when weighted against the wisdom of acting with all the facts in hand. Councilman Jurkovic concurred |
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| | stating that it would be folly to ignore the fact that the largest drawing capacity users in the Township would not be impacted while our West Milford residents would bear the burden of this proposed legislation. He also expressed concern that this ordinance came before Council without it being vetted first by the Governing Body. He questioned how one private citizen can invoke the Township to expend funds, resources, and time to consider legislation when the Council has no indication that these efforts are being expended. He stated that, as the legislative authority for the Township, the Council has an expectation that they would be privy to all proposed legislation before it becomes common knowledge as it appears is the case here. The Council urged Administrator Boyle to provide them will all the requested information as soon as possible so that they can make educated decisions for the benefit of the entire community. |
| 2) | Potential Property Acquisition – Boulder Pond – Green Acres – Mr. Semrau advised that the owner of this property has expressed an interest to sell to the Township although there has not been a specific offer at this time. He reminded the Council that there was a specific history with Eagle Ridge where the owners of that property intended to develop the land but ultimately lost their Highland approvals in Superior Court. He has spoken with the Township Planner regarding this potential acquisition as well as other properties in West Milford that had proposed development prior to the Highlands Act. He stated that all development rights and approvals have been lost and he recommends forestalling acquisition until the master plan is complete. However, he asked if Council would consent to him contacting the owner to determine their offer. The Environmental Commission has expressed interest in this property because of its history and its potential recreational uses. The Council gave consensus to have Mr. Semrau contact Boulder Pond to determine the specifics of their offer. |
| 3) | Civil Service Communities – Administrator Boyle asked the Council if they wish to consider a resolution similar to that adopted by Ringwood commenting on civil service and seeking changes to the system. Councilman Nolan noted that the details of the proposed legislation have not yet been released. He stated that it is important to focus on the details because the system does give personnel some protection from prevailing political whims. Councilman Jurkovic stated that the proposed resolution simply asks the Governor to consider reforms which would include allowing municipalities to opt out of Civil Service if they so desire. He suggested that the wording in the resolution could be altered to request reforms rather than expressing support for the Governor’s recommendations. Mr. Boyle stated that he will obtain specifics about the Governor’s recommendations for the next workshop meeting. |
| 4) | Ordinance – Amend Compensation for Non-Union Township Employees – Councilman Jurkovic expressed concern that management staff are given certain benefits that are accorded to the members of the bargaining units. He stated that this is not a good way to do business and objected to management personnel receiving compensatory time benefits for doing their work. He stated that department heads should not be compensated for working over 35 hours per week because their function is to get the job done. Council President Smolinski said that he believes that certain people abuse the system. He stated that compensatory time is given too easily and the Administrator is resistant to making changes. |
| 5) | Ordinances – Stormwater Requirements – Refuse Containers/Dumpsters and Storm Drain Inlet Retrofitting – Mr. Semrau directed Council to proposed ordinances and sought their consent to proceed to introduction at the next meeting. He advised that these ordinances address DEP requirements specific to refuse containers, dumpsters and storm drain inlets and will bring West Milford into compliance with DEP mandates. Failure to adopt these laws could negatively impact future funding. The Council gave consensus to proceed to introduction. |
| 6) | Ordinance – Amend LDO Fees and Fees for Copies – the Council gave consensus to proceed to introduction. |
| 7) | Contract – Professional Services – Inspection & Evaluation of Bridges – Mr. Boyle stated that he has conversed with the Township Engineer who recommends proceeding with this project to prevent future liability. Monies have been appropriated in the 2009 budget. The Council gave consensus to proceed. |
| 8) | Contract – Professional Services – Rehabilitation of Crescent Road Bridge – Mr. Boyle stated that this is also a matter of potential future liability and advised that the bridge is closed at this time. The funds for this project were appropriated in 2005. The Council gave consensus to proceed. |
| 9) | Contract – Professional Services – FBI – LEEDA Study – Mr. Boyle directed the Council to a memo from Chief Costello who outlines the proposal from FBI-Leeda to conduct a study of the police department at a cost of \$12,000. He stated that the Chief is trying to determine if the Chief’s Association can provide such services at no cost in a manner similar to the free DCA study requested by Mayor Bieri. Councilman Jurkovic stated that he supports this expenditure in light of the fact that the Township expends \$4 million over the career life of one police officer. Councilman Nolan expressed a differing opinion stating that the DCA is capable of conducting this study at no cost and the DCA study delves into more complex matters than that proposed by FBI-Leeda. Councilman Jurkovic noted that the FBI-Leeda study will be completed within 30-days unlike DCA. The Council gave consensus to proceed with FBI-Leeda and authorized that a professional services resolution be drafted for the next meeting. |
| 10) | Contract – Land Conservancy – Development of Open Space & Recreation Plan Update – |

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Administrator Boyle stated that he spoke with Barbara Davis from the Land Conservancy regarding their proposal to develop an open space & recreation plan update. Mr. Semrau stated that the Township Planner, Chuck McGroarty, has advised that there was an update done in 2008 and thus the proposed update proposed by the Land Conservancy is not necessary. Mr. McGroarty believes that he can accomplish the same goal at half the cost as part of his work on the master plan. He asked that this discussion be deferred to a future workshop meeting to provide Mr. McGroarty with an opportunity to make recommendations and provide comments. The Council agreed.

Agenda No. IX

Action Items

The Township Council took action on the following items:

Agenda No. IX 1
 ~ Resolution No. 2010-168 ~

~~Resolution of the Township of West Milford, County of Passaic, State of New Jersey Authorizing Introduction of the 2010 Budget~~

Agenda No. X

Approval of Expenditures

Agenda No. X

~ Resolution No. 2010-169 ~
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 | \$580,795.55 |
| 2 | Reserve Account | 22,407.85 |
| 3 | Animal Control Trust | 2,473.57 |
| 6 | Capital | 35,711.53 |
| 7 | Grants | 12,217.35 |
| 8 | Refuse | 66,290.85 |
| 9 | Refunds | 0.00 |
| 12 | General Ledger | 4,898,948.51 |
| 16 | Heritage Trust | 0.00 |
| 14 | Open Space Trust | 0.00 |
| 17 | Trust | 4,069.75 |
| 18 | Development Escrow | 1,110.90 |
| 19 | LOSAP | 0.00 |
| 20 | Special Reserve | 0.00 |
| Total | | \$5,624,025.86 |
| \$Less Refund Resolution | | 0.00 |
| Actual Bill List | | \$5,624,025.86 |
| Other Payments | | |
| Less Refund Resolution | | |
| Total Expenditures | | \$5,624,025.86 |

Approved: May 5, 2010

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Discussion: Councilman Nolan noted that this bill list reflects assessments being charged by the NJIF, our former insurance provider, because of our loss experience. He advised that these costs continue to decline since we changed to the Morris JIF. He advised that the bill list reflects a payment to Richard Gutman, Esq. for final payment on the use of force case. This challenge could have been filed in any municipality but, as was often the case, Mr. O'Shea chose West Milford to bear the burden. Mr. Semrau advised that the Township received a \$15,000 contribution to this settlement from the MEL as a result of Mayor Bieri's direct plea to them for such consideration. Councilman Nolan noted that the Township cannot finalize the budget or have clear direction as long as the labor negotiations remain unsettled. He advised that we continue to pay labor counsel although these contracts have not been settled and meetings are sparse at best.

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

Agenda No. XI

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

Councilman Nolan thanked Dave Stires, Jim Novack, and all the volunteers who participated in the recent Beautification Day noting that this year recyclables were separated as part of the clean up. He noted that this event was well run with participation from the High School student body and local merchants who made donations for prizes.

Councilwoman Lichtenberg thanked the five Township employees who volunteered for Beautification Day and recognized them by name. She announced upcoming local events.

Councilman Weisbecker stated that Passaic County will be engaging the services of a new contractor to complete the job on Union Valley Road near the Elks Club. There will be a reconfiguration of the roadway during construction to provide for increased vehicular safety.

Mayor Bieri advised that she was honored to attend a recent centennial birthday celebration for a West Milford resident. The airport will be hosting an international aerobatic club championship contest during the weekend of May 14th which is free to the public.

Attorney Fred Semrau outlined the topics scheduled for executive session discussion this evening.

Agenda No. XII

Appointments and Resignations

None.

Agenda No. XIII

Executive Session

**~ Resolution No. 2010-170 ~
MOTION FOR EXECUTIVE SESSION**

BE IT RESOLVED by the Township Council of the Township of West Milford on the 3rd day of March, 2010 that:

1. Prior to the conclusion of this **Workshop Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - (X) b. (4) A collective bargaining agreement including negotiations.
 - Contract Negotiations – Update on Bargaining Unit Negotiations
 - () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of

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- 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.
- Attorney-Client Privilege - Discussion Regarding Personnel Procedures
- Potential Litigation - Weiner/Lesniak
- Contract Negotiations - Random Woods, Block 8001, Lot 1
- Contract Negotiations - Kemp Property
- Contract Negotiations - Hillcrest Lease
() 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: May 5, 2010

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

The Council convened in executive session at 11:15 p.m. and returned to the public portion at 12:45 a.m. on May 6th with all present as before.

Agenda No. XIV

Additional Action Items

~ Resolution No. 2010 - 167 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING AN AMENDMENT TO THE CONTRACT FOR SALE OF REAL ESTATE KNOWN AS BLOCK 8001, LOT 1, RIDGE ROAD, BETWEEN THE TOWNSHIP OF WEST MILFORD AND DTAK WEST MILFORD, LLC

WHEREAS, the Township of West Milford entered into an agreement for the purchase of Block 8001, Lot 1, Ridge Road which consists of 90 acres in size; and

WHEREAS, an amendment to the Contract was entered on or about March 8, 2010 which called for an accelerated closing date in exchange for the right of the Township to receive the construction of an all-purpose recreational turf or natural grass field; and

WHEREAS, it has been determined that although the Highlands Council and the DEP have attempted to assist the Township and the property owner in efforts to obtain approvals for the construction of said field, that it will take additional time to obtain necessary approvals; and

WHEREAS, the parties have agreed that in order to accommodate the concerns of the Township to be assured that a recreational field can be constructed either on the subject property or a companion property known Nosenzo Park, additional time shall be necessary; and

WHEREAS, the property owner has assured the Township that if approvals for a field cannot be obtained within one year, the Township shall have the right to receive payment of \$475,000 which will be set aside in a separate fund for the construction of a recreational field in the future for the Township; and

WHEREAS, the Township would agree to a closing of June 1, 2010 provided all survey, title and environmental conditions and funding from the Passaic County Open Space Trust Fund is received; and

WHEREAS, in exchange the Township shall receive the right for the construction of either an all grass all-purpose field on the site of the subject property or alternatively a turf field on the site of the Nosenzo Pond property or on the property of the West Milford Board of Education including all drainage, etc.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford that the Mayor is hereby authorized to execute an amendment to the contract for the sale of the subject property.

BE IT FURTHER RESOLVED, that the escrow monies if returned to the Township shall be placed in a dedicated trust fund for the construction of a new recreational all-purpose field.

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BE IT FURTHER RESOLVED that if the Seller does not execute the amended agreement the Mayor is hereby authorized to terminate the existing amendment to the contract; that is it will revert back to the original terms.

This Resolution shall take effect immediately.

Adopted: May 5, 2010

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

Agenda No. XIV

Additional Action Items

~ Resolution No. 2010 - 171 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A LEASE WITH THE WEST MILFORD BOARD OF EDUCATION OR THE HILLCREST SCHOOL

WHEREAS, the Township does seek a 25 year lease agreement with the West Milford Board of Education for the use of the Hillcrest School;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township of West Milford, County of Passaic, State of New Jersey that the Mayor is hereby authorized to execute an agreement with the West Milford Township Board of Education for the use of the Hillcrest School facilities. The terms of the agreement are on file in the municipal Clerk's Office; and

BE IT FURTHER RESOLVED that the agreement is subject to legal review prior to sending the agreement to the Board of Education.

Approved: May 5, 2010

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

Adjournment

Agenda No. XIV

There being no further business to come before the Council, the Township Council adjourned the meeting.

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

Approved: October 20, 2010

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK