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

Minutes of: Township Council Workshop  
Date of Meeting: July 8, 2009  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 2 of 12

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Liquor License Transfer-Public Hearing-Honky's Oak Ridge Pub-(expansion of premises) License No. 1615-33-001-006 Honky's Oak Ridge Pub & Liquors, LLC. Jim Castilla Esq. addressed the Council on behalf of his client who owns this liquor license. He advised that this transfer is being effectuated to allow for an expansion of the premises whereby the licensed premises would be extended into the fenced yard at the back and side of the building. Ms. Battaglia advised that various departments have reviewed the application and no objections have been filed.

Police Chief Paul Costello – Emergency Medical Dispatch Call Screening – Chief Costello advised the Council that the State of New Jersey has mandated that all dispatchers, including relief personnel, answering emergency medical dispatch calls be certified. This certification is achieved through a 72-hour training program and he has had one person trained so that the remaining dispatchers can be trained in-house. Additionally, police officers have begun the process of receiving that training too. However, in the meantime, there may be a need to have a backup service in place to handle these calls. He has reviewed the dispatch services offered through the Passaic County Sheriff's office and the services Hackensack Medical Center offers through their MICCOM program. He would recommend that the Township engage the services of MICCOM primarily because they have sufficient personnel who are professional emergency medical dispatchers who have a proven record in a number of municipalities. Research shows that approximately 40% of all ambulance calls are not emergency medical calls. Representatives from Hackensack Medical Center have agreed to provide this service without enforcing the minimum callout clause through the end of this year if the Township executes the contract before August 1<sup>st</sup>. Administrator Boyle stated that he supports the Chief's recommendation advising that he used these services in Pequannock when he served as Administrator in that town. Council President Smolinski thanked the Chief for the clarification he provided and asked if all police officers will be trained by the end of this year. Chief Costello answered in the affirmative adding that there is also an annual recertification process that requires eight hours of follow up training. In response to Councilman Nolan, Chief Costello reviewed that annual costs for MICCOM services which is based on a per call basis with an annual minimum number of calls. Council President Smolinski stated that, anticipating that all our police officers will be trained before the end of this year, the Township can cancel the services in October to avoid being charged. Chief Costello stated that he feels that the cost for these services is reasonable and confirmed that eventually all officers will be certified. Officers must be trained regardless of any contract arrangement with MICCOM to allow them to relieve the dispatchers when necessary. Under the current mandates, officers cannot answer these calls without this specific training. The recertification will not pose a problem because it is already a component of other recertification programs required for police officers. He stated that he has four full time and seven part time dispatchers which creates scheduling difficulties. Council President Smolinski expressed concern that the Township does not have backup dispatchers on call at all times. Chief Costello advised that he cannot fathom how to accomplish that without compensation and advised that he would be happy to review labor contracts with the Council President. The Council gave consensus to proceed and Mr. Boyle advised that he will have a resolution and contract for their consideration at the next regular meeting.

Council President Smolinski asked if this means that the Township is completely disregarding the services provided at no cost by the Sheriff's Department. Chief Costello stated that he has issues with quality control within the Sheriff's department. His primary concern is that the Sheriff's office is charged with multiple functions and they do not just focus on dispatch. He relayed an experience from his most recent visit to the Department wherein there were multiple issues being handled at one time. He recommended trying MICCOM through the end of this year. He will reevaluate the service at the end of the year and asked the Administrator to determine if the availability of these services has a positive impact on insurance premiums. He reviewed the process he uses to replace dispatchers when a need arises. The Council thanked Chief Costello for attending tonight's meeting.

Agenda No. VI

**Public Comments**

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

Doris Aaronson, 19 Bearfort Road, West Milford stated that over 150 people attended the lyme disease program on Monday evening. She commended Dr. Leslie Fine who spoke and provided a video. She thanked the public health nurse and the Health Officer for their participation stating that the feedback has been very positive. She recounted a negative experience with lyme disease and the doctor's failure to properly diagnose this disease.

John Lauritano, 20 Brady Street, West Milford stated that he purchased his home in 2000 and was advised at that time that membership in the Mount Glen Lakes Association was optional. In 2004 the State Department of Environmental Protection classified the dam at that lake as high hazard and in need of repair. The Township has agreed to co-sign a loan for the association and affected properties will be

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assessed for the repairs. The initial design submitted to the DEP has been rejected. He and many of his neighbors started to receive dues notices despite the fact that they had no prior contact from the Association and they are now being advised that their properties will be assessed for the dam repairs. He stated that he lives over 1.5 miles from the lake and does not use the facilities at all. The Association is not responsive to his requests for clarification and he is hoping that the Township can revisit the line drawn around this neighborhood to determine if the properties scheduled for assessment are actually affected by the dam repair. Since 1952, there is no mention of the Association on the deed to this property while properties closer to the lake have membership requirements outlined in their deeds. He stated that the DEP has made it clear that only affected properties should be assessed and he asked the Council to ensure that this is indeed the case.

Jim Novack, Larchmont Drive, West Milford stated that the cell tower behind the Pioneer Pub was supposed to be camouflaged to look like a pine tree. As a result of winter storms, a number of branches fell off the tower and he asked that the Zoning Officer be instructed to look into this matter. He also expressed concern that agendas for Council meetings are not regularly posted on the bulletin board.

Gary Steele, North Glenwood Road, West Milford stated that when he handed out a memo from the Attorney General's office at the last meeting one Council member questioned why he is making a big deal out of the Council vote on the defeated school budget. He stated that this is a big deal because, in his opinion, that vote violated the law. He brought this to the attention of the DCA Commissioner, Susan Jacobucci, who advised him that the Township Attorney's opinion is incorrect and ultimately the Township may be ordered to follow the law and abide by the opinion outlined in the memo. He asked that the Council demand that Mr. Semrau issue a memo in support of his position stating that any member of the Council has the right to make such a request. He urged the Council to cease blindly following the advice of professionals stating that Mr. Semrau only cited one case in support of his opinion. He has reviewed other votes taken by this Council and it appears that there have been many instances where laws were passed illegally. The Council was elected to do better and he urged them to be better. The Council agreed by roll call vote to allow Mr. Steele an additional 30 seconds to complete his comments. Mr. Steele asked the Council to demand a memo from Mr. Semrau.

Roll call vote to extend Mr. Steele's time.

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Voted Aye: Weisbecker, Nolan, Jurkovic, Bieri.  
Voted Nay: Smolinski, Schimmenti, Lichtenberg  
Motion carried.

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

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

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Agenda No. VII

**Council Comments**

Mayor Bieri advised that the Township Attorney did issue a memo, within 24 hours of Mr. Steele's initial comments, to the Council supporting his position on the vote taken on the defeated school budget.

Township Attorney Semrau stated that he met with the Tax Assessor regarding the Mount Glen Lakes assessment and advised that nothing in the process has been settled as yet. He confirmed that there are certain properties remote to the lake that have the option to join the Association while for others it is mandatory. Because the original deeds outline those properties that were originally part of this lake community, the Association has taken the position that they should be part of the \$1.6 million assessment. The assessment process demands that assessments be calculated based on the benefit to the individual property. Mr. Townsend, the Tax Assessor, is compiling a list of properties and their estimated assessments and there will be an opportunity in the process for people to be heard. He asked the residents to contact Mr. Townsend who will be sending the list to the Association when he has completed the task. Impacted properties will receive a certified letter advising of the public hearing and concerns raised by remote members will be considered. Mr. Semrau stated that he will follow up with Mr. Lauritano.

Mr. Semrau stated that he provided Mr. Steele with a case some weeks ago and has subsequently provided him with additional cases that support his position that the Council vote taken on May 18<sup>th</sup> was proper and in accord with the law. He has had a number of telephone conversations with Mr. Steele and he was notified that a call was made to the State. He received a telephone call earlier today from the

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Attorney General's office and he spoke with Ms. Jacobucci's office this afternoon. Ms. Jacobucci has conveyed to him that not only do they support his legal opinion but they have no issue with the Township regarding this matter. He has spend a significant time on this and his conversations with both the Attorney General's office and the Division of Community Affairs were distinctly different from that conveyed here tonight by Mr. Steele. He stands by his position and has nothing further to offer to this conversation. He has been very forthcoming throughout this process and he takes exception to comments made by Mr. Steele which challenge his credibilty. He offered to engage in a conference call with Mr. Steele and Ms. Jacobucci's office.

Council President Smolinski asked about the process for the Mount Glen Lake assessment and the point at which the Council becomes involved. Mr. Semrau stated that the Tax Assessor creates a list of affected properties, he will attend a workshop meeting to review the process with the Council, and when the ordinance is being considered the Council will conduct a public hearing where people will be provided an opportunity to express their opinions. He advised that information contained in mapping and deeds is used to determine the assessed property and the amount is determined by the benefit to the individual property. Councilman Weisbecker recalled other processes by which titles and deeds were legally determined to be the basis for determining assessments.

Councilman Nolan stated that his wife attended the recent lyme disease seminar. She deals with this disease in her profession and found the seminar to be very educational. He commended those who arranged for this educational and worthwhile event.

Mayor Bieri advised that she too attended the seminar and found it very beneficial and well organized.

The council asked for a five minute recess at 9:05 p.m. The Council reconvened at 9:12 p.m. with all present as before.

The Township Council took action on the following items:

Agenda No. IX 5

~ Resolution No. 2009- 268~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PERSON TO PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-017-007 FROM LE BISTRO, INC. LOCATED AT 9 LAKESIDE ROAD, HEWITT, NEW JERSEY TO GIOIA RESTAURANT, LLC FOR PREMISES AT THE SAME LOCATION**

**WHEREAS**, an application has been received for a Person to Person transfer of 2009 - 2010 Plenary Retail Consumption License No. 1615-33-017-007 presently held by Le Bistro, Inc. located at 9 Lakeside Road, Hewitt, New Jersey to Gioia Restaurant, LLC for Premises At The Same Location; and

**WHEREAS**, the Township Council has conducted a public investigation of the applicant 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 investigation the Township Council has determined the following:

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

**WHEREAS**, as a further result of the public investigation and upon the recommendation of the Police Department the Township Council authorizes the license be transferred;

**NOW, THEREFORE, BE IT RESOLVED** that the application is hereby approved and the Township Clerk is authorized to endorse the transfer on the license and issue same.

Adopted: July 8, 2009

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

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Agenda No. IX 6  
 ~ Resolution No. 2009- 269~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PLACE TO PLACE TRANSFER (EXPANSION OF PREMISES) OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-001-006 HONKY'S OAK RIDGE PUB & LIQUORS, LLC**

**WHEREAS**, an application has been received for a Place to Place Transfer (Expansion of Premises) of 2009 - 2010 Plenary Retail Consumption License No. 1615-33-001-006 held by Honky's Oak Ridge Pub & Liquors LLC located at 62 Oak Ridge Road, Newfoundland, New Jersey; and

**WHEREAS**, the Township Council has conducted a public investigation of the applicant 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 investigation the Township Council has determined the following:

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

**WHEREAS**, as a further result of the public investigation and upon the recommendation of the Police Department the Township Council authorizes the license be transferred with conditions;

**NOW, THEREFORE, BE IT RESOLVED** that the application is hereby approved and the Township Clerk is authorized to endorse the transfer on the license and issue same as follows:

LICENSE	CONDITIONS
<b>HONKY'S OAK RIDGE PUB &amp; LIQUORS</b> t/a Oak Ridge Pub & Liquors 62 Oak Ridge Road Newfoundland, NJ 07435 1615-33-001-007	<ol style="list-style-type: none"> <li>1. Amplified music should be restricted to the interior of the building only. This pertains to both live music and a DJ. Any musical entertainment outside of the building should cease by 9 p.m.</li> <li>2. Persons are not to leave the property of the licensed premise or the extended premise with alcoholic beverages. A written notice advising patrons of this is to be posted.</li> <li>3. A maximum occupancy should be set for the outside area.</li> <li>4. Outside area is to be closed and vacated by 10 p.m.</li> <li>5. A fire extinguisher (2-A:10-B:C) shall be hung – mounted on the outside, left side of the building, near side door. Unit shall be clearly identified with a sign and covered by a fire extinguisher bag to be protected from the weather;</li> <li>6. No key locking devices can be installed on either front nor rear exit fence gates;</li> <li>7. Install plate exit signs on front and rear exit gates. Signs must be of "glow in the dark" design.</li> </ol>

Adopted: July 8, 2009

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

Agenda No. VIII

**Discussion Items**

1)	Ordinance – Snow & Ice Removal from Sidewalks – Administrator Boyle asked that discussion of this matter be postponed and the Council agreed.
2)	Ordinance – Amend Ordinance 2008-050 – Septic Ordinance – Council gave consensus to proceed with the proposed amendments to this ordinance.
3)	Ordinance – Cancellation of Capital Balances – Mr. Boyle advised that the Council discussed cancelling certain capital items during the budget process. He will prepare a resolution for Council consideration to cancel \$335,692 from prior capital appropriations and stated that these items were not included in the refinancing process. Councilman Jurkovic stated that he did not recall supporting certain cuts specifically certain appropriations for fire companies. Mr. Boyle stated that certain items that were not financed will be funded in the 2009 capital budget. Council President Smolinski stated that he is not confident in the information provided to Council and Mr. Boyle reviewed the process that lead to the proposed cancellations.

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4)	<p>Charter Study Commission – Mr. Boyle noted that Councilman Weisbecker had requested this discussion and he directed the Council to a lengthy memo generated by Mr. Semrau. Mr. Semrau outlined the steps that must be taken to establish a charter study commission. Such a commission would be formed to make recommendations and subsequently submit those recommendations to the voters by placing questions on the election ballot. He reviewed the petition process and the charter study commission process. Councilman Weisbecker stated that he feels that it is necessary to review other forms of government. He supported the most recent change because he thought it would be good for West Milford but, in his opinion, this form of government is not functioning well. Councilwoman Lichtenberg agreed stating that it is best to allow people to decide this issue at the polls. A charter study commission would allow a study of various forms of government and she served on the last such commission in West Milford in 1968. This, she said, is a lengthy process and she would like to see the Council adopt an ordinance supporting the formation of a charter study commission. Discussion ensued as to who can serve on a charter study commission. Councilwoman Lichtenberg made a motion to have Mr. Semrau draft an ordinance to establish a charter study commission, seconded by Councilman Weisbecker. Councilman Nolan asked if there are costs associated with this process and who assumes those costs. Mr. Semrau advised that the costs are paid through municipal funding and much of the costs are related to legal fees. He could not give an educated estimate but at Council's urging stated that he believes it would cost about \$15,000 to \$20,000. Councilwoman Lichtenberg stated that the costs in 1968 were minimal. Council President Smolinski asked about the recommendations that can be made by the commission stating that the Council should have an understanding of the various forms of government. Mr. Semrau advised that he will research the matter to determine if the Township would be limited to a Faulkner Act form of government and he advised that the commission would not be making recommendations for Council consideration but rather for voter consideration. If the voters were to opt to change the form of Government, sitting Council persons would lose their current seats and could opt to run for the new seats. He advised that the Township is still dealing with the last change in 2004. Council President Smolinski stated that the purpose of a commission would be to benefit the people, make government more responsive and accountable. There are issues with the process that concern him most notably he would like to ensure that the process does not become political. He stated that he supports a study and Mr. Semrau advised that the commission would be compelled to reach a unanimous recommendation. In response to Council President Smolinski, Mr. Semrau advised that the process, if initiated, cannot be stopped. Mayor Bieri asked the Council to clarify their expectations and explain the deficiencies they believe exist in the current form of government. Council President Smolinski stated that many people have conveyed to him that they would favor the Borough form of government which places greater responsibility on the Council. Mr. Semrau stated that this is true in some respects and in other ways the borough form is very similar to the Mayor, Council, Administrator form of government. Council President Smolinski stated that residents would receive better representation if Council were more directly involved with individual departments. Councilman Weisbecker stated that he is not pleased with the accomplishments realized for West Milford under this form of government. He expressed concern for a system whereby, in his opinion, the Administrator is weak and the Mayor strong. He views the Mayor's role as a full time position under this form of government and is opposed to a system where the Administrator is overseen by the Mayor. He would like a system where Council is more involved and he is not comfortable knowing that the Administrator may be subject to pressure from the Mayor. Mayor Bieri stated that she did not realize that the position of Administrator in West Milford was not full time. Councilman Weisbecker stated that this form of government requires a weak administrator with a strong mayor making all the decisions. He objected to the process whereby the mayor can hire and fire employees and would prefer a strong administrator, weak mayor and involved council form of government. He stated that he has been approached by many people asking him to look into other options and believes that residents support a change. Councilwoman Lichtenberg stated that she has no preconceived notions as to what form of government the commission should recommend to the voters but her motivation to establish a commission emanates from residents requesting a change.</p> <p>Mr. Semrau advised the Council that there would not be sufficient time to introduce and adopt an ordinance to have this matter placed on the ballot for November. Discussion ensued about the timeframes dictated by statute and the feasibility of candidates having petitions for election submitted on time. Council President Smolinski stated that the Council appears willing to defer this discussion until after this election cycle. Councilman Nolan agreed stating that it would not be fair to rush this process. Such haste, he said, may ultimately disenfranchise those who may want to run. Councilwoman Lichtenberg withdrew her motion and Councilman Weisbecker withdrew his second. Councilman Weisbecker asked that this be scheduled for discussion at the January 2010 workshop meeting.</p>
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5)	Cablevision of Warwick LLC – Franchise Renewal Application – The Council discussed best possible dates for the public hearing on this franchise renewal. They asked the Administrator to confirm that Cablevision will have a representative available to attend on September 23, 2009. If so, the public hearing will be scheduled for that evening.
6)	2008 Annual Audit and the Corrective Action Plan – Council President Smolinski asked for an explanation of the third comment in the audit pertaining to cancelling excess grant funds. Mr. Boyle explained the process by which grant funds are accepted into the municipal budget and excess funds are cancelled when the work is complete. In response to Council President Smolinski, Mr. Boyle advised that the State has approved the municipal budget and they have set the amount of State aid to be administered to West Milford. He advised that he will be meeting with labor unions in July to begin the labor negotiations and he advised that he and the CFO will begin work on revenue projections for the 2010 budget. Councilman Nolan stated that it would be wise to expect a reduction in State aid in 2010 and beneficial to estimate regular operating expenses to be prepared early next year. The remaining part of the puzzle is salaries and benefits which is why it is important to complete labor negotiations before the end of this year. Councilman Weisbecker stated that he would like to see Administrator Boyle schedule special meetings for the 2010 budget so that the Council knows his plans and can give direction to the department heads.
7)	Contract – Hydraulic Hammer Services – Council gave consensus to proceed.
8)	Contract – Warwick Turnpike Section 10 – Change Order No. 1 – Council gave consensus to proceed.

Agenda No. IX

**Action Items**

The Township Council took action on the following items:

Agenda No. IX 1

**~ Resolution No. 2009- 264~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF CANVASSER LICENSES**

**WHEREAS**, applications have been made for Canvasser Licenses for the year 2009; and

**WHEREAS**, the purpose of these licensees is to disseminate information and gain citizen support; and

**WHEREAS**, recommendations have been received from West Milford Police Chief Paul Costello;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford does hereby approve the issuance of Canvasser Licenses as listed below, pending receipt of all required forms:

Canvasser License No.	Applicant Name	Address
2009 – 01 With Conditions	New Jersey Environmental Federation	Eric Benson, Canvass Director 559 Bloomfield Avenue Montclair, New Jersey 07042 973-744-3005
2009 - 02	La Rouche Political Action Committee	Robert M. Wesser 325 S. River St. Hackensack, New Jersey 07601 201-441-4888

Adopted: July 8, 2009

Discussion: Councilman Jurkovic asked the Clerk to provide him with information about New Jersey Environmental Federation.

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



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PMS L.L.C.  
 t/a The Huntsman Restaurant  
 1745 Macopin Road  
 West Milford, NJ 07480  
 1615-33-029-007

Adopted: July 8, 2009

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

Agenda No. IX 4

~ Resolution No. 2009- 267 ~

**NUMBER NOT USED**

Agenda No. X

**Approval of Expenditures**

~ Resolution No. 2009- 270 ~

**RESOLUTION APPROVING THE PAYMENT OF BILLS**

**WHEREAS**, the Township Treasurer has submitted to the members of the Township Council a report listing individual disbursement checks prepared by his office in payment of amounts due by the Township.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Treasurer's report of checks prepared by him be approved and issued as follows:

Acct #	Account Name	Amount
1	Current Account. . . . .	\$338,883.78
2	Reserve Account . . . . .	9,522.34
3	Animal Control Trust	100.00
6	Capital. . . . .	0.00
7	Grants. . . . .	2,314.25
8	Refuse. . . . .	573.75
9	Refunds. . . . .	2,564.44
12	General Ledger. . . . .	0.00
16	Heritage Trust. . . . .	0.00
14	Open Space Trust	5,000.00
17	Trust . . . . .	6,133.78
18	Development Escrow. . . . .	810.00
19	LOSAP	0.00
20	Special Reserve	0.00
Total		\$365,902.34
\$Less Refund Resolution		<u>-2,564.44</u>
<b>Actual Bill List</b>		<b>\$363,337.90</b>
Other Payments		0.00
Less Refund Resolution		
<b>Total Expenditures</b>		<b>\$363,337.90</b>

Approved: July 8, 2009

Discussion: In response to questions from Councilman Weisbecker, Mr. Boyle advised that the checks to the Greenwood Lake Bi-State Commission will be mailed out tomorrow. He reviewed the payments. Councilman Nolan stated that, as in past years, the checks for the summer concerts are being approved but payment will actually be withheld until the night of the respective concerts. Mr. Boyle

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advised, in reply to Councilman Weisbecker's query that the payment to Mr. Schappel is for the Jungle Habitat survey. At Councilman Jurkovic's request he advised that he will research the payment to Cablevision.

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Moved: Weisbecker Seconded: Nolan  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Jurkovic.  
Voted Nay: None.  
Abstain: Councilman Jurkovic abstain Glatt only.  
Motion carried.

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Agenda No. XI

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

Councilwoman Lichtenberg – gave a thumbs up to the organizer of the Boston Crusaders concert on July 5<sup>th</sup> which raised money for the 175<sup>th</sup> anniversary celebrations.

Council President Smolinski – stated that cell phones will soon be subject to unsolicited marketing calls. Those who do not wish to receive such calls should sign up for the national "do not call list" at 888-382-1222. He conveyed his condolences to the Saggio family on the recent passing of Sal Saggio a long-time member of the Recreation Advisory Committee who passed away about two weeks ago. He stated that Mr. Saggio was loved and will be missed by many. He relayed an anecdote about volunteering with Mr. Saggio at Jungle Habitat.

Councilman Schimmenti – echoed Council President Smolinski's about Mr. Saggio and also conveyed his condolences to the Saggio family. He admired Mr. Saggio greatly. He advised that this coming Friday is the raindate for Thunder in the Highlands and volunteers are welcome.

Councilman Nolan – stated that DCA Commissioner Doria issued a letter on June 16<sup>th</sup> pertaining to COAH. In that letter, he states that submitted plans are under the purview of COAH and the courts. This contradicts statements made by Eileen Swan and Tom Borden of the Highlands Council when they said that the Highlands Act supersedes COAH when there is a conflict. Mr. Semrau advised that there are a number of municipalities in the planning area that are being asked to opt in by December 9<sup>th</sup> this year. Many of those municipalities are attempting to determine the affordable housing benefit and decisions are being made based solely on the possible COAH impact. West Milford is different because this municipality is located entirely in the preservation zone. He will seek clarification and report back to Council. Councilman Nolan stated that he understands that when West Milford is enforcing the provisions of the Highlands Act and the matter ends up in court, the State Attorney General's office is required to represent the municipality. Valley on Ridge is a case in point and he asked why the Township is paying Mr. Geminario for representation in this litigation. Mr. Semrau advised tht Mr. Geminario has sent a letter to the Highlands Council requesting defense on this matter. The response indicates that the law is crafted in such a way that such protection will only be provided when the Township has achieved conformance with the master plan. He will get more information and report back to Council.

Councilman Nolan stated that he is a customer of the West Milford Municipal Utilities Authority and recently learned that the executive director resigned but it is not clear who is at the helm. In light of the fact that the MUA has not appeared before the Council for quite some time, he would like to invite them to an upcoming meeting to discuss their operations. The Council gave consensus to have the Administrator extend an invitation to the next meeting.

Township Administrator Boyle – stated that he is obtaining quotes for new fencing at the Upper Greenwood Lake depot, new doors for Town Hall and video security in the municipal building. He received five responses to the caretaker RFP for Westbrook Park and he will be conducting interviews in the near future. Cablevision has checked out the sound system in the main meeting room and hopes to address the sound problems encountered when they broadcast the Council meetings. He will have a resolution authorizing the Township to join the sustainable energy joint meeting for a cost of \$600. He has received a response from the Prosecutor regarding the Mount Laurel Skate Park ordinance and he will present the ordinance to the Council at the next meeting for introduction. He will schedule a workshop discussion on the water use and conservation management plan pilot project and he is scheduling a meeting with the DEP regarding Jungle Habitat and Brown's point. All three solid waste vendors have agreed to extend their current contracts for ninety days and he will have resolutions for the next meeting.

Township Attorney Semrau –advised that he sent a letter to the owners of Random Woods who have agreed to extend the contract. He is awaiting a letter from the School Board Attorney regarding the Hillcrest lease. He will be discussing the Lakeland Bank tax appeals with Council in executive session and they may take action when they return to the public meeting.

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

Minutes of: Township Council Workshop  
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Agenda No. XII

**Appointments and Resignations**

Mayor Bieri advised that she is appointing of Dianne Dalessandro-Foley as a Class C Citizen Member of the Historic Preservation Commission to fill a vacant term, said term to expire on 12/31/2009.

Motion to nominate David Volpe as a Citizen Member of the Recreation Advisory Committee to fill a vacant term, said term expiring on 12/31/2009.

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Moved: Smolinski Seconded: Schimmenti  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Lichtenberg, Jurkovic.  
Voted Nay: Nolan.  
Motion carried.

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Agenda No. XIII

**Executive Session**

~ Resolution No. 2009- 271 ~

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 8<sup>th</sup> day of July 2009 that:

1. Prior to the conclusion of this **Workshop Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
  - ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
  - ( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
  - ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
  - ( ) b. (4) A collective bargaining agreement including negotiations.
  - ( ) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
  - ( ) b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
  - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
    - ~~Contract Negotiations – Hillcrest Lease~~
    - Litigation – Lakeland Bank v. Township of West Milford
  - ( ) b. (8) Personnel matters.
  - ( ) b. (9) Deliberations after a public hearing that may result in penalties.
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: July 8, 2009

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

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The Council went into executive session at 11:20 p.m.

The Council reconvened in public at 11:45 p.m. with Councilman Weisbecker absent.

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

Minutes of: Township Council Workshop  
Date of Meeting: July 8, 2009  
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**~ Resolution 2009 – 272~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD OF PASSAIC, STATE OF NEW JERSEY  
AUTHORIZING THE SETTLEMENT OF THE 2009 TAX APPEALS ENTITLED LAKELAND BANK v.  
TOWNSHIP OF WEST MILFORD FOR PROPERTIES KNOWN AS BLOCK 16502, LOT 3, BLOCK  
3504, LOT 1 AND BLOCK 7621, LOT 1**

**WHEREAS**, appeals of the 2009 real property tax assessments of Block 16502, Lot 3, Block 3504, Lot 1 and Block 7621, Lot 1 in the Township of West Milford have been filed with the Tax Court of New Jersey; and

**WHEREAS**, said properties are owned by Lakeland Bank; and

**WHEREAS**, settlement of these appeals is in the best interest of the Township.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Council of the Township of West Milford as follows:

1. Settlement of the 2009 tax appeals filed by Lakeland Bank with the Tax Court of New Jersey is hereby authorized as follows:

<u>PROPERTY</u>	<u>ORIGINAL ASSESSMENT</u>	<u>PROPOSED ASSESSMENT</u>
Block 16502, Lot 3	\$3,407,400.00	\$2,800,000.00
Block 3504, Lot 1	\$244,300.00	\$200,000.00
Block 7621, Lot 1	\$424,600.00	\$350,000.00
2. These settlements are conditioned upon the tax payer waiving any interest due on the refund of taxes.
3. All municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.

This Resolution shall take effect immediately.

Adopted: July 8, 2009

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

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**Adjournment**

Agenda No. XIV

There being no further business to come before the Council, the Township Council adjourned the meeting at 11:47 p.m.

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

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Approved: August 12, 2009

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MAYOR BETTINA BIERI  
PRESIDING OFFICER

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ANTOINETTE BATTAGLIA  
TOWNSHIP CLERK