
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Special Meeting
Date of Meeting: May 26, 2010
Time of Meeting: 7:00 P.M.
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Mayor Bettina Bieri called the Special Meeting of the West Milford Township Council to order.

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 special meeting was transmitted to the Herald News on May 23, 2010; copies were provided to the Record, Star Ledger, Suburban Trends 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, Township Attorney Fred Semrau, Chief Financial Officer Arthur Magnotti.

Agenda No. II

Purpose

2010 Budget Review and Discussion – Proposed Layoff Plan

Agenda No. III

Review of 2010 Municipal Budget

Mayor Bieri began the meeting by reading a statement she had prepared. She stated that it is unusual for her to address employees directly because of contractual obligations but before the Council begins this discussion tonight, she would like to make some comments. She recalled that employees from certain departments had been subjected to the prospect of layoffs last year and she stated that she does not support the Council's request to engage in this process again. She reviewed the events that led up to this meeting and recalled the requests from Council during budget meetings and via emails to have employees notified of potential layoffs. She stated that she does not favor layoffs nor has she been a party to this process. She commended municipal employees for the services they provide and stated that her efforts have been geared toward maintaining quality services in a cost effective manner. She stated that she has reviewed the proposed plan and cannot determine the reasoning behind it. The plan was delivered with no substantiating or supporting information and the Council asked the Administrator to draft a plan without providing clear guidance. She stated that she was never consulted about the plan and she does not have confidence in either its substance or integrity. She stated that she has full confidence in the dedication of West Milford Township employees but questions the motives of elected officials who appear to be targeting certain departments.

Mayor Bieri stated that the Council has had countless budget meetings which failed to provide direction to the Administrator. Rather than making substantive cuts to any department, the Council gave a targeted bottom-line figure and placed the Administration in an impossible position. She stated that she is asking the council to address the budget and let her know what the appropriations are so that she can begin the task of operating the municipality within those confines. She stated that she will work with the unions and together they will draft a plan where the Township can operate within the budget with minimal negative impact to the employees. By the same token, she said, the Council must be held accountable so that they provide appropriations that are reasonable and fair. She reviewed how she restructured certain departments and the savings realized in doing so.

Mayor Bieri stated that she does not favor any layoff plan until all alternatives have been explored, all other viable options have been acted upon, and layoffs are deemed truly necessary as a last resort. She urged the Council to cease politicizing the process and negatively impacting morale within the Township. She urged them to provide a reasonable budget and rely on the high caliber employees of West Milford to continue providing quality services within that budget.

Council President Smolinski stated that the Council did ask for layoffs but did not request the plan that they have been presented with for tonight's meeting. The Council had no input in drafting this plan; rather they did ask that certain positions be reviewed. He condemned Mayor Bieri for playing with the emotions of the attendees of this meeting, specifically Township employees. He stated that he first received this plan on Friday night, was appalled at what he saw, and he has been questioning it ever since. This plan, he said, does not reflect the directive of the Council. He stated that he serves as liaison to the Recreation Advisory Committee and the Senior Citizens Advisory Committee and, as such, was appalled when he

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saw the list of affected employees. He stated that this plan has done nothing but to cause him and everyone else aggravation.

Councilwoman Lichtenberg stated that she would never endorse this layoff plan which she received on Friday. She recalled that Council President Smolinski did ask the Administrator to draft a plan that would reflect a \$100 tax increase in this budget cycle. Councilman Jurkovic asked for a zero increase. As such, the Administrator acted on the direction received. However, this plan does not address the loss of services. She expressed concern that the Council would consider layoffs even though there is over \$1 million in a fund from the sale of the redevelopment property. She suggested that some of this money be used to offset the tax burden rather than enacting such a layoff plan.

Council President Smolinski expressed disbelief that this plan would eliminate the position of veteran administrator which costs the Township \$1,500 per year. He stated that this is an embarrassment to everyone on the dais and was not requested by the Council. He does not understand how this plan was drafted. He does not understand the logic behind this plan. And, he said, the Council does not endorse this plan.

Councilman Nolan stated that he agrees with comments made by Mayor Bieri and some comments made by Councilwoman Lichtenberg. He stated that the State budget for 2011, which starts July 1st, is \$29.3 billion and revenue will fall short. This will mean additional reductions in state aid. This is his sixth year on the Council and over the years staffing has been cut. However these cuts were made through attrition and he reviewed certain positions that remain vacant after retirements. He stated that before one employee is laid off, he would like to see realistic cuts to the budget such as elimination of funding for all but the Mayor and one Council member to attend the New Jersey League of Municipalities Convention in November. He would like to see the Council instruct the Zoning Board of Adjustment that their contract with their attorney is not acceptable. He would like to see the Township sell a liquor license to raise revenue. He would like to see the Autumn Lights Festival moved to Jungle Habitat as recommended by the committee which would save the taxpayers all costs associated with this event. He said that the Council cannot devise a budget by setting a bottom line tax rate. He reviewed the state aid that was lost this year and recalled that an unexpected harsh snow storm cost the Township over \$400,000. He stated that the Council must take a realistic approach that can be substantiated to the public. He does not favor this layoff plan and recalled that Mayor Bieri had proposed other means of effectuating savings. He asked the Council to recognize that there will be a state mandated CAP on next year's budget regardless of cost increases. He stated that, in his opinion, municipalities can no longer afford to continue paying lifetime health benefits for retirees. These benefits should be capped and should be eliminated for new hires. West Milford is faced with a declining ratable base and the Council needs the cooperation of employees to keep expenses within the CAP.

Councilwoman Lichtenberg stated that the appropriations for attendance at the league conference was removed from this year's budget. She stated that she has attended each year and each year she has reimbursed the Township for her costs.

Councilman Jurkovic stated that he asked, as is appropriate, about the management of business within the Township operations. He questioned if there is an overload of middle management and he requested an evaluation of outsourcing operations in three different departments. He specifically questioned the Engineering Department because there has been a reduced workload in that department for two years. He wishes to receive justification for the need to have four engineers perform work that represents a 75% reduction from four years ago. Our residents, he said, are struggling to pay their taxes and, while this does not mean that people should be laid off, it certainly does warrant that the operations be reviewed. Under the rules, the Council is very limited in how they can have these discussions and pose these necessary questions. Despite repeated requests for information, little or no data has been provided. The layoff plan was provided to the Council on Friday and, in his opinion, it does not reflect the Council's prior discussions. The Council asked to review the Engineering Division and he does not know how names from other departments got onto this layoff list. He was led to believe by the Administrator and Labor Counsel that the Governing Body would have an opportunity to review a layoff plan in executive session and determine from there which positions they would like to discuss before employees were to receive Rice notices. He understood that it would only be at that point that persons would be attached to positions and employees subjected to the process requiring Rice notices. Instead, there was an email on Friday night that had been sent to the State of New Jersey without any comment or input from the Council. He recalled that the Township Auditor conveyed to the Governing Body at a budget meeting that municipalities that had evaluated staffing and made cuts three to four years ago are the only entities that are stable in this current environment. We continue to incur debt and that debt will come due some day. That will be very painful and it is irresponsible to ignore the future impact. He is not in favor of any layoffs. However, the police department is short staffed by nine officers right now with an agreement to hire one new officer. He is concerned about public safety while at the same time struggling with how the Township can afford to fund these operating expenses.

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He stated that this process is complicated and does not often seem logical. However, the mechanisms are primarily structured to protect employees. As such, employees received Rice notices despite the fact that the Council had never seen the layoff plan. If he had seen this plan in advance, about 75% of the people who received notices would not have done so. The concept of this process is to allow conversation to occur and he recalled that Mayor Bieri issued a memo that prohibits employees from talking with Council members. He stated that on Friday the Council received an email containing the layoff plan. It provided names and positions but did not include any figures or job descriptions. Yesterday afternoon, an email was promulgated that with numbers and updates. Today the Council was informed that yesterday's numbers were incorrect and the savings reflected would not be realized. The Council was advised that a half million dollars had been found. He lamented that the Council has repeatedly asked for information that is either not received or provided immediately prior to a meeting. He questioned how the Council can make decisions without the benefit of information and stated that it is virtually impossible for the Council to fulfill their fiduciary responsibility when they are not receiving cooperation from the Administrator. He has stated on many occasions that unnecessary jobs should not be funded and, in his opinion, middle management should be looked at. He is concerned that layoffs are generally structured from the bottom up when often times the department heads and middle management should be looked at. He stated that he has no intention of cutting the people who deliver the services and expressed concern that there is no effective mechanism of communications with the Administrator. He stated that it was unfair that the Administrator had to make these cuts by himself and opined that the Mayor should have involved herself in pinpointing staffing reductions. He apologized that confusion led to such distress.

Councilman Weisbecker stated that times are difficult and Council does not take their charge lightly. Council has repeatedly asked for information and, for the most part, they either don't receive it or do not receive it in a timely fashion. This is as unfair as the leader of our community making accusations against those simply trying to do their jobs. The Council was condemned when they asked to meet with staff from engineering and health although the meeting ultimately enlightened the Council about how those departments function. He stated that he was not happy to see the layoff list when he received it on Sunday afternoon and was appalled that the document simply contained a list of names. The Council had never, at any time, requested this from anyone. He stated that he has repeatedly asked the Administrator to research the possibility of merging departments thereby reducing the number of people holding management positions. The Council never targeted any position or person. He stated that the hiring and firing is done by the Mayor. He stated that she was negligent in her duties when she failed to become involved in the process by which a layoff plan was drafted. The Council provides the funding by which salaries are paid and the Mayor of the municipality hires and fires in accordance with that funding. Neither he nor any member of this Council asked for employees to receive Rice notices for tonight's meeting.

Councilman Ramaglia stated that he is extremely disappointed in this process. This is his sixth month on the Council and he assumed this office so that he could make a difference. He stated that the Mayor should not have begun this meeting by politicizing the process especially when people's livelihoods are at stake. He asked the Council to focus on the budget and urged everyone to stop playing games.

Council President Smolinski stated that there have been several budget meetings since January. The Council has been persistent and has made significant cuts to the budget that was first presented to them. He questioned how the Administrator and Treasurer found \$550,000 in municipal coffers since last week. He asked the Administrator to provide a complete overview of all accounts. He stated that the Council repeatedly requests information and are frustrated that it is not readily forthcoming. He stated that Councilman Nolan has often accused the Council of protecting employees because they are a voting block and he quoted some of the comments made over the years. He stated that the Council supports municipal employees and values their service. This plan, he said, will not work and it should be disregarded.

Councilman Jurkovic stated that he would like to discuss the engineering department and GIS services.

Township Attorney Semrau advised that every employee who received a Rice notice was given a choice to have the discussion in either executive session or in a public forum. One employee was not served and five other employees did not respond which would mean that those discussions should be in executive session. Councilman Weisbecker asked how to proceed if the Council determines that they do not wish to discuss any positions except those in the engineering department. Adam Abrahamson from the firm Scarinci Hollenbeck, the Township's labor counsel, advised that the plan before Council tonight is only a draft which has not been submitted to the State of New Jersey and which is subject to change. He reviewed the process by which a final determination is made by Civil Service. Councilman Weisbecker asked that the Township Attorney list each position contained in the plan to allow Council to indicate whether or not they wish to discuss that particular position. He stated that this will allow the Council on their intent which has always been to discuss the engineering department.

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Mayor Bieri stated that the Administrator acted within the law when formulating a layoff plan and that is why Rice notices were issued to employees. She recalled that Administrator Boyle did seek direction from the Council when they broached the subject of merging departments because it was unclear how to merge certain departments with others. She stated that the Council demanded a layoff plan, specifically mentioning the engineering department, and demanding that the budget process result in no more than a \$100 or less increase to the average home. She stated that the Council did not ask to evaluate the engineering department, they asked that the department be eliminated. She stated that estimates were prepared last year that calculated it would cost over \$900,000 to outsource the engineering department while the current operating costs for that department are \$560,000 and the staff in that department has obtained over \$960,000 in grant funding. Council directed that a layoff plan be prepared and are now trying to back away from the plan they don't like. She stated that she never supported the concept of a layoff plan and will not be forced into a process she does not support.

Councilman Jurkovic stated that he did receive information this afternoon about potential savings in the engineering department and disputed the Mayor's assertions that this information was distributed last year. He questioned the motives of the Township Engineer when he drafted that memorandum. He stated that it is unfair to provide Council with this information in the middle of their work day and expect them to be prepared for a meeting on the same evening. He asked why the Council did not receive this information in March and he expressed concern that the Council does not have the ability to discuss positions within the Township operational structure.

Councilman Weisbecker stated that the Council asked the Administrator to research the feasibility of merging recreation and DPW. The concept is logical, he said, as each of those departments performs similar functions and utilizes the same equipment. He believes that such a merger may streamline operations.

Councilwoman Lichtenberg stated that she did receive a detailed breakdown from the engineering department last year. Councilman Jurkovic stated that the information was specific to last year's situation and today's memo is based on the current workload. Councilman Ramaglia agreed adding that Council should have access to information when it is available.

Administrator Boyle stated that municipal staff was asked to provide justifications for their departments and the information was passed along to the Council as soon as it was received. At the last budget meeting, the Council did not find the tax rate acceptable and he was asked to find additional cuts even if it were to include layoffs. He reviewed some key components in this year's budget including lost revenue from the State, the cost of an unexpected major snow storm, and a lack of resources to generate revenue. He stated that he had to devise a plan that would result in savings from August to December. If twenty people were laid off, there would be a savings of about \$500,000 although there would be a cost of about \$200,000 in payouts and unemployment. He stated that he sent the plan out to the Council on Friday and he takes full responsibility for the plan based on the job assigned to him. The economic information was not provided at that time in an effort to protect the confidentiality of that data and to provide Council with an opportunity to review the plan. On Monday, the CFO and his staff crunched all the numbers and that information was passed along immediately. He stated that the Department of Personnel may not ultimately approve the plan but he had to include a sufficient number of positions to meet the budgetary goal. He stated that this is a difficult position and there will be an impact on services. However, he was instructed to achieve a certain tax rate and he focused on that goal. Since the last meeting there have been some significant changes including the submission of retirement papers by both the CFO and the Township Engineer. He stated that the layoff plan was devised because he could not effectuate the needed cuts with furloughs alone.

Mayor Bieri stated that it appears that the engineering department is still on the Council's list and, with the impending retirement of the Township Engineer, that department will have a staff of three people in July. She read some statistics from the Engineer's memo and Council President Smolinski and Councilman Jurkovic objected stating that the Mayor's calculations were flawed because they do not include the cost of lifetime benefits the Township pays for retirees. The Mayor's figures, they stated, do not include benefits which have a significant impact.

Councilman Weisbecker asked that the list of titles on the layoff plan be read aloud so that Council can remove those titles that should not be included in the plan. Mr. Boyle suggested that it may be easier for Council to say that they do not approve of the plan he has laid out and have him revisit the plan and engage in additional research. Council President Smolinski stated that this is the process that brought us to this meeting and stated that he takes exception with labor counsel for giving poor advice to the Council regarding this process. This process is unfair to everyone including the employees and he stated that Council cannot discuss any position unless the employee receives a Rice notice.

Councilman Nolan stated that he believes that Council should fully explore the potential of generating revenue by selling a liquor license before discussing how to negatively impact someone's job. Councilman Jurkovic expressed concern that Councilman Nolan repeatedly seeks to balance the budget

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with one-shot infusions that do not provide long-term solutions. He stated that it is unfair to expose everyone to this process year after year because the leadership is not making the necessary hard decisions. He stated that the memorandum from the Township Engineer provides an estimate for outsourcing these services and it would not be prudent to take those numbers at face value without questioning them. He stated that elected officials must take their responsibility to the taxpayers seriously and not subject employees to this turmoil every year. To accomplish this, the Council must have information. Councilwoman Lichtenberg asked what the Council intends to do with the \$1.3 million that has been banked since the sale of that land.

Councilman Weisbecker asked for and received consensus to have the Township Attorney read the list of titles for which Rice notices were issued, allowing Council to indicate whether or not they wish to discuss each position. Mr. Semrau confirmed that the intent of the Council is that any title they do not wish to discuss should be removed from the layoff list.

Title	Discuss	
	Yes	No
Clerk's Office - Receptionist		X
Administrator's Office - Administrative Secretary		X
Court – Assistant Violations Officer		X
Construction Department – GIS Specialist	X (future meeting)	
Planning Office – Clerk Typist		X
Building Office – Clerk Typist		X
Building Office – Plumbing Subcode Official		X
Building Office – Electrical Subcode Official		X
Building Office – Fire Specialist		X
Engineering – Supervising Engineering Aide	X	
Engineering – Principal Engineering Aide	X	
DPW – Building Service Worker		X
DPW – Clerk Typist		X
CS&R – Program Coordinator (2)		X
CS&R – Program Specialist		X
CS&R – Senior Clerk Typist		X
CS&R – Veteran's Administrator		X
Health – Animal Control Officer		X
Building – Building Inspector		X

Mr. Semrau advised that the Council is responsible for the municipal budget. Within those fiscal constraints the administration decides what can or cannot be afforded. He deferred to Administrator Boyle for specific details about the plan presented to Council for this meeting.

Administrator Boyle stated that he prepared this layoff plan because the tax rate established by the formulation of the budget was not acceptable to the Governing Body. He stated that the only course available to Administration was to look at a layoff plan. Now, it appears that he will begin the process of regrouping, making adjustments and looking at the budget anew. Until Governor Christie cut municipal aid, the municipal budget had not increased at the rate of other entities including the County and school levies. In every tax bill \$0.25 of every dollar is dedicated to funding municipal services which pays for roads, police, etc. The process, he said, is inherently contentious and with a 2.5% CAP looming, he cannot fathom what can be done. He asked that the Council afford him an opportunity to revisit the budget again based on their decisions here tonight.

Councilman Nolan asked if any consideration had been given to future use of the \$2.5 million redevelopment monies stating that those funds should be retained as emergency funds to offset the proposed 2.5% CAP and to prevent future layoffs. He stated that the Council should reconsider selling a liquor license.

Councilman Jurkovic stated that he would like an opportunity to digest all the events of today and to review the information the Council just received. He proposed scheduling another meeting to determine how to proceed. Council President Smolinski agreed adding that it would be beneficial to have the CFO available to Council throughout the process for questions and to provide additional information as needed. Administrator Boyle advised that the CFO is out for the next ten days but he stated that the Township Engineer may have the information needed by Council and he authorized the Council members to contact Mr. McFadden directly with questions and requests.

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Agenda No. IV

Public Comments

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

Eric Miller, Supervising Engineering Aide, West Milford Department of Engineering stated that the services he provides residents and the Township will be needed after he is gone and this should be a consideration in any proposed layoff plan. He is confident that he is one of the top skilled employees of the Township. He does not receive a cell phone or a car and he does not use comp time or overtime. He constantly reviews work submitted by consultants and he assured Council that the quality of his work is better than any consulting firm he has ever seen. He stated that he would be happy to show any elected official his work and stated that in his thirty-plus years in West Milford the Township has never received a complaint about his work. Unlike consultants, West Milford is not his client; West Milford is his town. He stated that he has never had cost overruns on jobs he has overseen. Consultants do not know West Milford like he does and they would never deal with residents on a daily basis like he does. He comes in early to accommodate resident's schedules if the need arises. Consultants change on political whims and residents then suffer because there is no continuity or historical knowledge. He stated that, despite claims to the contrary, his work product in the department is unique. He tracks all his work, time spend on each project and keeps a daily log as does each employee in the Engineering Department. He maintains copious records and submits all his reports in a timely fashion. He stated that he is a model employee who provides a quality work product. He reviewed his earnings history stating that his tenure contributes to his earnings. He stated that he is willing to make financial concessions to retain his job including contributing to his fringe benefits. He stated that he is willing to consent to removal of his title from the bargaining unit so that he would not automatically qualify for the benefits they negotiate. He has ideas that could save money or generate revenue for the Township. The DPW could be restructured with greater involvement from the Engineering staff. He said that the Township should consider shared services contracts with neighboring communities for engineering services. He pleaded with the Council to consider all these options saying that he cannot continue to come to these meetings any more and live with this uncertainty. He thanked the residents who came out to support him in the past.

Councilman Jurkovic stated that Mr. Miller made some very erstwhile suggestions and he would like an opportunity to meet with him to discuss ideas and possible options. He stated that he would entertain a restructuring of the Engineering Department to effectuate savings rather than eliminating the department. He thanked Mr. Miller for speaking and for providing such insight and clarification. The Council, he said, is trying to evaluate certain positions to make educated decisions. He believes Mr. Miller to be an exemplary employee and a person of integrity. Mayor Bieri asked for Council consensus to review a restructuring of the Engineering Department to save money & jobs while preserving the quality of services. Councilman Weisbecker stated that he would like to engage in discussions with the Engineering staff and Council President Smolinski welcomed an opportunity to share ideas. Councilman Jurkovic agreed stating that he would be interested to hear what proposals the Administration can present for such a restructuring.

Richard McFadden, Township Engineer advised Council that he is retiring in the near future. He apologized to his staff for his late arrival at tonight's meeting. He stated that he has been a municipal engineer since he was 29 years old and opined that the Township will never receive that level of specific experience from any consultant. He has a number of ideas that could result in savings for the Township and looks forward to an opportunity to convey those thoughts. He stated that the work done in the department is not entirely focused on the financial aspects of the job. It is also about taking responsibility for the position, the quality of work and for dealing with residents on a personal level. Consultants bill at an hourly rate and our residents lose that personal contact when this work is outsourced. He only knows of one resident who has been dissatisfied with his department since he came to West Milford ten years ago. He and his staff have, over the years, had to redesign work submitted by various consultants. He stated that the West Milford Engineering Department is proud of its level of excellence. His staff have not taken a sick day during his ten years in West Milford. They schedule their vacations around municipal road projects and the Township's workload and priorities. They are dedicated to their jobs and West Milford would lose out if these employees were let go.

Gale Barth, 11 Mountain Circle North, West Milford read a letter from Brian Townsend, the Township's Tax Assessor expressing support for the Engineering Department. Mr. Townsend's letter outlined many of the contributions made by the Engineering Department to other departments within municipal government specifically the Tax Assessor's office. He urged the Council to reconsider any intent to eliminate the Township's Engineering Department. Ms. Barth added that, in her own personal opinion, the staff in the Engineering Department are amongst the hardest working municipal employees in the Township.

Lynn Berry, 45 Cliff Road, West Milford stated that she has had the distinct honor of working with the Engineering Department and other departments within the Township structure both as a West Milford

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resident and as part of her husband's business. She stated that each of the staff members in Engineering performs distinctly different tasks each person working hard every day. She stated that any resident can walk into that office on any given day at any time and will invariably find the staff working away. She has 35 years experience working with consulting engineers and she challenged the Council to find an outside contractor who can perform as efficiently as our in house staff. She stated that she will miss Mr. McFadden who is an excellent engineer. Wishing him well in retirement, she expressed hope that the remainder of the personnel in the West Milford Engineering Department will stay on in the Township's employ.

Andrew Gargano, 45 Apshawa Crossroad, West Milford stated that he had the pleasure of working with the staff in engineering in 1992 regarding the PAL building. Eric Miller was an integral part of bringing that project to completion and the staff worked in unison with the PAL engineer. These employees have proven their dedication to the Township. He relayed an anecdote evidencing what he classified as an exemplary initiative taken by Rich McFadden in his neighborhood. He stated that the Township get value for the money it costs to operate the Engineering Department.

Jim Novack, Larchmont Drive, West Milford stated that Congressman Scott Garrett helped West Milford get \$400,000 in grant money for a streetscape. The Township hired an engineer to do the work but nothing has been done. Mount Laurel Park was designed by a consulting engineer but it is not ADA compliant. That project went over budget and the work was deplorable. He suggested that the Mayor & Council, the Township Administrator and all employees agree to salary freezes and give backs so that no one has to lose a job.

Eileen McMorro, 14 Eisenhower Drive, West Milford stated that she has read local newspapers for years and this is the first time she is attending a Council meeting. She expressed surprise that the Mayor and Council spent the evening bickering and complaining with no regard for the resident's expectations. She urged them to stop fighting and to work toward a budget that everyone can live with.

James Foody, 2 Kushagua Trail North, West Milford stated that the Township Council should focus on the 35-50 miles of unaccepted roads in West Milford. He stated that the staff in engineering has some great ideas that fall on deaf ears. He recalled that the Engineering Department recommended that the Township take ownership of the Kemp property when it was in tax sale. Because no one listened, we now have to pay \$5,000 per month rent for something we could have owned. He urged the Council to stop bickering and to retain the Engineering staff.

Doris Aaronson, 19 Bearfort Road, West Milford stated that she wishes to endorse all the positive comments made about Engineering staff. She stated that this process has not been about the budget but rather a selective attempt to lay off one department. She commended Councilman Jurkovic for listening and having an open mind. She stated that she has worked with the Engineering Department for years as the environmental trustee at Pinecliff Lake. She said that they have worked tirelessly for years to keep our lakes clean and to save the Township money. They have retained reams of historic data that is invaluable and the staff has integrity which is evidenced by the fact that they enforce policies equally.

Ada Erik, Macopin Road, West Milford stated that the Township is blessed with employees who have passion and compassion. She urged the Council to tell staff what they are doing wrong and what they are doing right. She stated that she recently reported an incident of aggressive driving where she had the license plate of the vehicle in question. She reported it to the police and set up a subsequent appointment to file the complaint with the court. The court administrator told her she does not have a case.

Patrick Porzio, 22 Hudson Drive, West Milford stated that he heard mention of the costs incurred during snow storms. He stated that West Milford realizes significant savings as a result of the oversight done by the Engineering staff during inclement weather.

Terry Woodrow, AFSCME Council 52 thanked the council for rescinding some proposed layoffs tonight. Now it appears that the layoff list consists of four employees. She reminded the Council that they are currently in contract negotiations and stated that the union did not receive notice of this layoff plan until the president of the local called to relay the information. She stated that the union is willing to negotiate and they do not want layoffs. The employees in this town are dedicated; they want and deserve an opportunity to come to the table and negotiate a fair contract.

Gerry Storms, Director of Public Works stated that he started his career in West Milford Township in 1979 in the engineering department for \$5,200 per year. This department is comprised of a great group of people. He stated that he knows first hand how good Eric, Henry and Kirk are at what they do because he trained them. These are very talented people and it would be a shame to see them leave. Town engineers have left West Milford before Mr. McFadden. The DPW needs the engineering staff who are indispensable to the day to day operations. Consultants cannot provide this quality service to our residents. West Milford is a very large town and a consultant could not possibly produce the quality work

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needed to effectively operate. The Engineering Department handles all road design. He stated that he anticipates that a member of that department will ultimately be schooled to assume his position when he retires in about five years.

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

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

Agenda No. V

Council Comments

Mayor Bieri stated that she will meet with Administrator Boyle and members of staff to develop a restructuring plan. She asked Council to submit any questions or comments as soon as possible to the Township Administrator.

Councilman Jurkovic stated that he has made every effort to respect the contents of a memo distributed last year which prohibits Council members from speaking directly with employees. People have questioned why the Council has not asked questions of people and he asked the Mayor to reconsider the memo to allow employees to speak with Council members. Mr. Boyle stated that he goes directly to department heads when he receives a call from Council members seeking information. He invariably gives the Council member permission to speak directly with the respective department head. Mayor Bieri stated that she did not write any memo. There are three memos that address protocol in this form of government. One is to the employees from Administrator Boyle, one is to Mr. Boyle from the Township Attorney, and one from Mr. Semrau to the Mayor & Council. There is a logic to the system which prohibits seven people from giving direction to employees. Council can request and expect to receive information through the Administrator. Employees can then send information to the Administrator for distribution to the Council. This protocol is in place to allow for a uniform chain of command and it complies with basic structures in business environments. This structure also supports the concept that the Council acts as a unit. Councilman Ramaglia asked that the memos be redistributed.

Action Items

Agenda No. VI 1

~ Resolution No. 2010- 179 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC COUNTY,
STATE OF NEW JERSEY AWARDING A CONTRACT TO RECREATIONAL CONCEPTS LLC FOR
FOOD CONCESSIONS AT BUBBLING SPRINGS**

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on April 30, 2010 at 10:15 a.m. for Food Concessions At Bubbling Springs as per the Bid Specifications; and

WHEREAS, the Township of West Milford received one (1) bid for this contract; and

WHEREAS, said bid has been duly reviewed and analyzed by the Director of Community Services and Recreation; and

WHEREAS, the bid received from Recreational Concepts LLC has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

WHEREAS, the Director of Community Services and Recreation has submitted a written recommendation for the award of this contract to Recreational Concepts LLC; and

WHEREAS, the Township of West Milford will receive revenue from the award of a contract to Recreational Concepts LLC for the management and operation of the Bubbling Springs Food Concession in the amount of \$2,036.00;

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Special Meeting
Date of Meeting: May 26, 2010
Time of Meeting: 7:00 P.M.
Minute Page No: Page 9 of 9

1. The Township Council hereby awards a contract to Recreational Concepts LLC, Terri Leonardo, Owner, 147 Merriam Avenue, Newton, New Jersey 07860 for the management and operation of the Bubbling Springs Food Concession as per the Bid Specifications
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Recreational Concepts LLC, in accordance with its bid for said management and operation of the Bubbling Springs Food Concession.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: May 26, 2010

Discussion: Council President Smolinski expressed an objection that this is being broached at the eleventh hour with insufficient time and information for Council to make an educated decision. He objected to the accounting supplied but stated that he will support the resolution so that residents will have a concession stand for the summer season.

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

Agenda No. VI 2

~ Resolution No. 2010 - 197 ~

MOTION FOR EXECUTIVE SESSION

NO ACTION TAKEN

Agenda No. VII

Adjournment

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

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

Approved: December 1, 2010

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK