
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Special Meeting
Date of Meeting: June 30, 2009
Time of Meeting: 7:30 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 June 21, 2009; 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.

Agenda No. II

Roll Call

Present: Councilmembers Philip Weisbecker, Joseph Smolinski, Salvatore Schimmenti, 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.

Agenda No. III

Purpose

Mayor Bieri advised that eight employees received Rice notices advising them that the Council would be discussing their positions at this meeting tonight. Each of the eight employees has opted to have this discussion in a public format. This is not a hearing but rather a discussion that has been requested by the Council majority. She asked Mr. Semrau to outline the rules governing such a venue.

Mr. Semrau advised that the first discussion will relate to the Health Department. Employees have a right to be notified when there will be a discussion related to their employment arrangement and because all have opted for public discourse there will not be a need for executive session tonight. The Mayor & Council may engage in this discussion and employees can speak only if asked a question or to provide information from the dais.

Administrator Boyle stated that he spoke with the Mayor prior to this meeting. He has been in West Milford's employ for six months and has had an extensive career in public service. He reviewed his qualifications and twenty-six years experience. He stated that he is providing this information to allow everyone to understand his recommendations and to convey that his recommendations are based upon experience and knowledge. He reviewed the process that has resulted in this meeting tonight and he also reviewed the budget process which is culminating in an increase of approximately \$99 for the average household. He advised that the Engineering and Health Departments comprise a small amount of the municipal budget. The information he has provided and the discussion at this meeting tonight, he stated, will support his recommendation that there is a need for these two departments within the Township of West Milford.

Agenda No. IV

Discussion of Health and Engineering Departments and Other Township Business

Health Department – Mr. Boyle stated that the Health Department costs about \$380,000 minus fringe benefits which equates to about \$27 per year per average household. As a comparison, he said, it costs the average household in West Milford \$52 to support volunteer fire departments, \$88 for recreation programs, and \$115 for the Township library. The department conducts application reviews and despite the Highlands Act this department is very busy. Mr. Boyle asked the Health Officer, Bill Wallace, to review the functions of the environmental division of the Health Department. Mr. Wallace advised that this division deals with a lot of septic issues having reviewed 918 applications in 2008 and 516 thus far in 2009. They inspected 1,400 disposal systems in 2008 and 470 thus far this year. The Sanitarians conducted 324 retail food inspections in 2008 and 281 this year. Last year they had 99 lake bathing inspections and 160 this year. They address issues related to the building standards board, are responsible for solid waste and garbage complaints. All health nuisances are handled through the Health Department and last year they handled 2,400 such complaints and 1,800 thus far this year.

Council President Smolinski took issue with the data being conveyed stating that despite Council's request for information in advance of the meeting, Council obtained this information on the dais this evening just prior to the meeting. It is impossible, he said, to study and review the data in five minutes. Mr. Boyle advised that the pie charts provided on the dais is simply a different view of the information

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provided to Council on Friday. The pre-Highlands data requested is unavailable because the previous Health Officer did not maintain that information. Mr. Wallace stated that he will continue efforts to provide whatever information is available and present it to Council. However, at this time, he has not been able to locate the information requested. Councilman Schimmenti recalled that he was part of the interview process when Mr. Wallace was hired. He asked Mr. Wallace to explain how things have improved during the past year. Mr. Wallace stated that this past year has been quite a learning curve and for him personally much of that learning has been related to septic. He inherited some personnel problems and has devoted much time to a host of special projects mostly emanating from the DEP and resulting from lax reporting in the past. He is responsible for the day to day operations of the department including environmental services, nursing, vital statistics, health division, programs and education. Prior to his coming to West Milford, no measures were taken to address mandates related to bioterrorism. He has attempted to focus on addressing personnel issues, spending time learning his craft from staff, spending time in the field and making himself available to residents. He has instituted an open door policy which he is trying to lead by being an example of this practice. The Council adopted a septic ordinance last year and he is preparing to be ready to enforce the provisions of this legislation. He has monitored the application review process and he is enacting steps to streamline the process to speed up the process. In response to Councilman Schimmenti, Mr. Wallace advised that he is working on improving policies and procedures to address complaints that come in about poor customer service in this department. In accordance with discussions during the interview process, he has focused on all these matters during his first year and is also beginning the process of researching the potential for interlocal agreements for health services with other communities.

Councilman Weisbecker stated that the Council is here tonight to have this discussion with employees because they cannot speak directly with employees. The economy is bad and the Council has a fiscal responsibility to residents. This process provided the Council with a means to obtain the information they need to make decisions. This discussion will not impact the 2009 budget but this Council is already focused on the 2010 budget and with that in mind, he asked Mr. Wallace to provide information about the possibility of generating revenue through shared services. Mr. Wallace stated that, during the interview process, he was specifically instructed to spend his first year of service addressing problems in his department and then pursue the potential of shared services. This date is actually his first anniversary in the Township's employ and he has began the process of garnering information to assist the Council in such a policy decision. He will then work diligently to support the will of the Council and the best interests of public health for the community.

Councilman Nolan stated that despite repeated references to Council having asked for information, he is an independent voice that did not request this meeting tonight. Comments made by Councilman Weisbecker about communications are bogus. The Council has a process by which they can obtain any information they need. That process mandates that they make such requests through the Township Administrator. While others on the dais want information from the past, he is more interested in hearing about what is being done now to impact the future. Having reviewed the quarterly reports for the Health Department, it would appear that activity has increased drastically in the past year. He requested, through the Administrator, a report on the ten most problematic septic in West Milford and he found that report to be very interesting. He asked Mr. Wallace to explain the impact the septic ordinance will have on the Health Department. Mr. Wallace advised that there are approximately 8,500 septic in West Milford. Each will be catalogues and when the process is complete residents will realize savings and fewer problems. All homes cannot be subject to the ordinance at once but the Township will be divided into geographic sectors to begin the process. He calculates that the data entry process will take 20 man hours per week. Councilman Nolan asked how septic complaints are handled by the Health Department. Mr. Wallace advised that State law mandates that such complaints are to be addressed within 24 hours. Although this takes staff away from reviews, it is a priority. The town is divided in half when assigning complaints with one sanitarian assigned to one area and another to the other. The entire process is geared toward resolving the complaints and ensuring the health of the community. State statute allows the local Health Department discretion when working with failed septic in that the law allows for up to 180 days of pumping to afford time for improvements to the system to be completed. The goal is compliance rather than enforcement because non-compliance places the public at risk. The local Health Department is ultimately responsible to the State and everything is done in accordance with State laws and regulations. The Township cannot decide wetlands issues which are based on Federal statutes and overseen by the DEP.

Councilman Weisbecker asked why there are so many septic applications in a Township located in the preservation zone. Mr. Wallace advised that the majority of these applications are for system repairs adding that the Highlands Act has impacted new construction but not the need to repair existing systems. Because many systems are aging, the number of complaints is rising.

Councilman Jurkovic thanked Mr. Wallace for the data he provided. Councilman Jurkovic explained that elected officials appear to receive a high number of complaints about the Health Department, specifically related to septic issues. People complain about the process that is often lengthy and involves multiple submittals of applications for review. Mr. Wallace stated that he has observed that this is often the case. Many applications are submitted incomplete and when that occurs they must be returned and resubmitted

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when completed. The applicant or their professional receives detailed correspondence outlining the deficiencies and yet the application is often resubmitted with the same problems. Councilman Jurkovic disputed this explanation advising that he can bring a specific application to Mr. Wallace showing that the application was repeatedly denied with new deficiencies upon each submittal. Councilman Jurkovic stated that the Council also receives complaints about the length of time it takes the Health Department to review applications. Mr. Wallace stated that the turnaround time is now three weeks and he is implementing policies to streamline the process and establish limited timelines as the norm. He stated that a host of issues have contributed to the backlog in this department and he is taking steps to address those issues. Additionally, he is developing a checklist that will outline the requirements in an effort to limit the number of times applications have to be resubmitted for additional review.

Councilwoman Lichtenberg commended Mr. Wallace for his efforts throughout his first year in West Milford. She said that he has initiated new programs and is very organized. He inherited a host of problems from his predecessor and while she understands the applicants' frustrations, DEP regulations and the Highlands Act have impacted the process. In addition to complaints, she has heard many positive comments about the Health Department. Mr. Boyle stated that his office has not received an inordinate number of complaints about the Health Department and he urged the Council to forward these complaints to him.

Councilman Schimmenti asked Mr. Wallace if the Health Advisory Board will be convening any future meetings. Mr. Wallace replied that he will convene a meeting of the Board but added that the Health Advisory Board has no jurisdiction over section 79 of the code which addresses septic matters. Staff is compelled to act in accordance with this State legislation and the Advisory Board cannot weigh in on such matters.

Councilman Nolan noted that this meeting was requested during the budget process and he asked what the Council majority is seeking to accomplish. Councilman Jurkovic stated that he wishes to receive pre-Highlands information and answers to his questions. It is hard to make decisions if one cannot compare today's operations without historical data. He stated that he took issue with Mr. Boyle's opening comments that imply that the budget is being padded to avoid CAP waiver issues. He has learned a lot from tonight's discussion and will continue to ask questions when the need arises. Mayor Bieri stated that the Administrator did not indicate that the budget had been padded. She commended the Administrator and the CFO for working diligently to find savings throughout this budget cycle. She stated that neither this department head nor this administration can be blamed for data that is missing from 2003. She asked the staff from the Health Department if they wish to make any comments. Ms. Gina Longoria, the attorney representing Gene Taffera and Sue Muhaw, two sanitarians employed by the Township, asked to make a statement on behalf of her clients. Mr. Semrau advised Ms. Longoria that this is not an appropriate venue for such a statement and they debated the matter back and forth. Mr. Taffera stated that he has been a Township employee since 1995 and his workload is greater now than it has been in the past. He has asked for assistance from prior administrations and he will provide any information to anyone who wishes to see his work. He believes that this meeting and the actions of the Council to be a witch hunt to seek vengeance for complaints he has made that have not been addressed. The workload has shifted but not been minimized since the introduction of the Highlands Act. Staff should not be unfairly punished by the failure of prior managers to maintain reports. Ms. Muhaw stated that she has been employed in West Milford since 1998 and has been subjected to various forms of harrasment during her tenure. Originally the Township had four employees doing site plan reviews, now there are two people doing all the inspections. The sanitarians simply enforce State law and she welcomes any person elected or otherwise to review her workload.

Council President Smolinski stated that he is hearing these employees reference historical records and he is asking for those copies. He would also like to see the new policy being drafted by Mr. Wallace. Mr. Taffera stated that he has retained his own personal logs and records pertaining to his own workload. This does not reflect the work of the entire department. Mayor Bieri stated that it is unfair to blame current staff for previous deficiencies. The activity in this department has increased while complaints are fewer. She commended Mr. Wallace and his staff for the improvements they have made. She faulted the Council for subjecting staff to the stress associated with a meeting of this nature when they could have sought all this information through the Administrator. Council President Smolinski thanked the staff for attending tonight and educating the Council about their responsibilities. This discussion was and is about the budget and taxpayer money. Until tonight, he was not aware that the Health Department was so poorly operated in the past. Councilman Jurkovic stated that the law mandates that Rice notices be issued if Council wishes to discuss specific positions regardless of the reason for the discussion. The intent of this requirement is to protect both the employee and the municipality. Council President Smolinski agreed adding that the Council issued these notices as a courtesy to the employees to engage in an open dialogue.

At 9:20 p.m. the Council asked for a short recess before continuing with the meeting. The Council reconvened at 9:30 p.m. with all present as before.

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Engineering Department – Mr. Boyle advised that the total cost for the Engineering Department is \$560,000. Each staff member in this department has been with the Township for quite some time and they have a great level of experience specific to West Milford. The cost to residents equates to \$45 for the average house compared to \$53 for fire companies, \$88 for recreation programs and \$115 for the library. He reviewed the functions and duties for the engineering department. In addition to road improvements, maintenance, and repairs, this department is responsible for the stormwater management plan, tax maps, inspections of board applications, pavement management, seal cracking, and assisting residents. This department is very busy and it would cost over \$600,000 just to outsource the road work handled by the Engineering Department. Overall, it would cost the Township over \$900,000 to outsource all the functions handled by this department. Additionally, this department is responsible for many grants obtained by the Township over the years. As an example, he stated that it would have cost the Township over \$400,000 for the work the Engineering Department did at Westbrook. Recently Oakland paid a consultant \$31,000 for one small road project while West Milford did over \$1 million worth of roads with minimal engineering costs. He reviewed various projects and their related costs. He advised the Council that the costs for consultants cannot be charged to grants while the Township can and does apply the cost for inhouse services when applicable. He recommends retaining these services inhouse because of the benefit to the community.

Councilman Jurkovic asked how the inhouse costs were calculated to which Mr. Boyle stated that he used actual costs in the information provided to Council. Councilman Jurkovic questioned why Council is not always privy to this information and asked for copies of all supporting data. He stated that Mr. Boyle did not factor retiree benefits into the inhouse calculations and noted that these are not a factor when one outsources such services. If a contractor works for eight hours, they get paid for eight hours. The numbers, he said, can be misleading if one does not understand that certain data has been excluded. He noted that the information provided to Council reflects a four-person department while the budget shows that there is a clerical person in Engineering who earns over \$70,000. Mr. Boyle asked the Township Engineer, Richard McFadden to address this discrepancy. Mr. McFadden advised that in 2003 the Engineering Department had full time clerical staff as did DPW. That number was reduced from three to two and the clerical staff in the Engineering Department assumed the work of the former DPW secretary. However, that change was never reflected in the budget primarily because the Engineer is the department head for DPW. The clerical person in question expends about 5% of her time on Engineering work and 95% on DPW matters. In response to Councilman Jurkovic, Mr. Boyle advised that the structure naming the Township Engineer as Department Head for DPW is outlined in the Township code and is standard in municipalities that have a full time Engineer on staff. Mr. McFadden stated that this structure provides for better coordination of work. Councilman Jurkovic questioned the qualifications of the engineering staff to which Mr. McFadden replied that he is the only engineer and the three other staff members have Department of Personnel titles that are specific to the engineering department. To qualify for these titles, the individuals have taken civil service examinations. In response to Councilman Jurkovic, Mr. McFadden advised that his department does track complaints and he reviewed the process by which various categories of complaints are handled, tracked, and flagged for follow up. He reviewed the snow plowing process that was in place when he came to the Township and the changes he made to provide greater accountability and improved services. He eliminated the need for tandems which are bid at higher rates and reduced the number of inspectors from four to three. He advised that the inspectors oversee the contractors and that oversight is important and has proven very cost effective. Two staff members from engineering and one from recycling provide those services and are paid overtime if they work outside of regular work hours. Councilman Jurkovic asked about the services Mr. McFadden provides to various boards. Mr. McFadden advised that he reviews applications submitted to the Zoning Board and he attends the Board's meetings. His time is billed to the board and that is reflected in the budget as income. He also reviews applications submitted to the Planning Board to determine how they may affect public works and he provides a report on those applications to the Board. His department is also charged with ensuring that provisions approved in the Board resolutions are complied with. Mayor Bieri stated that she appointed Mr. McFadden to the Township liaison position on the Planning Board which streamlines the process. He does not receive additional compensation for his attendance at these meetings.

Councilman Jurkovic noted that most of the engineering work in West Milford relates to road work and paving. Mr. McFadden replied that in capital dollars that is correct. When he was hired, the Council at that time requested that he institute a longterm road upgrade and maintenance program and he has been working toward that goal. With the capital cuts to this year's budget his department will focus on a host of other projects including issues in many lake communities where storm drains were installed without sedimentation basins. He advised that he also serves as the municipal stormwater coordinator and will be coordinating the mapping required by the State this year. The DEP oversees the stormwater management plan and they monitor this very closely by virtue of the strict reporting mandates.

Councilman Nolan stated that during his tenure on the Council a number of roads have been paid and he recalls authorizing acceptance of substantial grant funds for many road projects. Mr. McFadden advised that his department has applied for and received over \$2.5 million in grant money from the Department of Transportation (DOT) excluding the bikeway grants that have also facilitated a number of road projects. He commended his staff who have worked with him to foster very positive relationships with the DOT

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which have been extremely beneficial to the Township. In response to Councilman Jurkovic, Mr. Boyle advised that he has personally assumed responsibility for two projects assigned by Council to DPW Superintendent Gerry Storms one of which is the fuel monitoring system.

Councilwoman Lichtenberg asked how the Highlands Act has impacted the workload in Engineering. Mr. McFadden indicated that increased stormwater regulations have had a greater impact than the Highlands Act. The only impact his department has felt from the Highlands Act is that there are fewer site plan reviews but stormwater mandates have more than made up for that. In response to Councilman Jurkovic, Mr. McFadden advised that he is assigned a Township vehicle and is the only member of the Engineering staff who takes a vehicle home. This was negotiated in his employment agreement. Some years ago there was brief discussion about foregoing this arrangement for alternate compensation but nothing came of those discussions.

Councilman Weisbecker commended Mr. McFadden for his work on municipal roads over the years and asked what his vision is for the future specifically regarding staffing levels. Mr. McFadden advised that he does not anticipate a need to increase staffing unless the Council were to reinstate the road assessment program with strict timelines. By the same token, he cannot recommend a reduction in staff because of the need to maintain the current infrastructure. He reviewed the road program and the maintenance program advising that the Township is currently in the eighth year of a fifteen year cycle. Councilman Weisbecker asked if savings can be made by instituting changes to snow plowing inspections. Mr. McFadden advised that he and his staff have brainstormed on this issue many times and revisit it regularly. During his tenure, the overtime budget in the Engineering Department has decreased significantly and most recently he and his staff have discussed the use of district supervisors to oversee contractors as suggested by the Council. However, this worthy concept has a number of operational flaws. The main issue is that these supervisors are actually plowing the roads and must address their own issues. They can often be on snow removal duty for hours and simply unable to assume additional responsibilities. When asked about enforcement of the clearing of sidewalks, Mr. McFadden stated that there is an issue whereby the ordinance calls for compliance within 12 hours after the storm. This would mean that supervisors who have been out plowing throughout the storm would be given exhausting responsibilities immediately thereafter and if there are back to back storms they would be unable to enforce the ordinance. Councilman Weisbecker stated that he was disappointed with Mr. McFadden's reaction to a request from the Council that he do the engineering work associated with the streetscape project. Mr. McFadden advised that his memo was intended to outline concerns that pertained to the circumstances that existed at that time. He offered to do the construction inspections that were estimated at \$35,000 and while he raised concerns he did not refuse a directive from the Council. Councilman Weisbecker asked if the engineering staff can pursue training in electrical engineering. Mr. McFadden advised that to become an engineer while working full time would require approximately six years of college at night and the Township does not have sufficient need for electrical engineering to warrant such an investment. Mr. McFadden advised that there may be potential for increased revenue through interlocal services. While travel time would preclude inspections out of town, other municipalities may have a need for CAD services.

Council President Smolinski stated that he fails to see the justification to continue to fund Engineering services inhouse because the 2009 budget has reduced road work while the department continues to be fully staffed. He stated that he has called a number of other municipalities and could not find any that pay the rates reflected in the estimates provided to the Council. Mr. Boyle advised that the numbers provided are actual costs billed by consultants for work done on local projects. Councilman Jurkovic stated that those projects cost more than a consultant would charge for a longterm contract and he added that companies bill based on the level of staff being used. He stated that the employees in the West Milford Engineering Department reflect some of the highest paid employees in the Township. Mr. Boyle advised that these salaries reflect the vast number of years these employees have dedicated to the Township. Councilman Jurkovic questioned whether the Township can continue to afford these inhouse services. The Planning Department was restructured some time ago and those people were making salaries that are comparable to the Engineering staff. He would like to see a cost benefit analysis of the outsourcing of planning work for the Township. Council President Smolinski agreed with Councilman Jurkovic stating that he disputes the data provided by Administrator Boyle. He stated that the Council has been provided inaccurate information making it impossible for them to make educated decisions. He expected more from Mr. Boyle who replied that he did the best he could with the limited direction he received from the Council. Council President Smolinski took exception to the Administrator's comments questioning the quality of the information provided to Council in light of Mr. Boyle's many years of experience and he asked that Mr. Boyle show courtesy and respect when speaking to the Council. Mayor Bieri interjected that perhaps the Council could have provided better direction by simply asking for the specific information they wished to receive.

Councilman Nolan recalled that both Councilman Jurkovic and Council President Smolinski voted "no" to Mr. McFadden's reappointment at the reorganization meeting in January. In his opinion the actions of these Council people indicate that this is a witch hunt as previously suggested and in this instance is retribution for the striping and paving of Stainsby Road last year. Councilman Jurkovic objected to those comments advising that the restructuring of the Planning Department has been a success and similar

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action may be worth considering in the Engineering Department. He said that he is very impressed with the services being provided by Mr. McGroarty, the Planner, and he has come to realize that there are benefits to contracting for certain services not the least of which is the relationships such contractors nurture with various state departments. Council President stated that in West Milford there are always departments under attack that the majority always respected that. This is not political, he stated.

Mayor Bieri reviewed a number of improvements that have taken place under Mr. McFadden's guidance and throughout his tenure in West Milford. The Engineering Department, she said, contends with the same miles of road pre and post Highlands. They work on special projects and assist the many lake communities in West Milford with their specific needs. The Engineering Department has fostered many positive working relationships with departments in State government not the least of which has and continues to benefit the Township. This department is comprised of long term employees who have worked for West Milford all their adult lives and, for the most part, the salary increases earned over those years have been negotiated in the labor agreements approved by successive councils. Police officers in town achieve higher salaries in a far shorter period of time. Over the years the staffing levels in this department have been reduced while the workload has increased. Consulting engineers typically cost 16.4% of the total cost of any particular job while the inhouse engineers cost on average 5% of the total cost of any given project.

Administrator Boyle apologized if the Council feels they were not provided with sufficient information. He urged them to be specific about their needs and Councilwoman Lichtenberg asked that quarterly reports provide greater information that is categorized in the future.

Agenda No. V

Public Comments

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

Gale Barth, 11 Mountain Circle North, West Milford stated that the Council has talked a lot tonight about engineering projects. She has worked in the Township's Tax Assessor's office for many years and the Council may not realize how many calls that department receives from residents seeking details about minor issues. Residents often seek to learn about easements or the background of deed restrictions and more often than not the Tax Assessor's office gleans that information from the Engineering Department. Because of the consistent attention to updating maps, many easements now appear on those maps which was not the case in the past. The Engineering Department provides invaluable assistance to almost every department in town and they are invariably helpful and willing to assist and educate anyone who seeks their help. This cannot be discounted nor can one put a definitive price tag on such knowledge. The standards by which these people work have caused all Township employees to be better and better able to serve residents. The Engineering Department continuously updates tax maps and her department will be working closely with Engineering when it is time to conduct a townwide revaluation. Their expertise is sorely needed in West Milford.

Jessie Suttor, 31 Osage Drive, West Milford commended Administrator Boyle and the staff in DPW for addressing issues he and other residents were experiencing on Osage Drive. However, the Engineering Department failed to respond and they caused the problems to begin with. He took issue with the Mayor's comparison of Engineering to Police stating that police officers put their lives on the line in the performance of their duties. In his experience, the Engineer and his department are defensive and inept. His property values should not be negatively affected by the ineptitude of this department. He asked the Council to hold these staff members accountable for their negligence.

Blance DeSimone, 24 East Park Drive, West Milford thanked Administrator Boyle for the opportunity provided here tonight to learn about the Health and Engineering departments. The Health Department provides value for the money spent on the multitude of services they provide. She is not privy to details of possibly outsourcing the Engineering Department. While outsourcing may have merits, West Milford is geographically very large with complex environmental issues. She has found that her interactions with the staff in this department have been very productive and the staff is, in her opinion, very knowledgeable and accessible. Thanks to the Engineering Department, Gordon Lakes now has four sediment basins and she asked the Council to keep these services inhouse.

Doris Aaronson, 19 Bearfort Road, West Milford stated that she has nothing but positive experiences with both the Health Department and the Engineering Department in West Milford. The Engineering Department protects lives and the environment by virtue of the work they perform. They ensure proper drainage and correct slope issues. Throughout the years this department has saved the taxpayers large sums of money. When working on issues pertaining to Pinecliff Lake some years ago, the Engineering Department provided historic maps that were invaluable to the process. The sanitarians in the Health Department are responsible for ensuring the health and cleanliness of our lakes and they have been very effective in West Milford. She is grateful to all these professionals for their knowledge and intelligence.

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Dale Meadows, 42 Otterhole Road, West Milford stated that he has had limited dealings with both the Health and Engineering Departments over the years. These dealings, however, have taught him that the staff in these departments is highly qualified and professional. When he had a septic issue, they were of tremendous help. These two departments are specifically responsible for protecting and preserving our valuable resources and they should be commended for their work. Generally, budget cuts follow a specific protocol. First, raises are held in check. The voters wanted the school budget cut and this could have been accomplished through salary freezes and contributions to benefits. The Township is getting value for dollars spent on Engineering and Health. He urged the Council to cut salaries and benefits before resorting to cutting services to residents. He also suggested that the Council should look at farm assessments to ensure that those getting these tax breaks truly qualify.

Andrew Gargano, 45 Apshawa Crossroad, West Milford stated that throughout the years the Engineering Department has been instrumental in designing fields in West Milford. They also helped tremendously in when the PAL building was being built. Mr. McFadden is a tremendous asset who brings professionalism and expertise to this department. The staff in Engineering takes every job with gusto and they contribute an historical knowledge that is linked to their tenure as employees in this town. Mr. McFadden has proven an asset on the Planning Board and the Health Department will be sorely needed to enforce the recently adopted septic ordinance. These departments deserve accolades and cannot be outsourced.

Paula Edelstein, 35 Leslie Drive, West Milford stated that she has been a resident in this town for 27 years and is proud to be a part time nurse in the West Milford Health Department. She stated that the Governing Body should be proud of these professionals because of their experience and education. They protect our health, our water, our lakes and all our cherished treasures including our children. They perform their duties with a passion to enforce the laws of this State because they are licensed professionals. They are compelled to follow the law and abide by the highest ethical standards. Having worked with the previous Health Officer, she is proud that this Council hired Bill Wallace to assume this role. This country is in the throes of a flu pandemic and it is comforting to know that we have an experienced Health Officer to be the leader needed in these circumstances.

Peter Bremy, 2012 Macopin Road, West Milford stated that he was proud to watch his twin sons graduate from West Milford High School this past week. He is honored to have had the ability to raise his family in this town and is grateful for the quality services provided by our Health Department that contributed so much to their wellbeing. The Health Department provided care for his children at a cost of \$13 per year to the average homeowner. There are over 8,000 septic systems in West Milford and with the potential for failure, there is clearly a need for the Health Department.

Scott Leonescu, 37 Christine Court, West Milford agreed that the Engineering Department is one of the finest departments in the town. Between them and the DPW Superintendent there is vast knowledge of our roads and infrastructure and he urged that these services be retained inhouse. The Engineering staff is incredible and they work through problems with residents. However, he cannot say the same for the Health Department. He has dealt consistently with them for years on septic repairs and, in his opinion, there are major problems in this department. It takes the Health Department between five and eight weeks to do a septic review which is ridiculous in a town which such environmentally sensitive issues. It takes too long to have plans reviewed and this department causes delays to the issuance of construction permits. This Council must make changes in that department to benefit the taxpayers and to protect the environment.

Douglas McKittrick, Old Hickory Road, West Milford stated that he pays over \$13,000 property taxes per year in this town. He has issues with the Health Department. He is an engineer and it took the Health Department nine weeks to review the last septic design he submitted. There are also issues in this department pertaining to stream encroachment permits. The staff continuously claims to be overworked but house sales are down resulting in fewer applications in that department. This should be looked at.

Robert Mazzocchi, 4 Clubhouse Trail, West Milford stated that he has always found the Engineering Department to be very professional but has had nothing but problems with the Health Department. He made a complaint about a septic leaching into Upper Greenwood Lake but the Health Department did not address the problem for one year. He purchased a property in 2003 and his engineer says that the soils are good. It took him four years to obtain DEP approvals for this property. The Health Department has indicated that they will contest the TWA approval he received from the DEP despite the fact that he received the necessary variances. He has been trying to construct his home on this property for six years and six months, through four mayors and four administrators. He has spoken with Councilman Weisbecker and Council President Smolinski about his issues.

Jim Novack, Larchmont Drive, West Milford stated that the Health Department has failed to address a problem he has had with a bear on his neighbors property. The Health Officer does not return phone calls. He stated that the garbage & recycling committee will soon be issuing a shocking report to the Council. Mr. McFadden serves on this committee without compensation and the staff in the Engineering Department works hard. He commended them for their adherence to safety regulations while in the field.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Special Meeting
Date of Meeting: June 30, 2009
Time of Meeting: 7:30 P.M.
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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO ROBERT COOPER, JR OF LANDMARK I APPRAISAL, LLC FOR REAL ESTATE APPRAISAL SERVICES ASSOCIATED WITH PROPERTY DESIGNATED AS BLOCK 9301, LOT 12 AND BLOCK 9302, LOTS 1 & 16 OTHERWISE KNOWN AS NOSENZO POND PARK IN AN AMOUNT NOT TO EXCEED \$2,950.00

WHEREAS, with the creation of a dedicated source of tax revenue (“Open Space Trust Fund”) for the acquisition of open space, the Township has worked hard in attempting to obtain various parcels of land throughout the Township for open space purposes; and

WHEREAS, as a result, the Township authorized the purchase of certain parcel of land for open space, designated as Block 9301, Lot 12 and Block 9302, Lots 1 & 16 (CYO property); and

WHEREAS, with this potential acquisition, there is a need for certain appraisal work to be performed; and

WHEREAS, the Township received a proposal from Robert G. Cooper, Jr. of Landmark I Appraisal, LLC dated June 8, 2009; and

WHEREAS, the Township wishes to award a contract without competitive bidding to Robert G. Cooper, Jr. of Landmark I Appraisal, LLC for the performance of appraisal work associated with the property designated as Block 9301, Lot 12 and Block 9302, Lots 1 & 16 (CYO property); and

WHEREAS, the total amount of the contract shall not exceed \$2,950.00; and

WHEREAS, funds are available for this purpose through the Open Space Trust Fund; and

WHEREAS, pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-3, when the cost or price of any contract awarded by the contracting agent in the aggregate does not exceed in a contract year the total sum of \$17,500, the contract may be awarded by the contracting unit without public advertising for bids; and

WHEREAS, Robert G. Cooper, Jr. of Landmark I Appraisal, LLC has completed and submitted both a Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that neither he or his firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit Robert G. Cooper, Jr. or Landmark I Appraisal, LLC from making any reportable contributions through the term of the contract, and

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

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

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Robert G. Cooper, Jr. of Landmark I Appraisal, LLC, with offices located at 555 East Main Street, P.O. Box 121, Chester, New Jersey, 07931, for appraisal services associated with the property designated as Block 9301, Lot 12 and Block 9302, Lots 1 & 16 (CYO property) in an amount not to exceed \$2,950.00 and in accordance with his proposal dated June 8, 2009.
2. This contract is awarded without competitive bidding as the total price of the contract shall not exceed the \$17,500 bid threshold in accordance with the provisions of the Local Public Contracts Law, specifically N.J.S.A. 40A:11-3.
3. The total fee authorized for this contract shall not exceed \$2,950.00 without the prior written approval of the Township Council.
4. Notice of this action shall be published once in the Township’s official newspaper as required by law.
5. A copy of this resolution shall be provided to Arthur Magnotti, Treasurer, and Robert G. Cooper, Jr. of Landmark I Appraisal, LLC, 555 East Main Street, P.O. Box 121, Chester, New Jersey, 07931, for their information and guidance.

Adopted: June 30, 2009

Moved: Weisbecker Seconded: Lichtenberg
Voted Aye: Weisbecker, Smolinski, Nolan, Lichtenberg, Jurkovic.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Voted Nay: None.
Absent: Councilman Schimmenti
Motion carried.

Agenda No. VI 2

~ Resolution No. 2009 - 261 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO INTEGRA REALTY RESOURCES FOR REAL ESTATE APPRAISAL SERVICES ASSOCIATED WITH THE PROPERTY DESIGNATED AS BLOCK 9301, LOT 12 AND BLOCK 9302, LOTS 1 & 16 OTHERWISE KNOWN AS NOSENZO POND PARK IN AN AMOUNT NOT TO EXCEED \$4,000.00

WHEREAS, with the creation of a dedicated source of tax revenue ("Open Space Trust Fund") for the acquisition of open space, the Township has worked hard in attempting to obtain various parcels of land throughout the Township for open space purposes; and

WHEREAS, as a result, the Township wishes to pursue the purchase of certain parcels of land for open space, designated as Block 9301, Lot 12 and Block 9302, Lots 1 & 16 (CYO property); and

WHEREAS, with this potential acquisition, there is a need for real estate appraisal work to be performed; and

WHEREAS, the Township received a proposal from Integra Realty Resources dated June 11, 2009; and

WHEREAS, the Township wishes to award a contract without competitive bidding to Integra Realty Resources for the performance of real estate appraisal work associated with the property designated as Block 9301, Lot 12 and Block 9302, Lots 1 & 16, otherwise known as the CYO Property at Nosenzo Pond Park; and

WHEREAS, the total amount of the contract shall not exceed \$4,000.00; and

WHEREAS, funds are available for this purpose through the Open Space Trust Fund; and

WHEREAS, pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-3, when the cost or price of any contract awarded by the contracting agent in the aggregate does not exceed in a contract year the total sum of \$17,500, the contract may be awarded by the contracting unit without public advertising for bids; and

WHEREAS, Integra Realty Resources has completed and submitted both a Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit Integra Realty Resources from making any reportable contributions through the term of the contract, and

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

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

1. The Township of West Milford hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Integra Realty Resources, with offices located at 110 S. Jefferson Road, 2nd Floor, Whippany, New Jersey, 07981, for real estate appraisal services associated with the property designated as Block 9301, Lot 12 and Block 9302, Lots 1 & 16, otherwise known as the CYO Property at Nosenzo Pond Road Park in an amount not to exceed \$4,000.00 and in accordance with his proposal dated June 11, 2009.
2. This contract is awarded without competitive bidding as the total price of the contract shall not exceed the \$17,500 bid threshold in accordance with the provisions of the Local Public Contracts Law, specifically N.J.S.A. 40A:11-3.
3. The total fee authorized for this contract shall not exceed \$4,000.00 without the prior written approval of the Township Council.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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- 4. The Political Contribution Disclosure Form, Business Disclosure Entity Certification and the Determination of Value shall be placed on file in the office of the Township Clerk.
- 5. Notice of this action shall be published once in the Township’s official newspaper as required by law.
- 6. A copy of this resolution shall be provided to Arthur Magnotti, Treasurer, and Integra Realty Resources, 110 S. Jefferson Road, 2nd Floor, Whippany, New Jersey, 07981, for their information and guidance.

Adopted: June 30, 2009

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

Agenda No. VI 3

~ Resolution No. 2009 - 262 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES AND CLUB LICENSES FOR THE 2009 - 2010 LICENSE YEAR

WHEREAS, applications for renewal of Plenary Retail Consumption Licenses for the 2009 - 2010 License year have been received and reviewed; and

WHEREAS, the Township Council has conducted a public review of the applications as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control dated April 14, 1980; and

WHEREAS, as a result of that review the Township Council has determined as follows:

- 1. The submitted applications are complete in all respects.
- 2. The applicants are qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
- 3. The applicants have disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2008 - June 30, 2009).

WHEREAS, the Police Department has recommended that the license be renewed to the current owner;

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk is directed to issue and deliver the license certificate for the Mayor and Township Council of the Township of West Milford.

2 MOMENTO 2, INC.
Momento Restaurant
374 Morsetown Road
West Milford, NJ 07480
1615-33-012-005

Adopted: June 30, 2009

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

Agenda No. VI 4

~ Resolution No. 2009 - 263 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES FOR THE 2009 - 2010 LICENSE YEAR WITH CONDITIONS

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Special Meeting
Date of Meeting: June 30, 2009
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WHEREAS, applications for renewal of Plenary Retail Consumption Licenses for the 2009 - 2010 License year have been received and reviewed; and

WHEREAS, the Mayor and Township Council has conducted a public review of the applications as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control dated April 14, 1980; and

WHEREAS, as a result of that review the Township Council has determined as follows:

1. The submitted applications are complete in all respects.
2. The applicants are qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicants have disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2008 - June 30, 2009).

WHEREAS, The Township Council was advised by the Police Department of investigations on these licenses; and

WHEREAS, the Police Department has recommended that the licenses be renewed to the current owners with conditions as noted below.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk is directed to issue and deliver the license certificates for the Mayor and Township Council of the Township of West Milford with conditions as follows:

LICENSE/LICENSEE/T/A	CONDITIONS
MURAPPAUL CORP. t/a ISLAND OF SPIRITS 3025 Rt. 23 Oak Ridge, NJ 07438 1615-33-019-001	1. The owner is to consider parking limitations when scheduling advertised special events.

Adopted: June 30, 2009

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

Agenda No. VII

Council Comments

Agenda No. VIII

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 12:16 a.m. on July 1, 2009.

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

Approved: August 12, 2009

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK