
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: May 13, 2009
Time of Meeting: 7:30 P.M.
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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 4, 2009; copies were provided to the Suburban Trends, the Record, Star Ledger, and Greenwood Lake News and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

Pledge of Allegiance

Mayor Bieri led all in attendance in a salute to the flag.

Roll Call

Present: Councilmembers Philip Weisbecker, Joseph Smolinski, Salvatore Schimmenti, Robert Nolan, Marilyn Lichtenberg, Mayor Bettina Bieri.
Absent: Councilman Daniel Jurkovic
Also Present: Township Administrator Kevin Boyle, Township Clerk Antoinette Battaglia, Township Attorney Frederick Semrau.

Agenda No. II

Reading of or Approval of Unapproved Minutes

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

February 11, 2009 Executive Session February 18, 2009 Special Meeting

Moved: Weisbecker Seconded: Lichtenberg
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg.
Voted Nay: None.
Abstain: Councilman Weisbecker abstained February 11, 2009 Executive Meeting minutes only.
Motion carried.

Agenda No. III

Meetings

Mayor Bieri noted the future meeting schedule:

May 27, 2009 Regular Meeting June 10, 2009 Workshop Meeting
June 24, 2009 Regular Meeting July 8, 2009 Workshop Meeting

Agenda No. IV

Proclamations

None.

Agenda No. V

Presentations

Eagle Scouts – Mayor Bieri invited Brian Gow, Steven Heerema and Andrew Baez to the podium. She advised that each of these young gentlemen recently attained Eagle Scout status. She asked each to describe the project they worked on in this process. Steve Heerema explained that he renovated the entrance to the Ecology Center in Ringwood and expanded the garden to include native plants. He spent over 150 hours on this project and thanked his parents for their assistance. Andrew Baez advised that he invested over 120 hours building a fishing dock and he also thanked his parents for all their help. Brian Gow stated that he built a nature trail at Apschawa School which can be used by the school children all year round. He invested 220 hours on this project which was only possible because of the dedication of his parents. Mayor Bieri congratulated each Eagle Scout noting that their projects were environmentally friendly and of significant benefit to the community.

Highlands Council – Eileen Swan and Thomas Borden of the Highlands Council addressed the Council from the podium. They advised that they are here tonight to provide an update on the Highlands regional master plan thanking the Township for the work done to date. They provided a brief overview of the Highlands legislation, the federal highlands area, and development in this area since 1972. West Milford is entirely within the preservation area subject to very specific rules which are critical to protect the area. West Milford is host to the water supply for 64% of the State's population and the Highlands Council has always supported efforts to have a water usage fee to offset the impact of these mandates on the municipality. They have also expressed concern that funding has not been provided to facilitate landowner equity provisions but bills proposing such funding have not moved out of committee.

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Ms. Swan reviewed the parameters of the resource assessment phase of the process wherein the Highlands Council conducted an analysis which resulted in a land use capability map which is a series of five maps indicating various resources in the region. Forest areas are protected, the conservation zone is open agricultural land and the existing commercial zone captures those areas that have already been developed. There is also a lake zone indicating development around lake areas and this zone contains four sub zones which display environmentally constrained zones, conservation areas, existing communities, and wildlife management zones. She reviewed the resulting land use capability map showing how these parameters apply to West Milford. The plan conformance stage of this process will vary the Highland Council's information with knowledge from local professionals. West Milford is rich in steep slopes, streams and vernal pools.

The Highlands Act has made it mandatory for communities in the preservation area to have an adopted master plan and the deadline for submittal of that plan is December 8, 2009. The Governor has linked that plan with the COAH deadlines. Grant monies have been made available for plan conformance and conformance will provide a legal shield for challenges to land use plans. State plan endorsement and TDR will be a tool for preservation for West Milford landowners. Green Acres will prioritize preservation communities for open space grant funding and tax stabilization funding will become available after compliance. Thus far, West Milford has received funding for the initial assessment and \$50,000 for plan conformance. The Highlands Council can approve up to \$100,000 for plan conformance and Ms. Swan reviewed the plan conformance modules. The process will include the creation of a vacant land analysis which will be used to develop information on capacity for future build-outs. This is a tool for planning and not a dictate. West Milford has already submitted information for module 1, which feeds into the housing element and fair share plan. Module 4 is an environmental resource inventory. The Township is currently working on the Highlands master plan element which will then be incorporated into the Highlands regulations and ultimately will be part of the self-assessment plan and implementation.

Ms. Swan reviewed the Governor's executive order 114 which addresses funding and landowner equity. Governor Corzine gave direction to COAH and the DEP on the issuance of water quality management plans which include seventeen exemptions to address landowner equity. She stated that the Highlands Act and the plan do not impact additions to existing homes. Preserved lands will be allowed to use a dual appraisal method which considers pre and post highlands values where the higher value applies. She said that the Highlands Council is a transparent agency with open meetings and a detailed website.

Council President Smolinski stated that a water tax or some financial aid to preservation communities is hugely important. The Highlands Act has and will continue to have a financial impact on West Milford and he asked if there is any indication that elected officials in Trenton recognize the need for property tax relief in preservation communities. Mr. Borden stated that the first proposed legislation would have provided funding for infrastructure and open space acquisitions. However, that legislation did not advance. There are property tax stabilization provisions in the Highlands Act and Ms. Swan has spoken before the Senate and Assembly to impress upon the legislators the need for such funding. Council President Smolinski advised Ms. Swan and Mr. Borden that certain municipal projects could not proceed because of the Highlands Act including recreation projects intended to benefit this entire community. Mr. Borden acknowledged that there are no exemptions for municipal projects and the Highlands Council is limited in its ability to grant such exemptions. Ms. Swan recalled that Mayor Bieri spoke very passionately about municipal projects at the mayor's conference and she asked for assistance in this regard. In response to Council President Smolinski, Mr. Borden stated that certain environmental groups are opposed to the replenishment of the Garden State Preservation Trust Fund because of the source of funding. They do not support bonding for this purpose and the legislators do not want to increase the sales tax to fund the program.

Councilman Nolan thanked Ms. Swan and Mr. Borden for speaking to the Council tonight. He stated that West Milford has not received any increased moratorium aid since 2004 despite the fact that costs continue to escalate. Communities in the preservation zone must receive some aid and he urged Ms. Swan and Mr. Borden to convey that message to the elected representatives who support the Highlands Act. West Milford is not getting needed attention. He asked what the incentive is to West Milford to take properties off the tax rolls to protect it for the State while they are getting nothing in return. Mr. Borden stated that they are vocal and will continue to fight for a water tax. Promises in the Highlands Act have not been fulfilled and the Highlands Council will continue to advocate for relief for Highlands communities. While the Highlands Council does not recommend a shift in policy they do recognize the economic impact this legislation has and will continue to have. Councilman Nolan stated that Newark owns about 16,000 acres in West Milford. The State of New Jersey purchased conservation easements on those properties and now Newark has appealed their taxes. They are selling water for a profit and West Milford taxpayers are assuming the responsibility rather than that being conveyed to the users of the water. This is not a political issue but a matter of fairness. Mr. Borden stated that the Highlands Council has attempted to

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attain economic sustainability for preservation municipalities. West Milford may wish to consider an economic analysis in the conformance stage to outline a long-term economic impact.

Mr. Semrau stated that Passaic County has elected not to do the wastewater management plan as mandated by the State. That leaves the Township saddled with that obligation. He asked if this can be weaved into the conformance plan. Mr. Borden stated that it can be somewhat incorporated into the build out plan. The Highlands Council has been coordinating with the DEP to have some funds designated to municipalities who find them in the situation West Milford now faces regarding the wastewater management plan. Council President Smolinski stated that West Milford agrees in principle with the Highlands Act but is acutely aware of the injustice to Highlands communities who are not receiving necessary funding to comply with increased State mandates and this message must be conveyed to those in authority in Trenton. If West Milford continues to lose properties from the tax rolls to be used as open space there is no relief in sight for the taxpayers who continue to fund the burden of protecting the water supply.

Councilman Weisbecker stated that the Planning Board has a number of applications that are awaiting Highlands Council approval and he asked if the process can be hastened. Mr. Borden stated that there are no development plans from West Milford pending before the Highlands Council. Perhaps, he said, they are awaiting DEP exemption determinations. In response to Councilman Nolan, Mr. Borden stated that the COAH growth share obligations shall be based on the number outlined in the master plan and updated projections will be available in June or July. Discussion ensued about future growth, approvals and the exemption process. Ms. Swan stated that the Highlands Council will not designate growth areas for any municipality. Councilman Nolan asked if there are any plans to cut Highlands Council funding in the State's budget process. Mr. Borden stated that funding is in a dedicated fund created by statute. Funds for 2009 have already been encumbered but there are concerns about future funding.

Mayor Bieri thanked Ms. Swan and Mr. Borden for speaking with the Council this evening and for clarifying these issues including COAH matters. She asked that they convey to elected representatives in Trenton the need for financial assistance to preservation communities. All utilities have surcharges which equate to a small rate per unit. Water should be no different. If constituents disagree, perhaps they should shut the water off for one day so that people realize that it is a luxury that is being funded at West Milford expense.

Mayor Bieri opened the meeting to the public to allow questions for Ms. Swan and Mr. Borden.

Doris Aaronson, 19 Bearfort Road, West Milford stated that West Milford is already 30% overdeveloped and existing community zones on the Highlands Council maps reflect areas that have no water. Houses cannot be built if there is no water and while West Milford provides water to millions of people, local homes are mostly served by wells. Ms. Swan replied that the Highlands Council is not proposing any development. The township can research water use mitigation planning because where development has already occurred there are de facto conditions. All conditions and circumstances are reviewed on each application one must have water, sewer or septic to build.

Steve Sangle, 236 Bearfort Road, West Milford stated that the Garden State Trust has a dual assessment order that is set to expire on June 30th. Ms. Swan confirmed that to be true and stated that appraisals must be complete prior to June 30th to have both values considered. Mr. Borden stated that both the Governor and the Highlands Council have asked for an extension of this appraisal system.

Councilman Weisbecker made a motion to close this public portion of the meeting, seconded by Councilwoman Lichtenberg and carried by unanimous roll call vote.

The Mayor and Council thanked Ms. Swan and Mr. Borden and they left the meeting at 9:00 p.m.

Environmental Commission and Open Space Issues – Chairman Steve Sangle addressed the Council from the podium advising that members Gillian Hempstead and Douglas Ott are in attendance tonight. Mr. Sangle advised that the Environmental Commission sent recommendations to Council about open space priorities after a very constructive meeting with Matt Dank of the Land Conservancy. If funds are available through Green Acres and open space funds, the Environmental Commission recommends the purchase of a 148-acre property currently owned by the Schwartz property. The land is currently farmland assessed and is an environmentally sensitive property. It has a stream which could potentially used as a trout stream to provide recreation to residents. The goal would be to eventually purchase adjoining lands. He asked that appraisals for any proposed acquisition be done before June 30th to avail of the dual appraisal method allowed by Green Acres. He stated that the Environmental Commission has been involved in open space issues from their inception and created the original open space plan that should now be updated. The open space committee is a subcommittee of the Environmental

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Commission. The full commission discusses open space matters at every Environmental Commission meeting and they submit recommendations to Council as warranted. The proposed open space tracts could be used for passive recreation because there is potential for trails and there are usable lakes and streams. The open space committee focuses on environmentally sensitive tracts with recreation considerations secondary. The open space committee will provide regular updates to the Council in the future and they will copy the Council on related correspondence from other groups acquiring open space in West Milford.

Council President Smolinski asked Mr. Sangle if the Environmental Commission is affected by recent changes whereby a staff member no longer attends their meetings. Mr. Sangle and Ms. Hempstead stated that the Environmental Commission previously obtained most information through staff member's attendance at their meetings and this change has presented difficulties and created a void which they would like to see filled. Ms. Hempstead stated that the prior GIS Specialist was administering over \$1.2 million in grants from the Environmental Commission. Now that he is no longer in the Township, it is unclear how those grants will be administered in the future. Currently, she has assumed responsibility for administering the three largest grants and she is very cognizant of the time constraints related to those funds. She stated that it is important to have a Township employee designated to such tasks which are too time consuming for volunteers. Discussion ensued about the communication disconnect and about the services provided by the Land Conservancy. Ms. Hempstead and Mr. Sangle agreed that the Land Conservancy provides valuable services and information.

Environmental Commission Report – Ms. Hempstead stated that she has been working with Dorrie Fox, the Land Use Administrator, who has been doing a wonderful job. She reviewed the work being done by the Environmental Commission and explained the progress with the 604b grant from the DEP. This is a quality assurance testing process which will be linked to the new database in the Health Department. Scientific data will be tracked and phosphorous levels established. She advised that the 319h grants received in 2004 and 2007 have been rolled together and a time extension is being requested next week. Due to issues that arose in this process, re-engineering work was required. However, the surveys are now complete and she is confident the Township will meet the November 2009 deadline. Ms. Hempstead advised that Environmental Commission member David Watson-Hallowell has applied for membership in Sustainable New Jersey and this will require input from various municipal departments to participate in a green team. At this time, the committee is researching wind turbines and reviewing a draft ordinance supporting wind turbines for the creation of energy. The Environmental Commission is concerned about the ANJEC grant that funded the creation of a plan for West Milford lake. The plan would support plantings to reduce the phosphorous load going into Greenwood Lake but there is no mitigation plan in place at this time. The new owner had his professionals make a presentation to the Council wherein they stated that they were taking up from where the Environmental Commission left off. However, they are looking at a mitigation plan while the Environmental Commission was looking at stormwater BMP's. It is unfortunate that this did not become a reality for West Milford Lake. Mr. Semrau advised that the DEP has given the owner's a deadline date of June 15th and if they have not submitted a plan by that time, the DEP will decommission the dam. Discussion ensued about the history related to West Milford Lake and the possibilities going forward. Ms. Hempstead advised that a mitigation project will not solve the phosphorous problem; it will allow the property owner to trade land with other municipalities or developers for their mitigation projects. At this juncture, the property owner has not applied through the proper channels for this use.

The Mayor and Council thanked Mr. Sangle and Ms. Hempstead for their attendance tonight.

Cable TV Franchise Committee Report – Doris Aaronson chaired this committee and addressed the Council and asked if they have any questions about the report submitted. Mr. Semrau stated that the Committee has submitted their report and recommendations. There will be a public comment opportunity at the next Council meeting with a formal public hearing at a later date. Ms. Aaronson stated that the Committee did not make any recommendations of broadcasting Council meetings and she reviewed the three options and the pros and cons of each available for Council consideration. The Council agreed with the recommendations contained in the report and they favored a dedicated channel for West Milford with an oversight committee. Ms. Aaronson reviewed some of the recommendations made by the committee and she also reviewed the core comments received in response to the survey printed in the local paper. She urged the Council to review the details and take a proactive stance during negotiations.

Person-to-Person Transfer – Liquor License # 1615-33-024-012 – George Industries, Inc. t/a South Shore Grill to NIT, LLC, t/a South Shore Grill. Ms. Battaglia advised Council that this is a transfer wherein the new licensee does not propose any changes to the licensed premises. The Mayor opened the meeting to the public. There being no comments from the public Councilman Weisbecker moved to close the public portion, seconded by Councilwoman Lichtenberg and carried by unanimous roll call vote.

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Discussion Items

1)	Process for Issuing New Liquor Licenses – Councilman Nolan stated that the Council previously discussed the potential of selling a liquor license to generate revenue. He requested that this be discussed again in light of the current economic climate stating that such a sale could generate as much as \$100,000. Councilwoman Lichtenberg recalled a multiple listing sale of a liquor license that fetched \$125,000. Council President Smolinski stated that the Council discussed this a few years ago and determined that they did not want to conduct such a sale for a one-time revenue gimmick. After the sale, the license is there forever. Councilman Weisbecker stated that he is not in favor of such a sale because the Township does not need additional liquor licenses. Council President Smolinski stated that such a license may be bought by a wholesale liquor distributor and as such would have a negative impact on business. Council President Smolinski stated that he does not want another liquor store in town. Mayor Bieri asked for a straw poll and Councilmen Wiesbecker, Smolinski, and Schimmenti indicated that they do not favor selling a liquor license. Councilman Nolan and Councilwoman Lichtenberg favored such a sale.
2)	West Milford Lake – Councilman Nolan asked if the Township could acquire this property in light of the issues the current owner is having with the Department of Environmental Protection. Mr. Semrau stated that he spoke with the property owner. He would like assurances that he would receive zoning approvals for other properties if he were to sell this property to the Township. Mr. Semrau stated that it would be impossible to make such assurances. He stated that the property owner currently has a DEP extension for submitting a plan to decommission the dam. The Township does not support further extensions and if the owner does not comply, the DEP will step in and take over. Councilman Weisbecker expressed concerns about liability if the Township were to acquire this property. Mayor Bieri recalled that this property was on the open space acquisition list generated by the Environmental Commission and plans have already been approved for this property once the dam is decommissioned. The Council gave consensus for Mr. Semrau to send a letter to the DEP copying the property owner, saying that the Township does not favor additional extensions on decommissioning this dam.
3)	Ordinance: Escrow Deficiencies – Mr. Semrau advised that he met with the Land Use Administrator to discuss negative escrow accounts. Together they are proposing an ordinance which will allow Township officials to sign complaints to restore funding in these accounts. The Council gave consensus to proceed.
4)	Ordinance: Payment of Taxes as a Condition of the Issuance of a Zoning Permit – The Council gave consensus to proceed with this ordinance to introduction.
5)	Contract – CYO Field – Mr. Boyle stated that he met with representatives of the Diocese of Paterson regarding the possible purchase of this property. The Diocese is interested in discussing a sale to the Township but wants to have an interim lease. The Council instructed Mr. Boyle and Mr. Semrau to further discussions about a Township purchase of this site which has existing recreation facilities.
6)	Contract – Weedharvester Agreement – the Council gave consensus to proceed with this agreement.
7)	Contract – Change Order – Mount Laurel Park – Mr. Semrau advised that this additional money to be paid to the engineer would come from funds held from the contractor who did the work at this site. He reviewed the circumstances surrounding this change order. Council gave consensus to proceed.
8)	Contract – Phase I Road Resurfacing – Council gave consensus to proceed with this contract.
9)	Contract – Warwick Turnpike Section 10 – Council gave consensus to proceed with this contract.

Agenda No. IX

Action Items

The Township Council took action on the following items:

Resolutions 2009-205 and 2009-206 were moved as one.

Agenda No. IX 1.

~ Resolution No. 2009-205 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY OPPOSING THE GOVERNOR’S PLAN TO DEplete \$4,000,000 FROM THE DEDICATED EMT TRAINING FUND

WHEREAS, the West Milford First Aid Squad is a public service association comprised of volunteer members whose purpose is to provide pre-hospital emergency care of the sick and injured of the Township of West Milford; and

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WHEREAS, the Emergency Medical Technician (“EMT”) Training Fund was created by New Jersey P.L. 1992, chapter 143 (N.J.S.A. 26:2K-54 et seq.) as a dedicated, non-lapsing, revolving fund, established to reimburse any private agency, organization or entity which is certified by the Commissioner of Health and Senior Services to provide training and testing for volunteer ambulance, first aid and rescue squad personnel who are seeking EMT certification and/or recertification. The Fund has allowed thousands of Volunteer EMT’s to earn and maintain their EMT certification without incurring out-of-pocket personal expense and without the need for funding from their volunteer squad or municipality; and

WHEREAS, the EMT Training Fund is not supported through the use of any tax money, but rather is supported by a \$0.50 surcharge on each fine, penalty and forfeiture imposed and collected by the State of New Jersey for motor vehicle or traffic violations and is currently running at approximately a \$1,000,000 deficit per year; and

WHEREAS, on April 23, 2009 the Department of Health and Senior Services Office of OEMS informed the New Jersey First Aid Council of Governor Corzine’s intention to redirect \$4,000,000 from the dedicated EMT Training Fund to the general treasury of the State of New Jersey leaving only a proposed \$400,000 balance in the Fund; and

WHEREAS, a \$400,000 balance in the EMT Training Fund is inadequate to meet the annual training needs of the Volunteer EMT’s of this State and will result in severe cutbacks of state-paid EMT training for New Jersey’s EMS Volunteer Community.

NOW, THEREFORE, BE IT RESOLVED, that the Township of West Milford formally opposes Governor Corzine’s plan to transfer money from the EMT Training Fund, because of the detrimental effect this will have on the availability of EMT training for New Jersey’s Volunteer EMS Community.

BE IT FURTHER RESOLVED, that West Milford Township opposes the intended re-appropriation of monies from the dedicated EMT Training Fund, which would shift the cost of Volunteer EMT Training to the West Milford First Aid Squad, the municipality and its residents. During this time of economic hardship when squads continue to see a decrease in donations, contributions, and a short fall in fund raising, it is fundamentally unfair to ask those who already volunteer their time to attend training courses and answer emergency calls to pay for their own training when they already provide so much to their community. This will significantly impact the recruitment of new members as well as retention of existing members since many will not be able to pay for their training.

BE IT FURTHER RESOLVED, that the Governor and the Legislature of the State of New Jersey are requested not to remove any money from the EMT Training Fund and to return any money to the Fund that has already been removed for purposes other than those specified in New Jersey P.L. 1992, Chapter 143.

This Resolution shall take effect immediately.

Adopted: May 13, 2009

Agenda No. IX 2
~ Resolution No. 2009 – 206 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO CHARLES MCGROARTY TO PROVIDE PLANNING SERVICES IN ACCORDANCE WITH THE HIGHLANDS CONFORMANCE GRANT IN AN AMOUNT NOT TO EXCEED \$50,000

WHEREAS, the Township of West Milford has applied for and received a \$50,000 grant from the Highlands Council as part of their Conformance Grant Program in recognition of the costs associated with local government efforts to conform to the Highlands Regional Master Plan (RMP); and,

WHEREAS, this grant allows West Milford Township to engage professionals to proceed with the requirements and of Plan Conformance; and.

WHEREAS, West Milford Township needs to

- 1) Assess its existing planning program for consistency with the Highlands RMP;
- 2) Determine what RMP Updates are needed to make the RMP accurate and up-to-date;
- 3) Evaluate the extent of municipal planning program changes necessary to achieve Basic and full Plan Conformance; and,

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4) Determine the estimated cost to achieve Basic and full Plan Conformance; and,

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose said funds to be encumbered from account number pending adoption of Chapter 159; and

WHEREAS, Charles McGroarty has completed and submitted both a Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit Banisch Associates, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bid and the contract itself must be made available for public inspection.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Charles McGroarty of Banisch Associates, Inc. with offices located at 111 Main Street, Flemington, New Jersey, 08822 as professional planner for the Township of West Milford in an amount not to exceed \$50,000.00 to fulfill the requirements and obligations of the Highlands Council Conformance Grant.

Adopted: May 13, 2009

Resolutions 2009-205 and 2009-206 were moved as one.

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

Agenda No. X

Approval of Expenditures

**~ Resolution No. 2009 – 207 ~
 RESOLUTION APPROVING THE PAYMENT OF BILLS
 AMENDED**

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.	\$396,658.09
2	Reserve Account	194,666.67
3	Animal Control Trust	4,410.00
6	Capital.	62,669.50
7	Grants.	10,383.70
8	Refuse.	119,785.64
9	Refunds.	286,535.76
12	General Ledger.	
16	Heritage Trust.	500.00
14	Open Space Trust	
17	Trust	2,468.62
18	Development Escrow.	3,945.00
19	LOSAP	
20	Special Reserve	
	Total	\$1,082,022.98
	Less Refund Resolution	(286,535.76)
	Actual Bill List	\$ 795,487.22

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Other Payments	103,987.80
Less Refund Resolution	
Total Expenditures	\$ 899,475.02

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Councilman Weisbecker made a motion, seconded by Councilman Nolan to place this resolution on the table for discussion.

Discussion: Councilman Nolan asked that the Accu Weather invoice be pulled from this bill list. Mr. Boyle explained that this service allows the Township to track storms and allows for better forecasting. Council President Smolinski asked for a report from the DPW Superintendent about this service. Mr. Boyle advised that funds were wired to Mr. Semrau's office today to effectuate the open space acquisition of the Gallman property and Mr. Semrau advised that the Township has received reimbursement from Green Acres for the Hollowbrook acquisition.

Councilman Weisbecker amended his motion to exclude the Accu Weather invoice pending receipt of an explanation of those services from Mr. Storms.

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

Agenda No. XI

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

Councilman Weisbecker – asked the Administrator for an update on the skate park. Mr. Boyle advised that the Director of Community Services and Recreation has made a recommendation to add language to the ordinance which would result in progressive discipline for offenders and would require that the park be closed at dusk. Those recommendations have been sent to Mr. Semrau and a draft ordinance will be presented to Council for discussion. In the interim, the police department and the Department of Community Services and Recreation have been working to overcome the issues at this park. Councilman Weisbecker asked that Council consider having off-site Council meetings.

Council President Smolinski – stated that Senator Hank Mcnamara from Wyckoff opposes the proposed State budget cuts for EMT training .

Councilman Schimmenti – stated that the Township is moving closer to finalizing a lease for Jungle Habitat. He has met with the ADA Committee and polling site access at UGL is being addressed. The police department encounters difficulty enforcing ADA violations because they cannot issue summonses unless they witness violations. The ADA Committee is reviewing means to ensure compliance.

Councilman Nolan – stated that town center is an eyesore with the Pinecliff Lake parking lot looking more and more like a used car lot. He asked that the Zoning Officer be compelled to enforce the law. He stated that those sitting on the dais are often quick to voice criticisms of others. He stated that at the recent Board of Education debate, Mr. Bailey made some comments that Mr. Warden subsequently muted rather than post them on the internet. The comments detailed discussions Mr. Bailey had with Council President Smolinski relative to the Hillcrest lease, despite the fact that Council President Smolinski is recused from this subject and notwithstanding the fact that the Council formed a committee on which Council President Smolinski does not serve to deal with this subject . He stated that he takes issue with Council President Smolinski's behavior in this regard.

Councilwoman Lichtenberg – stated that there will be an electronic waste recycling event this weekend and she encouraged residents to bring their electronic equipment to this event. A group of volunteers will canvass Pinecliff Lake this Sunday to educate people about the house numbering ordinance. She expressed surprise and shock at comments made tonight and urged the Council to be respectful of each other.

Mayor Bieri – stated that the Highlands Greenfest will take place this weekend at Bubbling Springs and she encouraged everyone to bring their electronics to be recycled. The Township has been approved for an additional \$100,000 CDBG funding for the Lincoln Hill sidewalks. The museum will have another reminisce event on May 23rd.

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Township Administrator Boyle – stated that staff is working on estimated tax bills. Passaic County has awarded West Milford \$45,800 in 2009 Municipal Alliance Grant funding and the Township received \$200,000 bikeway grant funding from the State Department of Transportation. He attended a meeting last week in Trenton for the live where you work program and he will provide more details as they become available. He stated that he received a bid packet from LAN Associates for the dispatch renovations and this will be going out to bid soon.

Township Attorney Semrau – asked Mr. Boyle to follow up with utility companies about their tree cutting programs. He will be discussing final terms for the Hillcrest Lease with Council in Executive Session tonight because he received a letter from the BOE this afternoon. He will provide Council with an update on personnel issues. The County of Passaic has expressed an interest in purchasing the Valley Ridge property and he will get more information for a future Executive Session discussion.

Agenda No. XII

Appointments and Resignations

None.

Agenda No. XIII

Executive Session

~ Resolution No. 2009- 208 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 13th day of May 2009 that:

1. Prior to the conclusion of this **Workshop Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.
 - () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - Contract Negotiations - Hillcrest Lease
 - ~~Attorney-client Privilege — Update on Various Personnel Matters~~
 - () 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 13, 2009

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

The Council convened in Executive Session at 11:50 p.m.
The Council returned to the public meeting at 12:07 a.m. on May 14th with all present as before.

Mr. Semrau advised that he received a response from the BOE about the Hillcrest lease and much progress has been made. There are three outstanding issues to be addressed. The Township has

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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requested that the BOE must need the building for educational purposes if they are to terminate the lease. However, the BOE objects to having that as a condition. There are differing opinions between both entities as to what constitutes maintenance and what constitutes capital improvements. The BOE suggests that anything costing up to \$20,000 is a maintenance item and anything costing more than \$20,000 is a capital project. The Township believes that the \$20,000 is too high. The original agreement proposed that any unspent funds at lease termination would be returned to the Township but the BOE does not agree with that condition. The Council has given Mr. Semrau authorization to reply to the BOE which he will do and he hopes to have a reponse from them by the next meeting. Councilman Nolan stated that the \$20,000 capital provisions were not previously proposed and eviction without reason was never agreed to.

Adjournment

Agenda No. XIV

There being no further business to come before the Council, the Township Council adjourned the meeting at 12:12 a.m. on May 14, 2009.

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

Approved: July 22, 2009

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK