
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Special Meeting
Date of Meeting: July 16, 2008
Time of Meeting: 7:30 P.M.
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Mayor 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 published in the Herald News on July 14, 2008; copies were provided to the Record, Star Ledger, Suburban Trends and Greenwood Lake News and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

Pledge of Allegiance

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

Roll Call

Present: Councilmembers Phillip Weisbecker, Salvatore Schimmenti, Robert Nolan, Marilyn Lichtenberg, Carmelo Scangarello. Mayor Bettina Bieri.

Absent:

Recuse: Councilman Smolinski

Also Present: Acting Township Administrator and Township Clerk Antoinette Battaglia; Township Attorney Fred Semrau

Purpose

Mayor Bieri advised that the purpose of this joint meeting with the West Milford Board of Education is to discuss a one-year lease for the Hillcrest School. She asked for orderly conduct and deferred to the West Milford Board of Education President, Michele Fenwick.

Michele Fenwick, West Milford Board of Education President – explained that the Board of Education is interested in proposing to the Township of West Milford a one year lease with the option for a second year for the Hillcrest School building which is currently being used for Township offices and activities. She said that there are two capital improvement projects that the building is need of. They are needed for public safety, the safety of users and to prevent further decay of the building. The Board of Education asks for the additional improvements requested in their initial proposal. These improvements would include roof replacement, door replacement, handrails and stair replacement for ADA compliance.

Mayor Bieri asked the Township Council for comments and noted that there is a Council meeting following at 7:30pm. She advised that the Township currently pays in excess of \$240,000 per year on the Hillcrest building. She clarified that the requests of the Board of Education represent an increase of \$134,000. Ms. Fenwick explained that the additional costs are to cover maintenance and repair which should have been completed during the expiring lease period. Midge Touw, former School Board president asked why the Township does not increase rents to offset costs. Mayor Bieri itemized the payments that the Township has made. Councilman Nolan noted that the salary and wages quoted by Mayor Bieri do not include the employee's benefits. Township Attorney Semrau asked if the Board of Education had considered the one year lease option. Michele Fenwick answered that the Board is interested in a 2nd year option with repairs being required during the first year. One of the Board of Education members asked what repairs the Board of Education thought should have been done over the past 25 years. Ms. Fenwick said that the Board has identified needed repairs in the past, paving of the driveway, the roof replacement, replacing the five doors. These changes are necessary repairs. The Board of Education believes that these repairs should have been done during the term of the lease. Councilman Nolan asked if the roof is leaking and Ms. Fenwick stated that she does not know. Councilman Scangarello expressed that there is concern about the cost of the roof. The estimate from the Board of Education is just for shingles. When the shingles are removed, one often finds other conditions including asbestos which could equate to an excess of \$500,000. His understanding is that an owner performs the repairs, and commented that the Township leases this property from the Board of Education. He asked that the Township move forward with the proposal. Mr. Steven Cea, Board of Education Business Administrator said that the estimate is asking for 1950-2000 sq. ft. of roof to be repaired. Councilman Nolan asked if normal wear and tear is to be expected over 25 years. Wayne Gottlieb explained that the lease is triple net and that the tenant is responsible for everything. This lease burdens the Township with all repairs. If repairs are needed, they should be done. The Board of Education is asking for roll up of repairs. If this building was in good repair, the Township would pay \$10 per square foot. This is catch-up for many years of non rent. Councilman Nolan stated that the Board of Education is a not for profit entity

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and that these expenses would be spending tax payers dollars. Mr. Gottlieb said that they Board of Education is attempting to preserve the structure. He wants violations cured. Midge Touw said that she had met with the Township Council some time ago and that if both entities had worked together, this would not have gotten this far. Now at the point where the lease will expire, everyone must decide what is to be done. Many people will be affected. It is time to put differences aside and to work together to resolve this. Michele Fenwick stated that the agenda was shared and everyone is at the table in good faith. She wants the building to be a safe place. If the Township had adhered to the terms of the original lease, the building would be in good condition now. She would like to move forward. Midge Touw asked if notice was served that the building is in violation. The Board of Education Attorney stated that the construction requests are the bare minimum. Councilman Weisbecker asked what the violations were and who they were issued by. Councilman Schimmenti suggested that the words "compliance" and "non compliance" be used in place of violations. Mayor Bieri clarified that the building is safe for occupancy. Township Attorney Semrau explained that the lease was for 25 years. The meeting this evening is to discuss going forward. This is not a commercial lease; it is a lease between two public entities. This building cannot be treated better than other facilities. The Township and residents get limited benefit from a one year lease. He asked for a way to pare down the differences and to move forward. It is very different to say that they will agree to a capital investment for a one year period. The Township and the Board of Education should try to reconcile their differences. He advises moving forward. A Board of Education member said that the Township did not receive the building in this condition. The responsibility of the condition of the building does lie in the past and he asks that the building be restored to the condition in which it was given to the Township. As a Board of Education member he is looking for the Council to do the work to the building. The Board of Education is looking for repairs to be done. The Township may be able to get better prices than the estimates quoted. Councilman Nolan stated that it appears that both entities are locked into their proposals. Councilman Schimmenti asked that the meeting be opened to the public to hear what residents have to say. A Board of Education member asked if they cannot come to a decision, can they arbitrate on their behalf. Michele Fenwick asked one more time what the Council would consider in capital improvements. Mayor Bieri said that there would be concern because the term is now one/two years. If the Township did engage in construction, what happens if problems are encountered? For example, roof repairs and asbestos. A Board of Education member, Mr. Florian, replied that a new roof was put on the building before it was handed over to the Township. Township Attorney Semrau stated that this is a negotiation between two parties. If consensus is being sought and if strategy is needed, the issue can be taken into Executive Session. A Board of Education member expressed that there appears to be concern about value for money. If the lease was extended for a longer term would that be of value? The Board of Education cannot go into Executive Session, they didn't advertise for that. Midge Touw said that she would like to hear from the public. Councilman Nolan agreed with Ms. Touw and suggested to hear from the public. He said that this is the first meeting in two years. He would like to schedule another meeting tonight or establish a communication to move forward. Mayor Bieri said that the Council can go into Executive Session later, during the Budget Meeting. Michele Fenwick thanked everyone for discussing this tonight.

Public Comments

Jim Novack, Mount Laurel – stated that it is a shame and it is theft from the public for not investing in this public property. The lease must invest in the facility. Past Councils have not invested in this facility and the Board of Education has not enforced the lease. The building is not ADA accessible.

Andrew Abdul, 27 LouAnn Blvd. – The building has been leased for over 20 years. It looks like the Township will continue as is. The wheels of government move slowly. This building is being used by many community organizations. He cannot understand why there is a perception of a one year to two year lease. This will be the same for the next ten years. This should not be short term, it should be long term.

Marlene Terhune, 3 Glen Cross Road – asked if the Township does not return to Hillcrest, what does the Board of Education plan to do with the building?

Bill Remia, 5 Yancy Terrace – said that he has heard about repairs to Hillcrest and the cost involved and wondered if a professional engineer has done an assessment. Has that been made available? If it has not been done, he would like to get it done.

Elizabeth Reggio, 26 Seymour Drive – explained that she lives in the Township and works for the County. She serves 400-500 lunches to senior citizens in Hillcrest. This is a necessary service for seniors. She provides meals and transportation for seniors. She would like to see an agreement made for a longer term. A year to get everything done would be difficult.

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Moved: Nolan Seconded: Scangarello
Voted Aye: Unanimous voice vote.
Voted Nay: None.
Motion carried.

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 7:49 pm.

Moved: Nolan Seconded: Scangarello
Voted Aye: Unanimous voice vote.
Voted Nay: None.
Motion carried.

Approved: September 24, 2008

Respectfully Submitted:
Judy Manning, Part time Secretary

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK