

---

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

Minutes of: Township Council Workshop  
Date of Meeting: May 14, 2008  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 1 of 13

---

The Workshop Meeting of the West Milford Township Council was called to order by Mayor Bettina Bieri.

**Adequate Notice Statement**

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Workshop meeting was advertised in the Herald News in its issue of January 6, 2008; copies were provided to the Suburban Trends, the Record, Star Ledger, and Greenwood Lake News and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

**Pledge of Allegiance**

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

**Roll Call**

Present: Councilmembers Philip Weisbecker, Joseph Smolinski, Salvatore Schimmenti, Robert Nolan, Marilyn Lichtenberg, Carmelo Scangarello. Mayor Bettina Bieri.  
Absent: None.  
Also Present: Interim Township Administrator and Township Clerk Antoinette Battaglia, Township Attorney Frederick Semrau.

Agenda No. II

**Reading of or Approval of Unapproved Minutes**

Councilman Weisbecker motioned to amend the March 26, 2008 Regular Meeting Minutes and seconded by Councilwoman Lichtenberg and then moved to adopt the minutes of the March 26, 2008 Regular Meeting Minutes with amendments.

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

Discussion: Township Attorney Semrau said that in the discussion portion of the March 26, 2008 minutes, a statement made by resident Mike Thomas says "getting home". Mr. Semrau said that it should read "getting to his home." With regards to Ordinance 2008-008, signs that permitted parking were not erected by the Township. It should say that signs posted on the building were not posted by the Township. He also asked the Council consider adding that the use of parking area interfered with the roadwork.

Agenda No. III

**Meetings**

Mayor Bieri noted the future meeting schedule:

May 28, 2008 Regular Meeting June 4, 2008 Workshop Meeting  
June 11, Regular Meeting June 25, 2008 Workshop Meeting

Agenda No. IV

**Proclamations**

None.

Agenda No. V

**Presentations**

Robert Filippo – Filippo Enterprises, LLC, Lakeshore Inn – Liquor License No. 1615-33-035-006 Place-to-Place Transfer (Expansion of License) – said that he is looking to install tap beer, and was seeking a Resolution. He said that he had applied for this in February and asked what, if anything, he could do to expedite this. Township Clerk, Battaglia explained the process of approving an expansion of license. Mr. Filippo asked again, if there were anything that he would be able to do to expedite the process because he was losing thousands of dollars due to the slow process. Mayor Bieri assured Mr. Filippo that the Expansion of License would be on the meeting agenda for May 20<sup>th</sup>.

Agenda No. VII

**Public Comments**

---

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

Minutes of: Township Council Workshop  
Date of Meeting: May 14, 2008  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 2 of 13

---

Mayor Bieri opened the meeting to the public after advising that there is a five-minute limit for each speaker.

Mayor Bieri said that because a guest from Morris Land Conservancy was not yet present she would begin the public comment session of the meeting and then break for an executive session when the guest arrived. She invited interested parties to raise their hand and come forward when called upon.

Doris Aaronson, 19 Bearfort Road – spoke in follow-up to her comments at a previous meeting regarding an additional Water Ordinance restricting lawn watering. She reaffirmed that 80% of the water evaporates and that it causes grass to receive a shallow watering. She complimented Councilman Weisbecker for noting that there was little snow this past winter. She said that Councilwoman Lichtenberg was the only member of the Council who showed interest in her idea. Councilman Scangarello had stated that what she was proposing was common sense. She replied that recycling is also common sense, however, the Township put forth an Ordinance for that. Councilman Nolan said that he did not want an Ordinance because it is unenforceable, however she feels that it can be enforced as the Septic Ordinances are enforced. She said that residents can “rat each other out”. She suggested that the Council remember that the Township is at about 30% over water capacity. She would like the Council to think of three ways that the residents of the Township would be able to do to conserve water. She asked that the Council and administration have the Health Department put an educational notice in the local newspaper biweekly. With regards to grants, she spoke that the Health Department had secured a grant for low flow showerheads. She feels that similar grants should be investigated. She said that Council and residents become adamant when an outside developer has potential to use our water resources and is asking the same now.

Andrew Gargano, Apshawa Crossroad – started by commenting that Apshawa Crossroad will never be repaired. He then began to speak about a contract that was awarded to Steven Glatt as position of Zoning Board Attorney. In reviewing Mr. Glatt’s contract, he found that the contract is dated February 26 and that the Resolution authorizing the contract is not dated. On page one of the contract, it states that Glatt will be paid \$180 per hour, immediately following in the contract, it is stated that the fee includes attending meetings. Mr. Gargano said that further in the contract, it is stated that Glatt will be paid \$800 per meeting. Mr. Gargano said that it is reasonable to suggest that the contract be clarified. He said that Mr. Glatt should be paid \$180 per hour, because most attorneys do not charge \$800 per meeting. On page 3, paragraph 6, he pointed out that there is a cap exclusive of escrow charges. Mr. Gargano asked that Township Attorney Semrau review this. On page 3 the contract states that Mr. Glatt will provide vouchers, giving specifics as to the person performing the service, date of service, # of hours spent, the hourly rate and any expenses incurred. To date there have not been any monthly vouchers submitted to the Zoning Board of Adjustment. The only vouchers that have been submitted have been for meetings in the amount of \$800 per meeting. Mr. Gargano’s complaint is that the contract is sloppy. The Zoning Board of Adjustment meets each month at 7:30 to 11pm. He said that no meeting, this year, has lasted past 10:50. Thusly, the meeting rate in Mr. Glatt’s contract makes him the highest paid attorney in the Township. He said that lawyers generally reduce the rate that they charge to municipalities. Mr. Glatt’s rates have been increased. The Planning Board attorney charges \$140 per hour for meetings. Some of his time is paid through escrow, and the maximum he can be paid is \$10,000. Mr. Gargano expressed that there are issues with Mr. Glatt’s contract. The Zoning Board of Adjustment never advertised for legal services, and asked that the Council review this. Mr. Gargano feels that part of the problem with high taxes in the Township is in part and due to contracts being awarded without bid.

Martin O’Shea, 10 Lakeshore East, Stockholm – began by saying that the meeting agenda preparation is awkward and because there is no 2<sup>nd</sup> public comment period, he would like to address the Townships email policy that will be discussed later in the meeting. He stated that it has been said that email addresses cannot be provided for all Township volunteers. Mr. O’Shea said that this is not so and that email addresses can be obtained for about \$100.00. He said that he believes the emphasis of concern to be with the Council, Planning Board, Zoning Board, however every employee should have an email address and they should be available on the website. He said that the intent is to save the municipality from problems and that it is becoming a big issue throughout the state. He said that he will send the states retention policy and that this should be provided to and followed by all members of all boards. Individuals should not be destroying email received or sent out, and the email must be produced if requested. Mr. O’Shea said that the Clerk could assert that the last OPRA request he submitted resulted in many persons being unable to provide emails.

Ada Erik, Macopin Road – asked some questions regarding access to the MUA. She said that she had gone to the Township Tax Collector to pay her taxes earlier in the month. She furthered by saying that she always pays her taxes with cash. At the time she went to pay her taxes, she was requested to step aside from the Tax Collectors counter so that another person could be allowed access to the Municipal Water Authority. The Municipal Water Authority office has recently been moved adjacent to the Tax Collectors office and is accessed through a common passage. She said that this person was allowed to

---

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

Minutes of: Township Council Workshop  
Date of Meeting: May 14, 2008  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 3 of 13

---

enter through the access gate. She added that she, as a taxpayer, is not allowed to go through the gate, because of the amount of money being collected and housed on the other side of the counter. This caused her concern because there are a number of taxpayers paying in cash and that cash is now potentially accessible by others. Her second complaint was that she went back later in the day to ask a question of the Tax Collector and had to wait for a Township employee to complete a phone call in order to be able to ask her question. The person who she wanted to speak with had answered an MUA telephone call. Her question and concerns have to do with the MUA customers being permitted to enter into the area that is shared by the MUA and the Tax Collector, as well as the Township employees servicing MUA.

There being no more comments from the public Mayor Bieri moved to close the public portion of the meeting.

---

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

---

Agenda No. VIII

**Council Comments**

Councilman Nolan – stated that he would like to respond to the comments of Mr. Gargano. It is his understanding that the Zoning Board attorney contract is between the Zoning Board and Mr. Glatt. The Zoning Board can hire their own attorney, but the Township has to budget to pay him. He furthered by saying that everyone knows that he feels that this contract is outrageous. The \$180/hr is supposed to be for other work outside of meetings. He seems to bill this amount for every resolution he prepares. Mr. Nolan said that the Council will be discussing hiring a planner during this meeting. He is requesting when a planner attends the Planning Board and Zoning Board of Adjustments meetings, the costs of that attendance should be billed from escrow.

Township Clerk, Battaglia – in response to Ms. Erik’s comments regarding the MUA stated that she will look into Township employees handling MUA telephone calls. The MUA office was moved from an office on the upper level of Town hall to the area adjacent to the Tax Collectors office because the office upstairs was needed for another purpose. Regarding the counter that Ms. Erik spoke about, Ms. Battaglia stated that it will be extended but could not be done in time for the move to take place. DPW has been requested to construct a counter which would effect a walkway. The tax collectors staff has been reinforced to maintain all safety standards.

Councilwoman Lichtenberg – agrees with Ms. Aaronson that a Water Ordinance would be a good idea. She said that she can see both sides of the discussion. She added that years ago she had recommended an Ordinance about smoking on public grounds. She said that this resulted in a better quality of life.

Councilman Schimmenti – stated that Mr. Glatt has been working for the Township for many years. He said that Mr. Gargano has done his homework with regards to this. He asked if it was a problem when Mr. Gargano was a Council member.

Mayor Bieri – expressed that the Zoning Board of Adjustment’s attorney has been an issue, but that this is a Zoning Board of Adjustment contract. The Council does not sign that contract.

Township Attorney Semrau – said that Mr. O’Shea did forward a records retention policy.

Mayor Bieri – said regarding \$800 per meeting, charged by the Zoning Board of Adjustment attorney, that the hourly rate is extreme. What concerns her is that he is not charging against applicant’s escrow accounts, or, if he is charging against escrow accounts, that he is double dipping. In either case, she said that it was disturbing. She is asking that the Zoning Board of Adjustment review the contract and if it is a valid contract to consider making changes in the future.

Agenda No. IX

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

The Township Council took action on the following items:

Agenda No. IX 1

~ Ordinance No. 2008- 028 ~

**AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 15, “ADMINISTRATION OF GOVERNMENT,” SECTION 15-37, “PAY**



---

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

Minutes of: Township Council Workshop  
Date of Meeting: May 14, 2008  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 5 of 13

---

person. Mayor Bieri said that the majority of the Council members were seeking to find a way to maintain Mr. Ferraioli as the Township Auditor. Councilman Smolinski said that it was ashame that the Council has asked two auditing firms to be present for interviewing and now are discussing maintaining Mr. Ferraioli. He wants to move forward with this Ordinance. Mayor Bieri, after roll call said that this Ordinance will be up for Public Hearing on May 28.

Agenda No. IX 2  
~ Ordinance No. 2008- 029 ~

**AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD,  
COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE VACATION OF CERTAIN  
TOWNSHIP RIGHT-OF-WAY AND EASEMENT INTERESTS**

**WHEREAS**, the Township of West Milford, with the assistance of the County of Passaic and the State of New Jersey Department of Environmental Protection (Green Acres Program), was able to purchase a large tract of land ("subject property") consisting of over 63 acres of land which is further described and set forth in the attached survey and legal description, for open space purposes; and

**WHEREAS**, in order to effectuate title, the Township wishes to vacate its current right-of-way interests on portions of Queen's Court (per FM3310), Camelot Drive, and King Arthur Court (per FM3310) as well as its drainage and utility easement interests per FM2418 and FM3310, which are all located on the subject property as depicted on the attached survey and legal description; and

**WHEREAS**, the Mayor and Township Council of the Township of West Milford has determined that it is in the best interest of the Township to vacate these said right-of-way interests as well as the drainage and utility easement interests located on the subject property.

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

**SECTION 1.** The Township of West Milford hereby authorizes the vacation of its current right-of-way interests on portions of Queen's Court (per FM3310), Camelot Drive, and King Arthur Court (per FM3310) as well as its drainage and utility easement interests per FM2418 and FM3310, which are all located on the subject property as depicted on the attached survey and legal description.

**SECTION 2.** The subject property in which these interests are located are further described on Schedule A (copy of survey and legal description) which is attached hereto and made a part hereof.

**SECTION 3.** The Mayor and Township Clerk and all other proper officers and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this ordinance.

**SECTION 4.** All ordinances of the Township of West Milford, which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 5.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

**SECTION 6.** This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Mayor Bieri advised the second reading and public hearing for this ordinance is set for the Regular Meeting of the Township Council scheduled for May 28, 2008. Notice of this public hearing shall be published in the Herald News on or about May 18, 2008.

---

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

---

Discussion: Township Attorney Semrau explained that the Township is purchasing Hollowbrook Estates, a contract that was entered into August 31, 2007. The survey was delayed until after the winter and has now been reviewed by Green Acres. One condition of the funding is to vacate any type of interest that the Township holds pertaining to the property. There is a drainage easement. He referred to a letter that was contained in the Council packets and because of that letter had contacted the Morris Land Conservancy and Green Acres. He apologized for this coming on the agenda late in the day and asked for the Ordinance to be introduced at this meeting.

Agenda No. IX 3  
~ Resolution No. 2008- 191 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF  
NEW JERSEY, AUTHORIZING THE FILING OF AN INVOLUNTARY DISABILITY RETIREMENT  
APPLICATION FOR CAPTAIN DAVID HARDIN**

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

Minutes of: Township Council Workshop  
 Date of Meeting: May 14, 2008  
 Time of Meeting: 7:30 P.M.  
 Minute Page No: Page 6 of 13

**WHEREAS**, the Township Administration has determined it necessary to file an involuntary disability retirement application on behalf of Captain David Hardin, of the Township of West Milford Police Department with the New Jersey Police and Firefighters Retirement Systems; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford in the County of Passaic, State of New Jersey, that the Interim Administrator is hereby authorized to execute the application for involuntary disability retirement with the New Jersey Police and Firefighters Retirement System.

Adopted: May 14, 2008

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

Agenda No. X

**Approval of Expenditures**

**~ Resolution 2008- 189 ~  
 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:

<b>Acct #</b>	<b>Account Name</b>	<b>Amount</b>
1	Current Account . . . . .	\$448,230.44
	Current Account. Amended . . . .	\$447,330.44
2	Reserve Account . . . . .	17,757.99
	Reserve Account Amended . .	16,424.62
3	Animal Control Trust	340.56
6	Capital. . . . .	17,521.78
7	Grants. . . . .	11,615.10
8	Refuse. . . . .	123,255.00
9	Refunds. . . . .	132,775.58
12	General Ledger. . . . .	4,472,750.55
16	Heritage Trust. . . . .	100.00
14	Open Space Trust	3,650.00
17	Trust . . . . .	5,754.98
18	Development Escrow. . . . .	16,870.00
19	LOSAP	
20	Special Reserve	
<b>Total</b>		<b>\$5,250,621.98</b>
Total Amended		\$5,248,388.61
Less Refund Resolution		(132,775.58)
<b>Actual Bill List</b>		<b>\$5,117,846.40</b>
<b>Actual Bill List Amended</b>		<b>\$5,115,613.03</b>
Other Payments		1,323.00
Less Refund Resolution		
<b>Total Expenditures</b>		<b>\$5,119,169.40</b>
<b>Total Expenditures Amended</b>		<b>\$5,116,936.03</b>

Adopted: May 14, 2008

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

Minutes of: Township Council Workshop  
 Date of Meeting: May 14, 2008  
 Time of Meeting: 7:30 P.M.  
 Minute Page No: Page 7 of 13

Councilman Weisbecker motioned to amend the Payment of Bills and Councilman Scangarello seconded the motion.

Moved: Weisbecker Seconded: Scangarello  
 Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.  
 Voted Nay: None.  
 Abstained: Councilman Nolan abstained Valley Health only  
 Motion carried.

Discussion: Councilman Weisbecker referred to page 11 of the bill list, Check #34530 payable to Greenbaum. He asked for it to be removed from the bill list. He said that he personally will be paying the bill and that the bill was incurred because of a time discrepancy. For the record, he said that he wanted the public to know that he would like Mr. Martin O'Shea to be the responsible party for the bill, as this expense, and thousands of dollars more have been paid by the Township because of him, and undue litigation with the Township. Interim Township Administrator Battaglia asked Township Attorney Semrau, regarding Mr. Weisbecker paying this bill, if it was feasible for Mr. Weisbecker to pay Greenbaum directly, or if he should reimburse the Township for the amount. Township Attorney Semrau replied that he wasn't exactly certain with the procedure but that he was sure that Greenbaum would be accommodating with allowing additional time for the payment to be made while the Township and Councilman Weisbecker make arrangements. Ms. Battaglia clarified that for the time being, the invoice would be pulled. Mayor Bieri recognized that Mr. O'Shea, a member of the audience was wishing to take the floor. Township Attorney Semrau clarified that a member of the public is asking for the floor. The rules demand that he ask for the floor. Mr. O'Shea can state why he should be heard and the Council would then vote to give him the floor. Mr O'Shea said that the rule says that a person has the right to respond if his name is mentioned. Mayor Bieri directed back to the Council and asked if there were other items on the bill list that needed to be discussed. Councilman Nolan asked with regards to page 13 of the bill list, the check in the amount of \$1333.37, a payment to Glenn C. Kienz, Attorney for a December retainer. He asked that if Mr. Keinz is threatening to sue the Township why the Township would pay him with the issue not being resolved. Mayor Bieri commented that there is also another issue whereby funds were due to the Township from him. Councilman Nolan said that there is also an issue that under a retainer agreement, if he had not used all of the time then the Township would be entitled to a refund. He said that he is not interested in paying the invoice and asked for a separate vote. Mayor Bieri said that it will be pulled from the bill list. Councilman Weisbecker commented regarding to paying \$4 million to Passaic County in taxes and Open Space taxes. Councilman Smolinski asked regarding a bill to Lakeland State Bank and it was determined that it was for a mortgage payment. Township Attorney Semrau recommending pulling the Keinz check #34549 and the Greenbaum check #34530. Mayor Bieri commented with regards to the time issue of Councilman Weisbecker, that Interim Township Administrator Battaglia had checked all of her clocks as well as the computer clock to determine exact time. Councilman Weisbecker responded that he was in disagreement over this. Mayor Bieri directed to Mr. Martin O'Shea and asked that he speak and be brief.

Martin O'Shea, 10 Lakeshore Road E., Stockholm - stated that he had learned a long time ago that Councilman Weisbecker was a waste of time and he won't discuss this further except to confirm that he was in the Clerk's office that a day and Councilman Weisbecker had walked into the office at 4:04pm.

Agenda No. XI

**Items For Discussion**

The Township Council discussed the following items:

1)	Personnel Manual – Interim Township Administrator Battaglia said that the manual the Township intends to adopt has been modelled from the Morris County JIF manual. It is well tested, and has been changed by the Townships personnel to best reflect West Milford, with modifications specific to the Townships contracts. The Townships sexual harassment policy has been inserted because it is felt to be a better policy than what is contained in the JIF prototype. Councilman Nolan asked if the price quoted is contingent on the Council adopting the manual by June 30th. Township Attorney Semrau said that it means that the Townships deductibles will be reduced dramatically. He clarified that this is the policy and that coverage is a separate issue. Council consensus was to proceed. Township Clerk Battaglia asked to the opportunity to provide to the unions. Township Attorney Semerau said that it might be a moot point because there is a statement in the book that addresses conflicts. It was okayed for Public Hearing on May 28 <sup>th</sup> .
2)	Postage Meter – Council consensus was to proceed.
3)	Arthritis Foundation Exercise Program – Interim Township Administrator Battaglia explained that this item pertains to a program which was brought to her attention by the Director of Community Services and Recreation. It is an exercise program targeted to Senior Citizens. The impact to the Townships insurance premium is \$20.00 Councilman Nolan expressed concern regarding Hillcrest School and the lease set to expire at the end of August 2008. Mayor Bieri asked if there were an

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

Minutes of: Township Council Workshop  
 Date of Meeting: May 14, 2008  
 Time of Meeting: 7:30 P.M.  
 Minute Page No: Page 8 of 13

	alternate location provided and Ms. Battaglia responded that there was not. Mayor Bieri suggested holding off on this until there is a decision with Hillcrest. Township Attorney Semrau said that he would be able to insert verbage with regards to the address lease. Councilman Schimmenti asked if a stipulation could be inserted regarding the location changing. Township Attorney said that he will insert a provision about having the facility. Consensus was to proceed with those amendments.
4)	Recreation Committee's Request for Fields – Interim Township Administrator Battaglia stated that this topic has come in from the Recreation Advisory Committee and that she would like to defer to Councilman Smolinski for further explanation. Councilman Smolinski said that he did not attend the meeting when the Committee was discussing additional fields. However, he did state that the Recreation Advisory Committee has requested the Township discuss with the Board of Education the use of the field behind the Macopin tennis court as well as the Wallisch property as use for recreation fields. He said the Recreation programs are growing and space is required. The Recreation Advisory Committee is working hard to address that problem. He is asking the Township to partner with the Board of Education to that end. He wants a letter sent to the Board of Education. Councilwoman Lichtenberg was on the Recreation Advisory Committee for 22 years. The Wallisch property had been discussed in the past, and it was not feasible at that time to use the property because of buffer zones and it is wetlands. It was agreed that information would be obtained regarding the GIS of the Macopin property and to contact the Board of Education with the concept of using their property.
5)	Day Camp Nurse – Interim Township Administrator Battaglia explained that this is a request to amend the Salary Ordinance. The Department of Community Services and Recreation have requested a nurse for this years day camp program. They have done all of their research and are poised to move forward. They are seeking to amend the Seasonal Salary Ordinance, seeking an authorization to proceed as well as waiving to extend and proceed with the hiring of a nurse, effective July 1 <sup>st</sup> . Consensus was to proceed. Councilman Nolan asked if there were provisions for a backup nurse as well as clarifying that this nurse would be insured as the Township's full time staff nurses are. Interim Township Administrator Battaglia stated that to the best of her knowledge the nurse would be for the day camp and not for Bubbling Springs. Mayor Bieri asked if the Ordinance should be introduced at this evening, with Council consensus being given.

**~ Ordinance 2008 - 030 ~**

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CONCERNING SALARIES AND COMPENSATION PART TIME AND SEASONAL EMPLOYEES**

**BE IT ORDAINED** by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that pursuant to Chapter 33 entitled Personnel of the Revised General Ordinances of the Township of West Milford, New Jersey, 2007 the following Officers and Employees here below stated shall be classified by job title with the corresponding pay ranges:

**TEMPORARY, PART TIME AND SEASONAL EMPLOYEES**

<b>JOB TITLE</b>	<b>WAGE RATE</b>
Day Camp Nurse	\$25 - \$35 per hour

Any ordinance or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to such extent as they are in conflict or inconsistency.

This ordinance shall take effect 20 days after its final passage by the Township Council. Mayor Bieri advised the second reading and public hearing for this ordinance is set for the Regular Meeting of the Township Council scheduled for May 28, 2008. Notice of this public hearing shall be published in the Herald News on or about May 18, 2008.

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

**Agenda No. XI**

The Township Council discussed the following items:

6)	Passaic County Transportation Services – Township Attorney Semrau explained that this is a requirement each year for the Township to sign and return a letter to New
----	--

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

Minutes of: Township Council Workshop  
 Date of Meeting: May 14, 2008  
 Time of Meeting: 7:30 P.M.  
 Minute Page No: Page 9 of 13

	<p>Jersey Transit for receiving funding and grants that are allocated. This year the Townships portion of the FTA allocation is \$64,500. Interim Township Administrator Battaglia provided a breakdown of the grant and explained that New Jersey has not yet changed the process for applying for the grant. This means that the grant application process has been taken as far as it can be and changes are expected in July. She said that consensus is being sought to proceed with the grant application process.</p>
7)	<p>E-Mail Policy – Township Attorney Semrau explained that emails are public documents and are subject to OPRA. They must be managed and maintained. He said that it is difficult to manage emails without a policy. He said that he has spoken with the Clerks Association recently and many towns do not have any direction. He said that emails cannot be destroyed. He suggested that the best approach is a central management system and ground rules. He furthered by saying that this new technology is being used on a regular basis and if it is not managed, could become a problem. He said that it is good from a management standpoint and advises that the Township can manage, backup and store accounts. Thusly anyone who uses the email for Township business must ensure that they use a Township email account. He said that he had drafted this email policy as a basis for discussion. Mayor Bieri asked why the Environmental Committee was included. Township Attorney Semrau said that it was set up for the Planning Board, Zoning Board and Environmental Committee. Councilman Smolinski asked if this would be set up for volunteer committees. Mr. Semrau responded that they would be set up if they use email to correspond. Councilman Nolan asked for clarification as to the definition of Township business and Mr. Semrau assured him that he secure clarification. Councilman Weisbecker asked if the fire departments and first aid squads would also be subject to a Township email policy. Mr. Semrau replied that it should be looked into or a policy established deeming emails not being allowed. He furthered by saying that those satellite organizations need to be aware that all communications must be centralized. Mayor Bieri asked if the emails could be forwarded vs. copied from a personal account to the employees Township account and Township Attorney Semrau assured her that would be okay. He also said that he would get feed back from the New Jersey Division of Archives and Records Management regarding a number of the questions that are arising. Councilman Smolinski asked how a policy with so many questions could be adopted. Mayor Bieri asked how many email accounts are currently available on the Townships server and Interim Township Administrator replied that there are 16 accounts. She added that there are other web-based organizations that will allow for the purchase of accounts, however they would not be specific to the Township network. Councilman Nolan asked if it would matter whether the emails were stored elsewhere. Interim Township Administrator Battaglia replied that she has looked into companies and remains uncertain with regards to records retention and the length of time that emails are stored. She said that they had been in contact regarding space and volume and the company’s reply was that they move the emails after a specified amount of space has been used. Councilman Nolan clarified that the current system has 16 email accounts available. Interim Administrator Battaglia said that additional accounts can be purchased at approximately \$50 per account. Councilman Weisbecker asked if text messaging is included in this Ordinance. Township Attorney Semrau said that any text messaging, pertinent to Township business is required to be forwarded to an email account. Mayor Bieri asked if the Council wished to direct to move forward and ask Interim Administrator Battaglia to purchase additional accounts. Township Administrator Battaglia said that if the Council was amenable that it must be known that any users should keep the email accounts to the basics of Township business. Consensus was to have the administration move forward.</p>

Agenda No. VI

**Executive Session**

Township Attorney Semrau explained that Mr. Dank was present from the Morris Land Conservancy. He has been provided with a list of various property owners who wish to sell property to the Township. In June the governing body has to determine what open space acquisitions they would like to proceed with. For further negotiation strategy and discussing the offers, he is present. Township Attorney Semrau , for the record read the block and lots that were being discussed. They were Eagle Ridge, Block 5301, Lot 20; Random Woods, Block 80001, Lot 1; and Castle Rock, Block 9901, Lot 7.

**~ Resolution No. 2008-188 ~  
 MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 14<sup>th</sup> day of May 2008, that:

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

Minutes of: Township Council Workshop  
 Date of Meeting: May 14, 2008  
 Time of Meeting: 7:30 P.M.  
 Minute Page No: Page 10 of 13

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 to purchase real property including Random Woods, Eagle Ridge, Valley Ridge, Castle Rock Estates
  - ( ) 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 14, 2008

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

\*\*\*\*\*

Agenda No. XI

**Items For Discussion**

The Township Council discussed the following items:

8)	Planning and Building Department – Township Attorney began by saying that it is critical to proceed with outsourcing for a planner to prevent defaulting on the approval of applications. He suggested concentrating at this time on interviewing planners as soon as possible and suggested to special meeting for May 20, 2008.
9)	Change Insurance Committee to Insurance/Risk Management Committee – consensus was to keep this as the Insurance Committee.
10)	Bubbling Springs Park Improvement Project Proposals – Township Attorney provided an explanation of the reasons not to award the projects to Dewberry. He said that he had received a call from them. Councilman Nolan said that this indicated that there is a conflict. Township Attorney Semrau said that he will look into current contracts and advise. Councilman Smolinski stated that each project is independent of the others and that this company is highly recommended. It was decided to advise the department heads that the contract is not being awarded to Dewberry Goodkind.
11)	Award Contract for Drainage Pipe – Consensus to award.
12)	Award of Contract for a Fire Apparatus Fleet Study – Councilman Nolan asked if this study will include the placing of apparatus. Councilman Scangarello said that the will address this at the Chief’s meeting the following week. Consensus was to move forward.
13)	Foreclosure Resolution – Interim Township Administrator Battaglia explained that when Mr. Klepesch was working on List 28 he found items not fully and property addressed. He is seeking Resolution to put this list in order. There is a \$25 filing fee. Consensus was given to proceed.
14)	<del>Letter to NJLM regarding Water User Fee</del>
15)	Sustainable Design Planning Assistance Program Grant – Interim Administrator Battaglia explained that this had been generated by a proposal from Rob Sparkes, Township GIS Specialist, requesting Council consent by Resolution to begin with the initial phase of a Grant Application. Councilman Nolan asked if the grant would require a match from the Township. Ms. Battaglia responded that she did not have all of the details, however when Mr. Sparkes is ready for Council consent all of the details will be in order.

---

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

Minutes of: Township Council Workshop  
Date of Meeting: May 14, 2008  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 11 of 13

---

Agenda No. XII

**Reports**

Councilman Nolan - expressed that Mr. Weisbecker extended a gracious gesture by paying his legal fee. He referenced a letter from Township Attorney Semrau to Mr. Epstein, the attorney for Valley Ridge. With respect to their seeking Highlands exemption, he would like to have Mr. Semrau, through an OPRA request, secure the records of the past six months from the MUA. He said that it is contained in the minutes of the MUA, on their website, that they have been in executive session regarding Valley Ridge. Township Attorney Semrau replied that he has spoken with Mr. Bill Drew and that he had no record of appeal.

Councilwoman Lichtenberg – began by saying that at one of the budget meetings, the topic of replacing the building doors had been discussed. She expressed that this would result in a savings to the Township. She is hoping that the Facilities Assessment Committee will consider this. She explained that when she was on the Open Space Committee a plan was created to designate property as Open Space. Now the Environmental Committee works off of a plan and adds to it. The Environmental Committee has asked West Milford Lake to be designated for Open Space. She furthered by saying that she spoke with Interim Township Administrator Battaglia regarding the Memorial at Veterans Park. She said that it needs a quick fix, painting and silicone. Ada Erik has been planting flowers and she asked if there were any volunteers to assist her. Additionally, she would like to secure grants to refurbish the monument. She stated that she is hopeful to see a Resolution that supports a 752 regarding adoptive parents. Commenting about the number of positions that require filling within the Township, she asked the status of interviews for an administrator. She reminded everyone that the coming weekend was the weekend for the Tennis Tournament fundraiser for the Township Museum. The rain date is May 31.

Councilman Scangarello - stated that many of the Township departments have a poor reputation. He commended Rita DeNivo, Tax Collectors office, regarding a letter that was received thanking the staff in the Tax Collectors office for their extra efforts. He also said that the entire Council keeps commending Township Finance Director Magnotti for all of the work he has done. He also commended Lucille Vandeveire, Accounts Payable; Joanne Fantry, Payroll; Julie Zeltner, Accounts Receivable; Rita DeNivo, Tax Collector; and Brian Townsend, Tax Assessor. He also mentioned that the previous weekend, he had seen bears and warned to be careful with trash, pets etc. He spoke about the bear that had been caught behind the Elks Lodge weighing 726lbs. This bear will reach between 850-900lbs by autumn.

Councilman Weisbecker – asked what had happened to the television station WVTM who have a contract to be broadcasting the meetings of the Township Council and providing them to their subscribers in West Milford. He secondly addressed Interim Administrator Battaglia with regards to the position of Administrator. Mayor Bieri said that she would answer that question in her report.

Councilman Schimmenti - congratulated Coach Dransfield of the West Milford Township High School for his team's 471<sup>st</sup> win. The team made it to the finals and would soon be playing in the championship.

Mayor Bieri reminded the Council that the Council Report session is just that. It is not an opportunity to debate. She advised the Council that this policy will be adhered to. Regarding the search for a new Township Administrator, she stated that she is taking a new approach. She said that she felt a previous meeting politicized the process and was unprofessional. She is seeking other options. She will interview candidates and will bring qualified people to be interviewed by the Council. She said that she has felt the pressure to hire someone and thus far, she is unable to justify the salary with the candidates qualifications.

Interim Administrator Battaglia –reported that she wished to apprise the Council that she will be seeking an increase to the appropriations for Mr. Knapp. Secondly she said that there would be two purchase orders in the next cycle from capital appropriations. The first is for asbestos abatement and air testing at Town hall. This is necessary for the HVAC system pipes. The other is for a potable water pump that needed to be replaced at Bubbling Springs. Both purchase orders required quick action without quotes. She then said that she has spoken with Mr. Rob Sparks, Township GIS Specialist regarding the Highlands Assessments Grants. He is aware of this and will be preparing applications. He will need to know the name of the planner that the Township intends on hiring. With regards to Relay for Life, the organization will be using a Crayola type paint to paint a purple stripe down the center of Highlander Drive. They are also placing ribbons on municipal property and were told not to put any on the Veterans Park. Passaic County is sending personnel to address the trees in the Township that are dead or overhanging County roads. She also said that she has visited New City and contacted the executive director to work out a solution to get rid of the debris and to close off some of the access.

Township Attorney, Fred Semrau - stated that all of his correspondence was contained in the Council packets for Executive Session. He explained that they will be discussing a contract for a new Fire Marshal, OEM person, issues surrounding the Apple Valley Contract, and that he pulled from discussion

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: May 14, 2008
Time of Meeting: 7:30 P.M.
Minute Page No: Page 12 of 13

the potential litigation of Warwick Tpke. He reminded everyone that they had already discussed the Random Woods subject.

\*\*\*\*\*

Agenda No. XII
Appointments and Resignations

None.

Agenda No. XIV

Executive Session

~ Resolution 2008- 190 ~
MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 14th day of May 2008, that:

- 3. Prior to the conclusion of this Workshop Meeting, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
( ) b. (4) A collective bargaining agreement including negotiations.
(X) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
- Random Woods - DT Allen - Block 8001, Lot 1
- Apple Valley Estates, LLC Block 9001, Lots 10, 11 & 12
( ) 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.
- Warwick Turnpike Road Improvements
- Fire Marshal & OEM
( ) b. (8) Personnel matters.
( ) b. (9) Deliberations after a public hearing that may result in penalties.

4. 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 14, 2008

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

~ Resolution 2008-192 ~
MAYOR'S APPOINTMENT OF RONALD SVERCHEK AS FIRE MARSHAL IN ACCORDANCE WITH ORDINANCE 2008-012

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby provide advice and consent to the Mayor's appointment of Ronald Sverchek to the position of Fire Marshal in accordance with the provisions of Ordinance 2008-012 which was adopted by the Governing Body on March 26, 2008.

Adopted: May 14, 2008

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

---

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

Minutes of: Township Council Workshop  
Date of Meeting: May 14, 2008  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 13 of 13

---

\*\*\*\*\*  
Agenda No. XV

**Adjournment**

There being no further business to come before the Council, the Township Council adjourned the meeting at 11:08 p.m.

---

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

---

Approved: July 23. 2008

Respectfully Submitted:

---

MAYOR BETTINA BIERI  
PRESIDING OFFICER

Judy Manning, Part Time Secretary

---

ANTOINETTE BATTAGLIA  
TOWNSHIP CLERK