
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Special Meeting
Date of Meeting: May 29, 2012
Time of Meeting: 6:30 P.M.
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Council President Signorino called the Special Meeting of the West Milford Township Council to order.

Adequate Notice Statement

Council President Signorino 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 published in the Herald News on May 20, 2012; copies were provided to the Record, Star Ledger, Suburban Trends 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.

Please also make note of all fire and emergency exits – located to the left, right, and rear of this room - for use in case of an emergency. Thank you.

Pledge of Allegiance

Council President Signorino led all in attendance in a salute to the flag.

Roll Call

Present: Councilmembers Ada Erik, Joseph Smolinski, Michael Ramaglia,
Edward Rosone, Luciano Signorino, Carlla Horton.
Mayor Bettina Bieri arrived at 6:49 pm.
Absent: None.
Also Present: Township Administrator Nancy Gage, Township Attorney Fred Semrau, Township Clerk
Antoinette Battaglia.

Agenda No. II

Purpose

- ❖ Introduction of the 2012 Municipal & Solid Waste Budgets

Council President Signorino invited Chuck Ferraioli, Municipal Auditor, who addressed Council and advised that this budget will come in at less than an \$86 increase to the average household. He stated that he is projecting that the total levy will increase by 1.27% which is the smallest increase in his recollection in West Milford.

Councilwoman Horton asked what percentage increase is from the school budget and Mr. Ferraioli replied 1.65%. There were four municipalities, he said, who had a reduced county levy. Three of the four had revaluations including West Milford. The fourth was Pompton Lakes because of last year's floods. This will affect tax appeals for next year. There is forward planning in this budget to anticipate those effects. Council President Signorino asked about the difference between this and last year. Mr. Ferraioli discussed the tax base this year as compared to last based on the revaluation. He said he is fairly certain we will not see a decrease from the county next year. Councilman Smolinski noted that the Council adjusted the open space rate and Mr. Ferraioli clarified that it will ultimately be flat.

Councilman Smolinski asked about library funding. Mr. Ferraioli explained that library funding is based on equalized valuation not assessed valuation. He explained the difference. The library funding was decreased because of the equalized valuation and he added that true real estate values declined throughout the nation. Council President Signorino asked if the revaluation process is standardized. He asked if we should be doing the revaluation the way we are or should it be spread over time for those who are seeing large increases. Mr. Ferraioli replied that it is not an auditor question but he stated that he has never seen it spread out. Ms. Gage advised that the tax assessor will be at the next meeting to answer such questions. Mr. Ferraioli stated that the Township is striking a tax base based on the tax rate that was struck on January 1st. He will pay particular attention to tax appeals because if the ratable base declines we will have to spread the tax levy over an altered base. Council President Signorino stated that reducing the tax appeals may ultimately be of greater help.

Agenda No. III

Action Items

Council President Signorino read the following ordinance by title seeking a motion & second to place it on the floor for discussion. Councilwoman Erik made the motion which was seconded by Councilman Ramaglia. As discussion began, Mayor Bieri arrived at the meeting and Council President Signorino surrendered the Chair.

~ Ordinance No. 2012- 011 ~

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TOWNSHIP OF WEST MILFORD CALENDAR YEAR 2012 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Township Council of the Township of West Milford in the County of Passaic finds it advisable and necessary to increase its CY 2012 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$240,922.29 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years;

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of West Milford, in the County of Passaic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2012 budget year, the final appropriations of the Township of West Milford shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.1.4, be increased by 3.50%, amounting to \$843,228.02, and that the CY 2012 municipal budget for the Township of West Milford be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Introduced: May 29, 2012

This ordinance is being introduced. Second reading and public hearing for this ordinance is set for the Regular Meeting of the Township Council scheduled for June 27, 2012. Notice of this public hearing shall be published in the Herald News on or about June 3, 2012.

Discussion: Mr. Ferraioli explained the CAP law which is a CAP on appropriations. He explained that the Township adopts this ordinance every year because it allows the Township to exceed the CAP in emergencies. Right now the budget is under the CAP. This law was not effective in reducing municipal taxes. Acting on this ordinance can be equated to having insurance policy. He gave an anecdote from another town as to how this was of great assistance. He recommends that the Council pass this ordinance as such. West Milford has done this since 1977, the inception of the law.

Moved: Erik Seconded: Ramaglia
Voted Aye: Erik.
Voted Nay: Smolinski, Ramaglia, Rosone, Signorino, Horton.
Motion defeated.

Mr. Ferraioli requested to discuss the preceding ordinance further advising the Council that if they do not pass this ordinance they will not have a CAP for next year. He recommends that it be passed. He stated that this is on the appropriation CAP. What it does is allow you to build up an appropriation should you need it. We are over \$2 million under CAP and this is like an insurance policy. If you do not have this CAP bank and an emergency arises you will have to cut services to deal with that emergency. We have never maxed out our CAP. The restrictive CAP is the levy cap and there is no ordinance to override that.

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This CAP is not effective. He strongly recommends adoption of this ordinance. This does not increase taxes nor does it obligate spending. Mayor Bieri stated that this will simply allow the Township to fund emergencies and Mr. Ferraioli agreed. He stated that if we don't pass this we have zero cap bank next year. We will have to live with the CAP rate next year if we don't pass this and that may ultimately affect services. Mayor Bieri gave examples of emergencies that could occur adding that if they don't occur you spend nothing. Council President Signorino stated that it is just like a credit line.

Council President Signorino made a motion to revote on this ordinance and Mayor Bieri commended him saying it is the fiscally prudent thing to do. Councilman Smolinski asked if you have to exceed surplus before going into tax bank and Mr. Ferraioli said no explaining that the municipality would have to spend all its 2013 CAP before the Township can fund an emergency.

Council President Signorino made a motion to adopt ordinance 2012-011 as presented.

Moved: Signorino Seconded: Horton
 Voted Aye: Erik, Smolinski, Ramaglia, Rosone, Signorino, Horton.
 Voted Nay: None.
 Motion carried.

~ Resolution No. 2012- 194 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE INTRODUCTION OF THE 2012 MUNICIPAL BUDGET AND THE 2012 SOLID WASTE BUDGET

Municipal Budget of the Township of West Milford County of Passaic for the fiscal year 2012.

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2012;

BE IT FURTHER RESOLVED, that said Budget be published in the Herald News in the issue of June 10, 2012.

Summary of Revenues	Anticipated	
	2012	2011
1. Surplus	1,900,000.00	1,900,000.00
2. Total Miscellaneous Revenues	6,360,049.05	7,169,575.43
3. Receipts from Delinquent Taxes	956,000.26	1,160,000.27
4. a) Local Tax for Municipal Purposes	20,490,109.00	19,066,900.00
b) Addition to Local District School Tax		
c) Minimum Library Tax	1,101,239.00	1,147,727.00
Tot Amt to be Rsd by Taxes for Sup of Mun. Bud	21,591,348.00	20,214,627.00
Total General Revenues	30,807,397.31	30,444,202.70
Summary of Appropriations	2012 Budget	Final 2011 Budget
1. Operating Expenses: Salaries & Wages	12,438,738.65	12,220,854.87
Other Expenses	10,460,735.24	11,039,930.18
2. Deferred Charges & Other Appropriations	3,010,530.77	2,847,530.00
3. Capital Improvements	573,175.00	0.00
4. Debt Service (Include for School Purposes)	2,434,217.65	2,445,887.65
5. Reserve for Uncollected Taxes	1,890,000.00	1,890,000.00
Total General Appropriations	30,807,397.31	30,444,202.70
Total Number of Employees	196	196
2012 Solid Waste Collection District Budget		
Summary of Revenues	Anticipated	
	2012	2011
1. Surplus	140,000.00	150,000.00

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2. Total Miscellaneous Revenues	238,357.00	215,000.00
3. Amount to be Raised by Taxation	1,655,000.42	1,700,000.00
Total Revenues	2,033,357.42	2,065,000.00
Summary of Appropriations	2012 Budget	Final 2011 Budget
1. Operating Expenses: Salaries & Wages	93,302.42	136,000.00
Other Expenses	86,250.00	93,250.00
2. Contracted Services	1,148,805.00	1,085,750.00
3. Disposal Fees	705,000.00	750,000.00
4. Deferred Charges & Other Appropriations		
5. Surplus (General Budget)		
Total General Appropriations	2,033,357.42	2,065,000.00
Balance of Outstanding Debt		
	General	Water Utility
Interest - Budgeted	806,380.36	
Principal – Budgeted	1,627,837.29	
Outstanding Balance	31,547,621.10	

Notice is hereby given that the budget and tax resolution was approved by the Governing Body of the Township of West Milford, County of Passaic on May 29, 2012.

A hearing on the Budget and Tax Resolution will be held at The Municipal Building, on June 27, 2012 at 7:30 o'clock P.M. at which time and place objections to the Budget and Tax Resolution for the year 2012 may be presented by taxpayers or other interested persons.

Copies of the Budget are available in the office of Antoinette Battaglia, Township Clerk at the Municipal Building, 1480 Union Valley Road, West Milford, New Jersey, during the hours of 8:30 a.m. to 4:30 p.m.

Adopted: May 29, 2012

Councilwoman Erik make a motion, seconded by Council President Signorino to place this resolution on the floor for discussion.

Discussion: Councilman Smolinski stated that the increase would be \$86 and said that this can be amended between now and adoption. The school was \$38. That is \$124 increase on the average home according to his calculations. Mr. Ferraioli stated that it would be less based on the county reduction advising that West Milford recognized a \$600,000 decrease from Passaic County. A tax point is \$278,000 this year. Councilwoman Horton asked about the change in the levy stating that she is concerned that with municipal and solid waste are increasing almost 5%. She will be looking very carefully at that. She asked further about the potential of stable taxes from Passaic County next year and Mr. Ferraioli replied that he cannot envision another decrease but, at this time, cannot determine what the increase would be.

Moved: Erik Seconded: Signorino
 Voted Aye: Erik, Smolinski, Ramaglia, Rosone, Signorino, Horton.
 Voted Nay: None.
 Motion carried.

~ Resolution No. 2012- 195 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD AUTHORIZING INCREASE IN DEFERRED SCHOOL TAXES FOR LOCAL SCHOOL TAXES

WHEREAS, the Division of Local Government Services requires that the Governing Body of any municipality which has Deferred School Taxes must authorize any increase in the deferral of any additional amounts, and

WHEREAS, the Governing Body has decided that an increase in Deferred School Taxes is in the best interest of the Township at this time,

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NOW, THEREFORE, BE IT RESOLVED by the Governing Body that the following Deferred School Taxes be hereby increased for the year ended December 31, 2011 as follows:

Table with 2 columns: Description, Deferred Local School Taxes. Rows include Amount Deferred 12/31/11 (25,441,863.00), Amount Deferred 12/31/10 (24,954,291.00), and a total of 487,572.00.

BE IT FURTHER RESOLVED by the Governing Body that a certified copy of this resolution be filed with the Director of the Division of Local Government Services.

Adopted: May 29, 2012

Moved: Erik Seconded: Rosone
Voted Aye: Erik, Smolinski, Ramaglia, Rosone, Signorino, Horton.
Voted Nay: None.
Motion carried.

Agenda No. IV

Presentation

Presentation from Facilities Assessment Committee (FAC) – Michael Gerst FAC Chairman addressed the Council providing an overview of the history of this committee and an outline of the buildings that comprise municipal properties they have studied.

- 1. a new library
2. a new town hall and library collaboration
3. a new library with space for some township departments
4. none of the above.

He provided an overview of each of the four options and provided the Council with that information in a report he distributed. He reviewed the current location of Township employees, the amount of space currently devoted to municipal offices & storage, and the potential options for reassigning those departments.

Mr. Gerst stated that the FAC had provided questions for the Township Engineer to address in his presentation to the Council. Mayor Bieri asked Township Engineer Paul Ferriero to address the Council.

Mr. Ferriero addressed the Council and provided an overview of today's regulatory environment wherein essentially the Highlands very narrowly constrained construction projects. Any project undertaken by the municipality needs approval because it is not residential. He discussed limits and impervious coverage. The library could not have been done on an exemption because it would have been more than a quarter of an acre however, such a project could be accomplished under a preservation approval.

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not get a permit unless you amend the wastewater management plan. Before the purchase of the Finn property the municipal complex was over the 2,000 per day gallons. The WMP and NJDEPS permit identify that. You cannot change the WMP to increase the flow on the property. It is so important to get this WMP right. Discussion ensued about the state preparing the WMP for West Milford and Mr. Ferriero stated that municipalities need more flexibility than allowed in the current regulations.

Mr. Ferriero stated that septic regulations are the next piece of the puzzle and are the most significant part of these rules. If you are doing a reconstruction project you have to bring septic systems up to current standards. That is very significant. He does not know how that is possible for the existing municipal building. He described the tests done which indicate that any septic alterations for this property would create a challenge.

Mr. Ferriero stated that it is important to look at the acquisition of the Finn property and putting the library there. The soils there make it work as opposed to the soils at town hall. The Township essentially has purchased the Finn property with a former retail facility and single family residence. The total gallonage in the existing site is over 2,000 per day. When doing the T-1 permit it resulted in the creation of 615,000 gallons of additional flow that can be used by the municipal complex. That equates to 41 employees. That is a significant amount of flow that has been freed up for the existing municipal property. As part of the library site plan, the retail building is coming down but the residential building is not. Mayor Bieri asked if Mr. Ferriero is saying that in addition to getting a new library structure the Township is getting additional septic usage for the municipality to which Mr. Ferriero replied in the affirmative. The Finn residential building would not be able to continue as a residential use but it could be office use.

Mr. Ferriero addressed the questions he received from the FAC. He advised that at a recent FAC meeting it was asked what would happen if there were mirror buildings for town hall and the library with a connecting breezeway. He said it would look like dog bone. With exact replicas and broad assumptions without furniture and at \$250 per sq. ft. He estimated that the library would cost \$4.6 million and \$4.6 for town hall. The connecting piece in middle including an elevator he estimated would cost about \$700,000. The cost analysis from the architect with no specific detail or plans is \$10.8 million.

Mr. Ferriero stated that the FAC had asked him to discuss the ramifications of a new library on usable land. The approval obtained, he said, is a highlands redevelopment area which creates an area of disturbance containing multiple septic. Anything outside of these areas needs a conservation easement. The municipal building is large but ineffectively laid out. In Mr. Ferriero's opinion the Township could get an amendment to do anything with the existing municipal building as long as you remain within existing impervious surface. That would not be possible without the Finn property. The most important part comes back to the septic. The additional flow could be very important in that scenario. Our municipal building has a flow of 1,500 gallon per day. That plus 500 plus 115 is the ultimate flow. The Township would have to amend the WMP if we extended the building. Mayor Bieri stated that the rumor has been that as a result of the library we cannot ever expand town hall and that is not true. Mr. Ferriero agreed and said you could get approvals under exemption #4 and he explained that concept.

Councilman Smolinski asked about effect on the first aid building and Mr. Ferriero advised that it leaves it status quo because of its use. There is no daily flow. Councilman Smolinski asked about expansions and Mr. Ferriero explained that with the first aid building the problem is that it is not surrounded by a lot of impervious surface. You would have to build up. Councilman Smolinski asked if parking was considered for the new library and Mr. Ferriero said yes, the plans have calculated sufficient parking spaces.

Mr. Ferriero stated that the FAC asked him what the time frame would be to submit amendments to the library approval so that a new town hall could be considered. He stated that he does not have an answer to that question. As a highlands waiver, he estimates it would probably take 90-120 days. If the FAC is talking about a modification of approval recasting the entire project he doesn't know. He has never seen it done but estimated that it could take nine months to a year.

Mayor Bieri asked Mr. Ferriero to summarize in lay terms an answer to the question if the purchase of the Finn and the proposed library construction negatively impacted Township facilities. Mr. Ferriero stated that in his opinion no, there has been no such negative impact. In fact with additional flow it gives the municipality something it did not have before. Councilman Smolinski asked how you proceed if there is a contract for residential rights for the lifetime of Mrs. Finn. Mr. Ferriero stated that the flow is not needed for the new library but it will revert back to town thereafter.

Mayor Bieri stated that if the goal is to make this building ADA compliant we could raze it or renovate it along with the old library which does not have septic issues. As long as we stay under 100 employees in these buildings we are okay. Councilman Smolinski stated that if the desire is to expand town hall there is still some infringement. He stated we would have to abbreviate the footprint of town hall; this building

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would have to be reduced to be expanded. Mr. Ferriero disagreed saying that the most viable option would be to keep the same footprint and go higher. Councilman Smolinski argued that it is not possible and Mr. Ferriero noted that the planning number for septic flow is your limiting factor and the limit is 100 employees. Mayor Bieri noted that if the Finn property was not purchased the Township would not have the option of expanding town hall. Mr. Ferriero stated that the question that remains is that you have to get a septic system that works to expand the building. This is as unrelated to the Finn property now as it was before. The septic issues are the greatest limitations. He reviewed well & septic setbacks and highlands limitations noting that they are all related. Councilman Ramaglia recalled that former Councilman Jurkovic suggested looking at putting a new library and a new town hall together adding that \$10 million is a lot of money. He suggested abandoning the basement and putting on a modest addition. He reviewed many of the issues stating that we need to conduct a study while the library is being planned.

Mr. Ferriero stated that there are a lot of things in this building that need to be changed. One option would be to move services to the old library building. This would accomplish moving people from the basement. Councilman Ramaglia said that the objective two years ago was to get everyone out of the basement. This discussion tonight, he said, was positive and informative. He suggested that Council begin looking at a modest addition to accommodate accessibility. We need to change the configuration of this building. Mr. Ferriero reiterated that the only option for expansion to this building is to build up, not out. We must, he said, utilize the existing footprint. Mayor Bieri confirmed that the goal was to get employees out of basement and she said that in the summer of 2010 that she broached the concept with FAC about using this building and the old library for municipal services and accessibility. Her suggestions were ignored by former FAC. Her predictions are confirmed by numbers provided by this committee. Councilman Ramaglia said that the FAC is a viable committee that needs direction and needs to be heard. We should not keep them in limbo. We have to give them direction now. Mr. Ferriero stated that the fastest way to free up space to accommodate that is to build the new library and begin using existing library for municipal purposes. The Township could then look at renovating this building too. He commended FAC for having done a great job adding that now you need an architect to do space planning for the existing municipal building and the old library.

Councilwoman Horton stated that she has no intention of supporting a new town hall for \$10 million. She wants the library to proceed and she said the library board has everything necessary to move forward. They need to be able to move forward and we need to let them know what our needs are. We are ready to move. She is grateful to FAC for the work they have done.

Mayor Bieri stated that the first priority is to move staff from basement offices and make them accessible to the public. The most efficient way to do that is to build the new library building and design space usage for the old library and existing municipal building. Councilman Ramaglia stated that we need an overall plan adding that construction timelines are never accurate. Council President Signorino agreed adding that we cannot give an answer to the library within 30 days. He said he wants a referendum on new library and he wants a master plan. He understands that the library wants to move forward but he needs to know what is best for the town. He said he wanted to make a motion to authorize a plan.

Councilwoman Horton asked for help with exact constraints. She said we have a library that is drastically undersized and cannot comply with state standards. This library needs to be allowed to expand. They have waited and planned and they should be empowered by the contract signed by a prior governing body. They should not be held up while we take time. They are self-funded for this and so don't need a referendum. Council President Signorino stated that it is a matter of perspective. He is not compelled by prior Councils. He needs to do what is in his power to address town issues. He needs to do his job efficiently to address Township issues. He is happy we had this meeting and is eager to move forward to resolve issues. There are issues that need to be solved. This should be inclusive. He said he is asking for patience. Mayor Bieri stated that the library board has offered a joint venture for two years with no action taken. The goal is to make town hall accessible and keep services centralized.

Mr. Semrau reminded Council that there were two agreements approved in 2009. One was to acquire the Finn property by the Township with library funds. The Governing Body approved an agreement that said that the construction, control and cost would be that of the library. The Township only anticipated role was to facilitate bonding for the library with the library reimbursing full cost. Contractually, anything else is solely within the purview of the library board. Councilwoman Horton stated that the contract is binding upon us if our predecessors approved it. She believes the library is entitled to move forward. They have been waiting long enough. She would like to put a limit on how long the Council takes to give them an answer.

Councilman Smolinski asked if the library board has a definite plan to move forward adding that, in his opinion, the problem here is lack of communication. Council, he said, was never kept apprised of what

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was happening. He blamed the Mayor for not giving monthly reports. The library still does not know their plans and the burden is on the taxpayers. He said that the library board minutes talk about a lease arrangement. The Council supports the library but there must be better communication and collaboration rather than continued fiascos. FAC should be part of the library plans and building committee. The library engaged in limited communications. Council President Signorino stated that he would not approve of a leasing arrangement. He would like to know the issues. If getting people out of the basement is the concern we need to know what our goals are. Councilman Smolinski said that Council does not have a cost analysis of what it will cost taxpayers and Council President Signorino stated that the Council needs direction before getting cost studies. Mayor Bieri reminded the Council that she has repeatedly brought up the concept of a joint venture and has been doing so for over two years. Despite her repeated efforts there has never been a response from Council. So alleging that there has been no communication on this matter is an insult. The comment referred to in the library board minutes is from the auditor and from the library board as indicated. The library board proposed a joint venture that would afford the municipality the option to build and use a third floor in the new facility. If you want those cost figures the Council must endorse the idea and get the cost figures. The cost to taxpayers is a Council decision. The library part is already paid for through the state mandated library funding formula. Council must determine if they want to enjoin library or renovate town hall to get offices out of the basement. Council President Signorino said he agrees with many of the Mayor's comments but is concerned that the library funding formula could change at any time.

Mayor Bieri asked Mr. Ferriero to address the remaining FAC questions.

Mr. Ferriero noted that question #4 pertained to the proposed pole barn at Bubbling Springs. There was a T-1 approval for Bubbling for certain uses and the flow allocation is just under 25,000 gal per day. Beach use is 6,500 gallons per day and camp is 6,500 per day based on the DEP formula which relies on greatest use even though it is seasonal. There are issues with existing septic systems and there is a lot of shallow ground water. A drip irrigation system requiring a very large area is the only solution and that would rip up baseball fields. If you construct a pole barn facility over the old restaurant's impervious cover, it is considered a septic upgrade and you cannot connect to existing. To proceed the Township would have to request an update to the WMP. Offices and restrooms will result in septic issues.

Tim Ligus, Construction Official and FAC member from the floor stated that he is seeking Council consent for FAC to work with the library board to achieve the accessibility goals. This, he said, would tie into what Mr. Ferriero said. He said that if Council gave consent to achieve this FAC would act immediately and there would be no delay for the library. Mayor Bieri said that the library board had the architect and engineer consider maximizing the building to accommodate the Township's needs. If Council wants to move forward to meet the original goal it would be effective to work with library board. The Township can subsequently figure out all the details because all the library needs to know is if the Township wants them to build that floor. Councilman Smolinski commended Mr. Ligus for his idea of working together. The FAC is the arm and branch of the town council, he said, and they have to work together. That would eliminate the clashes. Councilman Rosone asked why FAC was not working with the library board in past and Council President Signorino stated that the library board should have reached out to the FAC instead of taking it upon themselves without including FAC. Mayor Bieri stated that the footprint of the new building could not be amended. The library went to FAC as soon as there was something to bring forward and Council President Signorino stated that committees should be inclusive with each other.

Bill Remia 5 Yancy Terrace quoted Mayor Bieri saying that he could not agree with her more. He is 100% for the new library. It is all positive. There is no animosity between FAC and library. The FAC had a liaison who never got back to the FAC. The FAC suggested moving employees from the basement to Hillcrest but they never heard back. The common thread between FAC and library is the Mayor. He thought there would be more communications. She should have coordinated the meetings. Blame could be spread evenly. People stepped back when it came to communications. There have been many discussions about existing facilities. There are energy efficiency issues at town hall. That has to be addressed. There is a possibility that we have a substandard septic system. There is mold and asbestos. We need to confirm if those issues exist and we must address them physically and fiscally. The people in the basement must be moved ASAP. ADA accessibility is an issue. People should not have to meet town officials in the parking lots. There is no animosity. The FAC is disturbed that this issue has become a political football. To be chastised by an unnamed source is ridiculous. That is garbage that has never been stated. Everything done has been in the open. Communication is the key. We need to ensure that everyone is on the same page. Build a new library but address the needs of the municipal building.

Agenda No. V

Public Comments

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Doris Aaronson 19 Bearfort Road, West Milford stated that she has had a lifetime of being spoiled by libraries. She had access to the Library of Congress. She revisited her lifetime experiences. It is sad, she said, that the West Milford library cannot accommodate a larger supply of books and magazines. They cannot even accept donations because of lack of space. There should not be any delays. Build the library ASAP and then upgrade town hall.

Marilyn Lichtenberg, Hudson Drive, West Milford commended FAC for this presentation. She had asked for a square footage report about the library two years ago and never got it. We need to proceed ASAP with the new library because there is no additional cost to taxpayers. Costs escalate and the funding formula is in place. We have the redevelopment funds sitting idle and we should plan for its use before it is taken by the State.

Gillian Hempstead, West Milford serves on library board. The board is comprised of Trustees and is not a committee. As a trustee the members have specific duties under the law. They are not a committee of the Township. They cannot breach their duties. While not elected, the members are held to a higher standard than a committee member. As a trustee there is a duty to uphold the laws that relate to municipal libraries. One such duty is to meet the state standards. They have to try to build a library that has sufficient space by statute and for West Milford that mandate is 16,000 to 17,000 square feet. There is no discretion. There has been talk about lack of communication. Doug Ott went to five FAC meetings on behalf of the library board, Andrew Gargano went to three and Mayor Bieri went to several. There has not been one FAC member who attended a public library board meeting with the exception of Tim Ligus attending one. The library board meets every month and minutes are produced. She put together a timeline about the level of communication that took place from the Board to the Council. While she understands that Council is inundated with many issues she suggested they review the timeline to recall that was a lot of action and communication. Everything went through the Town Council and, in fact, the Council took innumerable votes most of which were unanimous. The timeline will provide a recollection. By code the construction of a library building can only be undertaken by library board. The FAC is a committee of Council not of the library. The library has fulfilled their duty. Often people don't understand statutes yet they have to abide by the law and the code. That is what the library board has done. She welcomes people to attend library board meetings. They want the process to be open. This is about West Milford and everyone wants what is best for West Milford.

Doug Ott, Stephens Road, West Milford stated that it appears that we all want to move ahead. He, as a library board member, has had several good meetings with FAC. It is time to put the past behind us and move ahead.

Councilman Ramaglia made a motion, seconded by Council President Signorino and carried by unanimous voice vote to close the public portion of the meeting.

Agenda No. VI

Council Comments

Council President Signorino said that he appreciates comments made here tonight. He appreciates the comments about trustees and committees and he personally feels that everyone who is responsible for expending public funds should be subject to oversight. He was elected to make sure there is such oversight. The Council can change codes and legislation. When boards or committees fulfill their obligations he appreciates it but he believes in oversight. There is no mandate that the Township must build a new library. The Council can give the money back to the town for tax relief.

Mr. Semrau stated that if there is mold or asbestos in town hall the FAC should formally advise the administration. If such is the case those issues must be addressed. Ms. Gage stated that she is working with the construction official on those issues and they are currently testing. Any such issues will be remedied to fulfill our obligations.

Councilwoman Horton commended Doug Ott for his approach in seeking to fix the problem rather than assign blame. The library can only give money back to the taxpayers when they are in compliance with State mandates. She has heard rumors about mold for months. When she first heard these rumors she immediately went to the Township Administrator and asked her to address that health and safety issue. She thanked all the members of FAC for bringing forth information and Paul Ferriero for being here to answer questions. She introduced Emily Reyes, her high school intern.

Councilman Smolinski stated that over the years we have taken care of many of the issues with building problems. ADA issues must be dealt with and the mold is in the Township Administrator's hands.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Mayor Bieri agreed and stated that in 2008 there was a study and asbestos issues were abated. Administrator Gage is working on determining if there are mold issues.

Janice Sangle, FAC member from the floor stated that for accessibility to engineering people must go onto the website or look at the calendar and see the address not knowing that it is not accessible. They will drive there in inclement weather and cannot get service. Until engineering is moved to another location searching for an accessible location for that department should be a priority. We should advertise who to contact for those departments that are not accessible. Mayor Bieri agreed.

Council President Signorino asked for Council consensus to allow FAC to work with the library board to determine suitability for a new building and/or new pole barn for storage and have offices in an existing building there and selling the Johner building. He asked for Council consensus to have the library board meet with FAC. Councilman Smolinski asked about moving the health department to Hillcrest adding that Council thought that was a done deal. Council President Signorino stated that Council never made that determination and Councilman Ramaglia stated that that is an administrative decision. Mayor Bieri stated that at the last FAC meeting it was agreed that it does not make sense to move staff twice if the library is nearing realization. She stated that all permitting should be in one location, court and police in another with all administrative offices in one space too. Ms. Gage agreed adding that she would not want health in a different building from construction and planning. Mr. Semrau stated we are in compliance in terms of the law with all ADA requirements. Councilman Ramaglia asked what it would cost to move health to Hillcrest and Gerry Storms, DPW Superintendent and FAC member, from the audience stated that to move health to Hillcrest you would need electrical work which is expensive.

Michael Siesta, FAC committee member, from the audience stated that if the Township decides to use space in the new library there will be a construction impact.

Mr. Ferriero suggested that the Township engage an architect for space planning for town hall. Mr. Ligus stated that he would like to work with the library board first and suggested that the FAC could work with library architect. Discussion ensued about the library needs and the plans to date. The Council gave consensus to have the Library and FAC meet to work with the library architect for space considerations.

The Mayor & Council thanked Mr. Ferriero for his attendance tonight.

Agenda No. VII

Executive Session

~ Resolution No. 2012- 196 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 29th day of May, 2012 that:

1. Prior to the conclusion of this Special 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.
 - () 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.
 - Taffera v. West Milford
 - Newark v. West Milford Tax Appeal
 - Costello v. West Milford
 - () b. (8) Personnel matters.
 - () b. (9) Deliberations after a public hearing that may result in penalties.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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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 29, 2012

Moved: Signorino Seconded: Ramaglia
Voted Aye: Unanimous voice vote.
Voted Nay: None.
Motion carried.

The Council went into executive session at 9:30 p.m.

Agenda No. VIII

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 11:00 p.m.

Moved: Signorino Seconded: Horton
Voted Aye: Unanimous voice vote.
Voted Nay: None.
Motion carried.

Approved: September 5, 2012

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK